

## Chapter 54

### EMERGENCY SERVICES\*

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- \* **Charter References:** General powers of county, § 2.01.  
**Cross References:** Civil emergencies, ch. 34.  
**State Law References:** General powers of chartered counties, Fla. Const. art. VIII, § 1(g).
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**ARTICLE I.**

**IN GENERAL**

**Sec. 54-1. Prohibition of false residential detection alarms.**

- (a) *Legislative authority.* This section is adopted pursuant to article VIII, section 1, under the state constitution and F.S. § 125.01(1)(t) and (1)(w).
- (b) *Prohibition.* It shall be unlawful for any electrical and/or mechanical burglar, holdup, intrusion, smoke or fire alarm in a residential dwelling to be falsely activated due to negligence or improper maintenance by the party responsible for or having custody of the same or due to negligence in the design, manufacture, distribution or installation of the same and causing response by a law enforcement agency on more than four occasions during any 12-month period.
- (c) *Exemptions.* Any person or entity required by law to possess and maintain any such electrical and/or mechanical burglar, holdup, intrusion, smoke or fire alarm is exempt from the provisions of this section. In addition, this section shall not be applicable to those electrical and/or mechanical burglar, holdup, intrusion, smoke or fire alarms installed and put into service within 30 days preceding the false activation.
- (d) *Penalty.* Violations of this section are punishable as provided in section 1-8.
- (e) *Areas embraced.* All territory within the legal boundaries of the county, including all incorporated and unincorporated areas, shall be embraced by the provisions of this section, unless specifically excluded by municipal ordinance or in conflict with municipal ordinance to the extent of such conflict.  
(Ord. No. 82-20, §§ 1--7, 7-13-82)

**Charter References:** Conflicts between county and municipal ordinances, §§ 2.01, 2.04.

**Cross References:** Fire prevention and protection, ch. 62; law enforcement, ch. 74.

**State Law References:** General powers of chartered counties, Fla. Const. art. VIII, § 1(g).

**Secs. 54-2--54-25. Reserved.**

**ARTICLE II.**

**EMERGENCY MEDICAL SERVICES AUTHORITY\***

\* **Editors Note:** The act contained in this article retains its status as a special act. See charter § 5.02. The source of each section is stated in the history note following the section. Unless stated otherwise, the presence of more than one act in a history note indicates that the section is derived from the first listed act as amended by the other acts listed in the history note. Obvious misspellings and

punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citations to state statutes and session laws, and expression of numbers in text has been used. Catchlines have been added or adjusted as necessary to accurately reflect the contents of the sections. Textual references to other sections of the same act or to other acts found in this Code are altered so as to reference this Code. The internal numbering or lettering scheme within sections has been made consistent with the scheme used in this Code; however, deleted paragraphs are reserved to maintain sequence. Sections providing for legal status (i.e., severability sections, repealers and effective dates) have been deleted. Additions for clarity are indicated by brackets.

The provisions of Laws of Fla. ch. 80-585 were approved at an election held October 7, 1980.

**Cross References:** Boards, commissions, councils and authorities, § 2-226 et seq.

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#### **Sec. 54-26. Created.**

There is hereby created a countywide emergency medical services authority, hereinafter called the "authority." The governing body of the authority and its membership shall be the Board of County Commissioners of Pinellas County. Four members of the authority shall constitute a quorum. The chairperson of the Emergency Medical Services Advisory Council shall be an ex officio member of the authority without voting privileges. The authority shall keep a record of its transactions, resolutions, findings, determinations, recommendations and orders, which record shall be a public record.

(Laws of Fla. ch. 80-585, § 1; Laws of Fla. Ch. 2001-305, § 1)

#### **Sec. 54-27. Powers and duties.**

The authority shall have the following powers and duties:

- (1) To employ and compensate such personnel, consultants, and technical and professional assistants as it may deem necessary and which shall include an emergency medical services medical director.
- (2) To make and enter into contracts and agreements.
- (3) To hold public hearings and sponsor public forums.
- (4) To sue and be sued in its own name.
- (5) To accept and use funds, grants, and services from the federal, state, county, or municipal governments, or any agency thereof.
- (6) To receive and disburse all funds collected through ad valorem taxation as authorized in section 54-32.
- (7) To receive and disburse all additional funds which from time to time may be appropriate from the general funds of Pinellas County.
- (8) To prepare an annual budget to be approved or disapproved and to be certified by the board of county commissioners using the same fiscal year as that of the county and to cause an annual audit of the authority to be made to determine how funds provided to the various emergency

medical services have been expended.

- (9) To establish uniform standards which shall be equal to or stricter than those provided in F.S. ch. 401, insofar as it relates to emergency medical services and the Department of Health EMS Rules, Chapter 10D-66, as they exist and may hereafter be amended, and to provide for the enforcement of same. The authority has the power to establish levels of service for all emergency medical services that must be met by EMS providers; provided that levels of service on or after the effective date of this article may not be lower than levels of service as of January 1, 1989, without the consent of the affected EMS providers; and provided further that an EMS provider may not be required to increase its level of service to a level of service established by the authority that results in the authority reducing the payment of reimbursable costs to EMS providers because the total reimbursable costs would exceed the 1.5 millage authorized by this article.
- (10) The authority shall, by resolution, provide for designation of districts in the special taxing district within the territorial boundaries of Pinellas County. The authority may thereupon provide for an ad valorem assessment within the designated districts based upon the needs of such designated districts but not to exceed a maximum of 1.5 mills.
- (11) To impose and collect reasonable fees and charges for the provision of emergency medical services, which fees and charges shall be in addition to and not in lieu of the ad valorem taxes authorized by this article.
- (12) To establish uniform standards for, and issue certificates for, paratransit services for persons who require wheelchair or stretcher transport.

(Laws of Fla. ch. 80-585, § 2; Laws of Fla. ch. 89-424, § 1; Laws of Fla. ch. 94-416, § 1; Laws of Fla. ch. 2001-305, § 2)

#### **Sec. 54-28. Provision of emergency medical services.**

The authority shall make provision for EMS in any designated districts. This may be done on a contract management basis where new services are to be provided. However, where EMS are already being provided, full reimbursement shall be made by the authority to the EMS provider for the reasonable and customary cost of said services, such cost to be defined by the authority. The firm receiving said management contract will operate under the direction of the EMS medical director, carrying out such policies and programs as the authority deems necessary. In determining reimbursable costs pursuant to this section, where EMS are already being provided, the authority may take into consideration the standards and levels of service established pursuant to section 54-27 and may reimburse the EMS providers for reasonable actual costs incurred in providing EMS in accordance with the standards and levels of service established by the authority. However, neither the authority nor the board of county commissioners may be required to pay or budget for the payment of reimbursable costs to the EMS providers if that payment would cause the annual budget of the authority to exceed the 1.5 millage authorized by this article. If budget requests approved by the authority for the new fiscal year exceed the total estimated revenue available, including ad valorem tax revenue generated by 1.5 mills, the authority shall:

- (1) Calculate the percentage of each provider's share of the total requested and approved increases in

the authority's budget for the new fiscal year.

- (2) Calculate the revenue available for funding increases by subtracting the approved authority budget for the current fiscal year from the total estimated revenue available for the new fiscal year.
- (3) Multiply the percentage calculated in subsection (1) for each provider requesting an increase, by the amount calculated in subsection (2), and add the resulting amount to that provider's approved budget for the current fiscal year. This amount will be the total budgeted for that provider for the new fiscal year.

(Laws of Fla. ch. 80-585, § 3; Laws of Fla. ch. 89-424, § 3; Laws of Fla. ch. 2001-305, § 3)

#### **Sec. 54-29. Limitation on abolishment of services.**

No existing municipal emergency medical services department within Pinellas County may be abolished without the express consent of the governing body of that department.

(Laws of Fla. ch. 80-585, § 4)

#### **Sec. 54-30. Advisory council.**

There is hereby also created an emergency medical services advisory council, hereinafter called "the council," to consist of no fewer than 15 nor more than 24 members. Members shall be proposed by the present EMS advisory council and ratified by the authority. Members shall constitute a broad spectrum of county representation and shall include members of the emergency medical services system and four mayors (or each mayor's designee, who shall be an elected official from the respective city) to be appointed by the Pinellas County Council of Mayors. The term of appointment shall be for two years; however, there is no limit on the number of terms an individual may serve. The director of emergency medical services for Pinellas County shall be a nonvoting member of the council. It shall be the responsibility of this council to evaluate the county's emergency medical services system from a qualitative point of view, to review the operation of EMS on a countywide basis, to recommend requirements and programs for the contract management firm and monitor performance of same, to review and evaluate studies commissioned by the authority upon the authority's request, and to make such recommendations as may be necessary to the authority on needs, problems and opportunities relating to emergency medical services, including the financing and establishment of a trauma center or centers, and to carry out such other duties as may be required to ensure the delivery of good, countywide EMS at reasonable cost.

(Laws of Fla. ch. 80-585, § 5; Laws of Fla. ch. 2001-305, § 4)

#### **Sec. 54-31. Election regarding special taxing district.**

The emergency medical services authority may call an election within all of Pinellas County for the approval of the establishment of a countywide special taxing district to provide emergency medical services. Such election is to be held in the manner prescribed by law for elections to issue bonds. The question on the ballot shall be worded in substantially the following form:

EMERGENCY MEDICAL SERVICES

Shall there be created an emergency medical services district covering the entirety of Pinellas County to provide a comprehensive emergency medical services system: The services to be provided shall include but not be limited to the operation of emergency rescue vehicles, communications, and trained paramedics necessary for a complete emergency rescue capability throughout the entire county. All real property within said special taxing district shall be subject to ad valorem real property tax sufficient to pay the cost of providing this service but not to exceed a maximum of 1.5 mills.

#### FOR A COUNTYWIDE EMERGENCY MEDICAL SERVICES DISTRICT

#### AGAINST A COUNTYWIDE EMERGENCY MEDICAL SERVICES DISTRICT

(Laws of Fla. ch. 80-585, § 6)

#### **Sec. 54-32. Ad valorem tax levied.**

Upon the approval of the emergency medical services special taxing district as provided in section 54-31, the emergency medical services authority shall cause to be levied an ad valorem tax not to exceed 1.5 mills on all real estate within Pinellas County sufficient to pay the costs of the emergency medical services as determined by the emergency medical services authority.

(Laws of Fla. ch. 80-585, § 7)

#### **Sec. 54-33. Use of sales tax to fund system.**

If the legislature of the State of Florida, in this session, or in any subsequent session, amends the law to authorize an additional discretionary sales tax, then the county commission shall have the option, at its discretion, of directing that all or some portion of the revenues collected from said sales tax shall be used to fund the emergency medical services system in lieu of the ad valorem property tax. If the legislature amends the law, and the county commission directs the use of the sales tax, the ballot in section 54-31 shall be revised accordingly.

(Laws of Fla. ch. 80-585, § 8)

#### **Secs. 54-34--54-55. Reserved.**

### **ARTICLE III.**

#### **EMERGENCY MEDICAL SERVICES AND TRANSPORTATION\***

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\* **State Law References:** Emergency medical transportation services, F.S. § 401.2101 et seq.

#### **Sec. 54-56. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Advanced life support (ALS)* means those emergency medical services as defined by F.S. § 401.23(1).



*Ambulance* means any vehicle which is equipped to provide advanced life support services, whether privately or publicly owned, which is designed, constructed, reconstructed, maintained, equipped, or operated for, and is used for or intended to be used for air, land, or water transportation of patients.

*Ambulance driver* means a person who is qualified as provided in F.S. § 401.281 to drive ambulances.

*Ambulance service* means all transports of patients by an ambulance in the county.

*Approved rate schedule* means those fees for ambulance services rendered which have been established by the EMS authority.

*Certificate of public convenience and necessity* means that certificate issued by the board of county commissioners pursuant to F.S. § 401.25(2)(d) or pursuant to Laws of Fla. ch. 80-585 (compiled as art. II of this chapter).

*Contractor* means that person selected by the authority, pursuant to the request for proposal process, which is awarded the right to provide all ambulance services in the county, except those specifically exempted by this article.

*County EMS system* means that network of organizations and individuals established to provide emergency medical services to citizens of the county, including citizen CPR training, public education, control center operations, first responder services, all ambulance services, and medical quality control and research.

*EMS advisory council* means that council established in accordance with Laws of Fla. ch. 80-585.

*EMS authority or authority* means the board of county commissioners.

*Executive director.* The "executive director" of the EMS authority is the director of the county EMS administration.

*First responder* means any municipality which has signed a standardized first responder agreement with the EMS authority and which has been issued a certificate of public convenience and necessity, or an alternative supplier with which the EMS authority may contract for first responder services.

*First responder agreement* means that standardized contract which has been negotiated by the EMS authority with first responders in the county. The standard first responder agreement has been set forth verbatim in the rules and regulations adopted and promulgated by the EMS authority concurrently with the passage of this article.

*Helicopter rescue unit* means any rotary wing aircraft equipped to provide advanced life support services and transportation, and which has received a certificate of public convenience and necessity from the EMS authority.

*Medical control board* means an 11-member board, appointed by the authority, consisting of four licensed physicians specializing in emergency medicine, selected from among the emergency department directors (or their designee) from the acute-care receiving facilities in the county, four administrators from

hospitals which are members of Bay Area Hospital Council, Inc., one emergency physician appointed by the county medical society, one emergency physician appointed by the county osteopathic society, and one physician from a trauma center.

*Medical director* means a licensed physician, or a corporation, association, or partnership composed of physicians which employs a licensed physician for the purpose of providing medical direction to the county EMS system.

*Paramedic* means a person who is certified to perform advanced life support, as defined by F.S. § 401.23(1), and who is certified by both the state and by the medical control board.

*Patient* means an individual who is ill, sick, injured, wounded or otherwise incapacitated and is in need of or is at risk of needing medical care during transport to or from a health care facility.

*Physician* means a practitioner licensed under the provisions of F.S. ch. 458 or 459.

*Provider* means:

- (1) The contractor awarded the contract by competitive request for proposal to provide ambulance services within the county;
- (2) All first responder services which have signed a first responder agreement and which have received a certificate of public convenience and necessity;
- (3) All helicopters used for medical transportation which have received a certificate of public convenience and necessity;
- (4) All specialized mobile intensive care units which are employed for interhospital transport services and which have received a certificate of public convenience and necessity; and
- (5) All wheelchair services which have received a certificate of public convenience and necessity.

*Prudent net worth* means an amount of money not less than 33 1/3 percent of the authority's then current total annual budget, including, but not limited to, operating expenses, contractual payments for first responder services, contractual payments to the provider for ambulance services, depreciation, replacement fund deposits, overhead and all other budgeted costs.

*Response time* means the total of elapsed time between the receipt of a request for an ambulance by the contractor until the actual arrival of its ambulance at the scene.

*Sound business financial management practices* means employment of a business structure and financial management practices in which the functions of fee-for-service billings for ambulance service, and patient accounts management, are the responsibility of the EMS authority and are not a responsibility of the contractor.

*Special event* means any public event located in the county for which ambulance service is arranged in advance, and for which an ambulance is hired directly by the sponsor of the event, and the only payment for



which is by the sponsor of the event, and for which no fee for transport will be charged to the patient.

*Subscription membership program* means a contract which allows county residents to annually fix price and prepay uninsured portions of medically necessary ambulance services.

*Wheelchair vehicle* means any privately or publicly owned land, air or water vehicle which is designed, constructed, reconstructed, maintained, equipped or operated, and is used or intended to be used, for transportation of a person in a reclining or nonreclining wheelchair, and whose condition is such that the person does not need and is not likely to need medical attention during transport, and which has received a certificate of public convenience or necessity.

*Wheelchair vehicle service* means the transport of persons in a wheelchair vehicle when such persons are not in need of medical care and are not likely to need medical care.

(Ord. No. 88-12, § 1, 5-3-88; Ord. No. 91-12, § 1, 2-26-91; Ord. No. 94-2, § 1, 1-11-94)

**Cross References:** Definitions generally, § 1-2.

#### **Sec. 54-57. Penalty for violation of article.**

Violations of this article are punishable as provided in section 1-8.

#### **Sec. 54-58. Territory embraced.**

All territory within the legal boundaries of the county, including all unincorporated and incorporated areas, shall be embraced by the provisions of this article.

(Ord. No. 88-12, § 12, 5-3-88)

**Charter References:** Conflicts between county and municipal ordinances, §§ 2.01, 2.04.

#### **Sec. 54-59. Exemptions from article.**

- (a) The following vehicles and/or services are exempt from all provisions of this article:
  - (1) A privately owned vehicle not ordinarily used in the business of transporting persons who are sick, injured, wounded, incapacitated or helpless.
  - (2) A vehicle rendering service as an ambulance in the event of a major catastrophe or emergency when ambulances with permits based in the locality of the catastrophe or emergency are incapacitated or insufficient in number to render the service needed.
  - (3) Any ambulance owned or operated by the federal or state government.
  - (4) Any transport to a location within the county, which transport originated from a point outside the county.
  - (5) Mutual aid calls.
  - (6) First responder transports, pursuant to a first responder agreement.

(b) The following vehicles and/or services are exempt from this article, so long as all services rendered are provided by an advanced life support (ALS) ambulance operated by a provider which has obtained a certificate of public convenience and necessity from the EMS authority for the provision of all such services:

- (1) A vehicle under the direct supervision of a licensed physician used as an integral part of a private industrial safety, emergency or disaster plan within a privately owned or controlled area, which vehicle may from time to time be used to transport persons in need of medical attention, but which does not routinely transport patients.
- (2) Special events coverage.
- (3) Interhospital transports on a contracted basis of nondischarged patients for diagnostic or treatment services not available at the contracting hospital.
- (4) Specialized mobile-intensive care services which require on-board clinical capabilities which exceed those of a conventionally equipped and staffed advanced life support ambulance.

(Ord. No. 88-12, § 2, 5-3-88)

**State Law References:** Similar provisions, F.S. § 401.33.

#### **Sec. 54-60. Medical control board.**

(a) The medical control board shall be responsible for recommending to the EMS authority a medical director for the county EMS system.

(b) The medical control board shall adopt, by resolution, such rules and regulations as are necessary and/or proper to implement this article, provided that such standards shall not be less stringent than those standards required by the current rules and regulations, or by first responder agreements between the authority and first responders. All rules and regulations proposed by the medical control board shall be submitted for review and comment to the EMS advisory council. The EMS authority may require a hearing before the EMS authority and, pursuant thereto, may amend, alter or revoke any rule or regulation of the medical control board, before or after its adoption. Rules and regulations to be promulgated by the medical control board shall include:

- (1) Minimum personnel standards for ambulance crew members, first responder personnel, control center personnel, and wheelchair service drivers;
- (2) Certification provisions for ambulance drivers, paramedics, dispatchers, and wheelchair service drivers;
- (3) In-service training;
- (4) On-board equipment and supplies;
- (5) Medical protocols for first responders and ambulance service providers;
- (6) Radio protocols;
- (7) Mass-casualty protocols;

- (8) Transport protocols;
- (9) Helicopter services and protocols therefor;
- (10) Protocols for interaction by first responder services and ambulance personnel;
- (11) Requirements for uniformity of equipment and supplies;
- (12) Standards governing the training and conduct of on-line medical control physicians;
- (13) Standards for control center operations (i.e., telephone protocols, prearrival instructions and protocols for requesting first responder services);
- (14) Standards for recordkeeping and reporting;
- (15) Standards for wheelchair vehicle services; and
- (16) Procedures for issuance, renewal, suspension, and revocation of certifications of ambulance drivers, paramedics, dispatchers or of wheelchair vehicle service drivers, which procedures shall contain due process provisions; all such provisions shall be approved, in advance, by the county attorney.

(Ord. No. 88-12, § 3, 5-3-88; Ord. No. 91-12, § 2, 2-26-91)

**Cross References:** Boards, commissions, councils and authorities, § 2-226 et seq.

#### **Sec. 54-61. Medical director.**

The medical director shall serve as the medical director for the county EMS system. The medical director shall be appointed by, and serve at the pleasure of, the authority. The medical director, if he is an individual, or in the case of a corporation, the licensed physician hired by the medical director, shall be board certified in emergency medicine by the American Board of Emergency Medicine or by the American Osteopathic Board of Emergency Medicine. The medical director shall carry out the protocols adopted by the medical control board, and shall present to the authority an annual report, written and oral, on the clinical progress of the county EMS system. The medical director shall not receive or accept any remuneration, financial or otherwise, from any provider.

(Ord. No. 88-12, § 4, 5-3-88; Ord. No. 91-12, § 3, 2-26-91; Ord. No. 96-10, § 1, 1-9-96)

**State Law References:** Medical directors, F.S. § 401.265.

#### **Sec. 54-62. EMS authority, duties and responsibilities.**

(a) The EMS authority shall provide the county with advanced life support ambulance service, such service to comply with all applicable state laws and rules, as well as all rules, regulations, standards and response times as the EMS authority or the medical control board may from time to time promulgate.

(b) The EMS authority shall provide such ambulance service by the award of a contract to a provider after a competitive request for proposal process. Such competitive request for proposals shall be conducted for the selection of a contractor no less frequently than every 11 years. The contract awarded to the contractor shall

require the contractor to provide all ambulance services in Pinellas County, except for those exempted in section 54-59 of this article.

(c) The EMS authority shall set and adjust an approved rate schedule. The approved rate schedule shall be uniform throughout the county and shall be applicable regardless of whether the transport for which a fee is charged is performed by the contractor or by a first responder.

(d) The EMS authority shall implement a subscription membership program, unless otherwise prohibited by law.

(e) The EMS authority shall determine reasonable and customary costs for provision of EMS services in the county, including first responder services. As part of that determination process, the authority shall promulgate rules and regulations which recite the policies for funding the provision of first responder services. Such rules and regulations shall set forth the complete standardized first responder agreement which has been prepared for presentation to all first responders. They shall also contain a provision offering each existing municipal first responder the annual option to continue operating under its standardized first responder agreement, subject to the annually revised compensation level, and a provision that if such existing first responder elects not to exercise its option to continue operating at the new compensation level, the authority shall determine the authority's costs of alternative methods of providing first responder services. In the event that such alternative method of providing first responder services exceeds the level of funding provided in the standardized agreement, the authority shall offer to the municipal first responder service which refused to continue operating under its first responder agreement a right of first refusal to provide first responder services at the alternative cost level as determined by the authority under this subsection. Provided, however, that this right of first refusal shall apply to the proffered agreement in its entirety, and shall not apply to selected first responder stations or units within the provider's jurisdiction.

(f) The EMS authority shall issue certificates of public convenience and necessity to providers.

(g) The EMS authority shall be responsible for hiring a medical director.  
(Ord. No. 88-12, § 5, 5-3-88; Ord. No. 91-12, § 4, 2-26-91)

#### **Sec. 54-63. EMS advisory council.**

The EMS advisory council shall review and comment upon all rules, regulations and procedures that are adopted by the medical control board; provided that such rules, regulations and procedures may be adopted on an emergency basis by the medical control board, without prior review by the EMS advisory council, if in the opinion of the medical director an emergency exists which requires prompt action by the medical control board.  
(Ord. No. 88-12, § 1, 5-3-88)

**Cross References:** Boards, commissions, councils and authorities, § 2-226 et seq.

#### **Sec. 54-64. Fiscal policy guidelines.**

The board of county commissioners hereby directs that the following fiscal policy guidelines shall govern the financial operations of the county EMS system:

- (1) *Objectives.* The aim of these policies is to establish a long range financial plan for the county EMS system, which plan shall achieve the following objectives:

- a. To establish sound business controls and long term cost containment incentives throughout the county EMS system;
- b. To provide adequate funding to upgrade all EMS components to state-of-the-art levels, and to maintain that progress in future years;
- c. To provide for long term financial stability sufficient to sustain quality EMS operations far into the future;
- d. To reduce the county EMS system's excessive dependence upon local tax support by developing a more balanced approach to EMS funding; and
- e. To provide the board of county commissioners with a wider range of EMS financing options than have been available in the past.

(2) *Methods.* To achieve the objectives listed in subsection (1) of this section, the following fiscal policy guidelines shall guide the financial management of the county EMS system:

- a. The EMS authority shall adopt sound business financial management practices.
- b. The authority shall establish and maintain a prudent net worth, as defined in this article.
- c. The executive director shall develop and implement a long range financial management plan for the county administrator capable of meeting the objectives of subsection (1) of this section.
- d. At such time as the authority's prudent net worth level has been achieved, the executive director shall annually prepare for the county administrator a financial report, disclosing financial options available to the authority, which shall include, but not be limited to:
  - 1. Reduction in the approved rate schedule, or reduction in the rate of automatic rate adjustment;
  - 2. A reduction in the EMS millage level;
  - 3. A reduction in the subscription program fee; or
  - 4. Combinations of option 1, 2 or 3, above.
- e. At such time as the authority's prudent net worth level has been achieved, and based upon the financial report received by the authority under subsection (2)d of this section, the authority shall thereafter annually adjust its approved rate schedule, and/or subsidy level, so that the authority maintains as closely as possible an ongoing prudent net worth.

(Ord. No. 88-12, § 6, 5-3-88)

**Sec. 54-65. Municipalities not to require additional license, permit or payment of fees, except occupational license.**

A municipality shall not require a provider holding a certificate of public convenience and necessity under this article to obtain any municipal license certificate or permit, nor require the payment of any fees, for the right to engage in any service pursuant to this article, except an occupational license authorized by general law.

(Ord. No. 88-12, § 7, 5-3-88)

**Sec. 54-66. Violations.**

It shall be a violation of this article:

- (1) To perform duties as an ambulance driver, attendant (EMT or paramedic), or dispatcher without a current license issued by the medical control board.
- (2) To permit a person to work as an ambulance driver, attendant or dispatcher without a current license issued by the medical control board.
- (3) To use, or cause to be used, any ambulance service other than the providers authorized to operate in the county by virtue of a certificate of public convenience and necessity, or by contract with the authority.
- (4) For any person to provide ambulance service within the county, except for the contractor which contracts with the EMS authority and such other providers which hold certificates of public convenience and necessity.
- (5) To use, or cause to be used, any wheelchair service other than a wheelchair service authorized to operate in the county by virtue of a certificate of public convenience and necessity.
- (6) For any person to provide wheelchair vehicle service within the county without a certificate of public convenience and necessity.
- (7) To knowingly give false information to induce the dispatch of an ambulance or helicopter rescue unit.

(Ord. No. 88-12, § 8, 5-3-88)

**Secs. 54-67--54-90. Reserved.**

**ARTICLE IV.**

**EMERGENCY "911" SYSTEM\***

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\* **Editors Note:** Ord. No. 95-74, adopted Oct. 24, 1995, did not specifically amend this Code; hence, inclusion of §§ 1--7 as ch. 54, art. IV, §§ 54-91--54-97, was at the discretion of the editor.

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#### **Sec. 54-91. Definitions.**

Unless the context or use indicates another meaning or intent, the following words and terms as used in this article shall have the following meanings:

*Alternative local exchange telecommunications company* means any company certified by the Florida Public Service Commission to provide local exchange telecommunications services in the county on or after July 1, 1995.

*Local exchange telecommunications company* means any company certificated by the commission to provide local exchange telecommunications service in this state on or before June 30, 1995.

*Telecommunications company* includes every corporation, partnership, and person and their lessees, trustees, or receivers appointed by any court whatsoever, and every political subdivision in the state, offering two-way telecommunications service to the public for hire within this state by the use of a telecommunications facility. The term "telecommunications company" includes alternative local exchange telecommunications companies and local exchange telecommunications companies.

*Telecommunications facility* includes real estate, easements, apparatus, property, and routes used and operated to provide two-way telecommunications service to the public for hire within this state.  
(Ord. No. 95-74, § 1, 10-24-95)

#### **Sec. 54-92. Findings.**

(a) The legislature of the state has found and declared that it is in the public interest to shorten the time required for a citizen to request and receive emergency aid.

(b) For the purpose of reducing the response time to situations requiring law enforcement, fire, medical, rescue and other emergency services, the legislature provided for and established a single, primary three-digit emergency number to provide citizens with rapid direct access to public safety agencies by dialing the telephone number "911."

(c) In order to assist counties in the state in implementing and providing "911" service, the legislature authorized the imposition of a "911" fee to be paid by the local exchange subscribers within the boundaries of the county.

(Ord. No. 95-74, § 2, 10-24-95)

#### **Sec. 54-93. "911" fee established.**

There is hereby established and imposed [a fee] of \$0.30 per month per line (up to a maximum of 25 access lines per account bill rendered) to be paid by the local subscribers within the county served by the county's "911" system as reimbursement for costs attributable to the establishment and/or provision of "911" service. Any adjustment to this fee may be made by a resolution of the board of county commissioners.  
(Ord. No. 95-74, § 3, 10-24-95; Ord. No. 96-65, § 1, 8-13-96)

#### **Sec. 54-94. Use of "911" fee.**

Proceeds from the "911" fee shall be used for expenditures as provided by law.  
(Ord. No. 95-74, § 4, 10-24-95)

**Sec. 54-95. Method of payment.**

Any telecommunications company providing "911" service or equipment to the county, shall, insofar as is practical, spread the payment of charges for the provision of "911" service over such period as the "911" service is in operation. Such telecommunications company shall bill said charges pro rata to the local exchange subscribers served by the "911" system within the county, on an individual access line basis, at a rate of \$0.30 per month per line (up to a maximum of 25 access lines per account bill rendered).  
(Ord. No. 95-74, § 5, 10-24-95)

**Sec. 54-96. Manner of collection and administrative expense.**

Telecommunications companies collecting the fee established and imposed by this article shall remit monthly all fees imposed and collected by this article to the board of county commissioners, less an administrative fee equal to one percent of the fees so collected each month.  
(Ord. No. 95-74, § 6, 10-24-95)

**Sec. 54-97. Compliance information.**

Each telecommunications company shall provide to the county, a list of the names, addresses and telephone numbers of any and all subscribers who have identified to the telecommunications company their refusal to pay the "911" fee.  
(Ord. No. 95-74, § 7, 10-24-95)

**Secs. 54-98--54-120. Reserved.**

**ARTICLE V.**

**EMERGENCY ACCESS TO GATED DEVELOPMENTS**

**Sec. 54-121. Findings.**

- (a) It is vital to the public health, safety and welfare of the citizens of Pinellas County that law enforcement and emergency vehicles gain timely entry into developments with access limited by security gates.
- (b) Currently, each gated development has its own unique method of providing access to emergency vehicles, including remote control devices, keys, cards and emergency phone numbers.
- (c) Due to the growing prevalence of gated developments in the area, it has become burdensome and confusing for emergency personnel to carry different access devices for all of the gated developments in the area.
- (d) The consequences of delay or confusion over how to gain entry into a particular development

could be tragic.

(e) It is in the interest of public health, safety and welfare to ensure that gated developments provide a uniform method of access by law enforcement and emergency vehicles which will reduce confusion and shorten response times to emergencies, thereby potentially saving lives.  
(Ord. No. 98-4, § 1, 1-6-98)

#### **Sec. 54-122. Definitions.**

Unless the context otherwise requires, the terms used herein shall have the following meanings ascribed to them:

*Authority having jurisdiction* means the authority which has jurisdiction for providing fire protection for a specific address in an area of the county.

*Emergency vehicle* means any marked or unmarked police cars or vans, fire trucks, fire staff vehicles, ambulances and ambulance staff vehicles, and rescue units.

*Emergency vehicle access system* means an access system meeting the requirements of section 54-124 hereof.

*Gated development* means any residential development which may be fenced and has a secured gate, at the roadway entrance to the facility, preventing free access by the public.

*Residential development* means those occupancies in which sleeping accommodations are provided for normal residential purposes and include all buildings designed to provide sleeping accommodations.

*Residential development* does not include individual homes or one- and two-family occupancies with individual gates.  
(Ord. No. 98-4, § 2, 1-6-98)

#### **Sec. 54-123. Uniform emergency access to gated developments.**

Each new or existing residential development, access to which is limited by security gate or gates which are not attended on a 24-hour basis, shall install an emergency vehicle access system.  
(Ord. No. 98-4, § 3, 1-6-98)

#### **Sec. 54-124. Emergency vehicle access system.**

An emergency vehicle access system shall consist of an armored lock box which either contains a key or an electric switch to open the gate. The lock box shall be a cast metal or welded box unit, shall be manufactured to withstand severe weather conditions, and may be opened only by a non-reproducible key. The lock box shall be located on a sturdy post or other structure along the roadway so that the lock box is visible and accessible by the emergency vehicle driver of both sedan automobiles and/or fire/rescue units. The lock box and the location of the lock box must be approved by the authority having jurisdiction.

All gates shall be equipped with uninterrupted power supplies (UPS) or a manual override which will permit the gate to be opened if the electrical power is interrupted.  
(Ord. No. 98-4, § 4, 1-6-98)

**Sec. 54-125. Time for compliance.**

Existing gated developments shall have one year from the effective date of this article to install an emergency vehicle access system. Gated developments developed after the effective date of this article shall install an emergency vehicle access system prior to or concurrent with installation of a security gate. For the purpose of this article, a development shall be considered an existing development if it has obtained construction plan approval prior to the effective date of this article.  
(Ord. No. 98-4, § 5, 1-6-98)

**Sec. 54-126. Applicability.**

This article shall apply in both the incorporated and unincorporated areas of Pinellas County, Florida.  
(Ord. No. 98-4, § 6, 1-6-98)

**Sec. 54-127. Approval, maintenance and inspections.**

Subject to the provisions of section 54-125 above, no security gate required to incorporate an emergency vehicle access system shall be installed prior to, or maintained absent, obtaining written certification from the county fire coordinator or the fire chief or designate of the authority having jurisdiction that it meets the requirements of this article. Each emergency vehicle access system shall be maintained in working condition at all times so that timely access by law enforcement and emergency vehicles is insured during an emergency. Authorized emergency personnel may conduct inspections at any reasonable time to insure reliable operation of a system.  
(Ord. No. 98-4, § 7, 1-6-98)

**Sec. 54-128. Minimum access.**

The provisions of this article are intended to insure a minimum level of access to emergency vehicles during emergencies and shall not be construed to guarantee the safety of a gated development during an emergency.  
(Ord. No. 98-4, § 8, 1-6-98)

**Sec. 54-129. Enforcement.**

The responsibility and authority for administering this article in the municipalities shall be vested in the respective municipal fire departments and in the county's office of fire coordination. Responsibility and authority for administering this article in the unincorporated area of the county shall be vested in the county's office of fire coordination and in the fire department serving the fire control district covering the particular area.  
(Ord. No. 98-4, § 9, 1-6-98)

**Secs. 54-130--54-150. Reserved.**

## **ARTICLE VI.**

### **COMMUNITY AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAM**

#### **Sec. 54-151. Title and citation.**

This article shall be known and may be cited as the "Community Automated External Defibrillator Program Ordinance" for Pinellas County.  
(Ord. No. 00-48, § 1, 6-27-00)

#### **Sec. 54-152. Findings and purpose.**

The Board of County Commissioners of Pinellas County, Florida, is empowered to provide ambulance services and emergency medical services through its EMS authority. Pursuant to Article VIII of the Constitution of the State of Florida, the board of county commissioners further finds it has the authority to exercise broad home rule powers and, as such, finds it is in the best interest of the citizens of Pinellas County to enact this article.

It is the purpose of this article to create the community automated external defibrillator program which will establish guidelines for use, training, and data collection, as well as requirements and procedures for implementing and using all existing and new AEDs in the community.  
(Ord. No. 00-48, § 2, 6-27-00)

#### **Sec. 54-153. Applicability.**

Notwithstanding any provisions of any other county zoning or other ordinances to the contrary, this article shall apply to, and be enforced in, the incorporated as well as the unincorporated areas of the county.

Hospitals, as defined in F.S. § 395.002(12), are exempt from the provisions of this article.  
(Ord. No. 00-48, § 3, 6-27-00)

#### **Sec. 54-154. Requirements and procedures.**

The following shall be the requirements and procedures for use, training, and data collection of the AED program:

- (1) No AED shall be used in the incorporated or unincorporated area of Pinellas County without first complying with the requirements and procedures set forth in this section.
- (2) The purchase or implementation of an AED may occur only after a written notification is made to the Pinellas County Emergency Medical Services Authority by the individual, entity, organization, or company purchasing an AED. The written notification must contain the facility or business name, street address, specific location of the AED, the appropriate annual number of people who work, live at, or visit the location, facility, or business, the total number of persons trained or to be trained in the use of the AEDs, and name of manufacturer, and model number, and description, including color of each AED.

- (3) Prior to implementing an AED, the individual, organization, or company will obtain and send to EMS proof of standardized training for all intended users of the AED. The training will consist of a class provided by a nationally-recognized, or locally-approved by the medical control board, training organization, including, but not limited to, the American Heart Association, the American Red Cross, and the National Safety Council, following a standardized curriculum. The standardized curriculum shall include, at a minimum:
  - a. Signs and symptoms of sudden cardiac arrest;
  - b. Cardiopulmonary resuscitation; and
  - c. Proper use, maintenance, and inspection of AEDs.
- (4) The owner of the AED will ensure that the use of the AED follows the policies and procedures developed and authorized by the Pinellas County EMS Medical Control Board.
- (5) Recertification of users, maintenance, and inspection of the AED is the responsibility of the owner and shall be done on a periodic basis. Recertification of users will consist of a class which will review the techniques for using the AED following a standardized curriculum. Recertification training shall be provided as in paragraph (3) above.
- (6) EMS may conduct a quality assurance review after use of an AED that includes gathering clinical data and information from the person that used the AED and from the AED itself.
- (7) Any person who uses an AED is required to contact EMS by calling 9-1-1 immediately prior to, or immediately upon use of, the AED.
- (8) The owner and user of the AED will not withhold consent to the quality assurance review by EMS after the use of an AED or the retrieval of clinical data from the device itself.

(Ord. No. 00-48, § 4, 6-27-00)