

RESOLUTION 17-124

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING RENEWAL OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO WEST COAST SOUTHERN MEDICAL SERVICES, INC.; 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 renewal application from West Coast Southern Medical Services, Inc., a private ambulance company that does business in Manatee County; and

WHEREAS, the Public Safety Department has reviewed and independently verified the information provided for in the COPCN renewal application submitted by West Coast Southern Medical Services, Inc.; and

WHEREAS, the Director of Public Safety recommends that the Board approve the COPCN renewal application submitted by West Coast Southern Medical Services, Inc.; and

WHEREAS, the Board finds that West Coast Southern Medical Services, Inc., has the technical, legal and financial ability to perform ALS and BLS 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 Coast Southern Medical Services, Inc., is hereby issued a non-exclusive COPCN for the provision of ALS and BLS Interfacility Transport Services within Manatee County. The issuance of the COPCN is based upon the following terms and conditions:

- A. The provision of ALS or BLS services as defined by Chapter 401, Part III, Florida Statutes, and Florida Administrative Code 64-J, for inter-facility transports between licensed medical facilities includes transport requests from residences to licensed medical facilities for routine medical appointments, stand-by for special events and, when requested by the County and provided for by agreement with the County and consistent with the above recitals, calls transferred from County 9-1-1 to West Coast Southern Medical Services, Inc., and any other type of pre-hospital medical assistance.
- B. At no time shall a West Coast Southern Medical Services, Inc., ambulance await the arrival of County Emergency Medical Services (EMS) if the condition of the patient warrants immediate care and ground or air transportation. This includes trauma, ST-Elevation Myocardial Infarction and stroke alerts.
- C. 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 Coast Southern Medical Services, Inc., with the following provisions:

- A. In the event it is determined by County officials that additional ambulances are required from West Coast Southern Medical Services, Inc., to augment County EMS, such request will be made by an official from the County's Emergency Medical Service, Emergency Communication Center or Emergency Management Division.
- B. In the provision of ALS and BLS services authorized herein, West Coast Southern Medical Services, Inc. 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.
- C. Calls for services which West Coast Southern Medical Services, Inc., 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 upon expiration of the COPCN authorized by Manatee County Resolution R-16-72 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: 
Betsy Benac, Chairperson

ATTEST: Angelina Colonnese
Clerk of the Circuit Court and Comptroller



By: 
Deputy Clerk

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

WHEREAS, West Coast-Southern Medical Service, Inc., 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/BLS 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-17-124.

Date Issued: November 28, 2017

Term: As provided in Resolution 17-124



Manatee County Public Safety Director