

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: October 8, 2024 [] Consent [X] Regular [] Ordinance [] Public Hearing

Department: Department of Public Safety Submitted By: Department of Public Safety Submitted For: Division of Emergency Management

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- A) approve on preliminary reading and permission to advertise for public hearing on October 22, 2024 at 9:30am: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, CHAPTER 13, ARTICLE II, DIVISION 1 EMERGENCY MEDICAL SERVICES (EMS) ORDINANCE; AMENDING SECTION 13-22 APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY (COPCN) RELATING TO A PROCESS TO ALLOW AN ADDITIONAL SECONDARY PROVIDER APPLICATION PERIOD AND COPCNS, INCLUDING UPDATING APPLICATION REQUIREMENTS; PROVIDING FOR RECITALS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE; and B) receive and file Business Impact Estimate (BIE) of the proposed Ordinance to amend the EMS Ordinance.

SUMMARY: At the June 15, 2021 Board of County Commissioners (BCC) meeting, Secondary Service Provider COPCNs were issued to the following three (3) companies: Atlantic/Palm Beach Ambulance, Inc. d/b/a American Medical Response (AMR), Medics Ambulance Service, Inc. (Medics), and Health Care District of Palm Beach County. These companies were approved to provide secondary Advanced Life Support (ALS) Transport Services and ALS/Basic Life Support (BLS) Inter-facility Transport Services in Palm Beach County from July 1, 2021 through June 30, 2027. During that same meeting, the BCC identified a need to be able to request that, within three (3) years from the COPCN start date of July 1, 2021, a review be conducted to determine if there was a public safety need for additional Secondary Providers in Palm Beach County. At the May 7, 2024 BCC meeting, staff were directed to present an update on EMS Ordinance, specifically on the Secondary COPCN process. On August 27, 2024, staff provided this update, and the BCC directed staff to expeditiously prepare a proposed amendment to the EMS Ordinance. The amendment will establish a process for opening an additional Secondary Provider COPCN application period if there is a public safety need to add additional Secondary Providers, and allow for the issuance of additional Secondary Provider COPCNs, prior to the end of the current six (6) year term outlined in the EMS Ordinance. Currently, Secondary Provider COPCN applications are issued every six (6) years for a six (6) year term, with the current term set to expire on June 30, 2027. The proposed revisions to the EMS Ordinance would update some application criteria and provide that the term of any COPCNs issued to additional Secondary Providers under this new process would end at the same time as the current Secondary Provider COPCNs under the regular six (6) year term. At the September 19, 2024 EMS Advisory Council meeting, the EMS Advisory Council reviewed and recommended approval of the EMS Ordinance revisions. The proposed amendment to the EMS Ordinance was presented to the League of Cities on September 25, 2024. Section 125.66(3)(a), Florida Statutes requires the County to prepare a BIE before enacting an ordinance and to post the same on the County's website no later than the date the notice of the proposed enactment is published. Included as Attachment 2 to this agenda item is the BIE required pursuant to Section 125.66(3)(a), Florida Statutes. Countywide (SB)

Background and Policy Issues: (Continued on page 3)

Attachments:

- 1) Proposed Amendment to Emergency Medical Services Ordinance 2) Business Impact Estimate

Recommended By: [Signature] Department Director Date: 9/17/24 Approved By: [Signature] Assistant County Administrator Date: 9/26/24

(Continued from Page 1)

Background and Policy Issues: The EMS Ordinance was established under Chapter 401 of the Florida Statutes, which empowers counties to issue COPCNs to EMS providers operating within their jurisdiction. According to Chapter 401, Florida Statutes, an applicant must obtain a COPCN from the relevant county before the State can license them to provide emergency medical services. The EMS Ordinance outlines the standards for issuing COPCNs in compliance with Chapter 401. Under Palm Beach County Code, Chapter 13, Article II, any agency seeking to provide secondary Advanced Life Support (ALS) transport services and ALS/Basic Life Support (BLS) inter-facility transport services must apply to the County and meet the necessary requirements for obtaining a COPCN. Since 2000, AMR and Medics, both owned by the same parent company, have held the Secondary COPCNs in Palm Beach County. Their current COPCNs are set to expire on June 30, 2027. The EMS Ordinance Administrator is responsible for reviewing applications to ensure compliance with the ordinance's requirements, assessing the need for the proposed services in the requested area, and preparing a report with recommendations for the EMS Advisory Council and the BCC.

ORDINANCE NO. 2024-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, CHAPTER 13, ARTICLE II, DIVISION 1 EMERGENCY MEDICAL SERVICES (EMS) ORDINANCE; AMENDING SECTION 13-22 APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY (COPCN) RELATING TO A PROCESS TO ALLOW AN ADDITIONAL SECONDARY PROVIDER APPLICATION PERIOD AND COPCNS, INCLUDING UPDATING APPLICATION REQUIREMENTS; PROVIDING FOR RECITALS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, to be licensed as an emergency medical services (EMS) provider by the State of Florida, the provider must obtain a Certificate of Public Convenience and Necessity (COPCN) from each county in which they will operate, in accordance with Chapter 401, Florida Statutes; and

WHEREAS, the County's EMS Ordinance, set forth in Chapter 13, Article II, Division 1 of the Palm Beach County Code, governs the issuance of COPCNs for the provision of EMS in the County by Primary Providers, Secondary Providers and Special Secondary Service Providers; and

WHEREAS, pursuant to the EMS Ordinance, Secondary Provider COPCNs are issued for a six-year term through an application and approval process every six years; and

WHEREAS, the Board of County Commissioners (Board) desires to amend the EMS Ordinance to establish a process that will allow an additional Secondary Provider COPCN application period, and the issuance of additional Secondary Provider COPCNs, prior to the end of the regular six (6) year term that is outlined in the EMS Ordinance, if there is a public safety need to add additional Secondary Providers; and

WHEREAS, any Secondary Provider COPCNs issued pursuant to such additional application period will be in addition to the Secondary Provider COPCNs issued pursuant to the regular application period that opens every six years; and will expire upon the same expiration date as the Secondary Provider COPCNs that were issued pursuant to the regular six year application process; and

WHEREAS, the Board further desires to update the information that is required to be submitted in the COPCN application; and

WHEREAS, the Board hereby finds and determines that such amendments to the EMS Ordinance will promote the public interest, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1. The foregoing recitals and findings are hereby confirmed and incorporated herein.

SECTION 2. Section 13-22 (Application for COPCN), Subsection (a)(1), of the Palm Beach County Code is hereby amended to read as follows (additions shown by underline and deletions shown by strikethrough):

(a) *Applications for Primary or Secondary Provider COPCN.*

- (1) COPCN's for Primary and Secondary Providers are issued every six (6) years for a six-year term. Applications for COPCN's are accepted only during the time specified in the public notice, except that a COPCN for Pilot Program Services may be approved as provided in Section 13-24 of this Division.

a. Additional Secondary Providers: Notwithstanding anything in this Division to the contrary, after completion of the third-year of the six-year term of the Secondary Provider COPCNs issued pursuant to the above paragraph, the Administrator may conduct a review and determine if there is a public safety need for any additional Secondary Providers. The Administrator's review may include, but is not limited to, population growth, response times, user feedback, and vehicle and staff inspections. The Administrator will provide the Board with a report of the Administrator's review and analysis.

Notwithstanding anything in this Division to the contrary, if the Board, in its reasonable discretion, determines there is a public safety need for any additional Secondary Providers, then the Board may direct the Administrator to open an additional application period to accept and process Secondary Provider COPCN applications. In making this determination, the Board will consider the Administrator's report and any other information provided to the Board. This application period shall be in addition to the regular application period that opens every six years pursuant to the timelines set out in Subsections (a)(2) and (3) below; and the timelines in Subsections (a)(2) and (3) shall not apply to this additional application period for additional Secondary Providers.

Public notice of such additional application period shall be given by the Administrator. This notice shall state that the Board will be accepting applications for Secondary Provider COPCNs for all areas of operation within the County; and will set forth the date range during which applications will be accepted. The time period for accepting and processing applications, and any related timelines, will be established by the Administrator based upon the surrounding circumstances. If the Administrator determines, in its reasonable discretion, that the applications received do not meet the public safety needs of the County, the Administrator may cancel the application process and/or reopen an additional application period(s).

In addition to the other information required to be included in an application pursuant to this Division, applications must include all the following information:

- The proposed start date of Secondary Provider services by applicant.
- Copy of profile sheet(s) relating to current Florida State license(s), if any, or equivalent information sheet(s) listing all of the applicant's vehicles.
- The minimum number of ALS Units, ALS Vehicles, and BLS Transfer Units that applicant will have dedicated, operationally available, and fully staffed in accordance with Chapter 401, Florida Statutes, Chapter 64J-1, FAC, and any other applicable laws, to provide Secondary Provider services in Palm Beach County.
- A list of the names of personnel, and their EMS certifications, certification numbers and expiration dates, that the applicant will dedicate to provide Secondary Provider services in Palm Beach County. Personnel must meet all certification and training

requirements in Chapter 401, Florida Statutes, Chapter 64J-1, FAC, and any other applicable laws.

- Identify whether or not the applicant has an automatic vehicle locator (AVL) system that would allow the Administrator and the requesting facility to track a responding vehicle's location, and provide details about any such AVL system and its capabilities.

The Board shall schedule a public hearing to consider whether to grant or deny any Secondary Provider applications submitted during an application period that is opened pursuant to this Subsection (a)(1)a.

Any Secondary Provider COPCNs issued pursuant to an application period provided for under this Subsection (a)(1)a, shall be in addition to the Secondary Provider COPCNs issued pursuant to the regular application period that opens every six years pursuant to the timelines set out in Subsections (a)(2) and (3) below. Any such additional Secondary Provider COPCNs shall indicate the start date of services, and shall expire upon the same expiration date as the Secondary Provider COPCNs that were issued pursuant to the regular six year application process.

All provisions and procedures of this Division, including but not limited to those relating to COPCN applications and the consideration and issuance of COPCNs, shall apply, except to the extent they are inconsistent with the provisions of this Subsection (a)(1)a.

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SECTION 3. Repeal of Laws in Conflict: Any laws or ordinances in conflict with this Ordinance which Palm Beach County is authorized to repeal are hereby repealed to the extent of such conflict.

SECTION 4. Severability: If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

SECTION 5. Inclusion in the Code of Laws and Ordinances: The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION 6. Captions: The captions, section headings, and section designations used in this Ordinance are for convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

SECTION 7. Effective Date: The provisions of this Ordinance shall become effective upon the date this Ordinance is filed with the Department of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the ____ day of _____, 2024.

JOSEPH ABRUZZO, CLERK OF THE
CIRCUIT COURT & COMPTROLLER

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Maria Sachs, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 
County Attorney

Filed with the Department of State on the _____ day of _____, 20____.

BUSINESS IMPACT ESTIMATE
Pursuant to Section 125.66(3), Florida Statutes

Meeting Date: Oct. 8 and 22, 2024

Proposed Ordinance Title/Reference:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, CHAPTER 13, ARTICLE II, DIVISION 1 EMERGENCY MEDICAL SERVICES (EMS) ORDINANCE; AMENDING SECTION 13-22 APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY (COPCN) RELATING TO A PROCESS TO ALLOW AN ADDITIONAL SECONDARY PROVIDER APPLICATION PERIOD AND COPCNS, INCLUDING UPDATING APPLICATION REQUIREMENTS; PROVIDING FOR RECITALS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Summary of Proposed Ordinance and Statement of Public Purpose to be Served:

The proposed amendment to the EMS Ordinance establishes a process that will allow an additional Secondary Provider COPCN application period, and the issuance of additional Secondary Provider COPCNs, prior to the end of the regular six (6) year term that is outlined in the EMS Ordinance, if there is a public safety need to add additional Secondary Providers. Additionally, there is additional information required to be submitted as part of the Secondary Provider COPCN application. These revisions to the EMS Ordinance will serve the public health, safety and welfare of Palm Beach County.

A summary of changes include the following:

A new Subsection "a. Additional Secondary Providers" is added to Subsection 13-22(a)(1) of the EMS Ordinance. After completion of the third-year of the six-year term of the Secondary Provider COPCNs issued, the Administrator may conduct a review and determine if there is a public safety need for any additional Secondary Providers. The Administrator's review may include, but is not limited to, population growth, response times, user feedback, and vehicle and staff inspections. The Administrator will provide the Board with a report of the Administrator's review and analysis.

If the Board of County Commissioners (Board), in its reasonable discretion, determines there is a public safety need for any additional Secondary Providers, then the Board may direct the Administrator to open an additional application period to accept and process Secondary Provider COPCN applications. In making this determination, the Board will consider the Administrator's report and any other information provided to the Board. This application period shall be in addition to the regular application period that opens every six years pursuant to the timelines set out in Subsections (a)(2) and (3); and the timelines in Subsections (a)(2) and (3) shall not apply to this additional application period for additional Secondary Providers.

Public notice of such additional application period shall be given by the Administrator. This notice shall state that the Board will be accepting applications for Secondary Provider COPCNs for all areas of operation within the County; and will set forth the date range during which applications will be accepted. The time period for accepting and processing applications, and any related timelines, will be established by the Administrator based upon the surrounding circumstances. If the Administrator determines, in its reasonable discretion, that the applications received do not meet the public safety needs of the County, the Administrator may cancel the application process and/or reopen an additional application period(s).

In addition to the other information required to be included in an application pursuant to this Division, applications must include all the following information:

- The proposed start date of Secondary Provider services by applicant.
- Copy of profile sheet(s) relating to current Florida State license(s), if any, or equivalent information sheet(s) listing all of the applicant's vehicles.
- The minimum number of ALS Units, ALS Vehicles, and BLS Transfer Units that applicant will have dedicated, operationally available, and fully staffed in accordance with Chapter 401, Florida Statutes, Chapter 64J-1, FAC, and any other applicable laws, to provide Secondary Provider services in Palm Beach County.
- A list of the names of personnel, and their EMS certifications, certification numbers and expiration dates, that the applicant will dedicate to provide Secondary Provider services in Palm Beach County. Personnel must meet all certification and training requirements in Chapter 401, Florida Statutes, Chapter 64J-1, FAC, and any other applicable laws.
- Identify whether or not the applicant has an automatic vehicle locator (AVL) system that would allow the Administrator and the requesting facility to track a responding vehicle's location, and provide details about any such AVL system and its capabilities.

The Board shall schedule a public hearing to consider whether to grant or deny any Secondary Provider applications submitted during an application period that is opened pursuant to this Subsection (a)(1)a.

Any Secondary Provider COPCNs issued pursuant to an application period provided for under this Subsection (a)(1)a, shall be in addition to the Secondary Provider COPCNs issued pursuant to the regular application period that opens every six years pursuant to the timelines set out in Subsections (a)(2) and (3). Any such additional Secondary Provider COPCNs shall indicate the start date of services, and shall expire upon the same expiration date as the Secondary Provider COPCNs that were issued pursuant to the regular six year application process.

All provisions and procedures of this Division, including but not limited to those relating to COPCN applications and the consideration and issuance of COPCNs, shall apply, except to the extent they are inconsistent with the provisions of this Subsection (a)(1)a.

Estimate of Direct Economic Impact on Private/For Profit Businesses:

- a. Estimate of Direct Business Compliance Costs: None
- b. New Charges/Fees on Businesses Impacted: None
- c. Estimate of Regulatory Costs: None

Good Faith Estimate of Number of Businesses Likely Impacted: The three current Secondary Provider COPCN certificate holders could be impacted operationally by potentially experiencing a reduction in the requested number of transports to their companies if other companies are provided a Secondary Provider COPCN by this additional application period.

Any Additional Information: None