

CHAPTER 4 OF THE CODE OF MIAMI-DADE COUNTY

AMBULANCES AND MEDICAL TRANSPORTATION VEHICLES

ARTICLE I. IN GENERAL

Sec. 4-1. Legislative intent.

It is the intent of the Commission to promote the health, safety and welfare of the County, its citizens, residents and visitors, by providing for the reasonable uniform regulation of ambulance services thereby promoting the development and maintenance of a safe, healthy, efficient and service-oriented ambulance service for Miami-Dade County. In addition, it is the intent that only governmental fire rescue entities shall be authorized to perform as the first responder within the territorial limits or airspace of Miami-Dade County, except as provided otherwise in a countywide emergency and non-emergency ambulance service and non-emergency medical transportation vehicle service contract between one or more private ambulance providers and Miami-Dade County, or in a contract in existence as of January 1, 2000 between a municipality and an ambulance service. It is also the intent that private ambulance providers shall be only authorized to perform interfacility transfers within the territorial limits or airspace of Miami-Dade County, except as provided otherwise in this section..

Sec. 4-2. Definitions.

For the purposes of this article, the following definitions shall apply:

- (a) “Active” ambulance vehicle means any private or publicly owned land or water vehicle that is designated as such by the certificate holder and authorized by the County as a permanent in-service vehicle.
- (b) “Advanced Life Support” means treatment of life-threatening medical emergencies through the use of techniques such as endotracheal intubation, the administration of drugs or intravenous fluids, telemetry, cardiac monitoring, and cardiac defibrillation by a qualified person, or such other techniques as may be authorized by federal, state or local laws or regulations, as same may be amended from time to time where applicable.
- (c) “Air ambulance” means 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 as may be authorized by federal, state or local laws or regulations, as same may be amended from time to time where applicable.
- (d) “Ambulance” or “emergency medical services vehicle” means any privately or publicly owned land or water vehicle that is designed, constructed, reconstructed,

maintained, equipped, or operated for, and is used for, or intended to be used for, land or water transportation of sick or injured persons requiring or likely to require medical attention during transport as may be authorized by federal, state or local laws or regulations, as same may be amended from time to time where applicable.

- (e) “Ambulance service” means any service whereby a private, public or governmental entity offers to provide or provides, for compensation or as a courtesy, basic life support or advanced life support to sick or injured persons being transported from one location to another upon the streets of Miami-Dade County or in the airspace above Miami-Dade County.
- (f) “Application” means the form prepared by the County submitted complete with all required documentation and the appropriate fee.
- (g) “Article” means Article I of the Code of Miami-Dade County, Florida, and any rules, regulations and standards promulgated pursuant to this article.
- (h) “Basic life support” means treatment of medical emergencies by a qualified person through the use of techniques such as patient assessment, cardiopulmonary resuscitation (CPR), splinting, obstetrical assistance, bandaging, administration of oxygen, application of medical antishock trousers, administration of a subcutaneous injection using a premeasured auto injector of epinephrine to a person suffering an anaphylactic reaction, other techniques described in the Emergency Medical Technician Basic Training Course Curriculum of the United States Department of Transportation and such other techniques as may be authorized by federal, state or local laws or regulations, as same may be amended from time to time where applicable.
- (i) “Certificate” means a certificate of public convenience and necessity issued in accordance with the provisions of this article.
- (j) “Certificate holder” or “holder” means any person or entity who has been issued a certificate of public convenience and necessity in accordance with the provisions of this article.
- (k) “Commission” means the Miami-Dade County Board of County Commissioners.
- (l) “County” means Miami-Dade County, Florida.
- (m) “County Manager” or “manager” means the County Manager or his or her designee. The County Manager may designate one or more persons or county departments to administer the various provisions of this article.
- (n) “First responder” means any of the governmental entity fire rescue certificate holders who render all initial on-scene advanced life support or basic life support medical care to ill or injured persons including the appropriate transportation of such

persons within the territorial limits or airspace of Miami-Dade County, except as provided otherwise in a countywide emergency and non-emergency ambulance service and non-emergency medical transportation vehicle service contract between one or more private ambulance providers and Miami-Dade County, or in a contract in existence as of January 1, 2000 between a municipality and an ambulance service.

- (o) “Intra-county” means receiving and delivering patients all within Miami-Dade County.
- (p) “Person” means any natural person(s), firm, partnership, association, corporation, government or other business entity.
- (q) “Public interest” means a determination based on the following criteria: that benefits of the ambulance services will accrue to the community, and meet the needs of the public who utilizes ambulance services, consistent with the legislative intent contained in this article.
- (r) “Reserve” or “spare” ambulance vehicle means any privately or publicly owned land or water vehicle that is designated as such by the certificate holder and authorized by the County as a temporary replacement for an active vehicle which is taken out of service due to repairs or routine maintenance.
- (s) “Response time” means the interval of time between the moment the certificate holder’s dispatch center receives a call requesting a response to the moment the certificate holder’s ambulance vehicle arrives at the requested location of the pickup. Response time for scheduled or prearranged transports shall mean the interval of time between such scheduled or prearranged pickup time and the moment the certificate holder’s ambulance vehicle arrives at the requested location of the pickup. Types of requests for responses include the following:
 - (i) Will Call – Requests for transports as soon as possible. Response time is calculated from the time of the request to the time of arrival at the requested location of the pickup.
 - (ii) Scheduled - Transport requests made 24 hours or more in advance of the pickup time. Response time is calculated from the scheduled pickup time to the time of arrival at the requested location of the pickup.
 - (iii) Prearranged – Transport requests made less than 24 hours in advance of the pickup time and, if necessary, the established pickup time may be negotiated between the customer and the provider. Response time is calculated from the established pickup time to the time of arrival at the requested location of the pickup.

Sec. 4-3. Certificates of public convenience and necessity.

- (a) It shall be unlawful for any person, firm, corporation or other business or governmental entity to provide or advertise that it provides ambulance service anywhere upon the streets of Miami-Dade County or in the airspace above Miami-Dade County, without first obtaining a certificate of public convenience and necessity issued in accordance with this article.
- (b) Providers of ambulance service based outside Miami Dade County shall be exempt from the provisions of this section, except that any person or entity providing intra-county ambulance service within Miami-Dade County shall comply with this article.
- (c) The following are exempt from the provisions of this article:
 - (1) Air ambulance providing only inter-county or inter-state transfers.
 - (2) Any ambulance owned and operated by the Federal Government.
 - (3) A vehicle operated under the direct supervision of a licensed physician and used to transport patients entirely within the privately owned and controlled area of Turkey Point Nuclear Power Plant pursuant to an emergency management plan approved by the Nuclear Regulatory Commission.
 - (4) Any hospital or other type of medical facility utilizing its own ground vehicles at no fee for service under the direct supervision of a licensed physician in transporting persons to or from the hospital-operated helipad, or in transporting non-discharged patients for diagnostic or treatment services from one of the facility's corporate-owned buildings to another of the facility's corporate-owned buildings within its own medical campus. At no time shall such a one-way transport exceed one (1) mile in distance. Such service and vehicles shall comply with all requirements of Chapter 401, Florida Statutes.

Sec. 4-4. Initial applications for certificates and applications to increase vehicles

- (a) Every application for a certificate shall be in writing, signed and sworn to by the applicant, and shall be filed with the County Manager. If the applicant is a corporation, the form shall be signed and sworn to by the president or vice president. The corporate secretary shall attest such signature and affix the corporate seal. If the applicant is a partnership, the form shall be signed and sworn to by a general partner. The provisions of this section shall, unless provided otherwise, also apply to governmental entities applying for a certificate. The application shall be on a form provided by the county and shall contain the following:

- (1) Sufficient information to identify the applicant including, but not limited to, full legal name, date of birth, telephone and address of all officers, resident agents, directors, stockholders and partners. Post office box addresses will not be accepted. If the applicant is a governmental entity, the name and address of the mayor and city manager and/or operating department director shall be provided.
- (2) The number of active and reserve units that are proposed to be fully equipped and operational each day. The number of proposed ground units shall include a minimum of five (5) active units available to meet the demand for services, provided that this requirement shall not apply to governmental entities.
- (3) The year, model, type, condition, passenger capacity and mileage of every vehicle or aircraft proposed to be used by the applicant.
- (4) A trade name under which the applicant intends to operate and a description of the proposed vehicle or aircraft colors or markings.
- (5) The applicant's management plan including, but not limited to, provisions for maintenance, systems for handling complaints and accidents, communication systems, and quality assurance programs.
- (6) A statement and agreement by private applicants to abide by a self-imposed schedule of benchmark response times for all types of scheduled and unscheduled transports for the next three (3) years. These intervals of time shall be reasonably responsive to the expectations of the various types of customers as determined by the most recent market analysis conducted by the county. The County Manager may by administrative order establish reasonable response times. Existing certificate holders shall within ninety (90) days from the date of adoption of this ordinance provide the Manager with a self-imposed schedule of benchmark response times for all types of scheduled and unscheduled transports. Each applicant and existing certificate holder shall abide by the schedule of benchmark response times required herein.
- (7) A record of all the private applicant's present and prior ambulance service activities during the preceding five (5) years. A minimum of five (5) years ambulance experience by the majority owner or general manager shall be required.
- (8) A record of all crimes, excluding traffic, to which the applicant has pled nolo contendere, pled guilty, or of which the applicant has been found guilty or convicted, whether or not adjudication has been withheld, within five (5) years preceding the date of the application.

The applicant shall have his or her fingerprints and photograph taken by the Miami-Dade Police Department. This information shall be obtained from all corporate officers, directors and partners. In the case of a governmental entity, the above information shall be obtained from the operating department director. In the case of corporations, the above information shall be obtained from stockholders who own, hold or control five (5) percent or more of the corporation's issued and outstanding stock.

- (9) Two (2) credit references, including at least one bank where the private applicant maintains an active account and a current report of the applicant's credit worthiness mailed to the county directly from Dunn & Bradstreet or similar credit bureau.
- (10) An agreement on the part of the applicant to conform to and abide by the provisions of this article, Miami-Dade County ordinances and the laws of the State of Florida including Chapter 401, Florida Statutes and the Florida Administrative Code, Chapter 64E-2.
- (11) Audited financial statements or signed federal tax returns for the previous three (3) years, pro forma statements for the first three (3) years of operation, and such other financial information which is available and satisfactory to the manager. For newly formed corporations, personal audited financial statements or signed federal tax returns for the previous three (3) years from the principal(s), as defined by the County Manager, in addition to the pro forma statements. For new operations, such financial documentation shall include evidence of adequate liquid assets to sustain the operation of the units applied for during an eighteen (18) month startup period. The provisions of this Section shall not apply to governmental entities.
- (12) The location and description of the place from which the service will operate and all sub-stations.
- (13) Evidence of insurance coverage for claims arising out of injury, death of a person or damage to property of others resulting from any cause for which the certificate holder would be liable, as required by this article.
- (14) Evidence concerning the private applicant's adherence to rules and regulations:
 - (i) Identification of all licenses and franchises held during the preceding ten (10) years;

- (ii) Disclosure of whether the applicant or the principals of the applicant have ever been investigated by any government agency and disclosure of the nature of the investigation; and
 - (iii) Disclosure of whether the applicant or the principals of the applicant have ever had a license or franchise suspended or revoked.
- (15) A sworn statement signed by the applicant that all the information provided in and attached to the application is true and correct.
 - (b) Application fees. Each application shall be accompanied by an investigative and processing fee, which shall be non-refundable, as specified by administrative order.
 - (c) County Manager's investigation. The County Manager shall review and investigate each application and accompanying required documents and reject any application that is not filed in accordance with rules promulgated by the Manager or that is incomplete or untrue in whole or in part. Such investigation shall include a background check including, but not limited to, past business credit or financial standing and law enforcement records. Upon the proper filing of an application, a notice of each application shall be transmitted to each municipality and certificate holder. The County Manager may require any further investigation, inspection or additional information as he or she deems necessary. Application rejection by the Manager may be appealed in accordance with Section 4-11(c) of the Code.
 - (d) Certificates for ambulance service. The commission shall schedule public hearings whenever a certificate application is received from a governmental entity. The Commission may consider and act upon private applications for certificates of public convenience and necessity where the Commission by a two-thirds (2/3) vote of the entire membership finds that the public convenience and necessity require the issuance of additional certificates. The County Manager shall provide advance notice, by certified mail, at least ten (10) days before a scheduled public hearing before the Board, to all applicants, certificate holders and municipalities. After public hearing the Commission may issue a certificate with such modifications or upon such terms and conditions as the public convenience and necessity may require. In reaching its determination, the commission shall consider the application,

the County Manager's report and recommendation, all matters presented at the public hearing and the following criteria:

- (1) The financial ability of the private applicant to provide the proposed services based on, at a minimum, the following criteria:
 - (a) Audited financial statements or federal tax returns or, for newly formed corporations, personal audited financial statements from the principal(s), as defined by the County Manager;
 - (b) Pro forma statements;
 - (c) Credit and bank references, and a current official credit report;
 - (d) Disclosure of any and all pending liabilities and
 - (e) Evidence of adequate liquid assets to sustain a new operation during an eighteen (18) month start-up period.
- (2) The adequacy of the management plan of the applicant.
- (3) Any recommendations received from municipalities.
- (4) The benefits that will accrue to the public interest from the proposed service.
- (5) The community's need for the proposed private service. The applicant shall bear the burden of proving there is such a need by providing verifiable documents and evidence. In addition, the county shall conduct the following analysis:
 - (a) Response time analysis of existing private providers for the previous three (3) years as compared with the benchmark response times as stated in each provider's most recent certificate application.

- (b) Quality of existing service as determined by the results of the comprehensive market survey conducted during the year preceding the term for certificate renewal and acceptance of new applications.
- (6) Except as provided herein, no additional private certificates for new ambulance service may be authorized unless the commission by a two thirds (2/3) vote of the entire membership finds that the public convenience and necessity require the issuance of additional certificates. Applications on file as of June 1, 2000 shall be submitted to the Board upon a determination that the applications are complete. Each private certificate issued pursuant to an application and the provisions of this Section shall, if approved, initially authorize the use of up to a maximum of ten (10) active vehicles, and a number of reserve units as provided in Section 4-8(1). Existing certificate holders whose applications to increase the number of authorized vehicles were on file as of June 1, 2000 shall be eligible for the issuance of an amended certificate as provided in this Section. The amended certificate may authorize up to a maximum of ten (10) additional active vehicles, and a number of reserve units as provided in Section 4-8 (1). Applications on file as of June 1, 2000 to provide new air ambulance service shall be submitted to the Board upon a determination that the applications are complete. The approval of applications on file prior to June 1, 2000 shall require a majority vote of members present. Applicants who have filed applications as of June 1, 2000 shall be required to supplement their applications with the information required in Section 4-4 (a). No additional private certificates for new ambulance service shall be considered by the Commission until after the Commission acts upon application(s) for the issuance of one (1) small business enterprise ambulance certificate as provided for in Section 4-4(d)(8). In the event no small business enterprise ambulance certificate is applied for within the required time period, the Commission may consider applications on file as of June 1, 2000 in accordance with the provisions of this Section as soon as practicable.

(7) Except as provided in Section 4-5, certificates shall be issued for a term of three (3) years. The certificate issued hereunder shall specify the number of active and reserve vehicles that may be permitted pursuant to Section 4-8(d).

(8) Small business enterprise ambulance certificate program. Notwithstanding any provision to the contrary, one (1) additional certificate of public convenience and necessity for up to ten (10) active vehicles, and a number of reserve units as provided in Section 4-8 (l) may by majority vote be authorized by the Commission in accordance with the following procedures. Applications for the small business enterprise certificate shall be filed no later than thirty (30) days from the date of enactment of this ordinance. No later than one hundred twenty (120) days after the effective date of this ordinance the Commission shall schedule a public hearing and consider applications for the issuance of a small business enterprise ambulance certificate as provided herein. In reaching its determination, the Commission shall consider the County Manager's report and recommendation, each application, all matters presented at the public hearing and the criteria stated in Section 4-4(d). The County Manager's report and recommendation shall, among other things, recommend which one of the applicants should be issued a small business enterprise ambulance certificate of public convenience and necessity. An applicant shall be eligible for a small business enterprise ambulance certificate if he/she/it:

a) Qualifies as a small business. As used herein, a small business shall mean an enterprise which has an actual place of business in Miami-Dade County and whose average annual gross revenue for the last three (3) years did not exceed three and a half million dollars (\$3,500,000) and/or is a medically-related enterprise which has an actual place of business in Miami-Dade County and has less than twenty (20) employees. A firm's eligibility to apply as a small business shall be based on the cumulative gross revenues and/or cumulative number of employees of the

applicant firm in combination with that of all of the firm's affiliates. Representations as to gross revenues and number of employees shall be subject to audit by the County; and

- b) Agrees to locate the entity providing ambulance service in an economically disadvantaged area designated as a state or federal enterprise zone within one (1) year of the issuance of a small business enterprise ambulance certificate of public convenience and necessity; and
- c) Satisfies the additional requirements provided for in this section.

An applicant shall not be eligible for a small business enterprise ambulance certificate if any employee, principal, shareholder or director of the applicant, is, or was during the one (1) year period prior to the adoption of this ordinance, a principal, shareholder or director of any entity that is authorized by any governmental entity to operate ten (10) or more ambulance units. A small business enterprise ambulance certificate issued pursuant to this Section shall not be assigned, sold or transferred during the five-year period following the issuance of said certificate.

- (e) Requirements for issuance of new certificate. After commission approval, the manager shall thereafter issue a certificate provided that the applicant has complied with the requirements of this article and presents proof of approval by the appropriate state agency or agencies, including a list of all drivers, emergency medical technicians, and paramedics and a list of all permitted vehicles. No certificate shall be issued unless the applicant has presented proof of insurance, as required by this article, and paid a certificate issuance fee, as specified by Section 4-5, and passed the required inspections as provided in Florida Statutes, Chapter 401, including an annual County inspection of private vehicles and paid a County annual private permit fee for each active and reserve vehicle to be operated. If the applicant fails to comply with the requirements of this subsection within one hundred twenty (120) days after notification of commission approval, such approval shall be automatically revoked and no certificate

shall be issued, provided that the County Manager may extend such period if good cause be shown, provided the total time period shall not exceed one hundred eighty (180) days. Notwithstanding the foregoing, a certificate holder may elect to phase in the operation of the total number of authorized vehicles approved by the Board. At no time shall a certificate holder operate less than five (5) active units. If a certificate holder elects to phase into operation the number of units approved by the Board, the certificate holder is required to have vehicle permits issued by the County on all of the Board-approved active and reserve units, on or before two (2) years following the date of approval of the certificate. Failure to comply with this provision shall cause the certificate to be amended and reissued reflecting the actual number of operational units on such date.

- (f) Certificate forms. Each certificate shall contain, at a minimum: the name and address of the applicant; the maximum number of active ambulances authorized to operate, the maximum number of reserve vehicles permitted to serve as temporary replacement units for active vehicles, the date on which the private certificate expires and such additional terms, conditions, provisions and limitations as were authorized in the approval process.
- (g) Assignment, sale or transfer of certificate. No certificate issued under this article shall be sold, assigned or transferred or the ownership structure of the certificate holder changed or altered so as to result in a change or the possibility of a change in the control of said certificate to another until such transaction or change in control has been approved by the commission in the same manner and subject to the same application, investigation, fees and public hearing as original applications for certificates. Any transfer of shares of stock or interest of any person or certificate holder so as to cause a change in the directors, officers, or managers of such person or certificate holder shall be deemed a transfer or assignment as contemplated in this section and subject to the same rules and regulations as any other transfer or assignment. Upon approval by the Board of a transaction, a new certificate shall be issued. At such time, the original certificate shall become invalid. The provisions of this section shall not apply to transfers from one governmental entity to another governmental entity.

- (h) Applications to increase vehicles. Following a minimum of six (6) months in operation, a private certificate holder may submit an application to request an increase in the number of authorized active ground vehicles. No increase shall be authorized unless the certificate holder submits verifiable documentation which demonstrates that the certificate holder's trips-to-car ratio is equivalent to or exceeds five (5) trips per active vehicle, per average weekday for the sixty (60) consecutive weekdays (Monday through Friday) preceding the date of application. The 5:1 trips-to-car ratio shall be calculated as follows: total number of trips where a patient is transported for the sixty (60) weekdays, divided by sixty (60) weekdays, divided by the number of authorized active vehicles. The County Manager shall only authorize the number of additional active vehicles necessary to lower the applicant's average weekday trips per active vehicle ratio below the 5:1 threshold. All increases in the number of active vehicles shall be reported to the Commission on a semiannual basis. The applicant may also request a proportionate increase in reserve units in accordance with the provisions of Section 4-8 (l). Governmental entities shall be excluded from the provisions of this subsection.
- (i) The County Manager shall submit a report to the Board three years after the adoption of the ordinance evaluating whether there is a need to issue additional certificates of public convenience and necessity.

Sec. 4-5. Administrative renewal of certificates.

All private ambulance certificates shall be administratively renewed at the expiration of every three-year cycle as provided herein. The first three-year cycle shall end no later than December 31st of the third calendar year following the date of enactment of this ordinance. Subsequent three-year cycles shall end three-years after the expiration of the prior cycle. The provisions of this subsection shall not apply to governmental entities. A private ambulance certificate issued during the third year of any renewal cycle shall be renewed in the following renewal cycle. Notice of certificate renewal to each private certificate holder shall be given by the County Manager no earlier than one hundred fifty (150) days and no later than one hundred twenty (120) days prior to certificate expiration. Certificate holders shall submit a renewal application to the County Manager on a form provided by the County no earlier than one hundred twenty (120) days and no later than ninety (90) days prior to the certificate expiration date. The Manager shall deny any renewal application that is not timely, is not properly filed, is incomplete, is untrue in whole or in part, or results in a determination by the Manager that the applicant has failed to satisfy the requirements of Sections 4-4(a)(6), 4-8 and 4-10 of this article. Each application shall be accompanied by an investigative and processing fee, which shall be nonrefundable, as specified by

administrative order, and shall not relieve the operator from the necessity of obtaining a state, county or municipal occupational license as prescribed by law. Appeals from the denial of a renewal application shall be in accordance with Section 4-11(c).

Sec. 4-6. Insurance requirements.

Each 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 operator's vehicles or aircraft. Every insurance policy shall provide for the payment of and satisfaction of any financial judgment entered against the operator or any person operating an ambulance or air ambulance on behalf of the operator.

The operator shall furnish to Miami-Dade County Certificate(s) of Insurance, or at the request of the county, full certified copies of required insurance policies, which indicate that insurance coverage has been obtained which meets the requirements set forth in this section. An operating certificate will not be issued until such requirements are met.

(a) Private Operators - Ambulances and Air Ambulances.

- (1) Each vehicle or aircraft 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.

(b) Governmental operators.

- (1) Each entity of local government holding a certificate shall be insured for the limits specified in Florida Statutes, Section 768.28 or such successor statute as may be amended from time to time. An entity of local government may comply with this requirement by providing a self-insurance plan acceptable to the State of Florida and County Manager.

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

All insurance policies required in this section shall be issued by companies authorized to do business under the laws of the State of Florida, with the following qualifications:

The company must be rated no less than "B" as to management, and no less than Class "V" as to financial strength, by the latest edition of Best's

Insurance Guide, published by A. M. Best Company, Oldwick, New Jersey, or its equivalent subject to the approval of the County Manager.

Sec. 4-7. Rates.

- (a) Rates to be charged. It shall be unlawful for any certificate holder to charge, demand, request, or accept any fare other than the rates established pursuant to this ordinance except as may be provided by: (1) Federal law; (2) a countywide emergency and non-emergency ambulance service and non-emergency medical transportation vehicle service contract between one or more private ambulance providers and Miami-Dade County; or, (3) by resolution adopted by the Board approving 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 specified in Section 395.602(2)(e)4, Florida Statutes, where said rate has been negotiated by the hospital and a private certificate holder. Rates established by this chapter shall be applicable throughout Miami-Dade County, both in the incorporated and unincorporated areas, without regard to any municipal boundaries. Every ambulance shall have posted in a conspicuous place, readily visible to the occupants, a schedule showing all authorized rates.
- (b) Ambulance and air ambulance rates. All ambulance and air ambulance rates shall be established by the commission after public hearing. The manager shall investigate all requests for rate changes and prepare a report for the commission's consideration.
- (c) Private ground ambulance rates. All private ground ambulance rates shall be uniform among all certificate holders, except as provided in Section 4-7(a).

Sec. 4-8. Operating regulations.

- (a) Each certificate holder shall:
 - (1) Maintain a central place of business in Miami Dade County, where all records shall be available for inspection or audit by the County during normal business office hours. When requested by the County, a private certificate holder shall provide periodic financial and/or operating data including, but not be limited to, electronically transmitted monthly trip and response time transport data and quarterly financial statements as well as annual financial statements or signed tax returns as required by the County. These records shall be maintained a minimum of two (2) years beyond the end of a certificate holder's fiscal year. If requested by the County, particular records shall be maintained for up to three (3) years beyond the end of a certificate holder's fiscal year.
 - (2) Maintain a telephone number for receiving calls for service, which telephone shall have twenty-four (24) hour access for the public.

- (3) Provide the county manager with a current list of telephone numbers and addresses of responsible management personnel to be contacted in the event of emergencies.
 - (4) Provide service twenty-four (24) hours each and every day.
 - (5) Promptly answer every telephone call for service.
 - (6) Load and transport patients with a medical emergency regardless of ability to pay.
 - (7) Provide each unit with direct two-way communications with a central dispatcher at all times.
 - (8) Tape record all radio and telephonic service related conversations received through the communications center requesting ambulance service. Said tapes shall be maintained for at least sixty (60) days. Copies of specific tapes shall be maintained for longer periods if requested by the County Manager.
 - (9) Inform complainants of their right to redress unresolved grievances by providing the name, mailing address and telephone number of the office designated by the County Manager to enforce provisions of this article and receive complaints.
 - (10) Notify the County in writing within 7 days of adding, deleting or replacing any active or reserve vehicles.
 - (11) Abide by the schedule of benchmark response times established by each certificate holder or the County Manager pursuant to an administrative order. In the event the County Manager establishes reasonable response times pursuant to an administrative order, each certificate holder shall comply with the response times established by the administrative order notwithstanding any self-imposed schedule of benchmark response times adopted by the certificate holder.
- (b) The certificate holder shall conduct a criminal background check upon hiring all drivers, emergency medical technicians and paramedics and require that such persons shall notify the certificate holder of any criminal offense as specified in subsection (b)(1). No driver, emergency medical technician or paramedic may be employed in an ambulance service in such capacity if:
- (1) The person has been convicted of a felony, the use of a deadly weapon, or trafficking and/or possession of narcotics and has not had his/her civil rights restored, or any misdemeanor involving moral turpitude, within the past three (3) years.

- (2) The person is a user of alcohol or drugs whose current use would constitute a direct threat to property or the safety of others.
- (c) The County Manager shall have the right to inspect the results of any criminal background review, and issue a notice of violation to the certificate holder if the background review reveals that, at the time of hiring a driver, emergency medical technician or paramedic is not in compliance with this section and has continued to be under their employ as such.
- (d) Vehicle operating permit. Before any ground or air ambulance is operated under the authority of the certificate, the certificate holder shall make separate application to the County Manager for a permit for each ground or air vehicle to be operated pursuant to said certificate. Each permit application shall be in writing, verified by the certificate holder and shall contain the name and address of the certificate holder, the certificate number and the make, type, year of manufacture, serial number, vehicle number and State license plate number of each active or reserve vehicle for which a permit is desired. Upon payment of an annual permit fee, as specified by administrative order, the County Manager shall issue to the applicant an annual permit; provided that any private ground vehicle so permitted has successfully passed a vehicle inspection as set forth in Section 4-8(e), is the type of vehicle authorized by such certificate, and is insured as required by Section 4-6. The County Manager shall only authorize an operating permit for a new ground or air vehicle that is being phased in as provided in Section 4-4(e) if the applicant presents sufficient evidence at the time of application, as determined by the County Manager, of adequate liquid assets to sustain the new operation for an eighteen (18) month start-up period. Subsequent to filing the initial permit application for each vehicle with the County, the certificate holder shall only complete an additional permit application when removing an existing vehicle from service and/or entering an additional or different vehicle into service. Before December 31st of each year, each certificate holder shall attest to the number of units in operation on a form provided by the County.
 - (1) Each permit issued hereunder shall be separately numbered and shall expire December 31st of each year, and may be renewed upon payment of the fee prescribed in subsection (d) of this Section. It shall be unlawful to operate any vehicle required to have an operating permit without such a current valid permit displayed within the vehicle. Such permit shall be available for inspection by any authorized personnel or police officer.
 - (2) Permits issued hereunder shall not be transferable or assignable.
- (e) Vehicle inspection for compliance. Certificate holders shall have each private ground vehicle annually inspected by the County for compliance with safety and sanitation requirements of Florida Statutes. Air ambulance units shall comply with the inspection requirements of the State of Florida. Within 30 days of a State inspection, air ambulance certificate holders shall provide a copy of the most recent

State inspection report form and any other inspection-related documentation to the County.

- (f) Use of lights and siren. Certificate holders are prohibited from operating a vehicle with lights and siren for responses to calls received as nonemergencies.
- (g) Hospital-based air ambulance transports. A hospital-based air ambulance shall only transport patients between medical facilities licensed in accordance with Florida Statutes and equipped with FAA approved and DOT licensed helipads within Miami-Dade County upon:
 - (1) Certification by the treating physician that ground transport would likely result in deterioration in the patient's condition; and
 - (2) Miami-Dade Air Rescue is unable to transport or declines to transport the patient.
- (h) The County Manager may establish supplemental rules and regulations not inconsistent with the requirements of this article.
- (i) Whenever in this article a fee is charged or is required to be paid, the amount of such fee shall be established by administrative order of the County Manager approved by the Commission. Such fees shall be deposited in a separate Miami-Dade County fund and shall be used exclusively to accomplish the regulatory purposes of this article. The amount of each fee established hereunder shall be reasonably related to the cost of the services and regulation provided.
- (j) Only governmental fire rescue entities shall be authorized to perform as the first responder within the territorial limits or airspace of Miami-Dade County, except as provided otherwise in a countywide emergency and non-emergency ambulance service and non-emergency medical transportation vehicle service contract between one or more private ambulance providers and Miami-Dade County, or in a contract in existence as of January 1, 2000 between a municipality and an ambulance service.
- (k) The transportation of more than one patient in one ambulance vehicle shall be prohibited, except that this Section shall not apply to transportation pursuant to a contract between a certificate holder and Miami-Dade County or to transportation pursuant to direction by the Fire Chief having territorial jurisdiction.
- (l) Active and reserve ground vehicles for private certificate holders. A certificate shall authorize a specific number of active and reserve vehicles. At no time shall a certificate holder operate more than a specified number of authorized active vehicles or maintain more than a specified number of authorized reserve vehicles. For new applicants, the County may authorize a number of reserve vehicles equivalent to up to twenty (20) percent of the active vehicle fleet, rounded off to the nearest whole

vehicle. Certificate holders with certificates issued prior to the date of enactment of this ordinance whose certificates do not designate the number of reserve units included in the number of authorized vehicles shall specify the number of reserve units, within thirty (30) days from the effective date of this ordinance, which number shall not exceed twenty (20) percent of the active vehicle fleet. A new certificate shall be issued to the certificate holder authorizing a specific number of active and reserve units upon compliance with this subsection. Failure of an existing certificate holder to designate the number of reserve units within the specified time period as provided herein shall subject the certificate holder to probation, revocation or suspension as provided in Section 4-10.

Sec. 4-9. Compliance.

The continuing validity of a certificate is expressly conditioned upon continued compliance by ambulance service providers with all applicable requirements of State law including, but not limited to, Chapters 316, 322, 395 and 401, Florida Statutes which establish the standards for vehicles, equipment and personnel.

Sec. 4-10. Probation, revocation, or suspension -- Grounds.

Every certificate issued under this article shall be subject to probation, revocation or suspension by the County Manager where it shall appear that:

- (a) The certificate holder has failed or neglected to render the full service authorized by the certificate.
- (b) The certificate holder has been convicted of a felony or any criminal offense involving moral turpitude after being issued a certificate.
- (c) The certificate was obtained by an application in which any material fact was omitted or stated falsely.
- (d) The certificate holder has repeatedly operated a vehicle or aircraft in violation of any law.
- (e) The certificate holder has failed to comply with any of the provisions of this chapter or has willfully or knowingly violated any of the provisions of this chapter.
- (f) The public interest will best be served by probation, revocation or suspension of any certificate provided, however, that good cause be shown.
- (g) The certificate holder has demanded money or compensation other than that established in accordance with this chapter.
- (h) The certificate holder has failed to load and promptly transport patients with a medical emergency regardless of ability to pay.

- (i) The certificate holder has given or allowed a rebate, commission, kickback or any reduced rate discount not provided for in the rates established and prescribed in this chapter.
- (j) The certificate holder or employee 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.

Sec. 4-11. Application rejection or denial, probation, revocation, or suspension -- Procedure.

- (a) The County Manager may place a certificate holder on probation by providing written notice to the certificate holder. Where such action is deemed appropriate, the certificate holder may continue to provide the authorized service while complying with the conditions of the probation notice. Said notice shall:
 - (i) Specify the reason(s) for which the probation action is to be taken. Such reasons shall include, but are not limited to: violations of this article; failure to make, keep, and/or provide records required by Section 4-8(a) (1); failure to obtain a vehicle operating permit; and failure to pay required fees;
 - (ii) Set forth the term of the probation period which shall not exceed one hundred-twenty (120) days;
 - (iii) Request a plan of correction for the violation(s) to specify the reasons the action is being taken; and
 - (iv) Be served on the certificate holder by certified mail, return receipt requested.

If the certificate holder corrects all or some of the conditions, the County Manager may rescind the probation at any time or proceed with other enforcement action as provided in this Section. Probation or suspension is not a condition precedent to revocation of a certificate.

- (b) Notice of suspension or revocation action. The Manager shall provide notice of suspension or revocation to the violator by certified mail, ten (10) days before the violator must comply with the Manager's decision.
- (c) Appeals from decisions of the Manager and administrative hearings.
 - (1) Right to appeal. Any certificate holder shall have the right to appeal application rejections or denials, suspensions, and revocations by the Manager. The named party shall elect to either:

- (a) Comply with the Manager's decision in the manner indicated on the Notice of Manager's decision; or
 - (b) Request an administrative hearing before a hearing officer to appeal the decision of the Manager.
- (2) Filing the appeal. Appeals by administrative hearing shall be accomplished by filing within ten (10) days after the date of the decision complained of a written notice of appeal to the Clerk of the Courts, Code Enforcement Section. The notice of appeal shall set forth concisely the nature of the decision appealed and the reasons or grounds for appeal.
- (3) Failure to appeal. Failure to appeal the decision of the Manager within the prescribed time period shall constitute a waiver of the person's right to an administrative hearing before the hearing officer. Where the Manager's decision involves a suspension or revocation, a waiver of the right to an administrative hearing shall be treated as an admission of the violation and the Manager's decision shall be deemed final and enforceable. No further remedies shall be granted and the decision shall stand.
- (4) Hearing officers. Hearing Officers shall be appointed by the Clerk of the Courts, Code Enforcement Section.
- (5) Scheduling and conduct of hearing.
 - (a) Upon receipt of a timely request for an administrative hearing, the hearing officer shall set the matter down for hearing on the next regularly scheduled hearing date or as soon as possible thereafter or as mandated in the specified section of the Code.
 - (b) The hearing officer shall send a notice of hearing by first class mail to the named party at his, her or its last known address. The notice of hearing shall include, but not be limited to, the following: place, date, and time of the hearing; right of the named party to be represented by a lawyer; right of the named party to present witnesses and evidence; in the case of a Manager's decision involving suspension or revocation, notice that failure of the named party to attend the hearing shall be deemed a waiver of the right to hearing and an admission of the acts specified in the notice; and notice that requests for continuances will not be considered if not received by the hearing officer at least ten (10) calendar days prior to the date set for hearing.
 - (c) The hearing officers shall call hearings on a monthly basis or upon the request of the Manager. No hearing shall be set sooner than

fifteen (15) calendar days from the date of notice of the Manager's decision, unless otherwise prescribed by this chapter.

- (d) A hearing date shall not be postponed or continued unless a request for continuance, showing good cause for such 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 Manager.
- (e) All hearings conducted by a hearing officer shall be open to the public. All testimony shall be under oath. If the named party has been properly notified, a hearing may proceed in the absence of the named party and the failure to attend a hearing shall be deemed a waiver of the right to a hearing and an admission of the acts specified in the notice.
- (f) The proceedings at the hearing shall be recorded and may be transcribed at the expense of the party requesting the transcript.
- (g) The Clerk of the Board of County Commissioners shall provide clerical and administrative personnel as may be reasonably required by each hearing officer for the proper performance of his or her duties.
- (h) Each case before a hearing officer shall be presented by the Manager or his or her designee.
- (i) The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses.
- (j) Each party shall have the following rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any relevant matter; to impeach any witness regardless of which party first called him or her to testify; and to rebut the evidence against him or her. All relevant evidence shall be admitted.
- (k) The hearing officer shall make findings of fact based on the evidence of record. In order to make a finding upholding the Manager's decision the hearing officer must find that a preponderance of the evidence supports the Manager's decision and, where applicable, indicate that the named party was responsible for the violation of the relevant section of the Code as charged.
- (l) If the Manager's decision is affirmed the named party may be held liable for the reasonable costs of the administrative hearing.

- (m) The fact-finding determination of the hearing officer shall be limited to whether the alleged violation occurred or whether competent, substantial evidence supports the Manager's decisions. Based upon this factfinding determination, the hearing officer shall either affirm or reverse the decision of the Manager. If the hearing officer affirms the decision of the Manager, the named party shall have fifteen (15) days from the date of the hearing officer's decision to comply with the decision of the Manager. If the hearing officer reverses the decision of the Manager and finds (1) the named party not responsible for the violation alleged; or (2) insufficient basis for the denial of application, a written decision shall be prepared setting forth the basis for such determination. If the hearing officer reverses the decision of the Manager, the named party shall not be required to comply with the decision of the Manager, absent reversal of the hearing officer's findings pursuant to Section 4-12. If the decision of the hearing officer is to affirm, then the following shall be included in the decision:
 - (a) Decision of the Manager.
 - (b) Administrative costs of the hearing.
 - (c) Date for compliance, if applicable.
- (n) The hearing officer shall have the power to:
 - (a) Adopt procedures for the conduct of hearings;
 - (b) Subpoena alleged violators and witnesses for hearings; subpoenas may be served by the Miami-Dade County Police Department or by the hearing officer's staff;
 - (c) Subpoena evidence; and
 - (d) Take testimony under oath.
- (d) Suspensions pursuant to this section shall not exceed six (6) months. In addition to provisions found in Section 4-10 of this article, three (3) or more suspensions within any twelve (12) month period may constitute grounds for revocation of the certificate.
- (e) Notwithstanding the provisions of this article, the County Manager may secure enforcement of the provisions of this article by any legal action necessary, such as application to any court for injunctive relief or other appropriate relief.

Sec. 4-12. Appeal.

- (a) The named party or the county may appeal a final order of the hearing officer by filing a notice of appeal in the Circuit Court in and for Miami-Dade County, Florida, in accordance with the procedures and within the time provided by the Florida Rules of Appellate Procedure for the review of administrative action.
- (b) Unless the findings of the hearing officer are overturned in a proceeding held pursuant to Section 4-12, all findings of the hearing officer shall be admissible in any further proceeding to compel compliance with the Manager's decision.

Sec. 4-13. Violations, enforcement and penalties.

- (a) In addition to any other remedies provided by law, including those provided in this article, the County Manager may enforce provisions of this article by administrative fines listed in Section 8CC-10 of the Code of Miami-Dade County. Failure of a person to pay a civil penalty within three (3) months of the due date for paying such fine as specified on the civil violation notice or within three (3) months of the date of the final outcome of any timely filed appeal of such violation notice, whichever is later, shall result in automatic suspension of such person's certificate and all ambulance operations shall cease until such fine is paid in full. Violation of the provisions of this article using vehicles operating pursuant to the for-hire regulatory provisions contained in Chapter 4, Article III and Chapter 31 of the Code of Miami-Dade County shall subject such operating authority to suspension and revocation proceeding of the applicable chapter or article.
- (b) Violation of any of the provisions contained in this chapter shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00), and/or imprisonment not to exceed sixty (60) days.
- (c) Anyone who engages an ambulance or air ambulance with intent to defraud the certificate holder shall be in violation of this article and subject to a fine of one thousand dollars (\$1,000.00) and/or imprisonment not to exceed ten (10) days.

Sec. 4-14. Municipalities are not to require license, permit or payment of fees, except occupation license authorized by general law.

No municipality shall require any operator holding a current valid certificate issued under this chapter to obtain any municipal license or certificate or require the payment of any fees for the right to engage in the ambulance or air ambulance business, except that municipalities shall have the right to impose, collect and enforce payment of any municipal occupation license tax authorized by general law.

Sec. 4-15. State of emergency.

Where a state of emergency has been declared, the County Manager is authorized to suspend any and all of the provisions of this article.

Sec. 4-16. Prohibition on written advertisements.

- (a) No person may knowingly place or publish an advertisement in any publication which is primarily circulated, displayed, distributed or marketed within Miami-Dade County, Florida, which advertisement identifies the offering of ambulance service regulated by this article, unless the ambulance service possesses a valid certificate of public convenience and necessity from Miami-Dade County.
- (b) For the purpose of this section, any advertisement shall be defined to include any announcement, listing, display, entry or other written statement of whatever nature or kind, and specifically to include a name and address or telephone number placed under a heading, where the heading describes or encompasses any ambulance service regulated under this article.

Chapter 8CC of the Code of Miami-Dade County, Florida.

Sec. 8CC-10. Schedule of civil penalties.

Code Section	Description of Violation	Civil Penalty
4-3(a)	Providing ambulance service without a certificate of public convenience and necessity	\$1,000.00
4-3(a)	Advertising ambulance service without a certificate of public convenience and necessity	\$1,000.00
4-7(a)	Charging an unlawful rate	\$500.00
4-7(a)	Failure to post any and all authorized rates	\$500.00
4-8(a)(1)	Failure to make all records available for inspection or audit by the county	\$500.00
4-8(a)(1)	Failure to furnish requested financial and/or operating data to the county	\$500.00
4-8(a)(2)	Failure to maintain twenty-four (24) hour public telephone access	\$500.00
4-8(a)(3)	Failure to provide the County Manager with a current list of telephone numbers and addresses of responsible management personnel	\$500.00
4-8(a)(4)	Failure to provide service twenty-four (24) hours each	\$500.00

and every day

4-8(a)(5)	Failure to promptly answer every telephone call for service	\$500.00
4-8(a)(6)	Failure to load and transport patients with a medical emergency regardless of the ability to pay	\$500.00
4-8(a)(7)	Failure to provide each transport unit with direct two-way communications with a central dispatcher at all times	\$500.00
4-8(a)(8)	Failure to tape record all radio and telephonic service related conversations requesting ambulance service received through the communications center	\$500.00
4-8(a)(9)	Failure to inform complainants of their right to redress unresolved grievances by providing the name, mailing address and telephone number of the office designated by the County Manager to enforce provisions of this article and receive complaints	\$500.00
4-8(a)(10)	Failure to notify county of change in vehicle data	\$500.00
4-8(a)(11)	Failure to abide by response times for each type of scheduled and unscheduled transport	\$1,000.00
4-8(c)	Hiring of individuals in violation of Section 4-8(b)	\$500.00
4-8(d)	Failure to obtain annual vehicle operating permit	\$1,000.00
4-8(e)	Failure to have vehicle annually inspected	\$500.00
4-8(f)	Operating a vehicle with lights and siren on a non-emergency call	\$500.00
4-8(g)	Operating a hospital-based air ambulance in violation of the Code	\$1,000.00
4-8(k)	Transporting more than one patient in an ambulance vehicle	\$500.00
4-8(l)	Operating in excess of the authorized number of active and/or reserve vehicles	\$1,000.00
4-13(c)	Engaging an ambulance or air ambulance with intent to	\$1,000.00

defraud the certificate holder

4-16(a)	Knowingly placing or publishing an advertisement without the existence of a valid certificate	\$1,000.00
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