

PROPOSED

ORDINANCE NO. 2021-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO EMERGENCY MEDICAL SERVICES AND NONEMERGENCY MEDICAL TRANSPORTATION SERVICES; AMENDING VARIOUS SECTIONS OF CHAPTER 3½ OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AMENDING THE DEFINITION OF NONEMERGENCY MEDICAL TRANSPORTATION SERVICE; CLARIFYING AN EXEMPTION FOR VEHICLES OWNED AND OPERATED BY HOSPITALS; AMENDING APPLICATION REQUIREMENTS FOR A NONEMERGENCY MEDICAL TRANSPORTATION LICENSE; AMENDING PERSONNEL REQUIREMENTS FOR NONEMERGENCY MEDICAL TRANSPORTATION; AMENDING REQUIREMENTS FOR VEHICLES PROVIDING NONEMERGENCY MEDICAL TRANSPORTATION; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, the Board of County Commissioners of Broward County, Florida ("Board"), desires to amend Chapter 3½ of the Broward County Code of Ordinances ("Code") to more efficiently process and monitor nonemergency medical transportation service applications, licenses, personnel, and vehicles; 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,

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

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

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1 **Sec. 3½-1. Definitions.**

2 As used in this chapter:

3 . . .

4 Motor carrier as used herein has the same definition as provided in Section 22½-1
5 of the Broward County Code of Ordinances.

6 *Nonemergency medical transportation service* means any privately or publicly
7 owned service employing a land, air, or water vehicle that is designed, constructed,
8 reconstructed, maintained, equipped, or operated for, and is used for, or intended to be
9 used for, air, land, air, or water transportation of persons who are confined to wheelchairs
10 or stretchers or whose condition makes it impractical to be transported by a motor carrier,
11 and whose condition is such that these persons do not need, nor are likely to need,
12 immediate medical attention during transport.

13 Nonemergency medical transportation service provider means any person, firm,
14 corporation, association, local government, or other entity that holds a nonemergency
15 medical transportation service license.

16 . . .
17

18 Section 2. Section 3½-3 of the Broward County Code of Ordinances is hereby
19 amended to read as follows:

20 **Sec. 3½-3. Exemptions.**

21 The following vehicles and ambulances are exempt from the provisions of this
22 chapter:

23 . . .
24

1 (i) Vehicles ~~used~~ owned or operated directly by hospitals to transport patients
2 to or from the hospitals or other medical facilities, if the hospitals do not charge a fee for
3 this service; ~~or vehicles that are used~~ owned or operated directly by hospitals to transport
4 nonemergency patients whose medical condition is such that they are confined to a
5 wheelchair or to a stretcher but who do not need, nor are likely to need, medical attention
6 during transport; and

7 . . .

8
9 Section 3. Section 3½-17 of the Broward County Code of Ordinances is hereby
10 amended to read as follows:

11 **Sec. 3½-17. Application and license for nonemergency medical transportation**
12 **service.**

13 . . .

14 (c) Throughout the application process, the applicant must maintain at least
15 one (1) business office located in Broward County at which mail can be received; and
16 daily telephone communication is available with an agent of the applicant. If a license is
17 approved, at all times while so licensed, the licensee must maintain one (1) or more
18 business offices in Broward County ~~while providing nonemergency medical transportation~~
19 ~~service~~ where records are available for inspection upon request by the Division.

20 (d) Applications. All applications for licenses must include the following
21 information:

22 (1) ~~The geographic area that the applicant desires to serve;~~

23 (2) The name under which the applicant will operate the nonemergency
24 medical transportation service;

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1 ~~(3)~~ (2) The date of incorporation or formation of the local government, firm,
2 corporation, association, or other entity;

3 ~~(4)~~ (3) If the applicant is a corporation, partnership, limited liability company, or
4 similar entity, the type, and number of shareholders, partners, members, or
5 other ownership interests outstanding and the name and address of all such
6 shareholders, partners, members, and owners;

7 ~~(5)~~ (4) The name, address, telephone number, e-mail address, and title of the
8 appropriate government official or, as applicable, the general manager,
9 owners, officers, members, partners, and directors of the ~~firm, corporation,~~
10 ~~association, or other~~ entity seeking a license;

11 ~~(6)~~ (5) For nongovernmental applicants, completed state and local criminal
12 background checks of all owners, officers, members, partners, and directors
13 of the firm, corporation, association, or other entity;

14 ~~(7)~~ ~~The length of time the applicant has been providing nonemergency medical~~
15 ~~transportation in Broward County if the applicant is seeking a renewal~~
16 ~~license, and the previous five (5) years' business experience if the applicant~~
17 ~~is seeking a new license;~~

18 ~~(8)~~ (6) The addresses of the applicant's present and proposed business office
19 location and vehicle storage location;

20 ~~(9)~~ (7) The year, model, type, passenger capacity, mileage, vehicle license
21 number, and vehicle identification number of each vehicle to be used by the
22 applicant in the nonemergency medical transportation service;

23 ~~(10)~~ (8) The name and driver's license number of all personnel employed by the
24 applicant, along with copies of a current Broward County Chauffeur's

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1 Registration for all drivers and attendants for the previous five (5) years in
2 accordance with the requirements of Chapter 22½ of the Broward County
3 Code of Ordinances;

4 ~~(11) The type and condition of the applicant's dispatching and communications~~
5 ~~equipment and system;~~

6 ~~(12) The type and condition of the telephone communications system and~~
7 ~~equipment used in handling trip requests, cancellations, and other like~~
8 ~~services;~~

9 ~~(13) The financial information of a nongovernmental applicant to ensure its~~
10 ~~financial ability to provide and continue to provide service in a safe,~~
11 ~~comfortable, and reliable manner to the area. Financial information~~
12 ~~includes, but is not limited to:~~

13 a. ~~The applicant's two (2) most recent years of Medicare audits, if any;~~

14 b. ~~Three (3) years of the most recent audited financial statements of the~~
15 ~~entity and its parent company or holding company, if any. For~~
16 ~~purposes of this subsection, a parent company or holding company~~
17 ~~shall mean any person or entity holding, owning, or in control of more~~
18 ~~than ten percent (10%) of the stock or ownership interest in the~~
19 ~~applicant's entity;~~

20 c. ~~If the applicant is a corporation, the type, and number of shares~~
21 ~~outstanding and the name and address of all shareholders; and~~

22 d. ~~The financial ability of the applicant to pay or have paid any valid~~
23 ~~claims for personal injury, death, and property damage including, but~~
24

not limited to providing certificates of insurance or self insurance in compliance with this chapter;

(9) For any nongovernmental applicant, a credit report from one of the three major credit reporting agencies to ensure the applicant's financial ability to provide service to the public in a safe, comfortable, and reliable manner;

(14) (10) Other information as may be deemed necessary by the County Administrator or designee;

(15) (11) A sworn statement signed by the applicant or its authorized representative stating that all information provided by the applicant is true and correct under the penalty of perjury; and

(16) (12) For each new applicants, subsections ~~(8), (9), and (10)~~ (6), (7), and (8) of Section ~~3½-32~~ 3½-17 must be identified in the application as proposed items because such items are not requirements until such time that the applicant is awarded a license by the Division.

...

(f) The Division must review all new and renewal applications for licenses and must either approve or deny the licenses based upon the application and the rules and regulations promulgated pursuant to this chapter. If a license is denied, the Division must notify the applicant, in writing, of the denial within ten (10) days after the decision.

...

Section 4. Section 3½-20 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 3½-20. Rules, regulations, and reporting.

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...

(b) Personnel.

...

(2) Nonemergency medical transportation service providers must document that each of their drivers of a nonemergency medical transportation vehicle:

...

~~c. Certifies under oath that he or she is free from any physical or mental defect or disease that might impair his or her ability to drive a nonemergency medical transportation service vehicle;~~

~~d. Has not, within the past three (3) years, pled guilty or nolo contendere or been convicted of reckless driving or driving under the influence of alcohol or controlled substances, and has not had a driver's license suspended under the point system provided for in Chapter 322, Florida Statutes;~~

~~e. c.~~ Possesses a valid Florida driver's license issued under Chapter 322, Florida Statutes, and a valid Broward County Chauffeur's Registration;

~~f. d.~~ Is trained in the appropriate and correct use of special equipment required for wheelchair and stretcher transport;

~~g. e.~~ Is trained in the National Safety Council's Defensive Driving course or an equivalent defensive driving course, as determined by the Division;

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h. f. Possesses a valid American Red Cross Standard First Aid and Personal Safety Card or an equivalent first aid and personal safety card, as determined by the Division; and

i. g. Possesses a valid American Red Cross or American Heart Association Cardiopulmonary Resuscitation card or an equivalent card, as determined by the Division.

(3) Nonemergency medical transportation service vehicles must be staffed by personnel sufficient for safe loading and unloading of passengers, and an attendant must be present in the passenger compartment at all times when transporting a passenger who is incapacitated or who is on a stretcher or other device in a reclining position.

(4) All nonemergency medical transportation personnel must comply with subsections (a), (c), (g), (h), (i), (o), and (p) of Section 22½-9A of the Broward County Code of Ordinances.

(c) Vehicles.

...

(3) Vehicle Design. Nonemergency medical transportation service vehicles used to transport individuals in wheelchairs or on stretchers are required to comply with vehicle design criteria for accessibility under the Americans with Disabilities Act (ADA) ~~as required by~~ and related federal laws, rules, and regulations, and must comply with any other criteria established by Broward County pursuant to ordinance or resolution.

1 a. Nonemergency medical transportation service vehicles intended to
2 be used for, or that are used for, the transportation of individuals in
3 wheelchairs shall be designed and equipped as follows:

- 4 1. Each vehicle must have a lift ~~with enough capacity to safely~~
5 ~~and smoothly lift passengers into the vehicle and meet~~
6 ~~wheelchair lift/ramp requirements under the ADA~~ or a ramp
7 that complies with the requirements of 49 C.F.R. Part 38
8 under the ADA. Lift or ramp modifications must be made by
9 an entity registered with the National Highway Traffic Safety
10 Administration (NHTSA);

11 . . .

12 b. Nonemergency medical transportation service vehicles intended to
13 be used for, or that are used for, the transportation of individuals on
14 a stretcher must comply with Sections 3½-20(c)(3)a.4—9 ~~in addition~~
15 ~~to the following, and must also comply with the following:~~

- 16 1. ~~Crash stable side or center mounting style stretcher fasteners~~
17 ~~specifically designed and manufactured for the stretcher used~~
18 Stretcher fasteners must be attached to the walls or the floors
19 of the vehicle and installed pursuant to the manufacturer's
20 specifications; and
- 21 2. ~~At least three (3) strap type restraining devices shall be~~
22 ~~provided per s~~ Stretchers must be fastened to the vehicle with
23 the fastener assembly specified by the stretcher manufacturer
24 and by a vehicle safety hook; and the stretchers must be

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1 operated and equipped pursuant to the manufacturer's
2 specifications to prevent longitudinal or transverse
3 dislodgment of the passenger during transit;

4 3. Each stretcher must have a serial number plate affixed to it;
5 and

6 4. Each stretcher must be inspected annually by a company
7 authorized to repair stretchers.

8 (d) Transportation by Stretcher. A nonemergency medical transportation
9 service provider is prohibited from transporting other persons when it transports a patient
10 on a stretcher, unless the other persons are accompanying the stretcher patient.

11 (1) ~~Prior to transporting a passenger by stretcher, a nonemergency medical~~
12 ~~transportation service provider is required to obtain from the passenger who~~
13 ~~requires transport a written certification by a State of Florida licensed~~
14 ~~physician, physician assistant, or medical director for a State of Florida~~
15 ~~licensed ALS Service with emergency medical dispatching that the~~
16 ~~passenger does not need, nor is likely to need, medical attention during~~
17 ~~transport.~~

18 (2) ~~A nonemergency medical transportation service provider is prohibited from~~
19 ~~transporting other persons when it transports a passenger on a stretcher,~~
20 ~~unless the other persons are accompanying the stretcher passenger.~~

21 . . .

22 (f) Advertising.

23 (1) All advertising or other solicitation for business by a nonemergency medical
24 transportation service provider must emphasize in a conspicuous manner

1 that the service does not provide medical attention, and that the service
2 ~~provided~~ is designed for ~~these~~ persons whose physical impairments render
3 it impractical to use regular common carrier or taxi services. The term
4 "ambulance" cannot be used to identify any nonemergency medical
5 transportation service vehicle or service or be used in any service provider
6 advertisement.

7 (2) Each nonemergency medical transportation service vehicle must have
8 commercial vehicle markings using a color scheme as approved by the
9 Division. The commercial vehicle markings must not be magnetic signs.

10 . . .

11
12 Section 5. Severability.

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

19
20 Section 6. Inclusion in the Broward County Code of Ordinances.

21 It is the intention of the Board of County Commissioners that the provisions of this
22 Ordinance become part of the Broward County Code of Ordinances as of the effective
23 date. The sections of this Ordinance may be renumbered or relettered and the word
24

"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 02/19/2021
Adam M. Katzman (date)
Senior Assistant County Attorney

By /s/ René D. Harrod 02/19/2021
René D. Harrod (date)
Deputy County Attorney

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Nonemergency Medical Transportation Ordinance
02/19/2021
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