

By Senator Grimsley

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1 A bill to be entitled
2 An act relating to emergency medical services;
3 amending s. 401.23, F.S.; defining the terms "advanced
4 life support nontransport services" and "emergency";
5 amending s. 401.25, F.S.; exempting certain
6 governmental entities from the requirement to obtain a
7 certificate of public convenience and necessity to
8 provide certain emergency services under specified
9 conditions; providing applicability; amending ss.
10 14.33, 125.01045, 166.0446, 252.515, 395.1027,
11 401.245, and 401.27, F.S.; conforming cross-
12 references; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:
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16 Section 1. Present subsections (2) through (10) and (11)
17 through (21) of section 401.23, Florida Statutes, are
18 redesignated as subsections (3) through (11) and (13) through
19 (23), respectively, new subsections (2) and (12) are added to
20 that section, present subsection (19) of that section is
21 amended, and subsection (1) of that section is republished, to
22 read:

23 401.23 Definitions.—As used in this part, the term:

24 (1) "Advanced life support" means assessment or treatment
25 by a person qualified under this part through the use of
26 techniques such as endotracheal intubation, the administration
27 of drugs or intravenous fluids, telemetry, cardiac monitoring,
28 cardiac defibrillation, and other techniques described in the
29 EMT-Paramedic National Standard Curriculum or the National EMS

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30 Education Standards, pursuant to rules of the department.

31 (2) "Advanced life support nontransport services" means the
32 provision of services defined in subsection (1) in an emergency
33 by a licensee until the arrival of an air ambulance or ambulance
34 provided by another entity that is used for, or intended to be
35 used for, land or water transportation of sick or injured
36 persons requiring or likely to require medical attention during
37 transport.

38 (12) "Emergency" means a situation in which a person has a
39 medical condition that manifests itself by acute symptoms of
40 such severity, including severe pain, that the absence of
41 immediate medical attention could reasonably be expected to
42 jeopardize the person's health or result in serious impairment
43 to bodily functions or serious dysfunction of any bodily organ
44 or part. The term "emergency" includes a response to a 911 call.

45 (21) ~~(19)~~ "Physician" means a practitioner who is licensed
46 under ~~the provisions of~~ chapter 458 or chapter 459. For the
47 purpose of providing medical direction ~~"medical direction"~~ as
48 ~~defined in subsection (14)~~ for the treatment of patients
49 immediately prior to or during transportation to a United States
50 Department of Veterans Affairs medical facility, the term
51 ~~"physician"~~ also means a practitioner employed by the United
52 States Department of Veterans Affairs.

53 Section 2. Paragraph (d) of subsection (2) of section
54 401.25, Florida Statutes, is amended to read:

55 401.25 Licensure as a basic life support or an advanced
56 life support service.—

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

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59 (d) The applicant has obtained a certificate of public
60 convenience and necessity from each county in which the
61 applicant will operate. However, notwithstanding, any general
62 law, special act, or ordinance of a local government to the
63 contrary, a governmental entity that maintains fire rescue
64 infrastructure and provides first responders as defined in s.
65 112.1815 is not required to obtain a certificate of public
66 convenience and necessity or any other authorization from a
67 county to provide advanced life support nontransport services if
68 the governmental entity meets the requirements of this chapter
69 and applicable department rules and uses a countywide common
70 medical protocol, if such a protocol is instituted.

71 1. In issuing the certificate of public convenience and
72 necessity, the governing body of each county shall consider the
73 recommendations of municipalities within its jurisdiction.

74 2. If a countywide common medical protocol restricts or
75 limits the ability of the governmental entity to provide
76 advanced life support nontransport services, the governmental
77 entity must meet only the requirements of this chapter and
78 applicable department rules to obtain its license.

79 3. A governmental entity intending to provide advanced life
80 support nontransport services without a certificate of public
81 convenience and necessity must notify the county and
82 municipalities in its proposed service area of its submission of
83 an application to the state.

84 4. The exception to the certificate of public convenience
85 and necessity requirement in this paragraph does not apply to a
86 county in which there is a countywide emergency medical services
87 authority created by special act.

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88 Section 3. Subsection (1) of section 14.33, Florida
89 Statutes, is amended to read:

90 14.33 Medal of Heroism.—

91 (1) The Governor may award a Medal of Heroism of
92 appropriate design, with ribbons and appurtenances, to a law
93 enforcement, correctional, or correctional probation officer, as
94 defined in s. 943.10(14); a firefighter, as defined in s.
95 112.191(1)(b); or an emergency medical technician, ~~as defined in~~
96 ~~s. 401.23(11)~~; or a paramedic, as defined in s. 401.23 ~~s.~~
97 ~~401.23(17)~~. A recipient must have distinguished himself or
98 herself conspicuously by gallantry and intrepidity, must have
99 risked his or her life deliberately above and beyond the call of
100 duty while performing duty in his or her respective position,
101 and must have engaged in hazardous or perilous activities to
102 preserve lives with the knowledge that such activities might
103 result in great personal harm.

104 Section 4. Subsection (1) of section 125.01045, Florida
105 Statutes, is amended to read:

106 125.01045 Prohibition of fees for first responder
107 services.—

108 (1) A county may not impose a fee or seek reimbursement for
109 any costs or expenses that may be incurred for services provided
110 by a first responder, including costs or expenses related to
111 personnel, supplies, motor vehicles, or equipment in response to
112 a motor vehicle accident, except for costs to contain or clean
113 up hazardous materials in quantities reportable to the Florida
114 State Warning Point at the Division of Emergency Management, and
115 costs for transportation and treatment provided by ambulance
116 services as defined in licensed pursuant to s. 401.23(5) and (6)

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117 ~~401.23(4) and (5).~~

118 Section 5. Subsection (1) of section 166.0446, Florida
119 Statutes, is amended to read:

120 166.0446 Prohibition of fees for first responder services.—

121 (1) A municipality may not impose a fee or seek
122 reimbursement for any costs or expenses that may be incurred for
123 services provided by a first responder, including costs or
124 expenses related to personnel, supplies, motor vehicles, or
125 equipment in response to a motor vehicle accident, except for
126 costs to contain or clean up hazardous materials in quantities
127 reportable to the Florida State Warning Point at the Division of
128 Emergency Management, and costs for transportation and treatment
129 provided by ambulance services as defined in licensed pursuant
130 ~~to s. 401.23(5) and (6) 401.23(4) and (5).~~

131 Section 6. Paragraph (a) of subsection (3) of section
132 252.515, Florida Statutes, is amended to read:

133 252.515 Postdisaster Relief Assistance Act; immunity from
134 civil liability.—

135 (3) As used in this section, the term:

136 (a) "Emergency first responder" means:

- 137 1. A physician licensed under chapter 458.
- 138 2. An osteopathic physician licensed under chapter 459.
- 139 3. A chiropractic physician licensed under chapter 460.
- 140 4. A podiatric physician licensed under chapter 461.
- 141 5. A dentist licensed under chapter 466.
- 142 6. An advanced registered nurse practitioner certified
143 under s. 464.012.

144 7. A physician assistant licensed under s. 458.347 or s.
145 459.022.

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146 8. A worker employed by a public or private hospital in the
147 state.

148 9. A paramedic as defined in s. 401.23 ~~s. 401.23(17)~~.

149 10. An emergency medical technician as defined in s. 401.23
150 ~~s. 401.23(11)~~.

151 11. A firefighter as defined in s. 633.102.

152 12. A law enforcement officer as defined in s. 943.10.

153 13. A member of the Florida National Guard.

154 14. Any other personnel designated as emergency personnel
155 by the Governor pursuant to a declared emergency.

156 Section 7. Subsection (5) of section 395.1027, Florida
157 Statutes, is amended to read:

158 395.1027 Regional poison control centers.—

159 (5) By October 1, 1999, each regional poison control center
160 shall develop a prehospital emergency dispatch protocol with
161 each licensee, as defined in s. 401.23, ~~by s. 401.23(13)~~ in the
162 geographic area covered by the regional poison control center.
163 The prehospital emergency dispatch protocol shall be developed
164 by each licensee's medical director in conjunction with the
165 designated regional poison control center responsible for the
166 geographic area in which the licensee operates. The protocol
167 shall define toxic substances and describe the procedure by
168 which the designated regional poison control center may be
169 consulted by the licensee. If a call is transferred to the
170 designated regional poison control center in accordance with the
171 protocol established under this section and s. 401.268, the
172 designated regional poison control center shall assume
173 responsibility and liability for the call.

174 Section 8. Paragraph (b) of subsection (2) of section

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175 401.245, Florida Statutes, is amended to read:

176 401.245 Emergency Medical Services Advisory Council.—

177 (2)

178 (b) Representation on the Emergency Medical Services
179 Advisory Council shall include: two licensed physicians who are
180 “medical directors” as defined in s. 401.23 ~~s. 401.23(15)~~ or
181 whose medical practice is closely related to emergency medical
182 services; two emergency medical service administrators, one of
183 whom is employed by a fire service; two certified paramedics,
184 one of whom is employed by a fire service; two certified
185 emergency medical technicians, one of whom is employed by a fire
186 service; one emergency medical services educator; one emergency
187 nurse; one hospital administrator; one representative of air
188 ambulance services; one representative of a commercial ambulance
189 operator; and two laypersons who are in no way connected with
190 emergency medical services, one of whom is a representative of
191 the elderly. Ex officio members of the advisory council from
192 state agencies shall include, but shall not be limited to,
193 representatives from the Department of Education, the Department
194 of Management Services, the State Fire Marshal, the Department
195 of Highway Safety and Motor Vehicles, the Department of
196 Transportation, and the Division of Emergency Management.

197 Section 9. Paragraph (a) of subsection (2) of section
198 401.27, Florida Statutes, is amended to read:

199 401.27 Personnel; standards and certification.—

200 (2) The department shall establish by rule educational and
201 training criteria and examinations for the certification and
202 recertification of emergency medical technicians and paramedics.
203 Such rules must require, but need not be limited to:

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204 (a) For emergency medical technicians, proficiency in
205 techniques of basic life support as defined in s. 401.23
206 ~~identified in s. 401.23(7)~~ and in rules of the department.

207 Section 10. This act shall take effect July 1, 2018.