

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO CERTIFICATE CLASSIFICATIONS; AMENDING
3 VARIOUS SECTIONS OF CHAPTER 3½ OF THE BROWARD COUNTY CODE OF
4 ORDINANCES (“CODE”); PROVIDING FOR DEFINITIONS AND NEW
5 CLASSIFICATIONS OF SERVICE; REVISING REQUIREMENTS AND PROCEDURES
6 FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; AND
7 PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE
8 DATE.

9 (Sponsored by Commissioner Alexandra P. Davis)

10
11 WHEREAS, Chapter 3½ of the Broward County Code of Ordinances (“Code”)
12 requires that any person or entity that provides Advanced Life Support (“ALS”) or Basic
13 Life Support (“BLS”) service within Broward County must obtain a certificate of public
14 convenience and necessity from Broward County;

15 WHEREAS, expanding access to BLS transport through small business enterprise
16 providers can improve service and address localized, nonemergency medical transport
17 needs;

18 WHEREAS, the Board of County Commissioners of Broward County, Florida
19 (“Board”), desires to amend the Code to add a new classification of service to be provided
20 by small business enterprise providers;

21 WHEREAS, the Board also desires to amend certain provisions regarding ALS and
22 BLS certificates; and

23 WHEREAS, the Board finds that the amendments to the Code set forth herein are
24 in the best interest of the residents of Broward County,

25 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
26 BROWARD COUNTY, FLORIDA:

27 Section 1. Section 3½-1 of the Broward County Code of Ordinances is hereby
28 amended to read as follows:

29 **Sec. 3½-1. Definitions.**

30 As used in this chapter:

31 . . .

32 *Advanced Life Support Service (ALS Service)* means any emergency medical
33 transport or nontransport service that uses advanced life support techniques, pursuant to
34 Florida laws, rules, and regulations, and local laws, rules, and regulations. The term ALS
35 Service shall be inclusive of the provision of BLS Service by an EMS provider.

36 *Affiliated Entity* means any corporation, firm, limited liability company, partnership,
37 or other entity that directly or indirectly controls, is controlled by, or is under control with,
38 the entity applying for a certificate. Control may arise through ownership, management,
39 contractual arrangements or other means, and shall be determined based on the totality
40 of the circumstances, including, but not limited to (i) ownership directly or through one (1)
41 or more affiliates, of fifty percent (50%) or more of the shares of stock entitled to vote for
42 the election of directors, in the case of a corporation; (ii) ownership of fifty percent (50%)
43 or more of the equity interests in the case of any other type of legal entity; (iii) status as a

44 general partner in the case of a partnership; (iv) any arrangement whereby a party
45 controls or has the power to control the board of directors or equivalent governing body;
46 and/or (v) circumstances that, even in the absence of majority ownership or formal
47 governance rights, demonstrate power and control such as common management or
48 shared key employees, familial relationships with identical or substantially identical
49 business interests, and contractual relationships that provide for influence over business
50 operations.

51 . . .

52 *Routine transfer* means the transportation by ambulance of stretcher patients
53 under nonemergency conditions pursuant to this chapter. A routine transfer refers to
54 either an interfacility medical transfer between two (2) facilities licensed by the State of
55 Florida or a transfer that originates or terminates at a patient's residence.

56 *Small Business Enterprise Provider* means an EMS provider with a physical
57 business location within the geographical limits of Broward County (not including P.O.
58 Boxes or addresses associated with a commercial mail receiving agency that provides
59 private mailboxes and accepts delivery of mail on behalf of another (also known as a
60 business service center)) whose average annual gross revenue over the past three (3)
61 years does not exceed Three Million Dollars (\$3,000,000) and which has fifteen (15) or
62 fewer full-time employees. For purposes of eligibility, gross revenue and the number of
63 employees shall be aggregated with any Affiliated Entity. Eligibility is determined at the
64 time of application and is subject to verification by audit or other means as determined by
65 the County.

66 . . .

Section 2. Section 3½-4 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 3½-4. Classifications of service.

(a) A certificate must be obtained from the County prior to performing the applicable service below:

...

(6) Class 6 - BLS transport by Small Business Enterprise Providers. An EMS provider that meets the definition of Small Business Enterprise Provider and is authorized to provide BLS routine transfers.

a. A privately owned Small Business Enterprise Provider may only provide BLS routine transfers within Broward County and is not restricted by emergency call zones.

b. No more than three (3) Class 6 certificates may be active in Broward County at any time.

c. Each Class 6 certificate holder must maintain in active service a fleet of no fewer than two (2) and no more than seven (7) ambulances, all of which must be actively registered, properly insured, and in compliance with all applicable federal, state, and local requirements.

d. Class 6 certificate holders are prohibited from:

1. Responding to 911 or other emergency calls;

2. Transporting patients to emergency departments for acute or emergency care; or

3. Providing ALS Services.

e. A Class 6 certificate that is not used for any consecutive 365-day period shall be deemed abandoned and shall automatically terminate following written notice from the Office of the Medical Examiner and Trauma Services, unless the certificate holder requests a hearing within fifteen (15) days after receipt of the notice to determine the use or status of the certificate. If a hearing is requested, it shall be held before a hearing officer within thirty (30) days after receipt of the request for hearing, unless the deadline is waived in writing by the certificate holder. Hearings shall be conducted by a hearing officer in accordance with Chapter 8½ of the Broward County Code of Ordinances. If a certificate is deemed abandoned, the certificate holder may not reapply for a Class 6 certificate for twelve (12) months from the date of the written notice or hearing determination, as applicable.

(b) Routine transfers are restricted exclusively to EMS providers that hold a Class 2 - ALS transfer ~~and/or certificate,~~ a Class 3 - BLS transport certificate, or a Class 6 - BLS transport by Small Business Enterprise Provider certificate, and are limited to the provision of ALS Service and/or BLS Service as authorized by the certificate. EMS providers that hold a Class 5 - ALS specialty transport certificate may only provide specialty transport.

(c) Municipalities holding the applicable certificate may provide ALS Service or BLS Service only (i) within their municipal boundaries except when providing mutual aid, automatic aid, or closest unit response to surrounding areas on a per-call basis, or

(ii) when a governmental entity enters into an interlocal agreement with another governmental entity to provide ground ALS or BLS Service to areas within the other entity's boundaries.

Section 3. Section 3½-6 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec 3½-6. Applications and Certificates for ALS Service and BLS Service.

(a) All potential EMS providers (individually referred to as "applicant" within this section) desiring to hold a County certificate must obtain a certificate from the Board pursuant to the provisions herein and subject to such rules and regulations as may be promulgated by the County.

...

(h) Upon making a determination, the Board must grant or deny the certificate.

(i) Award of Class 6 BLS transport certificate for Small Business Enterprise

Provider only:

(1) If the number of applicants meeting the criteria in Section 3½-6(d) exceeds the number of certificates the Board determines should be awarded to best serve the public convenience and necessity of Broward County residents, the Class 6 certificates shall be awarded by random drawing from among the names of eligible, qualified applicants.

(2) Each eligible, qualified applicant shall be entitled to have its name entered in the drawing once for each available certificate. The Director of the Division, or written designee, shall draw names for the number of certificates available at a publicly noticed meeting.

(i) (j) If the Board denies a certificate, the Division may not accept the same or substantially the same application for a period of twelve (12) months after the date of the denial by the Board. The Board may waive this Section 3½-6(i)(j) if it determines that accepting an application is in the best interest of the County.

(j) (k) Subsequent to the Board's ~~approval~~ granting of, but prior to the issuance of, a certificate by the County Administrator, the EMS provider must pay to the County a certificate fee in the amount set by resolution of the Board. The fee will be used to defray the cost of monitoring compliance with this chapter and the rules and regulations promulgated by the County Administrator.

(l) Subsequent to the Board's granting of, but prior to the issuance of, a certificate by the County Administrator, nongovernmental EMS providers must enter into an agreement with the County that must include provisions addressing an annual administrative fee, County-mandated rates, and County-requested emergency response obligations.

(k) (m) A certificate for ALS rescue, ALS transfer, ALS air rescue, or ALS specialty transport granted by the Board is valid for the time period established by the Board ~~but~~ and shall not ~~to~~ exceed five (5) years, unless otherwise revoked, suspended, or modified.

(l) (n) A certificate for BLS transport or BLS transport by a Small Business Enterprise Provider granted by the Board is valid for the time period established by the Board ~~but~~ and shall not ~~to~~ exceed five (5) years, unless otherwise revoked, suspended, or modified. The County, in its sole discretion, may elect to extend the certificate for additional five (5) year terms upon a finding that the EMS provider has substantially complied with the requirements of this chapter, all applicable rules and regulations, and

any contract that the County enters into with the EMS provider. ~~The~~ If the County desires
to extend the certificate, the County must furnish the EMS provider with written notice
thereof, at least ninety (90) days prior to the end of the applicable period, ~~of the County's~~
~~intent to extend the certificate for an additional five-year term.~~

Section 4. Severability.

If any portion of this Ordinance is determined by any court to be invalid, the invalid
portion will be stricken, and such striking will not affect the validity of the remainder of this
Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
legally applied to any individual, group, entity, property, or circumstance, such
determination will not affect the applicability of this Ordinance to any other individual,
group, entity, property, or circumstance.

Section 5. Inclusion in the Broward County Code of Ordinances.

It is the intention of the Board of County Commissioners that the provisions of this
Ordinance become part of the Broward County Code of Ordinances as of the effective
date. The sections of this Ordinance may be renumbered or relettered and the word
“ordinance” may be changed to “section,” “article,” or such other appropriate word or
phrase to the extent necessary to accomplish such intention.

176 Section 6. Effective Date.

177 This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Alexandra M. Lozada 10/27/2025
Alexandra M. Lozada (date)
Assistant County Attorney

By: /s/ Adam Katzman 10/27/2025
Adam Katzman (date)
Deputy County Attorney

AML/jl
Class 6 BLS Ordinance
10/27/2025
1169856.31

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.