

**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 28<sup>th</sup> 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



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Manatee County Public Safety Director