

By the Committees on Judiciary; and Community Affairs; and
Senator Hutson

590-02352-16

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1 A bill to be entitled

2 An act relating to certificates of public convenience
3 and necessity for life support or air ambulance
4 services; amending s. 401.25, F.S.; requiring, rather
5 than authorizing, county governing boards to adopt
6 ordinances or amend existing ordinances that provide
7 standards for the issuance of certificates of public
8 convenience and necessity for basic or advanced life
9 support services; including the recommendations of
10 specified districts in the development of such
11 standards; requiring counties to adopt a process for
12 review of applications; providing an appeal process;
13 authorizing county governing boards to adopt
14 ordinances that provide standards for the issuance of
15 certificates of public convenience and necessity for
16 air ambulance services; specifying considerations for
17 such standards; providing an exemption for certain
18 counties; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 401.25, Florida Statutes, is amended to
23 read:

24 401.25 Licensure as a basic life support or an advanced
25 life support service; air ambulance services.—

26 (1) Every person, firm, corporation, association, or
27 governmental entity owning or acting as agent for the owner of
28 any business or service which furnishes, operates, conducts,
29 maintains, advertises, engages in, proposes to engage in, or
30 professes to engage in the business or service of providing
31 prehospital or interfacility advanced life support services or

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32 basic life support transportation services must be licensed as a
33 basic life support service or an advanced life support service,
34 whichever is applicable, before offering such service to the
35 public. The application for such license must be submitted to
36 the department on forms provided for this purpose. The
37 application must include documentation that the applicant meets
38 the appropriate requirements for a basic life support service or
39 an advanced life support service, whichever is applicable, as
40 specified by rule of the department.

41 (2) The department shall issue a license for operation to
42 any applicant who complies with the following requirements:

43 (a) The applicant has paid the fees required by s. 401.34.

44 (b) The ambulances, equipment, vehicles, personnel,
45 communications systems, staffing patterns, and services of the
46 applicant meet the requirements of this part, including the
47 appropriate rules for either a basic life support service or an
48 advanced life support service, whichever is applicable.

49 (c) The applicant has furnished evidence of adequate
50 insurance coverage for claims arising out of injury to or death
51 of persons and damage to the property of others resulting from
52 any cause for which the owner of such business or service would
53 be liable. The applicant must provide insurance in such sums and
54 under such terms as required by the department. In lieu of such
55 insurance, the applicant may furnish a certificate of self-
56 insurance evidencing that the applicant has established an
57 adequate self-insurance plan to cover such risks and that the
58 plan has been approved by the Office of Insurance Regulation of
59 the Financial Services Commission.

60 (d) The applicant has obtained a certificate of public

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61 convenience and necessity from each county in which the
62 applicant will operate. In issuing the certificate of public
63 convenience and necessity, the governing body of each county
64 shall consider the recommendations of municipalities within its
65 jurisdiction.

66 (3) The department may suspend or revoke a license at any
67 time if it determines that the licensee has failed to maintain
68 compliance with the requirements prescribed for operating a
69 basic or advanced life support service.

70 (4) Each license issued in accordance with this part will
71 expire automatically 2 years after the date of issuance.

72 (5) The requirements for renewal of any license issued
73 under this part are the same as the requirements for original
74 licensure that are in effect at the time of renewal.

75 (6) (a) The governing body of a each county that is not a
76 fiscally constrained county as defined by s. 218.67(1) shall,
77 unless such county has an ordinance that complies with the
78 requirements of this section on the effective date of this act,
79 may adopt an ordinance or amend an existing ordinance to
80 ordinances that provide reasonable standards for certificates of
81 public convenience and necessity for basic and ~~or~~ advanced life
82 support services by January 1, 2017 and ~~air ambulance services.~~
83 In developing the standards ~~for certificates of public~~
84 ~~convenience and necessity,~~ the governing body of each county
85 must consider state guidelines, recommendations of the local or
86 regional trauma agency created under chapter 395, ~~and the~~
87 recommendations of the municipalities within its jurisdiction,
88 and recommendations of the independent special districts that
89 provide fire rescue services within its jurisdiction. The

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90 ordinance shall provide a quasi-judicial process, or some other
91 type of evidentiary process, for approval or denial of an
92 application for a certificate. The ordinance shall also provide
93 that applicants currently maintaining fire rescue infrastructure
94 and providing first response in the county may appeal the
95 county's decision to the circuit court with jurisdiction over
96 the county.

97 (b) The governing body of a county defined as fiscally
98 constrained pursuant to s. 218.67(1) may adopt an ordinance to
99 provide reasonable standards for certificates of public
100 convenience and necessity for basic and advanced life support
101 services. In developing the standards, the governing body of
102 each county must consider state guidelines, recommendations of
103 the local or regional trauma agency created under chapter 395,
104 recommendations of the municipalities within its jurisdiction,
105 and recommendations of the independent special districts that
106 provide fire rescue services within its jurisdiction.

107 (c) The governing body of each county may adopt an
108 ordinance to provide reasonable standards for certificates of
109 public convenience and necessity for air ambulance services. In
110 developing the standards, the governing body of each county must
111 consider state guidelines, recommendations of the local or
112 regional trauma agency created under chapter 395,
113 recommendations of the municipalities within its jurisdiction,
114 and recommendations of the independent special districts that
115 provide fire rescue services within its jurisdiction.

116 (7) (a) Each permitted basic life support ambulance not
117 specifically exempted from this part, when transporting a person
118 who is sick, injured, wounded, incapacitated, or helpless, must

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119 be occupied by at least two persons: one patient attendant who
120 is a certified emergency medical technician, certified
121 paramedic, or licensed physician; and one ambulance driver who
122 meets the requirements of s. 401.281. This paragraph does not
123 apply to interfacility transfers governed by s. 401.252(1).

124 (b) Each permitted advanced life support ambulance not
125 specifically exempted from this part, when transporting a person
126 who is sick, injured, wounded, incapacitated, or helpless, must
127 be occupied by at least two persons: one who is a certified
128 paramedic or licensed physician; and one who is a certified
129 emergency medical technician, certified paramedic, or licensed
130 physician who also meets the requirements of s. 401.281 for
131 drivers. The person with the highest medical certifications
132 shall be in charge of patient care. This paragraph does not
133 apply to interfacility transfers governed by s. 401.252(1).

134 Section 2. This act shall take effect July 1, 2016.