

ARTICLE IV. MEDICAL TRANSPORTATION SERVICES¹

DIVISION 1. GENERALLY

Sec. 5-51. Definitions.

As used in this article, the following words and terms shall have the meanings respectively ascribed, except where the context clearly indicates a different meaning:

Advanced life support (ALS). 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.

Advanced life support service. Any emergency medical transport or nontransport service which uses advanced life support techniques and is licensed by the Florida Department of Health as an Advanced Life Support provider.

Air ambulance. Any fixed-wing or rotary-wing aircraft used for, or intended to be used for, air transportation of sick or injured persons requiring or likely to require medical attention during transport.

Air ambulance service. Any publicly or privately owned service, licensed in accordance with the provisions of Part III of Ch. 401, F.S., which operates air ambulances to transport persons requiring or likely to require medical attention during transport.

Ambulance or emergency medical services vehicle. 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.

Authorized motor vehicle or air ambulance. An ambulance or air ambulance authorized by a certificate or license issued by the board pursuant to this article for which a permit has been issued by the Florida Department of Health pursuant to Part III of Ch. 401, F.S. or a nonemergency medical transportation vehicle for which a permit has been issued pursuant to division 3 of this article.

Basic life support. 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 antishock trousers, administration of a subcutaneous injection using a premeasured autoinjector 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 Florida Department of Health.

Basic life support service. Any emergency medical service which uses only basic life support techniques.

¹Ord. No. 13-14-07 , § 1, adopted May 20, 2014, amended article IV in its entirety to read as herein set out. Former article IV, §§ 5-51—5-62, pertained to similar material, and derived from Ord. No. 08-09-77 , adopted June 9, 2009 and Ord. No. 11-12-06 , adopted March 20, 2012.

Board. The Board of County Commissioners of Highlands County, Florida.

Certificate. A certificate of public convenience and necessity issued by the board pursuant to this article.

Certificate of Public Convenience and Necessity (COPCN). A written statement or document, issued by the board granting permission for an applicant or licensee to provide services authorized by a license issued under Part III of Ch. 401, F.S., for the benefit of the population of Highlands County.

Certification. Any authorization issued pursuant to Part III of Ch. 401, F.S., to a person to act as an emergency medical technician or paramedic.

County. Highlands County, a political subdivision of the State of Florida.

Director. The Director of the Highlands County Emergency Medical Services Department.

Emergency medical technician (EMT). A person who is certified by the Florida Department of Health to perform only basic life support pursuant to F.S. ch. 401, pt. III.

Emergency medical technician (EMT). A person who is certified by the Florida Department of Health to perform only basic life support pursuant to Part III of Ch. 401, F.S.

Emergency medical transportation service. Any privately or publicly owned transport service which uses basic life support techniques or advanced life support techniques.

HCEMS. The Highlands County Emergency Medical Services Department.

Interfacility transfer. The transportation by ambulance of a patient between two facilities licensed under Ch. 393, Ch. 395, Ch. 400, or Ch. 429, F.S., pursuant to Part III of Ch. 401, F.S.

Licensee. The holder of a nonemergency medical transportation license issued by the board pursuant to this article or by the state EMS office in accordance with Ch. 401, F.S.

Medical direction. Direct supervision by a physician through two-way voice communication or, when such voice communication is unavailable, through established standing orders, pursuant to rules of the Florida Department of Health.

Medical director. A physician who is employed or contracted by a licensee and who provides medical supervision, including appropriate quality assurance but not including administrative and managerial functions, for daily operations and training pursuant to Part III of Ch. 401, F.S.

Municipalities. The City of Avon Park, the Town of Lake Placid, and the City of Sebring.

Mutual aid agreement. A written agreement between two or more entities whereby the signing parties agree to lend aid to one another under conditions specified in the agreement and as sanctioned by the governing body of each affected county.

Nonemergency medical transportation service. Nonemergency medical transportation service. Any privately or publicly owned transport service which does not use basic life support techniques or advanced life support techniques but does operate a nonemergency medical transportation vehicle.

Nonemergency medical transportation vehicle. A 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 persons who are confined to wheelchairs or stretchers and whose condition is such that they do not need, and are not likely to need, basic life support or advanced life support during transport.

Paramedic. A person who is certified by the Florida Department of Health to perform basic and advanced life support, pursuant to Part III of Ch. 401, F.S.

Permit. As used in division 2 of this article, any authorization issued pursuant to Part III of Ch. 401, F.S., for a vehicle to be operated as a basic life support or advanced life support transport vehicle. As used in division 3 of this article, a permit issued by the board pursuant to division 3 of this article.

Service location. Any fixed location in or from which a licensee solicits, accepts, or conducts business under Part III of Ch. 401, F.S.

State EMS Office. The Florida Department of Health, Bureau of Emergency Medical Oversight, EMS Program.
(Ord. No. 13-14-07 , § 1)

Sec. 5-52. Insurance.

- (a) Every certificate holder and licensee shall carry bodily injury and property damage insurance or its equivalent, with solvent and responsible insurers authorized to transact business in the State of Florida, or be qualified by the state as a self-insurer, to secure payment for any loss or damage resulting from any occurrence arising out of or caused by the operation or use of the certificate holder's or licensee's authorized motor vehicles or air ambulances.
- (b) Each authorized motor vehicle and air ambulance shall be insured for at least the following sums:
 - (1) One hundred thousand dollars for injuries to or death of any one person arising out of any one accident;
 - (2) Three hundred thousand dollars for injuries to or death of more than one person in any one accident; and
 - (3) Fifty thousand dollars for damage to property arising from any one accident.
- (c) Each certificate holder and licensee shall maintain medical malpractice insurance in at least the following amounts:
 - (1) One hundred thousand dollars for injury to one person; and
 - (2) Three hundred thousand dollars for injury to more than one person in any one incident.
- (d) Every insurance policy or contract for such insurance shall provide for the payment and satisfaction of any financial judgment entered against the certificate holder or licensee.
- (e) All such insurance shall be obtained and certificates or certified copies of such policies shall be filed with the director.
- (f) All such insurance policies shall provide for a 30-day cancellation notice to the director, and the board shall be named as an additional insured on each policy.

(Ord. No. 13-14-07 , § 1)

Sec. 5-53. Ambulances, nonemergency medical transportation vehicles, and air ambulances.

- (a) Certificate holders and licensees may permanently change an authorized motor vehicle or air ambulance following notice to the director identifying the new motor vehicle or air ambulance to be operated under the certificate or license and providing to the director copies of any forms required by the State of Florida for that purpose.
- (b) When it is necessary for an authorized motor vehicle to be out of service for routine maintenance or repairs, a substitute motor vehicle meeting the same transport capabilities and equipment specifications as the out of service motor vehicle may be used for a period of time not to exceed 30 days.

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- (1) If the substitute motor vehicle needs to be in service for more than 30 days, the certificate holder shall deliver to the director a copy of the written approval of the state EMS office and give the director access to the information maintained by the certificate holder pursuant to Rule 64J-1.007(2)(a)-(c), Florida Administrative Code.
 - (2) If the substitute motor vehicle needs to be in service for longer than 30 days, the licensee must seek approval from the director. An unpermitted motor vehicle may not be placed into service by a licensee unless it is replacing a motor vehicle that has been temporarily taken out of service for maintenance or repair. When such a temporary motor vehicle substitution is made, the licensee shall maintain and make accessible to the director upon request, the following:
 - a. Identification of the authorized motor vehicle that was taken out of service.
 - b. Identification of the substitute motor vehicle.
 - c. The date on which the substitute motor vehicle was placed into service and the date on which it was removed from service.
 - d. The date on which the authorized motor vehicle was returned to service.
 - (c) Upon sale or disposal of an authorized motor vehicle or air ambulance, the certificate holder or licensee shall give written notice of the sale or disposal to the director, who shall cancel the authorization for that motor vehicle or air ambulance.
- (Ord. No. 13-14-07 , § 1)

DIVISION 2. BASIC AND ADVANCED LIFE SUPPORT CARE AND TRANSPORTATION

Sec. 5-54. Certificate of public convenience and necessity required.

- (a) Except as provided in this section, no person, firm, corporation, association or governmental entity, other than the county, shall provide emergency medical transportation service in Highlands County without having first obtained a certificate from the board in accordance with this article.
- (b) The following are exempted from the requirement of obtaining a certificate:
 - (1) A person or entity operating a vehicle rendering services as an ambulance when requested to do so by HCEMS or another government public safety agency in the event of a major catastrophe or other emergency requiring more ambulances than are available in Highlands County.
 - (2) Any organization or vehicle exempted by state law.
 - (3) A person or entity operating a privately owned vehicle not ordinarily used or intended for the transportation of persons who are sick, injured, wounded, incapacitated, or helpless.
 - (4) Any ambulance service provider licensed in another state or U.S. Territory receiving a person within Highlands County for transport out of state.
 - (5) A person or entity operating a vehicle under the direct supervision of a licensed physician and used as an integral part of a private industrial safety or emergency management plan within a privately owned and controlled area, which vehicle may from time to time be used to transport persons in need of medical attention, but which is not available to the general public and which does not routinely transport patients.
 - (6) Any nonemergency transportation service contracted under Ch. 427, F.S., such as transportation disadvantaged.

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- (7) Any air carrier, as that term is defined in 49 U.S.C. Sec. 40102, that holds a certificate issued under 49 U.S.C. Chapter 411, authorizing air transportation.

(Ord. No. 13-14-07 , § 1)

Sec. 5-55. Class of service; criteria and performance standards.

There shall be four classes of medical transportation service in Highlands County. Unless exempted by section 5-54 from obtaining a certificate, a separate certificate is required for each class of service other than class 1 which is licensed under division 3 of this article. Those classes of service are as follows:

- (1) *Class 1-Nonemergency medical transportation service.* A license must be obtained from the board before engaging in this level of medical care service.
- (2) *Class 2-Basic life support ambulance (BLS ambulance).* These providers of basic life support medical services may provide interfacility transfers and, at the county's request, may transport patients to a medical facility.
- (3) *Class 3-Advanced life support ambulance (ALS ambulance).* These providers of advanced life support medical services may provide interfacility transfers and, at the county's request, may transport patients to a medical facility.
- (4) *Class 4-Air ambulance.* Operation of air ambulance service.

(Ord. No. 13-14-07 , § 1)

Sec. 5-56. Application for certificate.

- (a) *Contents; form.* The application for a certificate shall be made on the then current DHS Form 631. The application shall contain all information, documents, and attachments required by that form. In addition, the following information and documentation must be submitted with the application:
 - (1) The names, business address, and experience of the applicant. If applicant is an entity, the names and addresses of the directors, officers, partners, members and shareholders of that entity and their respective percentages of ownership must be provided;
 - (2) The class of service, as described in section 5 55, for which the application is being made;
 - (3) A statement describing with reasonable certainty the geographical area proposed to be served;
 - (4) A statement of facts, together with the supporting data, showing the demand or need for the proposed service;
 - (5) A listing of each ambulance and air ambulance to be used in the applicant's operations, including the vehicle year, make, model, mileage, and VIN, or if aircraft, year manufactured, number of hours for aircraft frame, tail number, serial number, and time since last major overhaul and such additional information as may be required by the board;
 - (6) Verification that all the staffing requirements of this article and of state law will be met. Such verifications shall require submittal of the names, state certification numbers, and expiration dates of all certifications required by Chapter 401, F.S., or Chapter 64J-1, Florida Administrative Code, for all employees and all personnel to be employed;
 - (7) The address and description of each of the applicant's existing and proposed service locations and the hours of operation and staffing that are proposed for each location (ambulances and air ambulances shall be staffed 24 hours per day, seven days per week);

(Supp. No. 25)

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- (8) A proposed schedule of rates, fares, and charges, if any;
 - (9) An agreement by the applicant to comply with all state and county laws, ordinances and regulations;
 - (10) Evidence that the applicant is financially able to provide and maintain the service described in the application;
 - (11) Any investigation or formal disciplinary action involving the applicant by the Florida Department of Health or any local, state or federal agency; and
 - (12) Such other reasonable information and documentation as may be required by the board.
- (b) *Investigation and notices.*
- (1) Upon the filing of the application and the payment of any fee required by the board, the director shall review the application for completeness and shall require the applicant to submit additional information or documents needed to complete the application. The director shall make an investigation into the application, including verification of qualifications of personnel and state inspection of vehicles. The director shall also investigate the public need for the proposed service in the geographical area involved as well as the factors pertaining to public convenience and necessity listed in subsection 5-57(a)(2). In making those investigations, the director shall give notice by certified mail, return receipt requested, to the municipalities and to any providers of the class of service proposed who are serving any part of the area proposed to be served by the applicant.
 - (2) The notice shall contain the name of the applicant, a brief summary of the type and class of service proposed, the geographical area to be served, and contact information for the director. Further notice shall be provided to the public by publishing the fact of the application in a newspaper of general circulation in Highlands County, indicating where further information on the application is available, stating that any interested person who may be substantially affected by the proposed operation may, within 30 days, file with the Director a written objection to the application, specifying therein the reason for the objection.
 - (3) The notices required by this subsection must be given and published within 14 days after the director determines that the application is complete.
 - (4) Within 30 to 60 days after all of the required notices have been mailed and published, the director shall make a recommendation to the board to either grant or deny the application. Any such recommendation may contain such conditions of approval as the director believes are necessary. The board, after considering the application and public convenience and necessity as provided in section 5-57 of this article at a public hearing, shall take action to grant or deny the application within 60 days after receiving the recommendation of the director. Notice of the date, time, and place of that public hearing shall be published not less than 15 days prior to the public hearing, in a newspaper of general circulation in Highlands County and mailed by certified mail, return receipt requested, to the applicant, the municipalities, the providers required to be notified pursuant to paragraph (1) of this subsection, and all persons who filed written objections to the application.

(Ord. No. 13-14-07 , § 1)

Sec. 5-57. Disposition of application.

- (a) Following receipt of the recommendation of the director on the application, the board shall consider the application at a properly noticed public hearing, provided that:
 - (1) The board shall consider the application, the recommendations of the director and the municipalities, any objections that have been filed, and the testimony and other evidence received at the public

hearing and shall determine whether the public convenience and necessity of the residents of Highlands County would best be served by denying the application or granting the application with or without reasonable restrictions or limitations. In considering the application the board shall consider whether there is any other pending application for a certificate to operate within the same class of service, the applicant's past performance record, and any other facts and circumstances that would indicate whether the proposed service is in the public interest. The board may require the participants to submit statements of the facts and memoranda on the issues of law; may compel attendance of witnesses and production of evidence; may take testimony; and shall generally conduct the hearing in a manner that affords all participants administrative due process.

- (2) In considering public convenience and necessity the board shall consider:
- a. The number of private providers and government service providers currently providing the class of service applied for and the type and quality of service provided;
 - b. The historical and projected requests for service in the particular class of service applied for, in comparison with the current number of providers and ambulances or air ambulances satisfying those requests;
 - c. The historical performance of the applicant, if any, and the quality of the applicant's service within the proposed class of service;
 - d. The applicant's financial ability to provide, maintain, and operate the number of ambulances or air ambulances requested and to provide the proposed class of service to the proposed geographical area;
 - e. The condition of the ambulances, air ambulances, and equipment proposed to be utilized by the applicant, the ambulance or air ambulance maintenance plan, and any other facts relating to the safety of the ambulances, air ambulances, and equipment;
 - f. The recommendations of the providers of emergency medical care and the providers of emergency medical transportation service in Highlands County; and
 - g. The input of the municipalities.
- (b) Prior to granting any certificate, the board shall determine that the proposed service, to the extent to be authorized by the certificate, is or will be required by the present or future public convenience or necessity and that the applicant is financially and otherwise able to provide adequate and uninterrupted service at the times required. Proof of insurance, in amounts required by this article, must be submitted to the Director prior to any applicant receiving a certificate, in order to protect the public for any personal injury or property damage arising out of the applicant's operation.
- (c) Any certificate issued pursuant to this division shall contain, among other things, the following:
- (1) The name of the certificate holder, which shall be the same as the applicant;
 - (2) The class of service authorized by the certificate;
 - (3) The geographical area in which the certificate holder is permitted to operate the authorized class of service;
 - (4) A clause stating that by operating under the certificate the certificate holder agrees to comply with all requirements of Florida law, Part III of Ch. 401, F.S., Chapter 64J-1, Florida Administrative Code, the Code of Ordinances, Highlands County, Florida, and the requirements of any other state or federal agencies regulating emergency medical transportation services;
 - (5) A clause stating that by operating under the certificate the certificate holder agrees to indemnify the county and its elected officials, officers, employees, agents, and insurers, for all claims and losses

arising out of the certificate holder's operations, specifically including, but not limited to, all claims and losses arising out of, resulting from or related to employment, by the certificate holder, of off-duty full-time or part-time employees of the county; and

- (6) Such additional terms, conditions, and limitations as the board deems necessary or proper in the public interest.

(Ord. No. 13-14-07 , § 1)

Sec. 5-58. Rights and duties granted by a certificate; period of validity; effective date; transferability.

- (a) The certificate shall be valid for the period of time specified therein, not to exceed two years. The certificate shall not become effective until at least ten days following the decision of the board to grant the certificate. The certificate shall not be transferable or assignable either voluntarily or by operation of law. Application for a new certificate is required when a majority or controlling interest of a certificate holder is transferred or assigned in one or more transactions and when, by any agreement or otherwise, a person or entity other than the certificate holder assumes legal responsibility to provide the service authorized by the certificate.
- (b) The certificate holder shall immediately notify the director of any change of ownership or control of the certificate holder from what was stated in the application filed pursuant to section 5-5456 of this article or any assumption of legal responsibility for the services authorized by the certificate.
- (c) Acceptance of the certificate shall obligate the certificate holder to:
- (1) Provide continuous and uninterrupted service to the extent, and for the area, authorized by the certificate;
 - (2) Provide service to areas within Highlands County, when requested to do so by public safety agencies;
 - (3) Keep posted at all business locations a copy of the certificate and of any rate or fee schedule;
 - (4) Keep such records as may be required by ordinance;
 - (5) Operate in compliance with Florida law, Part III of Ch. 401, F.S., Chapter 64J-1, F. A. C., the Code of Ordinances, Highlands County, Florida, and the requirements of any other state or federal agencies regulating emergency medical transportation services;
 - (6) Indemnify the county and its elected officials, officers, employees, agents, and insurers, for all claims and losses arising out of the certificate holder's operations, specifically including, but not limited to, all claims and losses arising out of, resulting from or related to employment, by the certificate holder, of off-duty full-time or part-time employees of the county; and
 - (7) Display on each vehicle at all times during operation, the Florida Department of Health vehicle permit sticker as required in Part III of Ch. 401, F.S.

(Ord. No. 13-14-07 , § 1)

Sec. 5-59. Modification and renewal of certificate.

- (a) The board may modify certificates during their effectiveness due to changes in circumstances. No modification shall be made without adequate notice and an opportunity for all interested and substantially affected persons to be heard.
- (b) The application requirements for renewal of a certificate issued pursuant to this division shall be the same as the requirements for an original certificate that are in effect at the time of renewal except that a report of

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(Supp. No. 25)

the total number of requests for service by the applicant in Highlands County for the preceding 12 months and a report listing and describing any material changes in the status of the certificate holder occurring after receipt of the certificate then in effect must be submitted with the application for renewal. For purposes of this subsection, material changes shall include:

- (1) Bankruptcy or application for bankruptcy of the certificate holder.
- (2) Any finding by the board or the Florida Department of Health that the certificate holder has failed to consistently comply with the minimum standards set by Chapter 64 J-1 F.A.C. and Ch. 401, F.S.
- (3) Administrative, civil, or criminal actions, including warnings and cease and desist notices, but not minor noncriminal infractions such as code enforcement actions or traffic tickets, against the certificate holder.
- (4) Civil judgments against the certificate holder wherein the allegations against the certificate holder arose from the provision of advanced life support services or basic life support services.
- (5) Any investigation or formal disciplinary action involving the certificate holder by the Florida Department of Health or any local, state or federal agency.

(Ord. No. 13-14-07 , § 1)

Sec. 5-60. Revocation, alteration or suspension of certificates; grounds.

- (a) Every certificate issued under this division shall be subject to revocation, alteration or suspension by the board where it shall appear:
 - (1) That the certificate holder has failed or neglected, for a period of seven days during any calendar year, to render the services authorized by its certificate.
 - (2) That the certificate holder or owner or any officer, director, managing member, general partner, or the owner of 30 percent or more of the shares or ownership interest of the certificate holder has been convicted of a felony or any criminal offense involving moral turpitude.
 - (3) That the certificate was obtained by an application in which any material fact was omitted or falsely stated.
 - (4) That the certificate holder has permitted any vehicle or air ambulance to be operated in violation of the law.
 - (5) That the certificate holder has failed to comply with any of the provisions of this division or other applicable ordinance.
 - (6) That the public interest will best be served by revocation, alteration or suspension of any certificate upon good cause shown.
 - (7) That the certificate holder has demanded money or compensation other than that established and prescribed under this article.
 - (8) That the certificate holder has been guilty of malpractice or negligence in the operation of its service.
 - (9) That the certificate holder has operated outside of the scope of its certificate or any limitations or restrictions upon its certificate.
 - (10) That an ambulance, air ambulance, or equipment used by the certificate holder fails to meet the requirements specified in the current applicable Florida Statutes.
- (b) Proceedings for revocation, alteration or suspension of a certificate shall be undertaken by the board in the same manner as proceedings for issuance of a certificate. All complaints shall be investigated within 15 days

and a report thereon made to the board, together with findings and recommendations. If revocation, suspension or alteration of any certificate appears warranted, the board shall give five days' notice to the certificate holder that the same will be considered at a specific board meeting not less than five days from the date of the notice. The board shall thereupon undertake to consider the complaint and either revoke, suspend or alter the certificate or dismiss the complaint.

(Ord. No. 13-14-07 , § 1)

Sec. 5-61. Relationship to other ordinances, statutes and laws.

Nothing in this division shall be construed as repealing or modifying any ordinance, statute, law or regulation that is more stringent in operation and effect than the provisions of this division. In the event of a conflict between this division and Ch. 401, F.S., the latter shall prevail.

(Ord. No. 13-14-07 , § 1)

DIVISION 3. NONEMERGENCY MEDICAL TRANSPORTATION

Sec. 5-62. Nonemergency medical transportation services and vehicles.

- (a) *License required.* Every person, firm, corporation, association, governmental entity or other organization owning or acting as 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 business or service of primarily transporting persons who are confined to wheelchairs or stretchers and whose condition is such that these persons do not need, and are not likely to need, basic life support or advanced life support during transport upon the streets, highways or waterways Highlands County shall be licensed by the board as a nonemergency medical transportation service, which includes wheelchair and stretcher car service. However, any service holding a nonemergency medical transportation license issued by the state EMS office in accordance with Ch. 401, F.S. is exempt from the requirement to be licensed by the board. The board shall issue or deny the license for operation of a nonemergency medical transportation service within 60 days of the filing of the application pursuant to this section. A license issued pursuant to this section shall automatically expire two years from the date of issuance.
- (b) *Prerequisites for issuance of license.* Any person, firm, corporation, association, governmental entity or other organization seeking licensure as a nonemergency medical transportation service shall:
- (1) Submit a completed license application form to the director on forms supplied by the director.
 - (2) Submit the appropriate fee or fees as established by the board.
 - (3) Submit a completed vehicle permit application and provide documentation that vehicles and equipment are in good working order and have been inspected by the director or other agency designated by the board. A permit for each vehicle will then be issued to a licensee upon receipt of appropriate fee.
 - (4) Provide proof of adequate insurance coverage for claims arising out of injury or death to persons and damage to the property of others resulting from any cause for which the owner of the business or service would be liable. The minimum amount of insurance coverage shall be that specified in this article. No license to operate as a nonemergency medical transportation service within Highlands County shall be issued until such time as the applicant has submitted adequate proof of insurance.

(Supp. No. 25)

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- (5) Provide evidence that nonemergency medical transportation vehicles are staffed by sufficient personnel to ensure safe loading and unloading of nonemergency patients.
- (c) *Vehicles, sanitation and maintenance.* All nonemergency medical transportation vehicles shall:
- (1) Have interior equipment which is smooth and easily cleaned.
 - (2) Have all electrical systems functioning properly.
 - (3) Be free of hazards including, but not limited to, uneven and slippery floors, sharp edges, and unpadded interior door head clearances.
 - (4) Be free of dents and rust which interfere with the safe operation of the vehicles.
 - (5) At all times meet the requirements of Ch. 316, F.S.
 - (6) Have all equipment in passenger compartment safely and adequately secured.
 - (7) Have all doors, latches, and handles in proper working order.
 - (8) When used to transport stretcher patients, have clean blankets, linen or disposable sheets to be used for each patient and have airtight storage compartments for soiled linen.
 - (9) Be maintained in a sanitary manner at all times.
- (d) *Vehicles.* Nonemergency medical transportation vehicles shall comply with the vehicle criteria cited in Ch. 316, F.S. and:
- (1) Nonemergency medical transportation vehicles which are intended to be used for or are used for the transportation of individuals in wheelchairs shall be designed and equipped as follows:
 - a. Each vehicle shall have a lift facility which is operated electrically, hydraulically or mechanically, with sufficient capacity to safely and smoothly lift passengers into the vehicle.
 - b. Each vehicle shall have, for each passenger transported, two positive means of securely latching or locking to the vehicle the wheelchair in which a passenger will ride. The latching or locking devices shall be designed to prevent any lateral, longitudinal or vertical motion of the passenger conveyance within the vehicle.
 - c. Each vehicle shall have, for each passenger transported, restraining belts or straps designed to securely confine passengers to wheelchairs in which they are transported.
 - d. Each vehicle shall have, in addition to the rear-vision mirrors required by Ch. 316, F.S. an inside rear-vision mirror which will enable the driver to view the entire passenger compartment.
 - e. Vehicle entry and exit door shall be equipped with latching devices sufficient to restrain individuals within the passenger compartment of the vehicle. Striker plates, to prevent accidental door opening, will be used in conjunction with latching devices.
 - f. Each vehicle must have a smooth floor which has a minimum of voids or pockets at the floor to side wall areas where water or moisture can become trapped.
 - g. The floor covering shall be of material which can be maintained in a safe, sanitary and odor-free manner.
 - h. Each vehicle shall carry in the driver's compartment at least a five-pound A:B:C fire extinguisher.
 - i. The patient compartment shall provide a minimum of 50 inches of height, measured from the finished floor to the finished ceiling.
 - j. Each vehicle shall have an operable two-way communication capability with the service's base station.

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- (2) Nonemergency medical transportation vehicles which are intended to be used for or are used for the transportation of persons on stretchers must, when in use, be in compliance with sentences d., e., f., g., h., and j. of paragraph (1) of this subsection, in addition to the following:
- a. Crashable side or center mounting style litter fastener of the quick-release type.
 - b. At least two strap-type restraining devices shall be provided per stretcher, cot, and litter to prevent longitudinal or transverse dislodgement of the patient during transit.
 - c. The patient shall be provided a minimum of 41 inches height measured from the finished floor to the finished ceiling.
- (e) *Vehicle inspection.* In addition to inspection for licensure, the Director or an agency designated by the board may also inspect any nonemergency medical transportation vehicle at any time. The results of each inspection shall be recorded and a copy provided to the operator. Any vehicle failing to meet required safety standards shall not be operated as a nonemergency medical transportation vehicle until such time as the vehicle passes inspection.
- (f) *Drivers of nonemergency medical transportation vehicles shall satisfy the following requirements.* Each nonemergency medical transportation service licensee is responsible for assuring that all nonemergency medical transportation vehicles are driven by trained, experienced, and otherwise qualified personnel. The licensee shall at a minimum document that each of the drivers:
- (1) Is at least 18 years of age.
 - (2) Certifies under oath that he or she is not addicted to alcohol or any controlled substance.
 - (3) Certifies under oath that he or she is free from any physical or mental defect or disease that might impair his or her ability to drive a nonemergency medical transportation vehicle.
 - (4) Upon initial designation as a driver, has not, within the past three years, been convicted of driving under the influence of alcohol or controlled substances and has not had a driver's license suspended under the point system provided for in Ch. 322, F.S.
 - (5) When driving a nonemergency medical transportation vehicle on land, possesses a valid driver's license issued under Ch. 322, F.S., is trained in the safe operation of emergency vehicles, and has completed an emergency vehicle operator's course or the reasonable equivalent approved by the Florida Department of Health.
 - (6) Possesses a valid American Red Cross or National Safety Council standard first aid course card or its equivalent.
 - (7) Possesses a valid American Red Cross or American Heart Association cardiopulmonary resuscitation card.
 - (8) Has been found free from alcohol and drugs in unannounced random testing performed before employment, following any accident, and during employment. The random testing shall test not less than ten percent of the drivers employed by licensee at least quarterly.
- (g) *Records.* Licensees providing nonemergency medical transportation services shall maintain records in accordance with this section, indexed and filed for ready access, and shall maintain the following information:
- (1) Current personnel records of each employee which shall indicate date of employment and qualifications held by each employee.
 - (2) Vehicle record on each nonemergency medical transportation vehicle operated and vehicle registration record and records of all safety inspections.

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- (3) Each licensee shall keep a trip report for each passenger transported upon which shall be recorded the time, place and origin, name of passenger and destination. Each licensee shall retain and preserve all trip reports for no less than three years. Such records shall be available for inspection by representatives of the board and the Florida Department of Health, upon request, during normal working hours.
- (h) *Advertising.* All advertising or other solicitation for business by a nonemergency medical transportation service shall emphasize in a conspicuous manner that the service does not provide medical attention and that the service provided is for those persons whose physical impairments render it impractical to use regular common carrier or taxi services. The term of "ambulance" and the star of life logo shall not be used to identify any nonemergency medical transportation vehicle or service or be used in any advertisement.
- (i) *License renewal.* In order to renew a license for nonemergency medical transportation services, the licensee shall:
- (1) Submit a renewal application to the board at least 30 days prior to the expiration of the license.
 - (2) Submit the appropriate renewal fee as provided by the board.
 - (3) Provide documentation that current standards for issuance of a license are met.
 - (4) Provide documentation that the nonemergency medical transportation vehicles have been inspected by the director or an agency designated by the board and have met all standards set forth in this section.
- (j) *Revocation of license.* Every license issued pursuant to this section is subject to revocation, modification or suspension where the board determines that:
- (1) The licensee has failed or neglected to render services as required by the license issued pursuant to this section or current applicable Florida Statutes;
 - (2) The application submitted to secure the license from the board contains false representations or has omitted material facts;
 - (3) The licensee has failed to correct deficiencies found, within the time period prescribed; or
 - (4) The nonemergency medical transportation vehicle or its equipment fails to meet the requirements specified in this section or current applicable Florida Statutes.

(Ord. No. 13-14-07 , § 1)

Secs. 5-63—5-80. Reserved.