

1 A bill to be entitled

2 An act relating to local government advanced life support  
3 and emergency medical services; creating s. 401.49, F.S.;  
4 requiring the board of county commissioners to issue a  
5 certificate of public convenience and necessity to any  
6 municipality that applies for such a certificate to  
7 provide advanced life support transport or nontransport  
8 emergency medical services within its geographic limits or  
9 outside its geographic limits by mutual agreement with the  
10 governing body of the jurisdiction served; providing that  
11 any municipality issued an advanced life support license,  
12 either transport or nontransport, by the Department of  
13 Health, has the authority to fix a schedule of rates for  
14 such services; authorizing the tax collector of a county  
15 to collect emergency medical service fees adopted by the  
16 municipality or county; defining terms; specifying that  
17 the section supersedes the provisions of any special act;  
18 prohibiting the governing body of any county from levying,  
19 collecting, or enforcing the collection of special  
20 assessments on property for emergency medical services;  
21 requiring a county governing body to rebate to taxpayers  
22 such special assessments already collected; requiring a  
23 county governing body to maintain a certain level of  
24 emergency medical services under certain circumstances;  
25 prohibiting a county governing body from bringing any  
26 action to collect or enforce payments of such special  
27 assessments; requiring a county governing body to withdraw  
28 any such pending actions; providing for retroactive

29 operation; providing severability; providing an effective  
 30 date.

31  
 32 Be It Enacted by the Legislature of the State of Florida:

33  
 34 Section 1. Section 401.49, Florida Statutes, is created to  
 35 read:

36 401.49 Certificate of public convenience and necessity;  
 37 advanced life support emergency medical services license.--

38 (1) The board of county commissioners of any county, in  
 39 exercising the authority delegated under s. 401.25(2)(d) and  
 40 (6), and for the purpose of promoting the health, safety, and  
 41 general welfare of the citizens of the county, shall issue a  
 42 certificate of public convenience and necessity to any  
 43 municipality that applies for such a certificate and meets the  
 44 requirements of this chapter for a license to provide advanced  
 45 life support transport or nontransport emergency medical  
 46 services within its geographic limits or outside its geographic  
 47 limits by mutual agreement with the governing body of the  
 48 jurisdiction served. The certificate shall be issued within 7  
 49 calendar days after the county's receipt of an application for a  
 50 certificate of public convenience and necessity.

51 (2) Any municipality within a county issued an advanced  
 52 life support license, either transport or nontransport, by the  
 53 Department of Health shall have the authority to fix a schedule  
 54 of rates for such services. The tax collector of the county may  
 55 collect any emergency medical services fee adopted by a  
 56 municipality, and such fee shall be collected by using the

57 methodology set forth in ss. 197.3632 and 197.3635. Any  
 58 emergency medical services fee levied pursuant to this section  
 59 shall not become a lien against homestead property.

60 (3) If the county elects to operate and maintain any  
 61 exclusive county emergency medical services within any or all  
 62 parts of the unincorporated areas of the county, the county may  
 63 fix a schedule of rates for such services. The tax collector of  
 64 the county may collect any emergency medical services fee  
 65 adopted by the board of county commissioners, and such fee shall  
 66 be collected by using the methodology set forth in ss. 197.3632  
 67 and 197.3635. Any emergency medical services fee levied pursuant  
 68 to this section shall not become a lien against homestead  
 69 property.

70 (4) The terms "advanced life support" and "emergency  
 71 medical services," as used in this section, shall be construed  
 72 to have the same meaning as those terms are defined in ss.  
 73 401.107(3) and 401.23(1) and (2).

74 (5) This section is supplemental to s. 401.25(2)(d) and  
 75 (6). Insofar as the provisions of this section are inconsistent  
 76 with the provisions of s. 401.25(2)(d) and (6), the provisions  
 77 of this section shall control.

78 (6) This section supersedes the provisions of any special  
 79 act relating to medical transport enacted before July 1, 2005,  
 80 unless reenacted by the Legislature.

81 Section 2. (1) Consistent with the holdings of the Fourth  
 82 District Court of Appeals in SMM Properties, Inc., v. City of  
 83 North Lauderdale, 760 So.2d 998, affirmed by the Florida Supreme  
 84 Court in City of North Lauderdale v. SMM Properties, Inc., 825

85 So.2d 343, the governing body of a county may not levy, collect,  
86 or enforce the collection of any special assessments on property  
87 for emergency medical services.

88 (2) Any governing body of a county which levies and  
89 collects or has levied and collected a special assessment for  
90 emergency medical services shall rebate to each individual  
91 taxpayer of such county that was assessed a special assessment  
92 for emergency medical services all such special assessments  
93 collected from such taxpayer. The rebates provided for in this  
94 subsection shall be made pursuant to a rebate program developed  
95 by the governing body of the county for such purposes.

96 (3) The governing body of any county that levied and  
97 collected special assessments for emergency medical services  
98 prior to the decision by the Florida Supreme Court in City of  
99 North Lauderdale v. SMM Properties, Inc., 825 So.2d 343,  
100 affirming the holding of the Fourth District Court of Appeal in  
101 SMM Properties, Inc., v. City of North Lauderdale, 760 So.2d  
102 998, that special assessments on property imposed by the county  
103 for emergency medical services were not valid, shall maintain  
104 the same level of emergency medical services provided before  
105 such decision.

106 (4) The governing body of a county that has levied or  
107 collected special assessments for emergency medical services may  
108 not bring any action to collect or enforce payments of the  
109 special assessments on property for emergency medical services  
110 and shall withdraw any such actions pending on the effective  
111 date of this act.

112 (5) This section operates retroactively to August 1, 2002.

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113           Section 3. If any provision of this act or its application  
114 to any person or circumstance is held invalid, the invalidity  
115 does not affect other provisions or applications of this act  
116 which can be given effect without the invalid provision or  
117 application, and to this end the provisions of this act are  
118 severable.

119           Section 4. This act shall take effect July 1, 2005.