

RESOLUTION 17-134

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING RENEWAL OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO WEST MANATEE FIRE RESCUE; MAKING RELATED FINDINGS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes § 125.01 and Chapter 401, Part III, Florida Statutes, authorize Manatee County (the County) to furnish ambulance services to the citizens of the County either directly and/or through the use of private firms; and

WHEREAS, Florida Statutes § 401.25(1) requires that every private firm or governmental entity providing prehospital or inter-facility advanced life support services or basic life support transportation services must be licensed by the State of Florida as a basic life support (BLS) service or an advanced life support (ALS) service before offering such service to the public; and

WHEREAS, as a prerequisite to obtaining a state license, Florida Statutes § 401.25(2)(d) provides that an applicant for state licensure must first obtain a Certificate of Public Convenience and Necessity (COPCN) from the governing bodies of each county in which the applicant will provide ALS and/or BLS services; and

WHEREAS, Florida Statutes § 401.25(6) provides that the governing body of a county may adopt ordinances that provide reasonable standards for COPCNs for BLS or ALS services and air ambulance services; and

WHEREAS, pursuant to this authority, the County adopted Ordinance 17-041, which was subsequently codified as Article IV of Chapter 2-13 of the Manatee County Code; and

WHEREAS, Manatee County Code § 2-13-55(a) requires every firm or governmental entity seeking to provide these services in the County to submit an application for a COPCN; and

WHEREAS, complete applications are reviewed for approval by the Board at a duly noticed public hearing; and

WHEREAS, at the hearing, Manatee County Code § 2-13-55(c) provides that in deciding whether to issue a COPCN, the Board's consideration shall include the complete application, the Director of Public Safety's report and recommendation, and any other matters presented to it at the public hearing at which the application is considered; and

WHEREAS, upon a determination that an applicant satisfies the criteria provided for in Manatee County Code § 2-13-55(c), the Board is authorized to issue a COPCN; and

WHEREAS, the County has received a complete COPCN application from West Manatee Fire Rescue; and

WHEREAS, the Public Safety Department has reviewed and independently verified the information provided for in the COPCN application submitted by West Manatee Fire Rescue; and

WHEREAS, the Director of Public Safety recommends that the Board approve the COPCN application submitted by West Manatee Fire Rescue; and

WHEREAS, the Board finds that West Manatee Fire Rescue, has the technical, legal and financial ability to perform ALS Non-Transport services within the County and is qualified under the County's standards to receive a COPCN.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT:

Section 1. West Manatee Fire Rescue, is hereby issued a non-exclusive COPCN for the provision of ALS Non-Transport Services within Manatee County. The issuance of the COPCN is based upon the following terms and conditions:

- A. This COPCN is non-exclusive and the County reserves its right to grant similar COPCNs as authorized by law.

Section 2. The COPCN authorized herein shall remain valid for the period of time provided below based upon continued compliance by West Manatee Fire Rescue, with the following provisions:

- A. In the provision of ALS and BLS services authorized herein, West Manatee Fire Rescue shall maintain compliance with all applicable local, state and federal laws and regulations including, but limited to, all statutes and ordinances related to ambulance transportation or the COPCN process.
- B. Calls for services which West Manatee Fire Rescue is not authorized to provide under this resolution shall be immediately directed to the County's Emergency Communication Center.

Section 3. The COPCN issued pursuant to this Resolution shall take effect on the date the COPCN is executed by the Director of Public Safety and shall have a term not to exceed two years unless its state license expires before that term or unless sooner revoked, suspended, extended, or renewed as provided by state law or County Code.

Section 4. Pursuant to and subject to the pre-conditions of Manatee County Code § 2-13-55(d)(1), the Director of Public Safety is authorized to execute COPCNs conforming to the terms of this Resolution.

Section 5. Assignment, sale or transfer of the COPCN authorized herein shall be governed by the terms of Manatee County Code § 2-13-59. Nothing contained herein is intended to convey any license or right to perform non-emergency medical transportation services or inter-hospital transportation services in derogation of any licensure requirement established by the State of Florida.

Section 6. If any section, sentence, clause, or other provision of this Resolution shall be 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 sections, sentences, clauses, or provisions of this Resolution.

Section 7. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED with a quorum present and voting this 28th day of November 2017.

**BOARD OF COUNTY
COMMISSIONERS OF MANATEE
COUNTY, FLORIDA**



By: [Signature]
Chairperson

**ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER**

By: [Signature]
Deputy Clerk

**EMERGENCY MEDICAL SERVICES
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

WHEREAS, West Manatee Fire Rescue, is authorized to provide Advanced or Basic Life Support to the citizens of Manatee County; and

WHEREAS, it has been demonstrated that there is a need to provide these essential services to the citizens of this county; and

WHEREAS, the above named service affirms that it will maintain compliance with the requirements of the Emergency Medical Act (Chapter 401, F.S.) and rules (F.A.C. 64-J).

THEREFORE, the Board of County Commissioners of Manatee County hereby issues a Certificate of Public Convenience and Necessity to said Company to provide ALS Non-Transport services with conditions as prescribed on this Certificate.
(BLS, ALS-Transport, or ALS Non-Transport)

In issuing this Certificate, the governing body of Manatee County has considered recommendations of affected municipalities.

Limitations: For on-scene ALS/BLS service upon request of County and under non-emergency circumstances where regular oxygen treatment is required and ALS inter-hospital transport services as more specifically defined by R-17-134.

Date Issued: November 28, 2017

Term: As provided in Resolution 17-134



Manatee County Public Safety Director

Manatee County Government Administrative Center
Commission Chambers, First Floor
9:00 a.m. - November 28, 2017

November 28, 2017 - Regular Meeting
Agenda Item #32

Approved in Open Session 11/28/17,
Manatee County
Board of County Commissioners

Subject

Award of Certificate of Public Convenience and Necessity (COPCN) for Advanced Life Support-Non Transport to West Manatee Fire District

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Robert L. Smith, Director of Public Safety, X3511

Paul DiCicco, Chief of EMS, X1645

Action Requested

Motion to adopt Resolution R-17-134 authorizing the issuance of COPCN for West Manatee Fire Rescue, and authorize the Public Safety Director to execute the COPCN.

Enabling/Regulating Authority

Florida Statute 125.01

Florida Statute 401.25(1)

Ordinance 17-041

Manatee County Code 2-13-55(a)

Background Discussion

The Manatee County Board of County Commissioners approved Ordinance 17-041 relating to the authorizing of life support services within the county and issuance of Certificates of Public Convenience and Necessity (COPCN).

The Ordinance established a formal application and approval process for the issuance of COPCNs for public and private entities to provide life support services in the county.

The application from West Manatee Fire Rescue was received by staff based on the requirements set forth in Ordinance 17-041.

Based on the application submitted, review of the application, and compliance with the requirements set forth in Ordinance 17-041, it was found that West Manatee Fire Rescue submitted a complete application and meets all of the requirements specified in Ordinance 17-041.

Therefore, staff recommends that an Advanced Life Support, Non-Transport COPCN be issued to West Manatee Fire Rescue.

County Attorney Review

Formal Written Review (Opinion memo must be attached)

Explanation of Other

Reviewing Attorney

Morris

Instructions to Board Records

Please provide certified copies of fully executed COPCN to Randi Dunsworth at

randi.dunsworth@mymanatee.org, ext. 3560

Bob Smith picked up certified Resolution R-17-134 & corrected Certificate 12/1/17, RT

Cost and Funds Source Account Number and Name

0010007101 General Funding

Amount and Frequency of Recurring Costs

\$0

Attachment: [Resolution 17 134.pdf](#)

Attachment: [COPCN - West Manatee Fire District.pdf](#)

Attachment: [RLS Response Matter No. 2017-0574.pdf](#)

**EMERGENCY MEDICAL SERVICES
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Manatee County Public Safety Director



OFFICE OF THE COUNTY ATTORNEY

MITCHELL O. PALMER, COUNTY ATTORNEY*
William E. Clague, Assistant County Attorney
Sarah A. Schenk, Assistant County Attorney**
Christopher M. De Carlo, Assistant County Attorney
Geoffrey K. Nichols, Assistant County Attorney
Pamela J. D'Agostino, Assistant County Attorney
Anne M. Morris, Assistant County Attorney
Katharine M. Zamboni, Assistant County Attorney
Alexandria C. Nicodemi, Assistant County Attorney

MEMORANDUM

Date: November 15, 2017

To: Paul DiCicco, Chief, Public Safety Department

Through: Mitchell O. Palmer, County Attorney *MOP 11-16-17*

From: Anne Morris, Assistant County Attorney *AMM*

RE: Certificate of Public Convenience and Necessity (COPCN) for West Manatee Fire Rescue; CAO Matter No. 2017-0574.

This memorandum is in response to the above referenced Request for Legal Services in which you asked this Office to review proposed Resolution 17-0134 for the issuance of a Certificate of Public Convenience and Necessity (COPCN) to West Manatee Fire Rescue.

Per your request, I have reviewed and revised Resolution 17-0134. Resolution 17-0134 is now in legally sufficient form to be placed on a future agenda for consideration by the Board of County Commissioners.

This completes my response to your Request for Legal Services. As always, should you have any related questions, please do not hesitate to contact me.

Enclosures

Copies to: Ed Hunzeker, County Administrator
Dan Schlandt, Deputy County Administrator
Robert L. Smith, Director of Public Safety

* Board Certified in Construction Law

** Board Certified in City, County, & Local Government Law