

By Senator Brodeur

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1 A bill to be entitled
2 An act relating to certificates of public convenience
3 and necessity; amending s. 401.25, F.S.; exempting
4 certain governmental entities from the requirement to
5 obtain a certificate of public convenience and
6 necessity for a license to provide advanced life
7 support services; providing requirements for, and
8 limitations on, the provision of advanced life support
9 services by such entities; defining the term
10 "countywide common medical protocol"; providing
11 applicability; prohibiting counties from limiting,
12 prohibiting, or preventing such entities from
13 providing advanced life support services; providing
14 construction; amending s. 401.26, F.S.; conforming a
15 provision to changes made by the act; amending s.
16 401.265, F.S.; providing that a medical director is
17 liable for any act or omission of a paramedic under
18 his or her supervision who administers medical
19 countermeasures in a nonemergency environment;
20 amending s. 401.272, F.S.; defining the terms "health
21 promotion and wellness activities" and "medical
22 countermeasures"; authorizing paramedics to administer
23 medical countermeasures in a nonemergency environment
24 under the direction of a medical director; providing
25 that a paramedic's medical director may have a certain
26 required written agreement with the Department of
27 Health, rather than only with a county health
28 department; requiring medical directors to verify and
29 document that paramedics under their direction have

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30 received sufficient training and experience to
31 administer medical countermeasures; authorizing
32 independent special fire control districts to allow
33 their paramedics and emergency medical technicians to
34 perform certain activities and administer certain
35 services in accordance with specified provisions;
36 creating the Florida Certificate of Public Convenience
37 and Necessity Task Force within the Department of
38 Health for a specified purpose; providing duties and
39 membership of the task force; requiring the task force
40 to hold its first meeting within a specified
41 timeframe; requiring the task force to submit a report
42 of its findings and recommendations to the Governor
43 and the Legislature within a specified timeframe;
44 requiring the department to provide administrative
45 support to the task force; providing for dissolution
46 of the task force; providing an effective date.

47
48 Be It Enacted by the Legislature of the State of Florida:

49
50 Section 1. Subsection (8) is added to section 401.25,
51 Florida Statutes, to read:

52 401.25 Licensure as a basic life support or an advanced
53 life support service.—

54 (8) (a) Notwithstanding paragraph (2) (d) or any general law,
55 special act, or local ordinance to the contrary, and except as
56 provided in paragraph (b), the department shall issue a
57 governmental entity a license to provide advanced life support
58 services without requiring it to obtain a certificate of public

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59 convenience and necessity if the governmental entity maintains a
60 fire rescue infrastructure that dispatches first responders as
61 defined in s. 112.1815(1) and meets all other licensure
62 requirements of this section. A governmental entity issued a
63 license under this subsection is subject to all of the following
64 requirements and limitations:

65 1. The governmental entity must require its medical
66 director to issue standing orders or protocols to implement the
67 minimum medical standards of any countywide common medical
68 protocol applicable to the entity, if such protocol is
69 instituted. An entity must submit an affidavit with its
70 licensure application certifying that its medical director has
71 issued such standing orders or protocols. As used in this
72 subparagraph, "countywide common medical protocol" means minimum
73 medical standards issued by a county's medical director or a
74 council created by county ordinance which specify protocols for
75 the provision of basic and advanced life support services in
76 that county. Such standards must be based on whether the
77 procedures are being performed by an emergency medical
78 technician or a paramedic and not based on the employer of, or
79 type of response vehicle used by, such emergency medical
80 personnel.

81 2. The governmental entity is eligible only for advanced
82 life support nontransport vehicle permits issued under s.
83 401.26.

84 3. The governmental entity may provide only nontransport
85 advanced life support services and is authorized to provide such
86 services within its jurisdictional boundaries and areas that it
87 serves in accordance with a closest unit response agreement or

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88 mutual or automatic aid agreement.

89 (b) The exemption under this subsection does not apply to a
90 governmental entity that:

91 1. Is located within a county in which there is a
92 countywide emergency medical services authority created by
93 special act;

94 2. Is located within a county that has more than 35
95 municipalities; or

96 3. Contracts with a private entity to provide emergency
97 medical services.

98 (c) A county may not limit, prohibit, or prevent a
99 governmental entity that has been issued a license under this
100 subsection from providing nontransport advanced life support
101 services, including, but not limited to, requiring the
102 governmental entity to obtain a license, certificate, or vehicle
103 permit or to pay a fee to provide such services in that county.

104 (d) This subsection may not be construed to exempt an
105 applicant from any other requirement for licensure or to exempt
106 a licensee from otherwise complying with this part or department
107 rules.

108 Section 2. Subsection (1) of section 401.26, Florida
109 Statutes, is amended to read:

110 401.26 Vehicle permits for basic life support and advanced
111 life support services.—

112 (1) Every licensee shall possess a valid permit for each
113 transport vehicle, advanced life support nontransport vehicle,
114 and aircraft in use. Applications for such permits must ~~shall~~ be
115 made upon forms prescribed by the department. The licensee shall
116 provide documentation that each vehicle for which a permit is

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117 sought meets the appropriate requirements for a basic life
118 support or advanced life support service vehicle, whichever is
119 applicable, as specified by rule of the department. A permit is
120 not required for an advanced life support nontransport vehicle
121 that is intended to be used for scene supervision, incident
122 command, or the augmentation of supplies. A governmental entity
123 issued a license under s. 401.25(8) is eligible only for an
124 advanced life support nontransport vehicle permit.

125 Section 3. Subsection (4) of section 401.265, Florida
126 Statutes, is amended to read:

127 401.265 Medical directors.—

128 (4) Each medical director who uses a paramedic or emergency
129 medical technician to perform blood pressure screenings or
130 ~~screening,~~ health promotion, ~~and wellness activities,~~ or to
131 administer immunizations or medical countermeasures in a
132 nonemergency environment ~~immunization on any patient~~ under a
133 protocol as specified in s. 401.272, ~~which is not in the~~
134 ~~provision of emergency care,~~ is liable for any act or omission
135 of any paramedic or emergency medical technician acting under
136 his or her supervision and control when performing such
137 activities and services.

138 Section 4. Section 401.272, Florida Statutes, is amended to
139 read:

140 401.272 Emergency medical services community health care.—

141 (1) As used in this section, the term:

142 (a) "Health promotion and wellness activities" means the
143 provision of public health programs relating to the prevention
144 or reduction of illness or injury.

145 (b) "Medical countermeasures" means lifesaving medication

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146 or medical supplies regulated by the United States Food and Drug
147 Administration which can be used to diagnose, prevent, protect
148 from, or treat conditions associated with chemical, biological,
149 radiological, or nuclear threats, emerging infectious diseases,
150 or natural disasters.

151 (2) The purpose of this section is to encourage more
152 effective utilization of the skills of emergency medical
153 technicians and paramedics by enabling them to perform, in
154 partnership with local county health departments, specific
155 additional health care tasks that are consistent with the public
156 health and welfare.

157 (3) ~~(2)~~ Notwithstanding any other ~~provision of~~ law to the
158 contrary:

159 (a) Paramedics or emergency medical technicians may perform
160 health promotion and wellness activities and blood pressure
161 screenings in a nonemergency environment, within the scope of
162 their training, and under the direction of a medical director.
163 ~~As used in this paragraph, the term "health promotion and~~
164 ~~wellness" means the provision of public health programs~~
165 ~~pertaining to the prevention of illness and injury.~~

166 (b) Paramedics may administer immunizations or medical
167 countermeasures in a nonemergency environment, within the scope
168 of their training, and under the direction of a medical
169 director. There must be a written agreement between the
170 paramedic's medical director and the department or the county
171 health department located in each county in which the paramedic
172 administers immunizations or medical countermeasures. This
173 agreement must establish the protocols, policies, and procedures
174 under which the paramedic must operate.

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175 ~~(4)~~~~(3)~~ Each medical director under whose direction a
176 paramedic administers immunizations or medical countermeasures
177 must verify and document that the paramedic has received
178 sufficient training and experience to administer immunizations
179 or medical countermeasures, as applicable. The verification must
180 be documented on forms developed by the department, and the
181 completed forms must be maintained at the service location of
182 the licensee and made available to the department upon request.

183 (5) An independent special fire control district as defined
184 in s. 191.003 may allow its paramedics and emergency medical
185 technicians to perform blood pressure screenings or health
186 promotion and wellness activities or administer immunizations or
187 medical countermeasures in accordance with this section.

188 ~~(6)~~~~(4)~~ The department may adopt and enforce all rules
189 necessary to enforce the provisions relating to a paramedic's
190 administration of immunizations and medical countermeasures and
191 the performance of health promotion and wellness activities and
192 blood pressure screenings by a paramedic or emergency medical
193 technician in a nonemergency environment.

194 Section 5. The Florida Certificate of Public Convenience
195 and Necessity Task Force, a task force as defined in s.
196 20.03(8), Florida Statutes, is created within the Department of
197 Health to evaluate the need to continue the certificate of
198 public convenience and necessity (COPCN) requirement imposed
199 under s. 401.25(2) (d), Florida Statutes.

200 (1) The task force shall undertake a review and analysis of
201 the state's licensure of emergency medical services providers
202 under chapter 401, Florida Statutes, including the county-level
203 COPCN process, and programs and determine if changes are

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204 necessary to ensure quality of care and access to emergency
205 medical services for all state residents. In its review and
206 analysis, the task force shall, at a minimum, do all of the
207 following:

208 (a) Perform a comprehensive review of the state's licensure
209 of emergency medical services providers, including an analysis
210 of the scope, existing authority, and structure of the
211 department and counties, to determine if any changes are
212 necessary to improve efficiency, effectiveness, and alignment
213 with the evolving provision of emergency medical services in
214 this state since chapter 401, Florida Statutes, was adopted in
215 1973.

216 (b) Perform an analysis of how the COPCN process and
217 provision of emergency medical services operate within each
218 county of this state.

219 (c) Identify any challenges to the state's licensure of
220 emergency medical services providers at the state and county
221 levels.

222 (d) Identify how the COPCN process benefits and restricts
223 the provision of emergency medical services within a county,
224 including the impacts to rural areas.

225 (e) Identify challenges of the COPCN process to alternative
226 methods of providing emergency medical services, such as fire
227 rescue-based emergency medical services, treatment in place,
228 transport to nonemergency locations, and community paramedicine.

229 (f) Analyze the positive and negative impacts of the
230 suspension of the COPCN requirement in this state during the
231 COVID-19 pandemic.

232 (g) Identify how the COPCN process ensures the delivery of

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233 quality emergency medical services.

234 (h) Develop recommendations on how to improve the existing
235 licensure of emergency medical services providers, including the
236 COPCN process, and address any identified challenges or gaps in
237 the state's regulation of these services.

238 (i) Review or analyze any other information deemed relevant
239 by the task force.

240 (2) The task force shall consist of the following members:

241 (a) The State Surgeon General, or his or her designee, who
242 shall serve as chair.

243 (b) The State Emergency Medical Services Medical Director.

244 (c) One member appointed by the Florida College of
245 Emergency Physicians.

246 (d) One member of the Florida Ambulance Association.

247 (e) One member appointed by the Florida Association of
248 Counties.

249 (f) One member appointed by the Florida Fire Chiefs'
250 Association.

251 (g) One member appointed by the Florida League of Cities.

252 (h) One member appointed by the Florida Medical
253 Association.

254 (i) One member appointed by the Florida Professional
255 Firefighters Association.

256 (j) One member appointed by the Florida Association of
257 Special Districts.

258 (k) One member who is a citizen representative, appointed
259 by the Governor.

260 (3) The Governor shall appoint any members who have not
261 been appointed to the task force pursuant to subsection (2)

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262 within 60 days after the effective date of this act. Members
263 shall serve for the duration of the task force's operation. Any
264 vacancy that occurs must be filled in the same manner as the
265 original appointment. Task force members serve without
266 compensation and are not entitled to reimbursement for per diem
267 or travel expenses.

268 (4) The task force shall hold its first meeting within 60
269 days after the effective date of this act. Meetings must be held
270 in accordance with s. 286.011, Florida Statutes, and notice of
271 such meetings must be published at least 7 days before the
272 meeting.

273 (5) The task force shall submit a report of its findings
274 and recommendations to the Governor, the President of the
275 Senate, the Speaker of the House of Representatives, and the
276 chairs of the legislative committees having jurisdiction within
277 180 days after the first meeting of the task force.

278 (6) The Department of Health shall provide administrative
279 support to the task force.

280 (7) The task force dissolves 30 days after submission of
281 its report.

282 Section 6. This act shall take effect upon becoming a law.