

ORDINANCE NO. 2024-022

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.

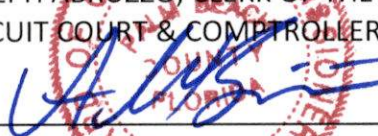
SECTION 4. Severability: If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

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.

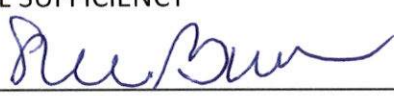
SECTION 7. Effective Date: The provisions of this Ordinance shall become effective upon the date this Ordinance is filed with the Department of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 22 day of October, 2024.

JOSEPH ABRUZZO, CLERK OF THE
CIRCUIT COURT & COMPTROLLER
By: 
Deputy Clerk



PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS
By: 
Maria Sachs, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY
By: 
County Attorney

Filed with the Department of State on the 25 day of October, 2024.