

Lee County Board of County Commissioners
Agenda Item Summary

Blue Sheet No. 20020653

1. REQUESTED MOTION:

ACTION REQUESTED: Hold a public hearing to amend Lee County Ordinance No. 88-58 which governs the issuance of certificates of public convenience and necessity for ambulance transportation and advance life support non-transport services within the incorporated and unincorporated areas of Lee County.

WHY ACTION IS NECESSARY: A public hearing is necessary for the Board of County Commissioners to enact a County Ordinance.

WHAT ACTION ACCOMPLISHES: Adopts requirements and regulations for cable franchises.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # Countywide 5:00 #2

3. MEETING DATE:

06-25-2002

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE 88-58
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT County Attorney
- C. DIVISION General Services
- BY: Andrea R. Fraser
Assistant County Attorney

7. BACKGROUND:

The current ordinance governing the provisions and standards for issuing authorization to conduct ambulance and advanced life support non-transport services was adopted in 1988. Since that time, subsequent changes in service delivery, the implementation of the Lee County EMS Common Treatment Guidelines, and the adoption of nationwide turn-out and response time goals has made it necessary to revise and update the ordinance. The Lee County Public Safety Division and the Lee County Fire Chief's Association formed an ordinance review committee to prepare the revisions to the ordinance. The proposed changes will bring the ordinance along with current and future certificate holders governed by the ordinance into compliance with these changes.

Attachment: Proposed changes to Lee County Ordinance No. 88-58
 FAIS

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

| A Department Director | B Purchasing or Contracts | C Human Resources | D Other | E County Attorney | F Budget Services | | | | G County Manager |
|-----------------------------|------------------------------------|-------------------------|------------|-------------------------|----------------------|----------------------|---------------------|----------------------|---------------------|
| N/A | N/A | N/A | N/A | <i>Andrea Fraser</i> | OA <i>6/10/02</i> | OM <i>6/13/02</i> | RISK <i>6/13</i> | GC <i>6-13-02</i> | <i>6-13-02</i> |

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
 COUNTY ADMIN.
6/12/02
4:35pm *CS*
6/13/02 *DS*
2:52pm

AN ORDINANCE RELATING TO THE OPERATION OF PRIVATE, VOLUNTARY, AND GOVERNMENTAL AMBULANCE AND RESCUE SERVICES; PROVIDING FOR PURPOSE; PROVIDING FOR TITLE; PROVIDING FOR DEFINITIONS OF TERMS; PROVIDING FOR REQUIREMENT FOR CERTIFICATION; PROVIDING FOR REVIEW OF APPLICATION; PROVIDING FOR REQUIREMENT FOR BOARD APPROVAL IN GRANTING CERTIFICATES; PROVIDING FOR RIGHTS AND DUTIES GRANTED BY CERTIFICATE; PROVIDING FOR RULES AND REGULATIONS; PROVIDING FOR PENALTIES; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF LEE COUNTY ORDINANCE NO. 88-58; PROVIDING FOR SEVERABILITY, CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida law requires counties to issue a Certificate of Public Convenience and Necessity (COPCN) for operation in the County; and,

WHEREAS, the Lee County Board of County Commissioners has the authority to certify other entities for ambulance and rescue services, and that it would in its public health, safety and welfare obligations to do so by adoption of this ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA THAT;

This Ordinance is entitled the Lee County Ambulance and Rescue Services Ordinance.

SECTION ONE: PURPOSE

This Ordinance is adopted pursuant to Chapter 125.01(1)(e), Florida Statutes and Section 401.25(6), Florida Statutes. The purpose of this Ordinance is to assure standardized delivery of out-of-hospital health care services for the health, safety and welfare of the citizens and visitors of Lee County by providing standards and regulations necessary for the issuance for Certificates

of Public Convenience and Necessity (COPCN) for ambulance transportation and ALS non-transport services. This Ordinance shall apply and be in full force within the incorporated and unincorporated areas of Lee County.

SECTION TWO: DEFINITIONS

For the purposes of this Ordinance, the following words, terms, phrases shall have the meaning given herein.

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 department, as defined in Chapter 64E-2, Florida Administrative Code, and Florida Statutes Section 401.23(1), as it may be amended from time to time and approved by the Certificate Holder(s) Medical Director.

B. Ambulance shall mean any privately or publicly owned land, air or water vehicle that is designed, constructed, reconstructed, maintained, equipped or operated, and is used for or intended to be used for air, land, or water transportation of persons who are sick, injured, or have special needs, and are likely to require medical attention during transport.

C. Applicant shall mean any person, firm, corporation, association, or governmental agency seeking a certificate to engage in the provision of ambulance or ALS non-transport service.

D. 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 pre-measured

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, as defined in Florida Statutes Section 401.23(7), as it may be amended from time to time and approved by the Certificate Holder(s) Medical Director.

E. Board shall mean the Lee County Board of County Commissioners.

F. Certificate or COPCN means a Certificate of Public Convenience and Necessity, as authorized in Section 401.25(2)d, Florida Statutes.

G. Certificate Holder(s) shall mean any person, corporation, or governing body that possesses a current COPCN.

H. Dispatch Time/Call Processing Time shall mean the time from the point of receipt of the emergency alarm at the public safety answering point to the time where sufficient information is known to the dispatcher and applicable units are notified of the emergency as defined in NFPA 1710 Chapter 3, 3.42.3.

I. Emergency Call shall mean the response of any permitted emergency vehicle while en route to a call for assistance or while transporting an unstable patient to a receiving facility.

J. Emergency Medical Condition means a medical call condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in:

(1) Placing the health of the individual (or, with respect to a pregnant woman, the health of the

woman or her unborn child) in serious jeopardy;

(2) Serious impairment to bodily functions; or

(3) Serious dysfunction of any bodily organ or part as defined by the Emergency Medical

Treatment and Active Labor Act of 1996.

K. Emergency Medical Services Provider shall mean any entity licensed in the State of Florida to provide air, or ground ambulance, advanced life support (ALS), and whether a non-transportation or a transportation service.

L. Emergency Medical Technician (EMT) means a person who is certified by the Florida State Department of Health to perform basic life support as defined in Florida Statutes Section 401.23(11), as it may be amended from time to time.

M. Manager shall mean the County Manager or his/her designee.

N. Non-Emergency Call Condition shall mean a call condition that does not meet the definition of an Emergency Call Condition as defined in Section 2.I above.

O. Paramedic means a person who is certified by the Florida State Department of Health to perform basic and advanced life support as defined in Florida Statutes Section 401.23(17), as it may be amended from time to time.

P. Patient shall mean an individual who is ill, sick, injured, wounded, or otherwise incapacitated or has special needs.

Q. Routine Response or Routine Transport shall mean the response to or the transportation of a patient under conditions other than Emergency Call Condition as described in Section 2.I. above.

R. Rescue Service shall mean first response treatment of patients, but does not include ALS or transport.

S. Response Time shall mean the time that begins when units are en route to the emergency incident and ends when units arrive at the scene as defined in NFPA 1710 Chapter 3, 3.42.4.

T. Stable or Stabilize means, with respect to an emergency medical condition, to provide such medical treatment of the condition as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during the transfer of the individual to or from a medical facility as defined by the Emergency Medical Treatment and Active Labor Act of 1996.

U. Turnout Time means the time beginning when units acknowledge notification of the emergency to the beginning point of response time as defined in NFPA 1710 Chapter 3, 3.42.5.

SECTION THREE: REQUIREMENT FOR CERTIFICATE

Certificates shall not be required for:

- A. Basic Life Support Rescue Service.
- B. The use of a non-ambulance for any transport of a patient pursuant to the Good Samaritan Act pursuant to Section 768.13, Florida Statutes.
- C. Vehicles rendering ambulance-type services when requested to do so by the Board of County Commissioners or County Manager 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 Lee County which pick up a patient out of Lee County for transport into Lee County.
- E. Any ambulance owned and operated by the Federal Government.
- F. Non-Emergency Medical Transport. Vehicles used to transport persons for

routine scheduled medical treatments. Vehicles transporting persons who require medical services en route are not covered by this exemption.

SECTION FOUR: CLASSIFICATION OF CERTIFICATES

Services granted certificates shall operate in accord with the classification of each service category and subcategory as follows:

A. Advanced Life Support (ALS) Service

1. Transport - ALS service maintained or operated with the intention of providing emergency response and transportation on a twenty-four hour basis as a matter of established operational policy pursuant to Florida Statutes Section 401.25(1).
2. Non-Transport - ALS service maintained or operated with the intention of providing emergency response on a twenty-four hour basis, but not providing emergency transportation as a matter of established operational policy.

B. Emergency Ambulance Service (BLS)

Emergency Ambulance Service maintained or operated with the intention of providing emergency medical care and transportation on a 24 hour basis as a matter of established, operational policy pursuant to Florida Statutes Section 401.25(1).

C. Air Medical Transportation Service (AMT)

A non-military service maintained or operated with the intention of providing transportation by aircraft for medical patients as a matter of established operational policy, pursuant to Florida Statutes Section 401.25(1).

SECTION FIVE: PROCEDURE FOR OBTAINING CERTIFICATE

Applications for a certificate must be obtained from the Lee County Division of Public Resources. Completed applications must be returned to the County Manager. Each application will contain:

- A. For Non-governmental Organizations: The name, address, and resume of the owner and the primary EMS operating officer or manager of the ambulance or ALS provider, or if the owner is a corporation, then the names, address' and resume's of the Chief Executive Officer (CEO) and directors of the corporation and of all the stockholders holding more than 25% of the outstanding shares.
- B. For Governmental Organizations: Appointed or elected official(s) of a governmental entity shall not be required to provide a resume.
- C. A narrative describing how the applicant's service will coordinate with existing public safety agencies.
- D. A narrative describing how will the system enhance pre-hospital care for the public health, safety and welfare.
- E. A narrative describing how will the service improve public convenience and justify the necessity of the intended service.
- F. A narrative describing the number and type of response/transport vehicles.
- G. The address of the service headquarters.
- H. The address(') of the sub-station(s).
- I. The schedule of rates for service.
- J. The Medical Director's name, Audit Control #, License #, Batch # and Provider #.
- K. The certificate of insurance-vehicle and malpractice.
- L. An application fee of two hundred fifty dollars (\$250.00).

SECTION SIX: PERFORMANCE CRITERIA FOR EVALUATING COPCN

APPLICATION

All applications for COPCN for any classification of certificate will be evaluated using the following criteria:

1. In order to determine the extent to which the proposed services are needed to improve the overall Emergency Medical System within Lee County and in any clearly defined geographical area as provided in Section 8 of this Ordinance, the County will evaluate the following data:

- A. Current response time reliability in the type service of (ALS Transport, ALS Non Transport, or ALS Air Medical Transport) in the area in question.
- B. The County will rely on fractile and average response time reliability for this evaluation. It will be the goal of the Certificate Holder(s) within Lee County to comply with a turnout time of one (1) minute (60 seconds) and a response time of eight (8) minutes (480 seconds) or less at the ninetieth (90) percentile or have a six (6) minute overall average response time.
- C. The County may not recommend for approval a request for an ALS transport COPCN for any geographical area in which the current service providers fractile or average response time reliability is considered to be acceptable.

SECTION SEVEN: REVIEW OF APPLICATION

The County Manager or designee shall review each application and shall investigate the applicant's reputation, competence, financial responsibility, and any other relevant factor deemed necessary for issuing the certificate. The County Manager or designee shall also make an investigation as to the public necessity for permitted ALS emergency vehicles operation in the

territory requested. The County Manager or designee will prepare a report to the Board containing the recommendation whether to grant or deny the certificate to the applicant within sixty (60) days from when the County Manager receives the application. If the County Manager 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 EIGHT: REQUIREMENTS FOR BOARD APPROVAL IN GRANTING

CERTIFICATE

The Board of County Commissioners may not grant a certificate unless it finds, after public hearing and based on competent evidence, that each of the following standards have been satisfied:

A. That there is a public necessity for the service. In making such determination, the Board of County Commissioners shall consider, as a minimum, the following factors:

1. The extent to which the proposed services is needed to improve the overall Emergency Medical Service (EMS) capabilities within Lee County.
2. The effect of the proposed service on existing services with respect to quality of service and level of care.
3. The effect of the proposed service on the overall level of out-of-hospital medical care in the County.
4. The effect of the proposed service on existing hospitals and other health care facilities.

B. That the applicant has sufficient knowledge and experience to properly operate the proposed service as evidenced in Section Five. A.

C. That the applicant has an adequate revenue base for the proposed service and the proposed service will have sufficient personnel and equipment to adequately cover the proposed

service area.

D. The proposed service meets the minimum equipment requirements on an ALS permitted emergency vehicles as set forth in Florida Administrative Code, Ch.64E-2, Ch. 401, Florida Statutes, as may be amended from time to time and additional equipment or personnel as required in the Lee County EMS Common Treatment Guidelines, as may be amended from time to time.

E. The proposed service obtains and provides certificates of insurance as mandated by Ch. 64E-2, Florida Administrative Code and Ch. 401, Florida Statutes, as they may be amended from time to time.

In making the determination provided for in Section Eight above, 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 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 NINE: RIGHTS AND DUTIES GRANTED BY CERTIFICATE

The certificate granted by the Board shall be valid for two calendar years and shall be exclusive to the applicant and not transferable. In the case of a corporation, if there occurs such a transfer of stock or other incidents of ownership as to change the majority or largest stockholder, the applicant must apply for a new certificate. Changes in the officers of the corporation will not require a new certificate. Any Certificate Holder(s) desiring to change their current certificate classification will be required to reapply for the new certificate.

A change in appointed or elected official(s) in a governmental body shall not constitute the need for transfer or assignment of the certificate.

Acceptance of the certificate by the applicant shall obligate the applicant to:

- A. Service the entire zone granted to the applicant;
- B. When available, provide mutual aid response to adjoining zones or districts, when requested to do so by the Emergency Dispatch Center;
- C. Keep posted at his place of business a copy of the fee schedule which must be filed with the County Manager (if applicable);
- D. Operate in accordance with the rules and regulations adopted pursuant to this Ordinance and any other applicable County ordinances, and Chapter 401, Florida Statutes, and any administrative regulations adopted pursuant thereto;
- E. Employ at all times sufficient personnel experienced in operation and management of emergency medical services to ensure proper and efficient operation as evidenced in Section Four A.

SECTION TEN: RENEWAL OF CERTIFICATE

Each certificate holder shall file within one hundred-twenty (120) days before expiration, an application for renewal of this certificate. Renewals shall be based upon the minimum requirements as defined in the current Lee County EMS Common Treatment Guidelines, as may be amended from time to time along with such other factors as may be relevant. The renewal application shall be accompanied by a two hundred fifty dollar (\$250.00) renewal fee.

The renewal certificate may be approved routinely by the Board or the Board may hold a hearing on same, upon recommendation by the County Manager.

SECTION ELEVEN: MODIFICATION, SUSPENSION OR REVOCATION OF

CERTIFICATE

Complaints concerning the provisions of COPCN shall be investigated by the County Manager or designee and a report thereon made to the Board, together with findings and recommendations, within thirty (30) days if revocation, suspension or alteration of any certificate appears warranted. The Board shall give written legal notice to the Certificate Holder(s) holding the certificate that the same will be considered at a specific Commission meeting, provided the date of such meeting shall not be less than five (5) business days from the date of the notice. The Board at this meeting shall consider the complaint and either revoke, suspend, place on administrative probation, alter the certificate or dismiss the complaint.

A service on administrative probation will be closely monitored for ordinance compliance and quality of service for a time period determined by the Board of County Commissioners.

SECTION TWELVE: TRANSFER OR ASSIGNMENT OF CERTIFICATES

A. No certificate issued under this ordinance shall be assignable or transferable by the Certificate Holder(s) to whom issued unless approval is obtained from the Board in the same manner and subject to the same application, investigation, fees and public hearing as original applications for certificates.

B. Any majority transfer of shares or stock or interest of any person or Certificate Holder(s) so as to cause a change in the directors, offices, majority stockholders or managers of such person or Certificate Holder(s) shall be deemed a transfer or assignment as contemplated in this ordinance and subject to the same rules and regulations as any other transfer or assignment.

C. A change in appointed or elected official(s) in a governmental entity shall not constitute the need for transfer or assignment of the certificate.

SECTION THIRTEEN: REVOCATION, ALTERATION OR SUSPENSION

GROUNDS

A. Every certificate issued under this Ordinance shall be subject to revocation, alteration and/or suspension of operation, by the Board, for a period of up to one year, where any of the following occurs:

1. The Certificate Holder(s) has failed to render the services authorized by the certificate.
2. The Certificate Holder(s) has been convicted of a felony or any criminal offense involving moral turpitude or the use of alcohol or controlled substances.
3. The certificate was obtained by an application in which any material fact was omitted or falsely stated.
4. The Certificate Holder(s) has knowingly allowed any of its permitted emergency vehicles to be operated in violation of Florida Statutes, 401.281(d), resulting in the conviction of the driver or Certificate Holder(s) of a misdemeanor in the second degree or greater, or has knowingly permitted any driver with more than two (2) second (2nd) or one first (1st) degree misdemeanor convictions or revocations within three (3) years, to operate permitted emergency vehicles.
5. The Certificate Holder(s) has failed to comply with any of the provisions of this ordinance.
6. The public interest will best be served by revocation, alteration, or suspension of any certificate upon just cause shown.
7. The Certificate Holder(s), representative or employee has demanded money

or compensation other than that established or prescribed under this ordinance.

8. The Certificate Holder(s), representative or employee has, without sufficient justification, failed or refused to furnish emergency out-of-hospital care and/or transportation promptly as requested by the Emergency Communications Center as provided for in this Ordinance.
9. The Certificate Holder(s), representative, employee has been found guilty of malpractice or willful and wanton misconduct in the operation of its service.
10. The Certificate Holder(s), representative, employee has been found guilty of Fleeing or attempting to elude a police officer; making a false accident report in violation of Florida Statutes 316.067; willfully failing or refusing to comply with any lawful order or direction of any police officer or member of the fire department; or obstructing an officer.
11. Failure on the part of the Certificate Holder(s), representative or employee to comply with the minimum requirements set forth in the Lee County EMS Common Treatment Guidelines, as may be amended from time to time.

SECTION FOURTEEN: GENERAL OPERATING REGULATIONS

All Certificate Holder(s), and employees shall comply with all state statutes and administrative regulations and shall be subject to those rules and regulations as promulgated by ordinances of the Board for the purpose of carrying out this ordinance, as well as the following regulations:

- A. Twenty-four (24) Hour Service. Every Certificate Holder(s) shall be required to operate sufficient permitted emergency vehicles, as stated on the certificate of operation and

determined by the Board, on immediate call at all times, twenty-four (24) hours a day, 7 days a week, without exception.

B. Prompt Service Required. Every call for service shall be answered promptly. Patients shall be assessed, treated and/or transported without being subjected to unjustifiable delays. Those instances where more than two (2) minutes elapse between receipt of an emergency call and dispatch of a permitted emergency vehicle shall also be reported to the County Manager or designee with documentation of circumstances.

C. Infectious Disease/Exposure. All Certificate Holder(s) shall comply with the Lee County Emergency Responders Ryan White/Public Safety Exposure Report form as it may be amended from time to time.

D. Daily Documentation. Every Certificate Holder(s) shall maintain daily documentation upon which shall be recorded the place or origin, time of call, time of dispatch, time en route, time of arrival at scene, time left for hospital, arrival at destination, available, and charges for each trip/response/transport made and such other operating and patient information as may be required by ordinance. Every Certificate Holder(s) shall retain and preserve all daily documentation for at least two (2) years, and such documentation shall be available for inspection by the County Manager or designee.

E. Communications. Each vehicle shall maintain two-way radio communications with the location of primary dispatch from which it operates, as well as any additional communication capabilities required by ordinance or state regulation.

F. Vehicles and Equipment. Each permitted vehicle shall be equipped with the proper medical and emergency equipment as required by the laws of the State of Florida and as required by the Lee County EMS Common Treatment Guidelines and shall be subject to inspection from time to

time to insure compliance with the laws and this Ordinance.

G. Medical Director Certification. The Certificate Holder(s) medical director must be a Certified American Board of Emergency Medicine Physician.

SECTION FIFTEEN: CENTRAL PLACE OF BUSINESS

Each Certificate Holder(s) shall maintain a central place of business which shall be located within the designated district, which shall provide two-way radio communication with vehicles, the County Emergency Dispatch Center, and place of business, shall keep such business records and daily documentation available for inspection or audit by the County Manager or designee. Every Certificate Holder(s) shall keep on file with the County Manager or designee a business address and telephone number at which the Certificate Holder(s) may be reached at all times. This information will be maintained at the County Emergency Dispatch Center.

SECTION SIXTEEN: RECORDS TO BE KEPT

Every Certificate Holder(s) shall keep accurate records of receipts from operations, operating and other expenses, capital expenditure and such other operating and patient information as may be required by the Board, state law or rule.

SECTION SEVENTEEN: RATES

Every Certificate Holder(s) shall file with the Board a schedule of the 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 unless as otherwise provided for by state law or statute.

SECTION EIGHTEEN: INSURANCE

No Certificate Holder(s) shall operate an emergency vehicle covered under this Ordinance unless covered by a Comprehensive General Liability insurance policy insuring the public against

bodily injury or property damage resulting from or incidental to the operation or use of an emergency vehicle. At a minimum, all Certificate Holder(s) shall have in full force and effect the following insurance coverages:

A. Vehicle Liability Insurance. Each emergency vehicle owned by, leased to, or otherwise controlled by the operating company shall have minimum limits of \$1,000,000 combined single limits for bodily injury and property damage.

B. Medical Professional Liability Insurance. Every Certificate Holder(s) shall have minimum limits of \$1,000,000 per occurrence/\$3,000,000 annual aggregate.

Said insurances shall inure to the benefit of any person who shall be injured or killed, or who shall sustain damage to property proximately caused by the negligence of the Certificate Holder(s), all drivers, servants and agents. Nothing in this section shall be construed to waive applicable state or federal laws, if any, which may require a higher amount of minimum insurance.

Evidence of said coverage is subject to acceptance and approval by the Lee County Risk Management Office prior to issuance of this certificate.

Coverage shall remain in full force during the entire time that the certificate is valid and outstanding. Failure to provide such proof shall render the certificate null and void, and of no further use and effect.

SECTION NINETEEN. CONDUCT OF CREW MEMBERS

All crew members of any permitted emergency 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. Failure 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 rate. (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, pre-hospital, release or transfer a patient from care until they are assured that a medically responsible person coming under this ordinance 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 permitted emergency vehicle 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 attempt to use a seat belt when feasible.

SECTION TWENTY: PASSENGERS

No person shall be permitted aboard emergency vehicles 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 paramedic 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 interns.
- 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 TWENTY-ONE: OBEDIENCE TO TRAFFIC LAWS, ORDINANCES

OR REGULATIONS

Certificate Holder(s) shall render obedience accordance with Section 316.2398, Florida Statutes.

SECTION TWENTY-TWO: VIOLATIONS

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

SECTION TWENTY-THREE: UNIFORMITY OF APPLICATION

This ordinance shall constitute a uniform law applicable in all of Lee County.

SECTION TWENTY-FOUR: AUTHORITY OF ENFORCE

It is hereby declared to be the duty of the Board of County Commissioners of Lee County, its officers, agents, employees and other governmental agencies, the Sheriff's Department of Lee County, its deputies and agents, fire departments, as well as the police departments of the various municipalities falling under the provision of this ordinance to strictly enforce the provisions of this ordinance.

SECTION TWENTY-FIVE: REPEALER

Lee County Ordinance No. 88-58 is hereby repealed in its entirety with the adoption of this Ordinance.

SECTION TWENTY-SIX: PENALTIES

Any person convicted of a violation of any of the provisions of this ordinance and any adopted Rules and Regulations shall be punished by a fine not to exceed Five Hundred dollars (\$500.00) 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 is committed or permitted to continue shall constitute a separate offense and shall be punishable according to law.

SECTION TWENTY-SEVEN: CIVIL REMEDIES

The Board of County Commissioners may institute in any court or before any Administrative Board of competent jurisdiction action to prevent, restrain, correct or abate any violation of this Ordinance or of any order or regulations made in connection with its administration or enforcement, and the Court or Administrative Board, shall adjudge to the County such relief by way of injunction, as may be proper under all the facts and circumstances of the case in order to fully effectuate the regulations adopted and orders and rulings made pursuant thereto.

SECTION TWENTY-EIGHT: CONFLICT

Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted Lee County ordinance or Florida Statute, the more restrictive shall apply.

SECTION TWENTY-NINE: SEVERABILITY

The provisions of this Ordinance are severable and it is the legislative intention to confer upon the whole or any part of the Ordinance the powers herein provided for. If any of the

provisions of this Ordinance shall be held unconstitutional by any Court of competent jurisdiction, the decision of such Court shall not affect or impair any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such unconstitutional provisions not be included therein.

SECTION THIRTY: CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS

It is the intention of the Board of County Commissioners that the provision of this ordinance shall become and be made a part of the Lee County Code, and that sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article", or such other appropriate word or phrase in order to accomplish such intention, and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the County Manager, or the County Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Clerk of Circuit Court.

SECTION THIRTY-ONE: EFFECTIVE DATE

This Ordinance shall become effective upon receipt of official acknowledgment from the Secretary of State that the Ordinance has been duly filed with that Office.

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and being put to a vote, the vote was as follows:

DOUGLAS ST. CERNY _____
ROBERT JANES _____
RAY JUDAH _____
ANDREW COY _____
JOHN ALBION _____

DULY PASSED AND ADOPTED this ____ day of _____, 2002.

ATTEST: CHARLIE GREEN
CLERK OF THE COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

C:\Documents and Settings\maypl\Local
Settings\Temp\GWViewer\LeeCountyAmbulanceandRescurServicesOrdinance_1.wpd

DRAFT