

**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 CLASS 6 BLS  
5 TRANSPORT BY SMALL BUSINESS ENTERPRISE PROVIDERS; AND PROVIDING  
6 FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

7 (Sponsored by Commissioner Alexandra P. Davis)  
8

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

13 WHEREAS, expanding access to BLS transport through Small Business  
14 Enterprise Providers can improve service and address localized, nonemergency medical  
15 transport needs;

16 WHEREAS, the Board of County Commissioners of Broward County, Florida  
17 ("Board"), desires to amend the Code to add a new classification of service to be provided  
18 by Small Business Enterprise Providers; and

19 WHEREAS, the Board finds that the amendments to the Code set forth herein are  
20 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:

**Sec. 3½-1. Definitions.**

As used in this chapter:

. . .

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

*Affiliated Entity* means any corporation, firm, limited liability company, partnership,  
or other entity that directly or indirectly controls, is controlled by, or is under control with,  
the entity applying for a certificate. Control may arise through ownership, management,  
contractual arrangements or other means, and shall be determined based on the totality  
of the circumstances, including, but not limited to (i) ownership directly or through one (1)  
or more affiliates, of fifty percent (50%) or more of the shares of stock entitled to vote for  
the election of directors, in the case of a corporation; (ii) ownership of fifty percent (50%)  
or more of the equity interests in the case of any other type of legal entity; (iii) status as a  
general partner in the case of a partnership; (iv) any arrangement whereby a party  
controls or has the power to control the board of directors or equivalent governing body;  
and/or (v) circumstances that, even in the absence of majority ownership or formal  
governance rights, demonstrate power and control such as common management or

44 shared key employees, familial relationships with identical or substantially identical  
45 business interests, and contractual relationships that provide for influence over business  
46 operations.

47 . . .

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

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

62 . . .

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

65 **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. 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.

c. 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.

d. 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 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) No EMS provider that holds a Class 2, Class 3, or Class 6 certificate may operate as, or be an Affiliated Entity of, another EMS provider that holds a certificate to provide ALS Service or BLS Service within Broward County.

~~(e)~~ (d) 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 certificates only:

(1) If the number of applicants meeting the criteria in Section 3½-6(d) for Class 6 certificates exceeds the number of certificates available, as determined by the Board, and the Board determines it is in the public interest to grant such certificates, 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 a 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.

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

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

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

148        ~~(j)~~ (n)     A certificate for BLS transport or BLS transport by a Small Business  
149 Enterprise Provider granted by the Board is valid for the time period established by the  
150 Board ~~but~~ and shall not ~~to~~ exceed five (5) years, unless otherwise revoked, suspended,  
151 or modified. The County, in its sole discretion, may elect to extend the certificate for  
152 additional five (5) year terms upon a finding that the EMS provider has substantially  
153 complied with the requirements of this chapter, all applicable rules and regulations, and  
154 any contract that the County enters into with the EMS provider. ~~The~~ If the County desires  
155 to extend the certificate, the County must furnish the EMS provider with written notice  
156 thereof; at least ninety (90) days prior to the end of the applicable period, ~~of the County's~~  
157 ~~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.



171 Section 6. Effective Date.

172 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 09/23/2025  
Alexandra M. Lozada (date)  
Assistant County Attorney

By: /s/ Adam Katzman 09/23/2025  
Adam Katzman (date)  
Deputy County Attorney

AML/jl  
Class 6 BLS Ordinance  
09/23/2025  
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Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.