

By the Committee on Health Policy; and Senator Brodeur

588-02670-22

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1                   A bill to be entitled  
2       An act relating to advanced life support nontransport  
3       services and medical countermeasures; amending s.  
4       401.25, F.S.; exempting certain governmental entities  
5       from the requirement to obtain a certificate of public  
6       convenience and necessity for a license to provide  
7       advanced life support nontransport services; providing  
8       requirements for, and limitations on, the provision of  
9       advanced life support nontransport services by such  
10      entities; defining the term "countywide common medical  
11      protocol"; providing applicability; prohibiting  
12      counties from limiting, prohibiting, or preventing  
13      such entities from providing advanced life support  
14      nontransport services; providing construction;  
15      amending s. 401.26, F.S.; conforming a provision to  
16      changes made by the act; amending s. 401.265, F.S.;  
17      providing that a medical director is liable for any  
18      act or omission of a paramedic under his or her  
19      supervision who administers medical countermeasures in  
20      a nonemergency environment; providing for a State  
21      Emergency Medical Services Medical Director appointed  
22      by the State Surgeon General; requiring the medical  
23      director to meet certain minimum qualifications and  
24      perform certain duties; amending s. 401.272, F.S.;  
25      defining the terms "health promotion and wellness  
26      activities" and "medical countermeasures"; authorizing  
27      paramedics to administer medical countermeasures in a  
28      nonemergency environment under the direction of a  
29      medical director; providing that a paramedic's medical

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30 director may have a certain required written agreement  
31 with the Department of Health, rather than only with a  
32 county health department; requiring medical directors  
33 to verify and document that paramedics under their  
34 direction have received sufficient training and  
35 experience to administer medical countermeasures;  
36 authorizing independent special fire control districts  
37 to allow their paramedics and emergency medical  
38 technicians to perform certain activities and  
39 administer certain services in accordance with  
40 specified provisions; providing an effective date.

41  
42 Be It Enacted by the Legislature of the State of Florida:

43  
44 Section 1. Subsection (8) is added to section 401.25,  
45 Florida Statutes, to read:

46 401.25 Licensure as a basic life support or an advanced  
47 life support service.—

48 (8) (a) Notwithstanding paragraph (2) (d) or any general law,  
49 special act, or local ordinance to the contrary, and except as  
50 provided in paragraph (b), the department shall issue a  
51 governmental entity a license to provide advanced life support  
52 nontransport services without requiring it to obtain a  
53 certificate of public convenience and necessity if the  
54 governmental entity maintains a fire rescue infrastructure that  
55 dispatches first responders as defined in s. 112.1815(1) and  
56 meets all other licensure requirements of this section. A  
57 governmental entity issued a license under this subsection is  
58 subject to all of the following requirements and limitations:

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

74       2. The governmental entity is eligible only for advanced  
75 life support nontransport vehicle permits issued under s.  
76 401.26.

77       3. The governmental entity may provide only advanced life  
78 support nontransport services and is authorized to provide such  
79 services within its jurisdictional boundaries and areas that it  
80 serves in accordance with a closest unit response agreement or  
81 mutual or automatic aid agreement.

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

84       1. Is located within a county in which there is a  
85 countywide emergency medical services authority created by  
86 special act;

87       2. Is located within a county that has more than 35

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88 municipalities; or

89 3. Contracts with a private entity licensed by the  
90 department to provide emergency medical services.

91 (c) A county may not limit, prohibit, or prevent a  
92 governmental entity that has been issued a license under this  
93 subsection from providing advanced life support nontransport  
94 services, including, but not limited to, requiring the  
95 governmental entity to obtain a license, certificate, or vehicle  
96 permit or to pay a fee to provide such services in that county.

97 (d) This subsection may not be construed to exempt an  
98 applicant from any other requirement for licensure under state  
99 law or to exempt a licensee from otherwise complying with this  
100 part or department rules.

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

103 401.26 Vehicle permits for basic life support and advanced  
104 life support services.-

105 (1) Every licensee shall possess a valid permit for each  
106 transport vehicle, advanced life support nontransport vehicle,  
107 and aircraft in use. Applications for such permits must ~~shall~~ be  
108 made upon forms prescribed by the department. The licensee shall  
109 provide documentation that each vehicle for which a permit is  
110 sought meets the appropriate requirements for a basic life  
111 support or advanced life support service vehicle, whichever is  
112 applicable, as specified by rule of the department. A permit is  
113 not required for an advanced life support nontransport vehicle  
114 that is intended to be used for scene supervision, incident  
115 command, or the augmentation of supplies. A governmental entity  
116 issued a license under s. 401.25(8) is eligible only for an

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117 advanced life support nontransport vehicle permit.

118 Section 3. Present subsection (5) of section 401.265,  
119 Florida Statutes, is redesignated as subsection (6), a new  
120 subsection (5) is added to that section, and subsection (4) of  
121 that section is amended, to read:

122 401.265 Medical directors.—

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

133 (5) A State Emergency Medical Services (EMS) Medical  
134 Director shall be appointed by and report to the State Surgeon  
135 General. The State EMS Medical Director must be a physician  
136 licensed under chapter 458 or chapter 459 who has specialized  
137 training and experience in the provision of emergency medical  
138 services and who has recognized skills in leadership and the  
139 promotion of emergency medical services programs. The State EMS  
140 Medical Director shall perform such duties as directed by the  
141 State Surgeon General and serve on the Emergency Medical  
142 Services Advisory Council created under s. 401.245.

143 Section 4. Section 401.272, Florida Statutes, is amended to  
144 read:

145 401.272 Emergency medical services community health care.—

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

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

150 (b) "Medical countermeasures" means lifesaving medication  
151 or medical supplies regulated by the United States Food and Drug  
152 Administration which can be used to diagnose, prevent, protect  
153 from, or treat conditions associated with chemical, biological,  
154 radiological, or nuclear threats, emerging infectious diseases,  
155 or natural disasters.

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

162 (3) ~~(2)~~ Notwithstanding any other ~~provision of~~ law to the  
163 contrary:

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

171 (b) Paramedics may administer immunizations or medical  
172 countermeasures in a nonemergency environment, within the scope  
173 of their training, and under the direction of a medical  
174 director. There must be a written agreement between the

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175 paramedic's medical director and the department or the county  
176 health department located in each county in which the paramedic  
177 administers immunizations or medical countermeasures. This  
178 agreement must establish the protocols, policies, and procedures  
179 under which the paramedic must operate.

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

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

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

199 Section 5. This act shall take effect upon becoming a law.