

ORDINANCE NO. 2012- 20

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, RELATING TO THE OPERATION OF PRIVATE, VOLUNTARY, AND GOVERNMENTAL AMBULANCE AND RESCUE SERVICES WITHIN THE INCORPORATED AND UNINCORPORATED AREAS OF ST. JOHNS COUNTY FLORIDA; PROVIDING FOR PURPOSE; PROVIDING DEFINITIONS; PROVIDING FOR REQUIREMENT OF CERTIFICATION; PROVIDING CERTIFICATE CLASSIFICATIONS; PROVIDING FOR REVIEW OF APPLICATIONS; PROVIDING REQUIREMENTS FOR APPROVAL; PROVIDING FOR APPOINTMENT OF HEARING OFFICER; PROVIDING RIGHTS AND DUTIES; PROVIDING FOR CERTIFICATE RENEWAL, TRANSFER, SUSPENSION, MODIFICATION OR REVOCATION; PROVIDING FOR EMERGENCIES; PROVIDING FOR RECORD KEEPING; PROVIDING INSURANCE REQUIREMENTS; PROVIDING FOR FIRST RESPONDERS; PROVIDING FOR RATES; PROVIDING FOR COMPLIANCE WITH LAWS; PROVIDING FOR CONDUCT OF CREW MEMBERS; PROVIDING FOR VIOLATIONS; PROVIDING FOR PENALTIES; PROVIDING FOR JURISDICTION; PROVIDING FOR AUTHORITY TO ENFORCE; PROVIDING FOR REPEAL OF ORDINANCE 95-17; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the St. Johns County Board of County Commissioners ("Board") recognizes that the systematic provision of certain medical services saves lives and reduces disability associated with illness and injury; and

WHEREAS, that system of care must be equally capable of assessing, treating, and transporting children, adults and elderly persons; and

WHEREAS, in accordance with Section 401.25 of the Florida Statutes, every person, firm, corporation, association or governmental entity owning or acting as an agent for the owner of any business or service which furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in or professes to engage in the business or service of providing pre-hospital or interfacility advanced life support services or basic life support transportation service must be licensed as a basic or advanced life support Ambulance service, before offering such service to the public; and

WHEREAS, one of the requirements of such licensure is the issuance of a Certificate of Public Convenience and Necessity ("COPCN") by the governing board in the county in which the services are operated and provided; and

WHEREAS, pursuant to Chapters 125 and 401 of the Florida Statutes, the Board adopted, passed and enacted Ordinance 95-17 on May 9, 1995 to provide protection for

St. Johns County residents in need of certain medical services by establishing uniform standards for certifying basic life support, advanced life support, and non-emergency medical transportation services and by promulgating rules and regulations for the operation of Ambulances, first-responder agencies and non-emergency medical transportation services within the County; and

WHEREAS, since the enactment of Ordinance 95-17 in 1995, applicable provisions of Chapters 125 and 401 of the Florida Statutes have been amended and changed from time to time; and

WHEREAS, the Board recognizes that repealing Ordinance 95-17, and enacting this Ordinance in accordance with Chapters 125 and 401 of the Florida Statutes, *as amended*, enhances the delivery of certain medical services, reduces injuries and better protects the public health, welfare, and safety of County residents.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

Section 1. Purpose

This Ordinance is adopted pursuant to Chapters 125 and 401 of the Florida Statutes and other applicable laws. The purpose of this Ordinance is to provide enhanced protection for the health, safety and welfare of the residents of St. Johns County in need of emergency medical services by establishing uniform county-wide standards for issuing Certificates of Public Convenience and Necessity ("COPCN") for emergency and nonemergency prehospital services, advanced life support services, basic life support services, interhospital medical transport services, and nonemergency interfacility medical transport.

The Board of County Commissioners specifically intends that the St. Johns County Fire Rescue Department shall be responsible for providing emergency and nonemergency prehospital advanced life support and basic life support medical services and transport services within the County. The role of private advanced life support and basic life support services within the County shall be to provide, on request, emergency or nonemergency interhospital transport or transport services, interhospital neonatal and emergency or nonemergency organ/blood transport, including the transport of transplant teams, and emergency or nonemergency interfacility medical transport. Said private Certificate Holders will be capable of emergency response/service upon request by the Board of County Commissioners, County Administrator, or the Fire Rescue Chief in case of disaster or other event requiring said services which is beyond the normal capabilities of the Board of County Commissioners. Nothing contained herein shall be interpreted to limit the ability of a private Ambulance company holding the proper Certificate of Public Convenience and Necessity issued by the Board of County Commissioners from providing stand-by services and transport from a scheduled event.

References in this Ordinance to the Florida Statutes or the Florida Administrative Code shall include all amendments thereto which shall occur from time to time.

Section 2. Definitions

- A. "Advanced Life Support" ("ALS") means treatment of life-threatening medical emergencies through the use of techniques such as endotracheal intubation, the administration of drugs or intravenous fluids, telemetry, cardiac monitoring, and cardiac defibrillation by a qualified person, pursuant to rules of the Florida Department of Health, Bureau of Emergency Medical Services.
- B. "Ambulance" or "emergency medical services vehicle" means any privately or publicly owned land or water vehicle that is designed, constructed, reconstructed, maintained, equipped, or operated for, and is used for, or intended to be used for, land or water transportation of sick or injured persons requiring or likely to require medical attention during transport.
- C. "Basic Life Support" ("BLS") means treatment of medical emergencies by a qualified person through the use of techniques such as patient assessment, cardiopulmonary resuscitation (CPR), splinting, obstetrical assistance, bandaging, administration of oxygen, application of medical anti-shock trousers, administration of a subcutaneous injection using a premeasured auto-injector of epinephrine to a person suffering an anaphylactic reaction, and other techniques described in the Emergency Medical Technician Basic Training Course Curriculum of the United States Department of Transportation. The term "basic life support" also includes other techniques which have been approved and are performed under conditions specified by rules of the said department.
- D. "Board" means the Board of County Commissioners of St. Johns County, Florida.
- E. "Certificate or COPCN" means a Certificate of Public Convenience and Necessity as authorized in Section 401.25(2)(d), Florida Statutes.
- F. "Certificate Holder" means any person(s), corporation, or governing body that possesses a current Certificate of Public Convenience and Necessity.
- G. "County" means all incorporated and unincorporated areas within the territorial limits of St. Johns County, Florida.
- H. "County Administrator" means the St. Johns County Administrator or duly authorized designee.
- I. "County Medical Director" means the licensed physician for the St. Johns County Fire Rescue Department, pursuant to Chapter 401, Florida Statutes, who provides medical supervision to and established medical protocols, including appropriate quality assurance (not including administrative and managerial functions) for daily operations and training for the St. Johns County Fire Rescue Department emergency medical services personnel including paramedics and emergency medical technicians.
- J. "Department" means the Florida Department of Health.
- K. "Deficiency Correction Notice" means a notice issued by the Fire Rescue Chief of the St. Johns County Fire Rescue Department notifying a Certificate Holder of any infraction with the infraction specified, the remedial action required, and a specified time period allowed for correction.
- L. "Fire Rescue Chief" means the Fire Rescue Chief of the Fire Rescue Department of St. Johns County, Florida, or duly authorized designee.
- M. "Emergency Call" means transport of an individual by Ambulance or emergency medical services vehicle under conditions in which the driver has reasonable

grounds to believe that a life or limb threatening emergency in fact exists requiring the use of emergency lights and/or sirens.

- N. "Emergency Medical Service" ("EMS") means the treatment and transportation of persons who are in need of emergency medical attention upon any street or upon the waterways of the County under either Basic Life Support (BLS) license or Advanced Life Support (ALS) license issued pursuant to or applied for pursuant to Chapter 401, Florida Statutes.
- O. "Emergency Medical Services System" means the composite of all emergency medical services providers within the County whether such service providers are publicly or privately owned or operated or volunteer.
- P. "Emergency Medical Technician" ("EMT") means a person who is certified by the Florida Department of Health, Bureau of Emergency Medical Services to perform basic life support pursuant to Chapter 401, Florida Statutes.
- Q. "First Responder" means an individual, agency, organization or other entity which is dispatched to any emergency call for the purpose of providing first response medical treatment but, does not include Advanced Life Support or transport.
- R. "Inspection" means the routine or periodic examination and audit of the business records, personnel, Ambulances, and staffing of the Certificate Holder.
- S. "Interfacility Transfer" means the transportation by Ambulance of a patient between two facilities licensed under Chapter 393, Chapter 395, Chapter 400, or Chapter 429 of the Florida Statutes.
- T. "Interhospital Medical Transport" means emergency or nonemergency interhospital transport or transport services, interhospital neonatal and emergency or nonemergency organ/blood transport, including the transport of transplant teams or other emergency or nonemergency transportation of a patient requiring an Ambulance equipped with BLS or ALS levels of medical assistance between two (2) establishments licensed as hospitals pursuant to Chapter 395, Florida Statutes.
- U. "Medical Call" means any request for medical assistance.
- V. "Medical Director" means the licensed physician under contract with a Class B or C Certificate Holder, pursuant to Chapter 401, Florida Statutes, who provides medical supervision to and establishes medical protocols, including appropriate quality assurance (not including administrative and managerial functions) for daily operations and training for emergency medical services personnel including paramedics and emergency medical technicians.
- W. "Memorandum of Understanding" means an agreement between a First Responder agency and the St. Johns County Fire Rescue Department.
- X. "Non-emergency Call" means the transit of an Ambulance under conditions in which the driver has reasonable grounds to believe that an emergency situation does not exist.
- Y. "Non-emergency Medical Service" means any private or publicly owned service intended to be used for ALS or BLS interfacility transfer, or facility to home, or home to facility. It does not include patients who have accessed the 911 emergency response system to summon the emergency medical service provider.
- Z. "Operator" means any person, organization or governmental entity providing BLS services or ALS services.
- AA. "Paramedic" means a person who is certified by the Florida Department of Health, Bureau of Emergency Medical Services to perform basic and advanced life support pursuant to Chapter 401, Florida Statutes.

- BB. "Patient" means an individual who is ill, sick, injured, wounded, or otherwise incapacitated.
- CC. "Rescue Unit" means a vehicle operated by the St. Johns County Fire Rescue Department that is designed, constructed, reconstructed, maintained, equipped or operated, and is used for, or intended to be used for responding to any medical call and which may or may not be equipped with fire suppression equipment or capability.
- DD. "Service Area" means the geographical area or facility listed on a service provider's Certificate of Public Convenience and Necessity.

Section 3. Requirement for Certificate

No person, firm, corporation, or partnership shall advertise, engage, or operate any of the services described in this Ordinance in the County unless a Certificate is first obtained from the Board.

Section 4. Classification of Certificates

There shall be three (3) categories of Certificates of public convenience and necessity in St. Johns County:

1. Class A: Certificates of public convenience and necessity for governmental entities that use advanced life support rescue units to conduct emergency and non-emergency pre-hospital advanced life support, basic life support or interfacility transportation services.
2. Class B: Certificates of public convenience and necessity for businesses and agencies that use Ambulances to provide specific emergency and non-emergency medical service and interfacility medical transport services as identified on the Certificate, providing the service complies with all applicable laws, ordinances, and rules and regulations.
3. Class C: Certificates of public convenience and necessity for businesses, agencies, and hospitals that provide Ambulances to conduct specific emergency or non-emergency interfacility medical transport or transport services requiring on-board clinical capabilities which may exceed those of a conventionally equipped and staffed ALS Ambulance which services originate within the County pursuant to a physician's order, or emergency or non-emergency interhospital transport or transport services, interhospital neonatal and emergency or non-emergency organ/blood transport, including the transport of transplant teams or other emergency or non-emergency interhospital medical transport services at the ALS or BLS level between two (2) establishments licensed as hospitals pursuant to Chapter 395, Florida Statutes.

Section 5. Exemptions and Exclusions from Certificate Requirement

The following are exempt and excluded from Certificate requirements:

- A. First Responder agencies.

- B. The use of a non-Ambulance for any transport of a patient pursuant to the Good Samaritan Act, currently contained in Section 768.13, Florida Statutes.
- C. Vehicles rendering Ambulance-type services when requested to do so by the Board, County Administrator or Fire Rescue Chief in the event of a major catastrophe or other such emergency which requires more Ambulances than are available in the County.
- D. Ambulances based outside the County which pick up a patient outside of the County and transport such patient into the County.
- E. Air Ambulance providers licensed and operating pursuant to Chapter 401, Florida Statutes, and applicable sections of Florida Administrative Code, as may be amended from time to time.
- F. Ambulances transporting neonates requiring critical care interfacility transport to a Level II or Level III Neonatal Intensive Care unit pursuant to applicable sections of Florida Administrative Code, as may be amended from time to time.
- G. Any Ambulance owned and operated by the United States Federal Government.

Section 6. Procedure for Obtaining Certificates

Applications for a Certificate shall be obtained from the St. Johns County Fire Rescue Department. Complete applications shall be returned to the St. Johns County Fire Rescue Department, and must include:

- A. Name and address of the applicant; or if the applicant is a partnership, names and addresses of each partner, or if the applicant is a corporation, names and addresses of all officers, directors, and stockholders holding 25% or more of the outstanding shares;
- B. The boundaries of the intended service area(s), and the applicant's goal response time(s);
- C. A narrative describing the need for service in the intended service area;
- D. A copy of the applicant's application for State of Florida EMS license;
- E. The names and addresses of at least three (3) local references;
- F. A narrative describing the applicant's communication system, including its assigned frequency, call number, mobiles, portables, range and hospital communications ability;
- G. A narrative providing all geographical areas the applicant has been authorized to serve;

- H. Certificate(s) of insurance naming the County as an additional insured (public liability, property damage and malpractice);
- I. A copy of the applicant's EMS standard operating procedures containing all general and/or specific instructions to personnel;
- J. A narrative stating that should a temporary situation arise that poses a serious or imminent threat to the public health, safety, welfare, or public need and convenience, applicant shall offer assistance and abide by the orders of the St. Johns County Fire Rescue Chief;
- K. Certification by the applicant that all information included in the application is true and correct;
- L. Proof that the applicant possesses all required federal and/or State of Florida licenses and permits;
- M. A copy of the applicant's fee schedule;
- N. Financial affidavit of solvency;
- O. Such other reasonable information as may be required by the County; and
- P. An application fee of two hundred and fifty dollars (\$250) per classification requested.

Section 7. Review of Application

The County Administrator or designee shall review each application and shall investigate the applicant's reputation, competence, financial responsibility and any other relevant factors deemed necessary for issuing the Certificate. The County Administrator or designee shall also make an investigation as to the public necessity for a BLS or ALS operation in the territory requested. Within sixty (60) days of the date the complete application is returned to the St. Johns County Fire Rescue Department, the County Administrator or designee shall make a report to the Board containing a recommendation to grant or deny the Certificate. If the County administrator or designee does not submit the report to the Board within the proscribed sixty (60) day period, then the application shall be forwarded to the Board for consideration.

Section 8. Requirements for Board Approval in Granting Certificate

The Board shall not grant a Certificate unless it shall find, after public hearing, that each of the following standards has been satisfied:

- A. That there is a public necessity for the service. In making such determination, the Board shall consider, as a minimum, the following factors:
 - (1) The extent to which the proposed service is needed to improve the overall Emergency Medical Services (EMS) system capabilities of the County.

- (2) The effect of the proposed service on existing services with respect to quality of service and cost of service.
 - (3) The effect of the proposed service on the overall cost of EMS service in the County.
 - (4) The effect of the proposed service on existing hospitals and other health care facilities.
 - (5) The effect of the proposed service on personnel of existing services and the availability of sufficiently qualified personnel in the local area to adequately staff all existing services.
- B. That the applicant has sufficient knowledge and experience to properly operate the proposed service.
 - C. That, if applicable, there is an adequate revenue base for the proposed service.
 - D. That the proposed service will have sufficient personnel and equipment to adequately cover the proposed service area.

Section 9. Appointment of Hearing Officer

In making the determination that standards provided above are satisfied, the Board may, in its sole discretion, appoint a Hearing Officer to hold a public hearing and to make factual findings and conclusions as a result of the hearing. Should a Hearing Officer be appointed, said Hearing Officer shall render a written report to the Board within thirty (30) days of the hearing, which report shall contain the officer's findings and conclusions of fact, and a recommended order. The findings and conclusions of fact shall be binding upon the Board, but the recommended order shall be advisory only.

Section 10. Rights and Duties upon Certification

Each Certificate issued by the County shall be valid for a term of three (3) calendar years, unless earlier suspended, terminated or revoked. Each Certificate shall be exclusive to the Certificate Holder and shall not be transferable. In the case of a corporation, if there is an event resulting in a change in ownership, then the Certificate shall terminate upon such change and the corporation shall apply for a new Certificate. Changes in corporate officers will not require application for a new certificate.

- A. Each Certificate shall contain:
 - (1) the name of the Certificate Holder;
 - (2) the classification of the Certificate;
 - (3) the dates of issuance and expiration;
 - (4) the geographic areas of, and any limitations on, operation and service in the County;
 - (5) a certification that the recommendations of the municipalities in the County were considered;
 - (6) the signature of the Chair of the Board, attested by the Clerk of Court; and
 - (7) any limitations or conditions as the Board may deem necessary or proper in the public interest.

B. Any Certificate issued under this Ordinance shall require the Certificate Holder and its employees to comply with the following:

- (1) The St. Johns County Fire Rescue Department shall be the only Class A Certificate holder in the County, and shall be responsible for providing emergency and nonemergency pre-hospital ALS and BLS services within the County.
- (2) Holders of Class B or C Certificates must be capable of emergency response/service upon request by the County in case of disaster or other events beyond the normal capability of the St. Johns County Fire Rescue Department; nothing contained herein shall be interpreted to limit the ability of a private Ambulance company holding the proper Certificate issued by the Board from providing stand-by services and transport from a scheduled event.
- (3) Each Certificate Holder must keep posted at the place of business a copy of the fee schedule which was filed with the application.
- (4) Each Certificate Holder must make available a copy of its EMS standard operating procedures which it will use to give specific instructions to its personnel concerning the nature of their duties and responsibilities.
- (5) Each Certificate Holder must comply with all lawful directives of the St. Johns County Fire Rescue Chief.
- (6) Each Certificate Holder must provide continuous and uninterrupted service within the service area listed on the Certificate, as well as provide services to adjacent areas or routes, when requested to do so by the St. Johns County Fire Rescue Chief.
- (7) Each Certificate Holder must contact the St. Johns County Fire Rescue Department when an emergency call for service received by the Certificate Holder would normally be managed by the St. Johns County Fire Rescue Department as the Class A Certificate Holder.
- (8) Each Certificate Holder must maintain an appropriate number of Ambulances at all times to ensure efficient operations.
- (9) Each Certificate Holder must comply with the St. Johns County Fire Rescue Department lights and siren policy, issued once a Certificate is awarded. In light of the possible risks of danger associated with the use of lights and sirens, lights and sirens responses are restricted to only those times when such responses may have a positive effect on the patient's condition as to justify the use of lights and sirens. Each Certificate Holder shall ensure that its Ambulances are driven in a safe and lawful manner at all times and that its Ambulances will use lights and sirens only for properly authorized events and in compliance with this Ordinance. Certificate Holders shall have a continuing duty to notify the St. Johns County Fire Rescue Department Communications Center of all lights and sirens responses within the County.
- (10) Generally, Class B and C Certificate Holders will not conduct lights and siren response operations. However, should a patient's condition change during transport necessitating the use of lights and sirens, then the Certificate Holder shall so respond and advise the St. Johns County Fire Rescue Department Communications Center of the Ambulance

- designation, patient status, whether additional assistance is needed, its location, and destination.
- (11) It shall be a violation of this Ordinance for any vehicle not responding to an emergency medical call, or not suitable for patient transport to respond to a call using lights and sirens. This subsection shall not apply to any Rescue Unit operated by the St. Johns County Fire Rescue Department.
 - (12) All Certificate Holders shall keep such records as may be required by the federal, state or local, and shall furnish or make such records available to the St. Johns County Fire Rescue Chief for inspection at reasonable times and places. These records shall include Ambulance run sheets, billing records, radio logs, and such other operating and patient information as may be required by the St. Johns County Fire Rescue Chief for inspection purposes.
 - (13) Certificate Holders shall not advertise by any means the ability to provide services not authorized by the County.
 - (14) Each Certificate Holder shall ensure that all Ambulances in use in the County are able to communicate with the St. Johns County Fire Rescue Communications Center using authorized frequencies by the County.
 - (15) Each BLS Ambulance shall be staffed with a minimum of two (2) Florida certified emergency medical technicians; each ALS Ambulance shall be staffed with a minimum of one (1) Florida certified emergency medical technician and one (1) Florida certified paramedic for ALS service.
 - (16) Designated staff on board each Ambulance shall be readily identified as to the level of certification, either emergency medical technician, or paramedic, or other certification level as recognized by the Department.
 - (17) Each Ambulance shall be suitable for the transportation of patients from the standpoint of health, sanitation, and safety and shall be maintained in suitable condition. Each Ambulance shall conform in all aspects to the most recent design and equipment criteria as established by the U.S. Department of Transportation and in Florida Administrative Code.
 - (18) All Certificate Holders shall maintain liability insurance in such amounts and types of coverage as specified in Chapter 401, Florida Statutes, and applicable provisions of the Florida Administrative Code.
 - (19) Each Certificate Holder shall operate in conformance with all federal, state, or local laws or ordinances, and all rules and regulations, resolutions or policies hereunder and any conditions or limitations imposed by the Board upon issuance of the Certificate.
 - (20) Each Certificate Holder shall comply with the directives of deficiency correction notices issued by the St. Johns County Fire Rescue Chief.

Section 11. Renewal Of Certificate

Each Certificate Holder shall file within ninety (90) days (but not less than sixty (60) days prior to expiration), an application for renewal of the issued Certificate. Renewals shall be based upon the same standards as the granting of the original Certificate along with such other factors as may be relevant. The renewal application shall be accomplished by a two hundred and fifty dollar (\$250.00) renewal fee. The amount of this fee may be changed by resolution(s) of the Board. The renewal Certificate

may be approved routinely by the Board, upon advice of the County Administrator, or the Board may hold a hearing on the matter.

Section 12. Emergency Provisions

If a situation exists which poses a serious threat that BLS service or ALS service will not be available to any area of the County, the County Administrator shall have such temporary emergency powers as are appropriate to provide that service. These temporary powers are intended to provide interim protection until such time as the Board meets to resolve the emergency.

Section 13. Revocation, Modification Or Suspension Grounds

The Board may modify, suspend or revoke a Certificate in the interest of the public health, safety and welfare only at a public hearing and after reasonable notice has been given to the Certificate Holder affected.

A. Each Certificate issued under this Ordinance shall be subject to revocation, modification and/or suspension of operation, by the Board, where it shall appear that any of the following shall have occurred:

- (1) The Certificate Holder intentionally obstructs, bars or otherwise interferes with an inspection conducted under the purview of this Ordinance.
- (2) The Certificate Holder knowingly, by telephone or otherwise, causes to be placed or places a false emergency or nonemergency transport medical call.
- (3) The Certificate Holder represents herself, himself, or itself as holding a certification designation which the Certificate Holder does not hold.
- (4) The Certificate Holder operates an Ambulance that does not meet the requirements of this Ordinance, Chapter 401 of the Florida Statutes, applicable provisions of the Florida Administrative Code or any other applicable Local, State or Federal provision.
- (5) The Certificate Holder has failed or neglected to render services in compliance with the Certificate, this Ordinance, Chapter 401 of the Florida Statutes, applicable provisions of the Florida Administrative Code or any other applicable Local, State or Federal provision.
- (6) The Certificate Holder knowingly makes an omission of a material fact or a false statement in any application, renewal application or other document filed with the County.
- (7) The Certificate Holder or any officer, principal or owner thereof has been convicted of a felony; provided, that in determining whether to revoke, suspend or modify a Certificate Holder's Certificate hereunder, the Board shall consider both the nature and seriousness of the offense and the circumstances under which the felony occurred.
- (8) The Certificate Holder has failed or neglected for thirty (30) consecutive days during any calendar year to provide all services authorized by the Certificate.
- (9) The Certificate Holder has permitted an emergency medical services vehicle to be operated in violation of the law.

- (10) The Certificate Holder has failed to comply with any of the provisions of this Ordinance, Chapter 401 of the Florida Statutes, applicable provisions of the Florida Administrative Code, or any applicable local, state or federal provision.
 - (11) The public interest will best be served by revocation, alteration or suspension of any Certificate upon good cause shown.
 - (12) The Certificate Holder has without sufficient justification failed or refused to furnish emergency care and/or transportation promptly for a sick or injured person.
 - (13) The Certificate Holder or the Certificate Holder's agent has been adjudicated guilty of malpractice or negligence by a court of competent jurisdiction in the operation of the Certificate Holder's services.
 - (14) The Certificate Holder uses lights and sirens to respond to a medical call in violation of the St. Johns County lights/siren policy (as updated and amended from time to time), incorporated herein by this reference.
 - (15) The Certificate Holder falsifies the nature of the medical call to justify the use of an emergency response involving lights and sirens.
 - (16) The Certificate Holder has failed to comply with a deficiency correction notice issued by the Fire Rescue Chief.
 - (17) The Certificate Holder has been found by a court of competent jurisdiction guilty of any criminal offense involving moral turpitude.
 - (18) The Certificate Holder has had his, her or its state license revoked or suspended.
 - (19) The Certificate Holders fails to secure and/or maintain required insurance coverage in accordance with local, state and federal law.
 - (20) The Certificate Holder has received multiple deficiency correction notices.
- B. All complaints shall be investigated by the Fire Rescue Chief, and a report thereon made to the County Administrator and Board, together with findings and recommendations, within fifteen (15) days. If revocation, suspension or modification of any Certificate appears warranted, the Board shall give notice to the operator holding the Certificate that the same will be considered at a specific Board meeting, provided the date of such meeting shall not be less than five (5) days from the date of the notice. The Board shall thereupon consider the complaint and either revoke, suspend or modify the Certificate or dismiss the complaint.

Section 14. Central Place Of Business

Each operator shall maintain a central place of business at which place shall provide and maintain:

- A. responses to calls for service in the County within time frames as detailed on Certificate Holders application;
- B. two-way radio communication with their emergency medical services vehicles, the St. Johns County Fire Rescue Communications Center, and place of business;
- C. a properly listed telephone number for receiving all calls for service; and

D. such business records and daily logs available for inspection or audit as required by this Ordinance for inspection and copying by the County. Every operator shall keep on file with the County Administrator and the St. Johns County Fire Rescue Communications Center a business address and telephone number at which the operator may be reached at all times. This information will be maintained at the St. Johns County Fire Rescue Communications Center.

Section 15. Records To Be Kept

Each Certificate Holder shall maintain accurate records of all financial and operating information as may be required by the County. All such records and information shall be confidential except that they will become public records for the purpose of revocation or suspension hearings, or, if required by the Board, for the purpose of approving or disapproving applications for new Certificates or transfers of Certificates.

Section 16. Rates

Each Certificate Holder shall file with the Board a schedule of intended rates. Such rates shall be filed as a part of each new or renewal application, and a rate schedule shall also be filed when changes in rates are proposed. All such rates shall be subject to review and approval by the Board. No operator shall charge a rate greater than the rate it has on file with the Board. No operator shall charge a rate that has been disapproved by the Board.

Section 17. Insurance

A. Each Certificate Holder shall secure and maintain insurance coverage with solvent and responsible insurers authorized to transact business in the State of Florida as provided in applicable provisions of the Florida Statutes and the Florida Administrative Code governing BLS and ALS licensure. Such coverage shall include:

- (1) Vehicle Liability Insurance. Each vehicle owned by, leased to, or otherwise controlled by the Certificate Holder shall have minimum combined coverage limits of \$1,000,000 for bodily injury and property damage.
- (2) Medical Professional Liability. Each Certificate Holder shall maintain minimum coverage limits of \$1,000,000 per occurrence, \$3,000,000 annual aggregate.
- (3) All coverage described herein shall inure to the benefit of any person who is injured or killed, or who shall sustain damage to property proximately caused by the negligence of the Certificate Holder(s), driver(s), servant(s), employee(s) and/or agent(s) thereof.
- (4) Nothing in this section shall be construed to waive applicable state or federal laws requiring additional types or amounts of coverage.

- B. Proof of all required insurance coverage shall be subject to acceptance and approval by the County prior to the issuance of any Certificate.
- C. All required insurance coverage shall remain in full force and effect for the entire term of the Certificate. Failure to maintain all required insurance coverage for the entire term of any Certificate shall render the Certificate null and void, and of no further use or effect.

Section 18. Regulation of First Responders

Each First Responder operating within the County shall enter into and a Memorandum of Understanding with the St. Johns County Fire Rescue Department in accordance with Chapter 401 of the Florida Statutes, and shall fall under the purview of the County Medical Director.

Section 19. Non-duplication of County Vehicle Identification Design

The St. Johns County Fire Rescue Department has adopted a unique paint scheme, fire rescue emblem, and striping arrangement (collectively "design") for the sole purpose of readily identifying and distinguishing its Rescue Units to the public. No Certificate Holder may duplicate such unique design on any emergency medical services vehicles operating within St. Johns County without the County's expressed written consent. Each Certificate Holder shall conspicuously display its service name on all emergency medical services vehicles in use, and if applicable, vehicle identifying numbers shall be displayed on all sides of each vehicle.

Section 20. Compliance with Local, State and Federal Laws

Certificate Holder shall abide by, and comply with, all applicable laws, rules, regulations, orders, and policies, of the local, state and federal governments.

Section 21. Conduct of Crew Members

Certificate Holder shall ensure that all crew members of any emergency medical services vehicle shall comply with the laws of the State of Florida, in order to meet the requirements set out in this Ordinance and no crew member shall:

- A. Fail to access, treat or refuse to promptly transport, if applicable or attend any patient after responding to a call.
- B. Demand or receive compensation other than that established and approved in accordance with this Ordinance or fail to give a receipt for monies received (if applicable).
- C. Give or allow rebate, commission, discount or any reduced rate not provided in the established rates. (if applicable).

- D. At any time induce or seek to induce any person engaging an ALS provider to patronize or retain the services of any hospital, convalescent home, mortuary, cemetery, attorney, accident investigator, nurses, medical doctor or other service occupation or profession.
- E. At any time, from pre-hospital to release, transfer a patient from care until assured that a medically responsible person is available to receive such patient or the patient refuses transport.
- F. Disobey the lawful orders of any law enforcement officer or the incident commander at the scene of an accident, or other similar such emergency or at a fire, hazardous materials, or disaster incident.
- G. Use tobacco products within the confines of a rescue unit or while on an emergency call.
- H. Operate or ride in a permitted emergency vehicle without using seat belts. Personnel attending patients are exempt, but they should make every reasonable effort to use a seat belt when feasible.

Section 22. Passengers

No person shall be permitted aboard an emergency medical services vehicle when engaged in emergency or routine medical calls except the following:

- A. Driver, attendants and fire or law enforcement personnel;
- B. Patients;
- C. Not more than one relative or close friend of the patient, or if the situation warrants, the crewmember in charge may authorize more than one passenger;
- D. Physicians, nurses or respiratory therapists;
- E. Certificate Holder(s) supervisory personnel;
- F. EMT or Paramedic student intern;
- G. Any other individual as authorized by the Certificate Holder.

At no time will occupancy exceed a level which would interfere with or prohibit adequate patient care.

Section 23. Violations

In addition to the remedies provided herein, a violation of this Ordinance shall constitute a misdemeanor of the second degree, and shall be punishable as provided in the Florida Statutes.

Section 24. Penalties

Any person convicted of a violation of any of the provisions of this Ordinance shall be punished by a fine not to exceed five hundred dollars (\$500) or by imprisonment in the County jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment. Each day or fraction thereof that such violation of this Ordinance is committed or permitted to continue shall be deemed a separate offense and punishable in accordance with the law.

Section 25. Jurisdiction

This Ordinance shall constitute a uniform law applicable in all of St. Johns County, Florida, including all municipalities located therein.

Section 25. Authority to Enforce

It is hereby declared to be the duty of the Board, its officers, agents and employees and other government agencies, the St. Johns County Sheriff's Office, its deputies and agents, fire departments and the police departments of the various municipalities falling under this Ordinance to strictly enforce the provisions contained herein.

SECTION 26. Repeal of Ordinance 95-17

St. Johns County Ordinance 95-17 is hereby repealed in its entirety, and replaced by this Ordinance upon its passage and enactment.

Section 27. Conflict and Severability

In the event this Ordinance conflicts with other applicable law or any other County ordinance, the more restrictive shall apply. It is the intent of the Board, and it is hereby provided that if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding and shall not affect the validity of the remaining provisions hereof; proper venue for any action brought under this Ordinance is St. Johns County Florida.

Section 28. Correction of Errors

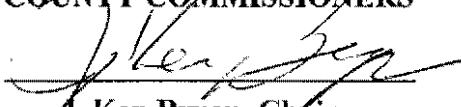
To the extent that there are typographical, administrative or scrivener's errors that do not change the tone, tenor or concept of this Ordinance, then this Ordinance may be revised without further action by the Board.

Section 29. Effective Date

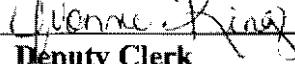
This Ordinance shall take effect upon receipt of official acknowledgement from the Office of the Secretary of State that the Ordinance has been duly filed with that Office.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 21st day of August, 2012.

**ST. JOHNS COUNTY BOARD
OF COUNTY COMMISSIONERS**

By: 
J. Ken Bryan, Chair

ATTEST: Cheryl Strickland, Clerk

By: 
Deputy Clerk

Rendition Date: 08/23/12

Effective Date: 08/24/12



THE ST. AUGUSTINE RECORD

MINUTES AND RECORDS
500 SAN SEBASTIAN VIEW
SAINT AUGUSTINE FL 32084

Ref.#: L2121-12
P.O.#: L2121-12

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared STEVEN SMITH
who on oath says that he/she is an Employee of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:
that the attached copy of advertisement being a NOTICE OF HEARING

In the matter of RESCUE SVCS ORDINANC - HEARING AUGUST 21, 2012
was published in said newspaper on 08/06/2012

Affiant further says that the St. Augustine Record is a newspaper published
at St. Augustine, in said St. Johns County, Florida, and that the said newspaper
heretofore has been continuously published in said St. Johns County, Florida,
each day and has been entered as second class mail matter at the post office in the
City of St. Augustine, in said St. Johns County, for a period of one year preceding
the first publication of the copy of advertisement; and affiant further says that
he/she has neither paid nor promised any person, firm or corporation any discount,
rebate, commission or refund for the purpose of securing the advertisement for
publication in the said newspaper.

Sworn to and subscribed before me this 6th day of AUG -- 2012
by Steven Smith who is personally known to me
or who has produced as identification

[Signature of Notary Public]

(Signature of Notary Public)



(Seal)

COPY OF

NOTICE OF A PUBLIC HEARING
BY THE ST. JOHNS COUNTY
BOARD OF COUNTY
COMMISSIONERS

NOTICE IS HEREBY GIVEN that
the Board of County Commissioners
of St. Johns County, Florida,
will hold a public hearing on Tues-
day, August 21, 2012, at 9:00 a.m. in
the County Auditorium at the
County Administration Building,
500 San Sebastian View, St. August-
ine, Florida, to consider adoption of
the following ordinance:

AN ORDINANCE OF ST. JOHNS
COUNTY, FLORIDA, RELATING
TO THE OPERATION OF PRI-
VATE, VOLUNTARY, AND GOV-
ERNMENTAL AMBULANCE AND
RESCUE SERVICES WITHIN THE
INCORPORATED AND UNIN-
CORPORATED AREAS OF ST.
JOHNS COUNTY FLORIDA;
PROVIDING FOR PURPOSE;
PROVIDING DEFINITIONS;
PROVIDING FOR REQUIRE-
MENT OF CERTIFICATION;
PROVIDING CERTIFICATE
CLASSIFICATIONS; PROVIDING
FOR REVIEW OF APPLICA-
TIONS; PROVIDING REQUIRE-
MENTS FOR APPROVAL; PRO-
VIDING FOR APPOINTMENT OF A
HEARING OFFICER; PROVID-
ING RIGHTS AND DUTIES;
PROVIDING FOR CERTIFICATE
RENEWAL, TRANSFER, SUS-
PENSION, MODIFICATION OR
REVOCATION; PROVIDING FOR
EMERGENCIES; PROVIDING
FOR RECORD KEEPING; PRO-
VIDING INSURANCE REQUIRE-
MENTS; PROVIDING FOR FIRST
RESPONDERS; PROVIDING FOR
RATES; PROVIDING FOR COM-
PLIANCE WITH LAWS; PROVID-
ING FOR CONDUCT OF CREW
MEMBERS; PROVIDING FOR
VIOLATIONS; PROVIDING FOR
PENALTIES; PROVIDING FOR
JURISDICTION; PROVIDING
FOR AUTHORITY TO ENFORCE;
PROVIDING FOR REPEAL OF
ORDINANCE 95-17; PROVIDING
FOR CONFLICT AND SEVER-
ABILITY; AND PROVIDING FOR
AN EFFECTIVE DATE.

The proposed ordinance is on file in
the office of the Clerk of the Board of
County Commissioners of the St.
Johns County Administration Build-
ing, 500 San Sebastian View, St.
Augustine, Florida and may be
examined by parties interested
prior to the public hearing.

Interested parties may appear at the
public hearing and be heard with
respect to the proposed ordinance.

If a person decides to appeal any
decision made by the Board of
County Commissioners with
respect to any matter considered at
the public hearing, he/she will need
a record of the proceedings, and
for such purposes he/she may need
to ensure that a verbatim record of
the proceedings is made, which
will be the basis for the appeal and
evidence upon which the appeal is
to be based.

NOTICE TO PERSONS NEEDING
SPECIAL ACCOMMODATIONS
AND TO ALL HEARING
IMPAIRED PERSONS: In accor-
dance with the Americans with
Disabilities Act, persons needing a
special accommodation to partici-
pate in the proceedings should con-
tact ADA Coordinator at (904)
209-0650 at the St. Johns County
Administration Building, 500 San
Sebastian View, St. Augustine, FL
32084. For hearing impaired indi-
viduals: Telecommunication
Device for the Deaf (TDD):
Florida Relay Service: 1-800-955-
8776, no later than 5 days prior to
the date of the hearing.
BOARD OF COUNTY COMMI-
SSIONERS
OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, ITS
CLERK
By: Yvonne Kline, Deputy Clerk

L2121-12 Aug 6, 2012



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

August 24, 2012

Ms. Cheryl Strickland
Secretary
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Ms. Yvonne King, Deputy Clerk

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 23, 2012 and certified copy of Ordinance No. 2012-20, which was filed in this office on August 24, 2012.

Sincerely,

Liz Cloud
Program Administrator

LC/elr

RECEIVED
SECRETARY OF STATE
SEP 24 2012 11:58 AM

2012 SEP -4 AM 7:58