

PROPOSED

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO EMERGENCY MEDICAL SERVICES; AMENDING VARIOUS SECTIONS OF CHAPTER 3½ OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); ADDING A NEW CLASSIFICATION OF SERVICE; AMENDING APPLICATION REQUIREMENTS FOR ADVANCED LIFE SUPPORT SERVICE; AMENDING PERSONNEL REQUIREMENTS AND RULES AND REGULATIONS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Vice-Mayor Lamar P. Fisher)

WHEREAS, Chapter 3½ of the Broward County Code of Ordinances ("Code") requires that every person or entity that provides Advanced Life Support ("ALS") or Basic Life Support ("BLS") service within Broward County must obtain a certificate of public convenience and necessity from Broward County;

WHEREAS, the Code currently provides four classifications of service: (1) Class 1 - ALS rescue; (2) Class 2 - ALS transfer; (3) Class 3 - BLS transport; and (4) Class 4 - ALS air rescue;

WHEREAS, interfacility transfers, namely the transfer of patients from one licensed medical facility to another, are an important aspect of patient care and permit continuity of medical care;

WHEREAS, the Board of County Commissioners of Broward County, Florida ("Board"), desires to amend the Code to add a new classification of service for specialty transports; and

WHEREAS, the Board finds that the revisions to the Code set forth herein are necessary and in the best interest of the residents of Broward County,

1 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
2 BROWARD COUNTY, FLORIDA:

3
4 Section 1. Section 3½-1 of the Broward County Code of Ordinances is hereby
5 amended to read as follows:

6 **Sec. 3½-1. Definitions.**

7 As used in this chapter:

8 . . .

9 *Patient* means any person who needs emergency or nonemergency medical
10 treatment or transportation.

11 *Physician* means a person who is licensed to practice medicine in Florida under
12 the provisions of Chapter 458 or Chapter 459, Florida Statutes.

13 . . .

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

18 *Specialty transport* means the transportation by an EMS transport vehicle
19 (a) between two (2) facilities licensed under Chapter 395, Florida Statutes, of an organ
20 transplant patient or a patient on extracorporeal membrane oxygenation (ECMO) or (b)
21 to or from an airport.

22
23 Section 2. Section 3½-4 of the Broward County Code of Ordinances is hereby
24 amended to read as follows:

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 **Sec. 3½-4. Classifications of service.**

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

4 . . .

5 (5) Class 5 - ALS specialty transport. An EMS provider providing specialty
6 transport.

7 a. An EMS provider that is awarded a Class 5 - ALS specialty transport
8 certificate is prohibited from responding to an emergency call and
9 from providing ALS Service unless the EMS provider is called upon
10 by a governmental entity to provide emergency backup service or the
11 EMS provider contracts with a governmental entity to provide
12 Class 1 - ALS rescue service, in which instances the EMS provider,
13 if a nongovernmental entity, must operate under the Class 1 - ALS
14 rescue certificate of the governmental entity requesting such
15 emergency backup service or contracting for the provision of
16 Class 1 - ALS rescue service.

17 b. An EMS provider that holds a Class 5 - ALS specialty transport
18 certificate may provide specialty transport within Broward County,
19 not restricted by emergency call zones.

20 c. An EMS provider that holds a Class 1 - ALS rescue certificate or a
21 Class 2 - ALS transfer certificate may provide specialty transport
22 under that certificate.

23 (b) Routine transfers are restricted exclusively to EMS providers that hold a
24 Class 2 - ALS ~~T~~transfer and/or Class 3 - BLS ~~T~~transport certificate and are limited to the

1 provision of ALS Service and/or BLS Service as authorized by the certificate. EMS
2 providers that hold a Class 5 - ALS specialty transport certificate may provide specialty
3 transport.

4 . . .

5
6 Section 3. Section 3½-6 of the Broward County Code of Ordinances is hereby
7 amended to read as follows:

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

9 . . .

10 (c) Applications. All applications for ALS Service and BLS Service must include
11 the following information:

12 . . .

13 (12) The number of units that are ~~in-service~~ in service, fully equipped, staffed,
14 and operational twenty-four (24) hours a day; the number of units that are
15 fully equipped, but reserved for emergency response; and the maximum
16 number of units that would be placed in the area requested to respond to
17 emergency calls and routine transfers;

18 a. Applicants for Class 1 - ALS rescue must identify the minimum
19 number of vehicles used for the provision of ALS rescue (transport
20 and nontransport) on a twenty-four (24) hour per day, seven (7) day
21 per week basis;

22 b. Applicants for Class 2 - ALS transfer or Class 5 - ALS specialty
23 transport must identify which vehicles will be used for this type of
24 service;

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1 . . .

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

5 . . .

6 Section 4. Section 3½-12 of the Broward County Code of Ordinances is hereby
7 amended to read as follows:

8 **Sec. 3½-12. Rules, regulations, and reporting.**

9 . . .

10 (b) *Personnel.*

11 . . .

12 (2) No EMS provider will permit an EMT, paramedic, ~~or driver,~~ or physician to
13 provide patient care if the EMT, paramedic, ~~or driver,~~ or physician has pled
14 guilty or nolo contendere or has been convicted, even if adjudication was
15 withheld, of a misdemeanor or felony involving murder, manslaughter,
16 sexual battery, grand theft, or the sale or possession of illegal drugs and
17 has not been discharged from probation or parole or released from
18 incarceration within the past five (5) years. Any person who meets the
19 criteria of a habitual offender under Section 775.084, Florida Statutes, shall
20 not be employed by any EMS provider awarded a certificate by the Board.

21 . . .

22 (d) *Standards and Requirements for EMS Providers Providing ALS Service.*

23 (1) Each ALS rescue vehicle (other than an air ambulance) must be staffed with
24 a minimum of two (2) State-licensed paramedics. When ALS is being

1 performed on a patient whose medical condition is so unstable that there is
2 a significant risk of the patient's condition deteriorating while in route to an
3 emergency facility, the patient compartment of the ALS rescue vehicle must
4 be staffed by at least one (1) paramedic or ~~licensed~~ physician and either an
5 EMT, an additional physician, or an additional paramedic during
6 transportation to the emergency facility. The patient compartment of an
7 EMS transport vehicle providing a Class 5 - ALS specialty transport must
8 be staffed with a minimum of one (1) State-licensed paramedic and one (1)
9 State-licensed emergency medical technician. The patient compartment of
10 the EMS transport vehicle may also include any of the following, to the
11 extent required by the patient's condition: physician(s), registered nurse(s),
12 perfusionist(s), registered respiratory therapist(s), and additional
13 paramedic(s).

14 . . .

15 16 Section 5. Severability.

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

Section 6. 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 in order to accomplish such intention.

Section 7. Effective Date.

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/ Adam M. Katzman 04/28/2022
Adam M. Katzman (date)
Senior Assistant County Attorney

By /s/ René D. Harrod 04/28/2022
René D. Harrod (date)
Chief Deputy County Attorney

AMK/jl
Specialty Medical Transportation
04/28/2022
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