

ORDINANCE  
NUMBER 2025-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING AND RESTATING ARTICLE III OF CHAPTER 2-3 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA; REGARDING THE AUTHORIZATION OF LIFE SUPPORT TRANSPORT AND NON-TRANSPORT SERVICES WITHIN THE COUNTY; MAKING RELATED FINDINGS; DEFINING CERTAIN TERMS; REQUIRING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR LIFE SUPPORT TRANSPORT AND NON-TRANSPORT SERVICES; PROVIDING EXEMPTIONS; ESTABLISHING THE AUTHORITY OF THE COUNTY EMS MEDICAL DIRECTOR; ESTABLISHING STANDARDS FOR APPLICATIONS, RENEWALS AND AMENDMENTS OF CERTIFICATES; PREVENTING DISCONTINUATION OR INTERRUPTION OF LIFE SUPPORT TRANSPORT AND NON-TRANSPORT SERVICES; PROVIDING FOR INSURANCE REQUIREMENTS; REGULATING RATES; ESTABLISHING RIGHTS AND DUTIES GRANTED BY CERTIFICATION; REQUIRING VEHICLE PERMITS FOR AMBULANCES AND AIR AMBULANCES; ESTABLISHING CONDITIONS OF VEHICLE OPERATING PERMITS FOR AMBULANCES AND AIR AMBULANCES; PROVIDING FOR RESPONSE IN A STATE OF EMERGENCY OR DISASTER; PROVIDING FOR VIOLATIONS, PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR APPEALS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, it is the intent of the Board of County Commissioners of Charlotte County, Florida, (the "Board"), to promote the health, safety and welfare of its citizens, residents, and visitors, by providing for the regulation of life support services thereby promoting the development and maintenance of safe, healthy, efficient and service-oriented life support transport and non-transport services for Charlotte County, Florida ("County"); and

WHEREAS, the Board has established rules and regulations for the provision of life support transport and non-transport services, set forth as Article III of Chapter

2-3 of the Code of Laws and Ordinances of Charlotte County, Florida ("Code"); and

WHEREAS, the Board finds that amending and restating Article III of Chapter 2-3 of the Code as provided below will protect the health, safety and welfare of the citizens of the County and its visitors.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Charlotte County, Florida:

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and to exercise the authority set forth in Chapter 401, Florida Statutes, as it may be amended from time to time.

Section 2. Findings. The Board relies upon the following findings in the adoption of this Ordinance:

A. Pursuant to Section 401.25, Florida Statutes, the Board is authorized to establish and enforce reasonable rules and regulations for providers applying for and maintaining a Certificate of Public Convenience and Necessity ("certificate") from the County.

B. Chapter 2-3 of the Code sets forth the policies and rules regarding the regulations for providers applying for and maintaining a certificate.

C. It is in the interest of the public health, safety and welfare of the residents of Charlotte County to amend and restate Chapter 2-3 of the Code, as set forth in this Ordinance for the purposes of prescribing and enforcing reasonable rules and regulations for the issuance of a certificate.

Section 3. Article III, Chapter 2-3, of the Code is hereby amended and restated in its entirety to read as follows (words that are stricken out are deletions; words that are

underlined are additions):

### ARTICLE III.—LIFE SUPPORT SERVICE CERTIFICATES

#### Sec. 2-3-46.—Definitions.

As used in this article:

~~Advanced life support~~ shall mean the 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 the rules of the state department of health and rehabilitative services.

~~Advanced life support service~~ shall mean any emergency medical transport or nontransport service which uses advanced life support techniques.

~~Ambulance or emergency medical services vehicle~~ shall mean any privately or publicly owned land, air or water vehicle that is designed, constructed, reconstructed, maintained, equipped or operated for, and is used for or intended to be used for air, land or water transportation of sick or injured persons who may need medical attention during transport.

~~Basic life support~~ shall mean treatment of medical emergencies by a person, qualified pursuant to the rules of the state department of health and rehabilitative services, through the use of techniques such as patient assessment, cardiopulmonary resuscitation (CPR), splinting, obstetrical assistance, bandaging, administration of oxygen, application of medical antishock trousers and other techniques described in the emergency medical technician basic training course curriculum of the United State Department of Transportation. "Basic life support" may also include other techniques which have been approved and are performed under conditions specified by rules of the state department of health and rehabilitative services.

~~Basic life support service~~ shall mean any emergency medical transport or nontransport service which uses basic life support techniques.

~~Certificate~~ shall mean the certificate of public convenience and necessity required by this article and as authorized by F.S. section 401.25.

~~Medical direction~~ shall mean direct supervision by a physician through two-way voice communication or, when such voice communication is unavailable, through established standing order, pursuant to rules of the state department of health and rehabilitative services.

#### Sec. 2-3-47.—Levels of service

There are hereby created the following life support service levels:

(1) ~~Advanced life support service: Providers may render both on the scene and advanced life support services and may transport patients to a medical facility or otherwise; and~~

(2) ~~Basic life support service: Providers may render on the scene assistance and transport patients to a medical facility or otherwise.~~

#### Sec. 2-3-48.—Required.

108  
109 It shall be unlawful for any person or governmental entity to provide advanced life  
110 support service or basic life support service without first having obtained a certificate from  
111 the county in accordance with this section. This requirement shall not apply to the use of  
112 those vehicles exempted by this article. Such exemptions are as follows:

113 (1) — A privately owned vehicle not ordinarily used in the business of  
114 transporting persons who are sick, injured, wounded, incapacitated or helpless;

115 (2) — A vehicle rendering services as an ambulance in the event of a major  
116 catastrophe or emergency when ambulances with certificates are incapacitated or  
117 insufficient in number to render the services needed;

118 (3) — Any ambulance based outside the county, except that any such  
119 ambulance receiving a person within the county shall comply with the provisions of this  
120 article;

121 (4) — Any ambulance owned and operated by the federal government;

122 (5) — A vehicle under the direct supervision of a licensed physician and used as  
123 an integral part of a private industrial safety or emergency management plan within a  
124 privately owned and controlled area, which vehicle may from time to time be used to  
125 transport persons in need of medical attention, but which is not available to the general  
126 public and which does not routinely transport patients; and  
127

128 Sec. 2-3-49. Application.

129  
130 (a) — *Form.* The original application for a certificate shall be made on forms  
131 approved by the board and to be made available at the county administrator's office. The  
132 application shall contain all information required by the board and shall include at least  
133 the following:

134 (1) — The names, business addresses and experience of both the operator(s) and  
135 the owner(s) of the proposed service. If either the owner(s) or operator(s) are part of a  
136 corporate entity, the names and addresses of the officers, directors or controlling  
137 shareholders of any such corporation must be provided;

138 (2) — The type(s) of service as described in section 2-3-47 that the applicant  
139 wishes to provide

140 (3) — A statement describing, with reasonable certainty, the geographical area  
141 proposed to be served;

142 (4) — A statement of facts showing the need for the proposed service;

143 (5) — A description of each vehicle to be used in the applicant's operations,  
144 including the make, model, mileage, all vehicle identification and registration numbers  
145 and such further information as may be required by the board;

146 (6) — Verification that all of the staffing requirements of this article and of state law  
147 will be met. Such verification may require submittal of the names, addresses and  
148 certification of all personnel proposed to be employed;

149 (7) — The addresses and description of each of the locations from which an  
150 applicant will operate and the hours of operation and staffing that are proposed for each  
151 location;

152 (8) — A proposed schedule of rates, fares and charges, if any;

~~(9) An agreement by the applicant to comply with all state laws and county ordinances; and~~

~~(10) Such other reasonable information as may be required by the board, including, but not limited to, verification of financial responsibility.~~

~~(b) Investigation; notice.~~

~~(1) Upon filing the fee in the amount to cover necessary expenses for processing of the application, to be set by resolution by the county commission, the county administrator shall make an investigation into the application, including verification of proper inspection of vehicles and qualification and number of personnel. The county administrator shall also investigate the public need for the proposed service and the geographical area involved. The county administrator, in making such investigations, may solicit advice and information from, but not limited to, the following: Area hospitals, clinics, physicians, any other area health care providers, the director and personnel of the county health department and area fire and law enforcement agencies. The county administrator, in making such investigation, shall give notice to any providers at any of the levels of service proposed who are serving any part of the route proposed to be served by the applicant. Notice shall also be given to any city in which the applicant proposes to operate;~~

~~(2) The notice shall be by registered mail, return receipt requested, and shall contain a brief summary of the type and level of service proposed, the geographical area or route to be served and a statement that written objections stating the reason therefor may be filed with the county administrator within thirty (30) days of the date of the receipt of the notice. Further notice shall be provided the public by publishing the fact of such application in a newspaper of general circulation within the county, indicating where further information on the application is available and stating that any person who may be substantially affected by the proposed operation may, within thirty (30) days of the date of publication, file a written objection to the application, specifying both the reason for the objection and the substantial interest, with the county administrator;~~

~~(3) Within forty (40) to sixty (60) days after all of the required notices have been mailed and published, the county administrator shall conclude his investigation and file a written recommendation with the board to either grant or deny the application and, if the recommendation is to grant the application, the conditions, if any, attaching to the grant. All recommendations shall be in writing and shall state in detail the reasons therefor. A copy of the recommendation shall be sent to the applicant by registered mail, return receipt requested, within five (5) days of the filing of the recommendation. The board shall take action to grant or deny the application within sixty (60) days after receiving the administrator's recommendation. Failure of the board to act within sixty (60) days shall be considered a grant of the application for a certificate.~~

~~Sec. 2-3-50. Disposition of applications.~~

~~(a) (1) Following receipt of the administrator's recommendation of the application for a certificate, the board shall consider the application at any regular or special meeting. All such applications shall be considered at a public hearing.~~

~~(2) The same persons who are required to be notified in section 2-3-49(b)(1), in addition to any persons who have filed written objections to the application if, liberally construed, a statement of substantial interest appears on the face of their objection, shall~~

199 be entitled to reasonable written notice by registered mail, return receipt requested, at  
200 least ten (10) days prior to the hearing. Notice shall also be published in a newspaper of  
201 general circulation within the county at least ten (10) days prior to the hearing. However,  
202 failure to provide such notice shall not be jurisdictional.

203 (3) After such public hearing, the board may issue a certificate to the applicant,  
204 authorizing the whole or any part of the operations covered by the application, or may  
205 deny the application.

206 (b) Prior to granting any certificate, the board shall determine that the proposed  
207 service, to the extent to be authorized by the certificate, is or will be required by the  
208 present or future public convenience or necessity and that the applicant is financially and  
209 otherwise able to provide adequate and uninterrupted service at the times required. Proof  
210 of insurance in amounts to be determined by the board must be submitted to the county  
211 administrator prior to any applicant receiving a certificate in order to protect the public  
212 from any personal injury or property damage arising from the applicant's operations.

213 (c) Notwithstanding subsections (a) and (b) of this section, the board shall issue  
214 a certificate to municipalities meeting the requirements of F.S. Chapter 401 and Chapter  
215 10D-66 of the Florida Administrative Code.

216 (d) Any certificate issued under this section shall contain the following:

217 (1) The name of the grantee;

218 (2) The route or the territory over which the grantee is permitted to operate at  
219 each level of service covered;

220 (3) A statement that the grantee possesses insurance in the amount set by the  
221 board, that the county is named as an additional co-insured and that the grantee further  
222 agrees to indemnify and hold harmless the county for any claims or losses arising from  
223 its operations; and

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

226  
227 Sec. 2-3-51. Rights and duties created by certificate.

228  
229 (a) The certificate shall be valid for the period of time set by the board. However,  
230 such time period shall not be less than two (2) years nor exceed ten (10) years, except  
231 that any certificate granted to Charlotte County Emergency Medical Services shall remain  
232 valid until revoked by resolution of the board of county commissioners. The certificate  
233 shall become effective at the time set by the board, provided all conditions precedent  
234 have been fulfilled. The certificate shall not be transferable without the approval of the  
235 board at a public hearing, except as may be ordered by a court of competent jurisdiction.

236 (b) The certificate holder shall file a verified statement of ownership with the  
237 county administrator before the certificate shall become effective, and the holder shall  
238 immediately notify the administrator of change in ownership and control.

239 (c) Acceptance of the certificate shall obligate the holder to:

240 (1) Provide continuous and uninterrupted service to the extent and for the area  
241 authorized by the certificate;

242 (2) Provide service to adjacent areas or routes within the county when requested  
243 to do so by public safety agencies in emergency situations or in accord with any  
244 established agreement to which the holder is in privity;

(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 the terms of the certificate granted by the board; and~~

(5) ~~Operate in conformance with state law, all rules adopted pursuant thereto and the terms of this article and the certificate granted hereunder.~~

~~Sec. 2-3-52. Modification; renewal.~~

(a) ~~No substantial change in service areas or routes or increase or decrease in type of service shall be granted during the term of the certificate, except pursuant to the procedures for granting an original certificate in section 2-3-49.~~

(b) ~~At least ninety (90) days prior to the expiration of its certificate, a holder shall file an application for renewal with the board on forms provided by the county administrator. Within sixty (60) days of the receipt of the application for renewal, the board shall hold a public hearing on the application. At least ten (10) days prior to the hearing, the board shall cause to be published in a newspaper of general circulation within the county a notice of intent to renew, stating the date, time and place of the hearing and inviting all interested persons to attend. If the applicant is requesting a change in service type or a substantial change in service area, then the published notice shall so state. In addition, those persons required to be noticed under section 2-3-49(b)(1) shall be sent a notice of the hearing by registered mail, return receipt requested, at least ten (10) days prior to the hearing. The county administrator shall also prepare a written recommendation after contacting any of those persons enumerated in section 2-3-49(b)(1) he deems necessary. Such recommendation shall state in detail the reasons therefor and shall be made available to the applicant at least ten (10) days prior to the hearing. At the public hearing, the board may grant, grant with modifications or deny the application for renewal.~~

~~Sec. 2-3-53. Disciplinary proceedings.~~

(a) ~~On its own motion, the board may, or upon the verified written complaint of any person, the board shall investigate the action of any holder of a certificate and hold a hearing in order to determine the necessity for disciplinary action. The certificate holder shall be notified by certified mail, return receipt requested, of the time and place of such hearing and shall be furnished a copy of the complaint or a short and plain statement of the matters asserted by the board. Such notice shall be sent to the certificate holder at least ten (10) days prior to the date of the hearing. All parties shall have the opportunity to respond, to present evidence and argument on all the issues involved, to conduct cross examination and to submit rebuttal evidence.~~

(b) ~~The following acts shall constitute cause for disciplinary action:~~

(1) ~~The certificate holder made a material false statement in the application for a certificate;~~

(2) ~~The certificate holder has been convicted of a felony or other offense involving moral turpitude; or, in the case of a certificate held by a partnership, a general partner has been convicted of such offense; or, in the case of a corporation, a person with~~

291 ~~ten (10) percent or more voting shares has been convicted of such offense. However, no~~  
292 ~~such disciplinary action shall be taken in violation of F.S. section 112.011;~~

293 ~~(3) Failure to comply with F.S. Chapter 401, Chapter 10D-66 of the Florida~~  
294 ~~Administrative Code, any other applicable federal or state law or regulation adopted~~  
295 ~~pursuant thereto or applicable local ordinances; or~~

296 ~~(4) The receipt of any reprimand, censure, revocation, suspension or other~~  
297 ~~discipline pursuant to action initiated by the state department of health and rehabilitative~~  
298 ~~services.~~

299 ~~(c) Upon a determination that a certificate holder has committed one (1) or more~~  
300 ~~of the acts described in subsection (b), the board may either revoke the certificate or may~~  
301 ~~suspend the certificate for a period of one (1) year or less.~~

302 ~~(d) Nothing in this section shall be construed to restrain the board from bringing~~  
303 ~~an action or suit in the circuit court to restrain, enjoin or otherwise prevent the violation of~~  
304 ~~this article, and the board shall at all times have such authority.~~

305 ~~(e) Violations of this article may also be punished as violations of this Code.~~

### 306 307 ARTICLE III. - LIFE SUPPORT TRANSPORT AND NON-TRANSPORT SERVICES.

308  
309 Sec. 2-3-46. - Definitions. As used in this article, the following words and terms shall  
310 have the following meanings:

311  
312 (a) Advanced life support (ALS) shall have the meaning provided for in Section  
313 401.23, Florida Statutes, as it may be amended from time to time.

314  
315 (1) Transport. ALS service operated with the intention of providing emergency,  
316 non-emergency or inter-facility patient transportation on a regular basis as  
317 a matter of established operational policy.

318  
319 (2) Non-transport. ALS service operated with the intention of accessing,  
320 assessing, treating, and stabilizing patients at the scene of medical  
321 emergencies and not providing patient transportation as a matter of  
322 established operational policy.

323  
324 (b) Air ambulance shall have the meaning provided for in Section 401.23, Florida  
325 Statutes, as it may be amended from time to time.

326  
327 (c) Ambulance or emergency medical services vehicle shall have the meaning  
328 provided for in Section 401.23, Florida Statutes, as it may be amended from  
329 time to time.

330  
331 (d) Ambulance service shall mean any service licensed under Chapter 401, Florida  
332 Statutes, whereby any private, public, or governmental entity offers to provide or  
333 provides, for compensation or as a courtesy, basic life support or advanced life  
334 support to sick or injured persons being transported from one location to  
335 another upon the roads within Charlotte County or in the airspace above  
336 Charlotte County.



- (e) Basic life support (BLS) shall have the meaning provided for in Section 401.23, Florida Statutes, as it may be amended from time to time.
- (f) Basic life support (BLS) service shall have the meaning provided for in Section 401.23, Florida Statutes, as it may be amended from time to time.
- (g) Certificate shall mean a certificate of public convenience and necessity required by this article and as authorized by F.S. section 401.25.
- (h) Emergency medical technician (EMT) shall have the meaning provided for in Section 401.23, Florida Statutes, as it may be amended from time to time.
- (i) EMS medical director shall mean a board-certified emergency physician who meets the requirements of the Florida Department of Health, Bureau of Emergency Medical Services and who provides clinical oversight, medical protocols and policy development, quality assurance and quality improvement services.
- (j) Emergency Medical Service (EMS) provider means any person, firm, corporation, association, local government, or other entity that holds a certificate and advertises or engages in the business of providing ALS or BLS Service.
- (k) Governmental entity shall mean any county or municipality or special fire control district of the State of Florida.
- (l) Interfacility transfer shall have the meaning provided for in Section 401.23, Florida Statutes, as it may be amended from time to time.
- (m) Intra-county shall mean the receiving and delivering of patients within Charlotte County.
- (n) Medical direction shall mean direct supervision by a physician through two-way voice communication or, when such voice communication is unavailable, through established standing order, pursuant to rules of the state department of health and rehabilitative services.
- (o) Non-governmental entity shall mean any entity including, but not limited to, a corporation, partnership, limited liability company, or sole proprietorship that is not affiliated, through ownership or control, with a governmental entity.
- (p) Paramedic shall have the meaning provided for in Section 401.23, Florida Statutes, as it may be amended from time to time.
- (q) Permit shall have the same meaning provided in Section 401.23, Florida Statutes, as it may be amended from time to time.

- (r) Vehicle permit shall mean the vehicle operating permit issued in accordance with Rule 64J-1.007, Florida Administrative Code, as it may be amended from time to time.

Sec. 2-3-47. - Certificates of public convenience and necessity.

- (a) Every person, non-governmental entity, 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 any of the business or services described in this article shall first obtain a Certificate from the county.
- (b) Providers of ambulance service having no headquarters or other facilities within the county shall be required to obtain a Certificate from the county and to otherwise comply with this article if they provided intra-county ambulance service within the county at least twice in any prior twelve-month period.

Sec. 2-3-48. - Classifications of certificates.

- (a) The classification of certificates are as follows:
- (1) ALS Transport;
  - (2) ALS Non-Transport;
  - (3) ALS Transport Interfacility Transfer;
  - (4) BLS Transport Interfacility Transfer;
  - (5) ALS Air Ambulance Services (rotary-winged aircraft).
- (b) Providers of services granted a certificate(s) in accordance with this article are limited to providing the level of service indicated on each certificate issued by the county to the provider. Applicants may apply for more than one classification at the same time but must provide the information and application responses required of each certificate sought.

Sec. 2-3-49. - Exemptions. Pursuant to Section 401.33, Florida Statutes, as it may be amended from time to time, the following are exempt from the provisions of this article:

- (a) Fixed wing air ambulances used or intended to be used for air transportation of sick or injured persons who may need medical attention during transport;
- (b) Any ambulance owned and operated by the federal government;
- (c) Vehicles used for transporting a patient pursuant to Section 768.13, Florida Statutes, known as the Good Samaritan Act, as it may be amended from time to time;

- (d) A vehicle used to transport patients in the event of a major catastrophe or local or state declared emergency when ambulances with current certificates and state licenses are insufficient in number to render the services needed as determined by the Public Safety Director or designee;
- (e) A privately-owned vehicle not ordinarily used in the business of transporting persons who are sick, injured, wounded, incapacitated, or helpless; and
- (f) Non-Emergency Transport. Vehicles used to transport a person who cannot travel by conventional mode and must use a stretcher or wheelchair equipped vehicle. Persons who are transported in a non-emergency transport vehicle do not need, nor are they likely to need, medical care during transport.
- (g) Any ambulance based outside of Charlotte County that picks up a patient out of Charlotte County and transports into Charlotte County.

Sec. 2-3-50. - County EMS Medical Director. In addition to the authority and responsibilities provided for in Section 401.265, Florida Statutes, and Rule 64J-1.004, Florida Administrative Code, as they may be amended from time to time, with the exception of aeromedical providers, the county EMS medical director shall have the ultimate decision-making authority for any paramedics and EMTs who practice under his or her supervision. The county EMS medical director has the right to suspend the practicing privileges of any paramedic or EMT operating under his or her supervision.

Sec. 2-3-51. - Applications for certificates, renewals, and amendments.

- (a) Application. Every application for a certificate, renewal of a certificate or an amendment to a certificate shall be filed with the county's Public Safety Department, on a form approved by the county and include all the required supporting information identified in the application. The application shall include the requisite nonrefundable application fee as set by resolution. Upon the complete filing of an application, a notice of the application shall be transmitted by the county to all current certificate holders in Charlotte County.
- (b) Administrative review of application. The Public Safety Director or designee shall review the application and the attached documents.
- (1) The investigation and review of the application for a non-governmental entity shall include the following:
- a. The financial responsibility of the applicant;
  - b. That the applicant is eligible or pre-approved to carry general liability and medical malpractice insurance.

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476  
477 c. The applicant's past performance and service record, if any, in providing  
478 services within Charlotte County;  
479  
480 d. A nationwide criminal record search; and  
481  
482 e. Any other facts the applicant has submitted for consideration.  
483  
484 (2) The investigation and review of the application for a governmental  
485 entity shall include the following:  
486  
487 a. A copy of the applicant's most recent Comprehensive Annual  
488 Financial Report (CAFR); and  
489  
490 b. Any other facts the applicant has submitted for consideration.  
491  
492 (3) If the application is missing information, the information or supporting  
493 documentation is untrue or falsified, the applicant failed to include all  
494 required supporting information, or if the life, health or safety may be  
495 negatively impacted in the reasonable opinion of the Public Safety  
496 Director, he or she may provide the applicant with comments for  
497 correction or may reject the application.  
498  
499 (c) Board consideration of applications. Complete applications shall be reviewed  
500 by the Board of County Commissioners ("Board") at a duly noticed public  
501 hearing. At the hearing, the Board shall consider the application, the Public  
502 Safety Director's report and recommendation on the factors referenced in  
503 Section 2-3-51(b) and all matters presented at the public hearing. These  
504 factors shall include the following criteria:  
505  
506 (1) For an applicant that is a non-governmental entity:  
507  
508 a. The financial responsibility of the applicant to maintain safe,  
509 comfortable services, maintain or replace medical equipment, and  
510 maintain all insurance coverage required under this article based  
511 on the following criteria:  
512  
513 1. Audited financial statements or federal tax returns or, for newly  
514 formed corporations, personal audited financial statements  
515 from the principal(s); and  
516  
517 2. Pro forma statements; and  
518  
519 3. Credit and bank references; and  
520

- 521 4. A current official credit report; and  
522  
523 5. Disclosure of all pending liabilities.  
524
- 525 b. The adequacy of the standard operating procedures of the  
526 applicant;  
527  
528 c. The past performance and service record of the applicant;  
529  
530 d. The number and type(s) of service(s) currently being provided;  
531  
532 e. The effect of the proposed services on the quality of existing life  
533 support transport or non-transport services;  
534  
535 f. The effect of the proposed service on the overall cost of  
536 certificated services to the County;  
537  
538 g. The community's need for the proposed service. The applicant  
539 shall bear the burden of proving there is a need for the proposed  
540 service. The basis for determination shall include:  
541  
542 1. A computation of the ratio of estimated annual requests for  
543 service in the certificate category to the current number of  
544 ambulances satisfying requests;  
545  
546 2. A computation of the ratio of ambulances per 1,000 population;  
547 and  
548  
549 3. A benchmark comparison with other entities of similar size and  
550 geography providing emergency medical services;  
551  
552 h. The extent to which the applicant and all proposed equipment and  
553 personnel conform to the requirements of Chapter 401, Florida  
554 Statutes, any amendments thereto, and any rules promulgated  
555 thereunder;  
556  
557 i. Previous, current, or pending litigation and;  
558  
559 j. Any other facts the applicant submitted for consideration.  
560
- 561 (2) For an applicant that is a governmental entity, the Board shall  
562 approve the application for a certificate upon the applicant's complete  
563 submittal of the following information:  
564  
565 a. A completed form application and documentation submitted in  
566 support of the application; The application fee, if applicable;

- 567  
568 b. EMS policy and procedures as approved by the County EMS  
569 medical director; and  
570  
571 c. An annual report of its services, to include information as to the ALS  
572 and BLS service time per permitted vehicle.  
573  
574 (d) Issuance of certificate. After consideration of the criteria set forth in  
575 subsection (c) of this section, if the Board finds that public convenience and  
576 necessity will be promoted by approval of the application, then the  
577 application shall be approved, subject to any limitations or restrictions  
578 reasonably required by the Board.  
579 (1) Following Board approval, the Public Safety Director shall issue the  
580 applicant a certificate. Services approved by the Board shall not  
581 begin until the county's receipt of the following from the certificate  
582 holder:  
583  
584 a. Documentation of operational approval by all appropriate state  
585 agencies;  
586  
587 b. An estimated number of drivers, emergency medical technicians,  
588 and paramedics;  
589  
590 c. A list of all permitted vehicles by the Department of Health;  
591  
592 d. Documentation that the insurance required by this article is current;  
593  
594 e. Documentation that the certificate holder has passed all the  
595 inspections required by Chapter 401, Florida Statutes;  
596  
597 f. Documentation that the certificate holder has passed county  
598 inspection of ambulances and air ambulances; and  
599  
600 g. Documentation that the certificate holder has received vehicle  
601 operating permits as required by Rule 64J-1.007, Florida  
602 Administrative Code, as it may be amended from time to time, for  
603 its ambulance and air ambulances authorized by the certificate (if  
604 applicable).  
605  
606 (2) A certificate holder may elect to phase in the operation of the total  
607 number of authorized ambulances so long as no less than one (1)  
608 ambulance is active at all times. If a certificate holder elects to phase  
609 into operation the number of ambulances approved by the Board, the  
610 certificate holder is required to have vehicle operating permits on all  
611 Board-approved active and reserve ambulances, on or before six (6)  
612 months following the date of approval of the certificate.

- (3) If the applicant fails to comply with the requirements of this subsection within one hundred twenty (120) days after notification of Board approval, such approval shall be automatically revoked and a certificate shall not be issued. For good cause shown, the Public Safety Director may extend this time frame so long as the total time period allotted for compliance, including the initial one hundred twenty (120) days described in this paragraph, does not exceed one hundred and eighty (180) days.
- (4) Certificates shall be issued for a term not to exceed two (2) years from date of issuance.
- (e) Certificate forms. Each certificate shall contain, at minimum:
- (1) The name and address of the applicant;
- (2) The maximum number of active ambulances authorized to operate;
- (3) The maximum number of reserve ambulances or air ambulances permitted to serve as temporary replacement for active vehicles;
- (4) The date on which the certificate expires;
- (5) The boundaries of the territory to be served, and if the certificate holder is a governmental entity, such certificate shall include the governmental entity's jurisdiction and any areas in which the governmental entity has an automatic aid or mutual aid agreement for fire and emergency medical services or in accordance with a closest unit response agreement; and
- (6) Such additional terms, conditions, provisions, and limitations as were authorized in the approval process.
- (f) The certificate holder must recognize that a permitted ALS non-transport vehicle may operate as a BLS vehicle when the vehicle is not staffed by a certified paramedic or licensed physician in accordance with Rule 64J-1.003, Florida Administrative Code, as it may be amended from time to time. Applications for renewals shall be submitted no later than ninety (90) days prior to the expiration of the current certificate(s) and shall be accompanied by the applicable fee.

Sec. 2-3-52. - Preventing discontinuation or interruption of life support services.

- (a) A certificate holder shall not discontinue or interrupt service in any part of the county or during any part of the certificate holder's term without express

prior written approval of the Public Safety Director for good cause shown. If a certificate holder has knowledge that discontinuation or interruption of service may occur, the certificate holder shall immediately provide the Public Safety Director with written notice of such occurrence.

- (b) Where there is an actual or threatened discontinuation or interruption of life support services, the Public Safety Director may take the following action:
- (1) Authorize another certificate holder or any other qualified person or entity to provide temporary life support services;
  - (2) Initiate proceedings to terminate the certificate of the certificate holder that failed to provide service;
  - (3) Advertise for a new certificate holder; and
  - (4) Take such other actions as may be necessary to protect the health, safety or welfare of the county and ensure the continuation of service.

Sec. 2-3-53. - Insurance requirements.

- (a) A certificate holder shall carry insurance as set forth in this section to secure payment for any loss or damage resulting from any occurrence arising out of or caused by the operation or use of any of the certificate holder's ambulances, air ambulances, or vehicles. 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 any person operating an ambulance, air ambulance or vehicle on behalf of the certificate holder.
- (b) Prior to commencing operations within the county, the certificate holder shall furnish to the county certificate(s) of insurance, or at the request of the county, full certified copies of required insurance policies, which shall indicate that insurance coverage has been obtained which meets the requirements set forth in this section.
- (c) Non-governmental entity certificate holders-ambulances and air ambulances shall comply with the following provisions:
- (1) Each ambulance or air ambulance shall be insured in an amount not less than one million dollars (\$1,000,000.00) per occurrence combined single limit for bodily injury and property damage.
  - (2) Each certificate holder shall maintain medical malpractice insurance in an amount not less than one million dollars (\$1,000,000.00) per occurrence.



(d) Insurance certificates shall be endorsed to provide for no modification or material change, cancellation, or expiration without thirty (30) days written notice by registered mail to the county. No policy shall be accepted for a shorter period than six (6) months.

(e) All insurance policies required in this section shall be issued by companies authorized to do business in Florida, with a management and financial strength rating approved by the County's risk manager. Copies of said Certificates of Insurance must be provided to Risk Management.

Sec. 2-3-54. - Rates.

(a) Disclosure and assessment of rates. Rates charged by certificate holders shall be assessed in a uniform manner throughout the incorporated and unincorporated parts of the county. Each certificate holder shall file with the Board a schedule of the rates. Such rates shall be filed as 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. It shall be unlawful for any certificate holder to charge, demand, request, or accept any rate for services unless that rate has been established in accordance with the following:

(1) Federal or state law;

(2) Countywide emergency and non-emergency ambulance service and non-emergency medical transportation vehicle service contracts between one or more private ambulance providers and the county;  
or

(3) A lower uniform rate to provide private inter-facility transfer of indigent or Medicaid patients to or from a state-designated and licensed rural hospital, as defined in Section 395.602, Florida Statutes, as it may be amended from time to time, where said rate has been negotiated by the hospital and a private certificate holder.

(b) Ambulance rates charged by county. Notwithstanding the foregoing, all ambulance rates charged by the county's EMS service shall be set by county.

Sec. 2-3-55. - Rights and duties granted by certification. All certificate holders operating within the county shall comply with the following operating standards as applicable to the issued certificate:

(a) Operate in conformance with this article, all federal and state laws, as well, as applicable administrative codes;

- (b) No certificate issued pursuant to this article shall be assignable or transferable, except upon approval by the Board in the same manner and subject to the same application process, applicable fee(s) and public hearing(s) for an original application for a certificate. For non-governmental entities, any majority transfer of shares of stock or interest of any person or operator that causes a change in the directors, officers, majority shareholders or managers of such person or operator shall be deemed a transfer or assignment as contemplated in this article;
- (c) Obtain and maintain a valid license with the Florida Department of Health for the classification of certificate issued by the county;
- (d) Maintain all operational and financial records as required by applicable federal, state, and county regulations. These records must be made available to the Public Safety Director upon request for inspection and compliance review.
- (e) The certificate holder shall ensure full compliance with the Health Insurance Portability and Accountability Act (HIPAA) and the Florida Information Protection Act (FIPA), as amended.
- (f) Maintain a central place of business in the county where all records related to the certificate holder's operations within the county shall be available for inspection or audit by the county during normal business office hours;
- (g) Provide the Public Safety Director with a current list of telephone numbers and addresses of responsible management personnel to be contacted in the event of emergencies;
- (h) Provide continuous, prompt and uninterrupted services to the extent authorized by the certificate(s);
- (i) Each permitted ambulance or air ambulance shall respond to all calls for service when requested, as indicated by the Medical Priority Dispatching Software;
- (j) A certificate holder shall not self-dispatch to medical calls;
- (k) When present, Charlotte County Fire & Emergency Medical Services (CCFEMS) shall maintain medical authority on all medical and trauma scenes;
- (l) Providers of transport services shall load and transport patients without being subject to unreasonable delays and without regard to a patient's financial ability to pay;

- (m) Maintain a twenty-four-hour public access telephone number for receiving calls for service;
- (n) The transportation of more than one patient in one ambulance shall be prohibited, with the exception of transportation terms pursuant to a contract between a certificate holder and the county;
- (o) Certificate holders shall have direct two-way communications with a dispatcher at all times. Radio communications capability shall remain compliant for the duration of the certificate.
- (p) Electronically record all radio and telephonic service-related conversations received through the communications center requesting ambulance service. Said recordings shall be maintained for a minimum of sixty (60) days. Copies of specific recordings shall be maintained for longer periods if requested by the Public Safety Director;
- (q) Inform complainants of their right to redress unresolved grievances by providing the name, mailing address, and telephone number of the Public Safety Director;
- (r) The certificate holder shall conduct a criminal background check upon hiring all drivers, emergency medical technicians, and paramedics and require that such persons notify the certificate holder of any criminal offense during their employment. All employees of the certificate holder shall meet the requirements set forth in Chapter 401, Florida Statutes, and Chapter 64J, Florida Administrative Code;
- (s) Comply with the conditions of the vehicle operating permit;
- (t) Each certificate holder shall submit and provide the following information to the Public Safety Director upon amendment or update to the following:
- (1) A complete version of the certificate holder's Medical and Trauma Transport Protocols.
  - (2) Documentation of academic credentials, the most current medical director contract, medical director's current Florida license, and a Drug Enforcement Agency certification.
- (t) In addition, providers of ALS non-transport services shall also:
- (1) Utilize the county's EMS medical director;
  - (2) Participate in EMS system quality assurance activities as directed by the county EMS medical director;

- 843  
844 (3) Comply with the county EMS medical director's credentialing  
845 standards for EMTs and paramedics;  
846  
847 (4) Abide by Medical and Trauma Transport Protocols and standard  
848 operating medical procedures approved by the county EMS medical  
849 director;  
850  
851 (5) Utilize major medical equipment as approved by the county EMS  
852 Medical Director and Medical Protocols, to include cardiac  
853 monitors/defibrillators, medications, and cervical collars;  
854  
855 (6) Relinquish patient care to Charlotte County Fire/EMS, a county  
856 contracted provider, or a county certified transport provider upon their  
857 arrival to the scene, unless otherwise directed by the charge paramedic  
858 or higher Charlotte County Fire/EMS medical authority;  
859  
860 (7) Not submit a bill for service to a patient or the County for the cost of  
861 performing ALS non-transport services; and  
862  
863 (8) Not use ambulances or other patient transport-capable vehicles  
864 when providing ALS non-transport services. Permitted vehicles shall  
865 consist of fire engines or fire suppression apparatus that are  
866 ordinarily used in the business of fire extinguishment or fire  
867 prevention services for the protection of life and property.  
868

869 Sec. 2-3-56. - Conditions of vehicle operating permit for ambulances and air  
870 ambulances.  
871

- 872 (a) All ambulances must remain compliant with Chapter 64J, Florida  
873 Administrative Code, as it may be amended from time to time.  
874  
875 (b) Certificate holders, at the discretion of the Public Safety Director, shall have  
876 each ambulance annually inspected by the county for compliance with  
877 safety and sanitation requirements pursuant to Florida Statutes. A provider  
878 of air ambulance services shall comply with the inspection requirements of  
879 the state. Within thirty (30) days of a state inspection, air ambulance  
880 certificate holders shall provide a copy of the most recent state inspection  
881 report form and any other inspection-related documentation to the county.  
882  
883 (c) Permitted ambulances are subject to random inspections by the Public  
884 Safety Director or designee. Ambulances and air ambulances shall be  
885 inspected for compliance in accordance with the applicable provisions of  
886 the Florida Administrative Code.  
887  
888 (d) A certificate holder's ambulances and air ambulances must meet the  
889 following criteria/standards:

- 890  
891 (1) All ambulances used in the transportation of patients must be equipped with  
892 all the items required by the Florida Department of Health, Division of  
893 Emergency Medical Services.  
894 (2) Any ambulance used by the certificate holder for transporting patients  
895 shall conform to all standards as approved and defined by the county  
896 EMS medical director, and all rules and regulations promulgated and  
897 set forth in any state and local statute or ordinance; and  
898 (3) Each ambulance must permanently display the name of or other  
899 suitable corporate identification number.  
900  
901 (e) A certificate holder shall not operate more than the specified number of  
902 authorized ambulances and air ambulances.  
903

904 Sec. 2-3-57. - State of emergency or disaster.  
905

- 906 (a) Where a state of emergency has been declared, the county administrator  
907 is authorized to suspend any of the provisions of this article.  
908  
909 (b) Each certificate holder shall make available ambulance resources to the  
910 county during periods of abnormal ALS call activity or periods of peak call  
911 volume when county resources are depleted.  
912

913 Sec. 2-3-58. - Violations, enforcement, and penalties.  
914

- 915 (a) It shall be unlawful for any governmental or non-governmental entity to  
916 violate any provision of this article or certificate issued hereunder, or to  
917 provide or hold itself out as providing ambulance services within the county  
918 without a current certificate of public necessity.  
919  
920 (b) Grounds for probation, suspension or revocation. Any certificate issued under  
921 this article may be subject to probation, suspension or revocation if the  
922 following occurs:  
923  
924 (1) The certificate holder has failed to render services as required by the  
925 certificate, this article, Chapters 316, 322, 395, 401, Florida Statutes,  
926 as they may be amended from time to time, or Chapter 64J, Florida  
927 Administrative Code, as it may be amended from time to time;  
928  
929 (2) The certificate holder has failed to comply with the requirements of state  
930 law regarding the standards for ambulances, air ambulances, vehicles,  
931 equipment, and personnel as provided for in Chapters 316, 322, 395,  
932 401, Florida Statutes, as they may be amended from time to time, or  
933 Chapter 64J, Florida Administrative Code, as it may be amended from  
934 time to time;  
935

- (3) The certificate holder has been found guilty of or entered a plea to a felony charge;
- (4) The certificate was obtained by an application in which any material fact was omitted or stated falsely;
- (5) The certificate holder has demanded money or compensation other than that established in accordance with this article or established by separate resolution;
- (6) The certificate holder has failed to load and promptly transport patients with a medical emergency regardless of ability to pay; or
- (7) The certificate holder or any of its employees has induced or sought to induce a change of destination to or from a hospital or another facility other than the destination specified by the patient unless specifically warranted by protocol or the patient's medical condition.
- (c) Probation. The Public Safety Director has the authority to place a certificate holder on probation if he or she has reasonable cause to believe that a violation of any of the conditions listed in subsection 2-3-58(b) has occurred. The certificate holder shall be served a copy of the probation notice by certified mail with the violation(s), the probation period, and corrective action, if any, specified in the notice.
- (1) The probation period shall not exceed one hundred and twenty (120) days.
- (2) If the certificate holder corrects all or some of the violation(s) identified in the notice of probation prior to the expiration of the probationary period and notifies the Public Safety Director of such corrective action, the Public Safety Director may terminate the probation at any time or proceed with other enforcement action as provided in this section.
- (3) If the certificate holder fails to correct the violation(s) identified in the notice of probation prior to the expiration of the probationary period or fails to notify the Public Safety Director of such corrective action, the Public Safety Director may proceed with the applicable enforcement actions provided in this section.
- (4) If the certificate holder fails to correct the violation(s) identified in the notice of probation prior to the expiration of the probationary period or fails to notify the Public Safety Director of such corrective action, the Public Safety Director may proceed with the applicable enforcement actions provided in this section.
- (d) Suspension. For a substantial violation or a repeat violation, the Public Safety

Director has the authority to immediately suspend a certificate if he or she has reasonable cause to believe that a violation of any of the conditions listed in subsection 2-3-58(b) has occurred.

(1) The certificate holder shall be served a copy of the suspension notice with the violation(s), the period of the suspension, and corrective action, if any, specified by certified mail at least ten (10) days before the effective suspension period.

(2) If the certificate holder corrects the violation(s) identified in the notice of suspension prior to the expiration of the time period provided therein and notifies the Public Safety Director of such corrective action, the Public Safety Director may reinstate the certificate.

(3) If the certificate holder fails to correct the violation(s) identified in the notice of suspension within the time period provided therein or fails to notify the Public Safety Director of such corrective action, the Public Safety Director may extend the period of suspension and proceed with the applicable enforcement actions provided in this section.

(e) Revocation. For repeat violations of subsection 2-3-58(b) or for a certificate holder that fails to correct the violations identified in the probation or suspension notice in the time frame specified therein, a certificate may be subject to revocation or amendment. If the Public Safety Director determines that revocation or amendment of any certificate is warranted, notice shall be sent to the certificate holder by certified mail of such findings and of the date of the public hearing on the matter, not less than ten (10) days prior to the hearing. The Board of County Commissioners shall thereupon consider the issues identified in the notice and either revoke, suspend or amend the certificate or dismiss the complaint. The Board shall provide notice of revocation or alteration to the violator by certified mail, at least ten (10) days before the violator must comply with the Board's decision.

(f) Additional enforcement remedies. In addition to probation, suspension or revocation of a certificate, this article may be enforced as provided by Section 125.69, Florida Statutes, as it may be amended from time to time, or by an action in equity, including injunctive or declaratory relief, in a court of competent jurisdiction, in order to prevent or abate violations of this article.

#### Sec. 2-3-59. Appeal.

(a) All decisions rendered by the Public Safety Director shall be appealable by requesting a hearing before a special magistrate.

(1) The hearing shall be requested within fifteen (15) days of the date of the decision to be challenged.

(2) A hearing date shall not be postponed or continued unless a request for continuance is received in writing by the hearing officer at least ten (10) calendar days prior to the date set for the hearing. No additional continuances shall be granted without concurrence of the Public Safety Director.

(3) The fact-finding determination of the special magistrate shall be limited to whether the alleged violation occurred or whether competent, substantial evidence supports the Public Safety Director's decision. Based upon this fact-finding determination, the special magistrate shall either affirm or reverse the decision of the Public Safety Director. If the special magistrate affirms the decision of the Public Safety Director, the named party shall have fifteen (15) days from the date of the decision of the special magistrate to comply with the decision of the Public Safety Director unless some other period is agreed to by the county.

(b) All decisions rendered by the Board or a special magistrate shall be appealable as permitted by Florida Rules of Appellate Procedure or Section 162.11, Florida Statutes, as they may be amended from time to time.

Section 4. The publisher of this County's Code is directed to incorporate the amendments in Chapter 2-3 of the Code.

Section 5. If any clause, phrase, provision, section or sentence of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 6. This Ordinance shall take effect pursuant to law.

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PASSED AND DULY ADOPTED this 27 day of May, 2025.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: \_\_\_\_\_  
Joseph M. Tiseo, Chairman

ATTEST:  
Roger D. Eaton, Clerk of the Circuit  
Court and Ex-Officio Clerk of the  
Board of County Commissioners

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton  
Janette S. Knowlton, County Attorney  
LR23-1086 257