

1 **CHAPTER 401**
2 **MEDICAL TELECOMMUNICATIONS**
3 **AND TRANSPORTATION**
4 **PART I**
5 **EMERGENCY TELECOMMUNICATION**
6 **SYSTEMS**
7 **(ss. 401.013-401.027)**
8 **PART II**
9 **EMERGENCY MEDICAL SERVICES**
10 **GRANTS (ss. 401.101-401.121)**
11 **PART III**
12 **MEDICAL TRANSPORTATION**
13 **SERVICES (ss. 401.2101-401.465)**
14 **PART I**
15 **EMERGENCY TELECOMMUNICATION**
16 **SYSTEMS**
17 401.013 Legislative intent.
18 401.015 Statewide regional emergency
19 medical telecommunication system.
20 401.018 System coordination.
21 401.021 System director.
22 401.024 System approval.
23 401.027 Federal assistance.
24 **401.013 Legislative intent.**--It is the
25 intention and purpose of the Legislature
26 that a statewide system of regional
27 emergency medical telecommunications
28 be developed whereby maximum use of
29 existing radio channels is achieved in
30 order to more effectively and rapidly
31 provide emergency medical service to
32 the general population. To this end, all
33 emergency medical service entities
34 within the state are directed to provide
35 the Department of Management
36 Services with any information the

37 department requests for the purpose of
38 implementing the provisions of s.
39 401.015, and such entities shall comply
40 with the resultant provisions established
41 pursuant to this part.
42 **History.**--s. 1, ch. 73-254; s. 301, ch.
43 92-279; s. 55, ch. 92-326; s. 100, ch.
44 98-279.
45 **401.015 Statewide regional**
46 **emergency medical**
47 **telecommunication system.**--The
48 Department of Management Services is
49 authorized and directed to develop a
50 statewide system of regional emergency
51 medical telecommunications. For the
52 purpose of this part, the term
53 "telecommunications" means those
54 voice, data, and signaling transmissions
55 and receptions between emergency
56 medical service components, including,
57 but not limited to: ambulances; rescue
58 vehicles; hospitals or other related
59 emergency receiving facilities;
60 emergency communications centers;
61 physicians and emergency medical
62 personnel; paging facilities; law
63 enforcement and fire protection
64 agencies; and poison control, suicide,
65 and emergency management agencies.
66 In formulating such a system, the
67 department shall divide the state into
68 appropriate regions and shall develop a
69 program which includes, but is not
70 limited to, the following provisions:
71 (1) A requirements provision, which
72 shall state the telecommunications
73 requirements for each emergency
74 medical entity comprising the region.
75 (2) An interfacility communications
76 provision, which shall depict the
77 telecommunications interfaces between
78 the various medical service entities
79 which operate within the region and
80 state.
81 (3) An organizational layout provision,
82 which shall include each emergency
83 medical entity and the number of radio
84 operating units (base, mobile, handheld,
85 etc.) per entity.

1 (4) A frequency allocation and use
2 provision, which shall include on an
3 entity basis each assigned and planned
4 radio channel and the type of operation
5 (simplex, duplex, half duplex, etc.) on
6 each channel.

7 (5) An operational provision, which shall
8 include dispatching, logging, and
9 operating procedures pertaining to
10 telecommunications on an entity basis
11 and regional basis.

12 (6) An emergency medical service
13 telephone provision, which shall include
14 the telephone and the numbering plan
15 throughout the region for both the public
16 and interface requirements.

17 **History.**--s. 2, ch. 73-254; s. 41, ch. 83-
18 334; s. 302, ch. 92-279; s. 55, ch. 92-
19 326; s. 101, ch. 98-279.

20 **401.018 System coordination.--**

21 (1) The statewide system of regional
22 emergency medical telecommunications
23 shall be developed by the Department of
24 Management Services, which
25 department shall be responsible for the
26 implementation and coordination of such
27 system into the state
28 telecommunications plan. The
29 department shall adopt any necessary
30 rules and regulations for implementing
31 and coordinating such a system.

32 (2) The Department of Management
33 Services shall be designated as the
34 state frequency coordinator for the
35 special emergency radio service.

36 **History.**--s. 3, ch. 73-254; s. 102, ch.
37 98-279.

38 **401.021 System director.**--The
39 Secretary of Management Services or
40 his or her designee is designated as the
41 director of the statewide
42 telecommunications system of the
43 regional emergency medical service
44 and, for the purpose of carrying out the
45 provisions of this part, is authorized to
46 coordinate the activities of the

47 telecommunications system with other
48 interested state, county, local, and
49 private agencies.

50 **History.**--s. 4, ch. 73-254; s. 51, ch. 99-
51 399.

52 **401.024 System approval.**--From July
53 1, 1973, no emergency medical
54 telecommunications system shall be
55 established or present systems
56 expanded without prior approval of the
57 Department of Management Services.

58 **History.**--s. 5, ch. 73-254; s. 103, ch.
59 98-279.

60 **401.027 Federal assistance.**--The
61 Secretary of Management Services or
62 his or her designee is authorized to
63 apply for and accept federal funding
64 assistance in the development and
65 implementation of a statewide
66 emergency medical telecommunications
67 system.

68 **History.**--s. 6, ch. 73-254; s. 52, ch. 99-
69 399.

70 **PART II**

71 **EMERGENCY MEDICAL SERVICES**
72 **GRANTS**

73 401.101 Short title.

74 401.104 Legislative intent.

75 401.107 Definitions.

76 401.111 Emergency medical services
77 grant program; authority.

78 401.113 Department; powers and
79 duties.

80 401.117 Grant agreements; conditions.

81 401.121 Rules and regulations.

82 **401.101 Short title.**--This part shall be
83 known and may be cited as the "Florida

1 Emergency Medical Services Grant
2 Act."

3 **History.**--s. 1, ch. 73-262; s. 8, ch. 89-
4 275; s. 6, ch. 89-283.

5 **401.104 Legislative intent.**--It is the
6 legislative intent that emergency
7 medical services are essential to the
8 health and well-being of all citizens and
9 that private and public expenditures for
10 adequate emergency medical services
11 represent a constructive and essential
12 investment in the future of the state and
13 our democratic society. A major
14 impediment to the provision of adequate
15 and economic emergency medical
16 services to all citizens is the inability of
17 governmental and private agencies
18 within a service area to respond
19 cooperatively in order to finance the
20 systematic provision of such services.
21 This grant program is established to
22 encourage and assist such cooperative
23 efforts.

24 **History.**--s. 2, ch. 73-262.

25 **401.107 Definitions.**--As used in this
26 part, the term:

27 (1) "Department" means the
28 Department of Health.

29 (2) "Local agency" means the board of
30 county commissioners.

31 (3) "Emergency medical services"
32 means the activities or services to
33 prevent or treat a sudden critical illness
34 or injury and to provide emergency
35 medical care and prehospital
36 emergency medical transportation to
37 sick, injured, or otherwise incapacitated
38 persons in this state.

39 (4) "Emergency medical services
40 organizations" means public or private
41 entities involved in emergency medical
42 services systems.

43 (5) "Rural emergency medical services"
44 means emergency medical services in a
45 county with a total population of 100,000

46 or fewer people and density of less than
47 100 people per square mile.

48 (6) "Youth athletic organization" means
49 a private not-for-profit organization that
50 promotes and provides organized
51 athletic activities to youth.

52 (7) "Automated external defibrillator
53 device" means a device as defined in s.
54 768.1325(2)(b).

55 **History.**--s. 3, ch. 73-262; s. 245, ch.
56 77-147; s. 9, ch. 89-275; s. 7, ch. 89-
57 283; s. 28, ch. 92-78; s. 39, ch. 97-237;
58 s. 2, ch. 2006-125.

59 **401.111 Emergency medical services
60 grant program; authority.**--The
61 department is hereby authorized to
62 make grants to local agencies,
63 emergency medical services
64 organizations, and youth athletic
65 organizations in accordance with any
66 agreement entered into pursuant to this
67 part. These grants shall be designed to
68 assist local agencies and emergency
69 medical services organizations in
70 providing emergency medical services,
71 including emergency medical dispatch,
72 and to assist youth athletic
73 organizations that work in conjunction
74 with local emergency medical services
75 organizations to expand the use of
76 automated external defibrillator devices
77 in the community. The cost of
78 administering this program shall be paid
79 by the department from funds
80 appropriated to it.

81 **History.**--s. 4, ch. 73-262; s. 246, ch.
82 77-147; s. 10, ch. 89-275; s. 8, ch. 89-
83 283; s. 40, ch. 97-237; s. 2, ch. 2003-
84 180; s. 3, ch. 2006-125.

85 **401.113 Department; powers and
86 duties.**-

87 (1) Funds deposited into the
88 Emergency Medical Services Trust
89 Fund as provided by ss. 316.061,
90 316.192, 318.21, and 938.07 must be
91 used solely to improve and expand

1 prehospital emergency medical services
2 in the state.

3 (2) The department shall annually
4 dispense funds contained in the
5 Emergency Medical Services Trust
6 Fund as follows:

7 (a) Forty-five percent of such moneys
8 must be divided among the counties
9 according to the proportion of the
10 combined amount deposited in the trust
11 fund from the county. These funds may
12 not be used to match grant funds as
13 identified in paragraph (b). An individual
14 board of county commissioners may
15 distribute these funds to emergency
16 medical services organizations and
17 youth athletic organizations within the
18 county, as it deems appropriate.

19 (b) Forty percent of such moneys must
20 be used by the department for making
21 matching grants to local agencies,
22 municipalities, emergency medical
23 services organizations, and youth
24 athletic organizations for the purpose of
25 conducting research, increasing existing
26 levels of emergency medical services,
27 evaluation, community education, injury-
28 prevention programs, and training in
29 cardiopulmonary resuscitation and other
30 lifesaving and first aid techniques.

31 1. At least 90 percent of these moneys
32 must be made available on a cash
33 matching basis. A grant made under this
34 subparagraph must be contingent upon
35 the recipient providing a cash sum equal
36 to 25 percent of the total department-
37 approved grant amount.

38 2. No more than 10 percent of these
39 moneys must be made available to rural
40 emergency medical services, and
41 notwithstanding the restrictions specified
42 in subsection (1), these moneys may be
43 used for improvement, expansion, or
44 continuation of services provided. A
45 grant made under this subparagraph
46 must be contingent upon the recipient
47 providing a cash sum equal to no more
48 than 10 percent of the total department-
49 approved grant amount.
50

51 The department shall develop
52 procedures and standards for grant
53 disbursement under this paragraph
54 based on the need for emergency
55 medical services, the requirements of
56 the population to be served, and the
57 objectives of the state emergency
58 medical services plan.

59 (c) Fifteen percent of such moneys
60 must be used by the department for
61 capital equipment outlay, personnel,
62 community education, evaluation, and
63 other costs associated with the
64 administration of this chapter. Any
65 moneys not annually used for this
66 purpose must be used for making
67 additional rural grant funds available.

68 (3) The department shall adopt rules to
69 administer this section.

70 **History.**--s. 5, ch. 73-262; s. 1, ch. 77-
71 174; s. 47, ch. 85-81; s. 26, ch. 85-167;
72 s. 5, ch. 85-337; s. 10, ch. 86-154; s. 52,
73 ch. 86-220; s. 11, ch. 89-275; s. 9, ch.
74 89-283; s. 29, ch. 92-78; s. 35, ch. 97-
75 271; s. 17, ch. 2001-53; s. 6, ch. 2001-
76 380; s. 13, ch. 2002-402; s. 9, ch. 2004-
77 6; s. 4, ch. 2006-125.

78 **401.117 Grant agreements;**
79 **conditions.**--The department shall use
80 the following guidelines in developing
81 the procedures for grant disbursement:

82 (1) The need for emergency medical
83 services and the requirements of the
84 population to be served.

85 (2) All emergency vehicles and
86 attendants must conform to state
87 standards established by law or rule of
88 the department.

89 (3) All vehicles shall contain minimum
90 equipment and supplies as required by
91 law or rule of the department.

92 (4) All vehicles shall have at a minimum
93 a direct communications linkup with the
94 operating base and hospital designated
95 as the primary receiving facility.

1 (5) Emphasis shall be accorded to
2 applications that contain one or more of
3 the following provisions:

4 (a) Services provided on a county,
5 multicounty, or areawide basis.

6 (b) A single provider, or a coordinated
7 provider, method of delivering services.

8 (c) Coordination of all communication
9 links, including police, fire, emergency
10 vehicles, and other related services.

11 **History.**--s. 6, ch. 73-262; s. 247, ch.
12 77-147; s. 41, ch. 97-237.

13 **401.121 Rules and regulations.**--The
14 department is authorized to make rules
15 and regulations necessary to carry out
16 the purposes of this part, including funds
17 and assistance to nonprofit volunteer
18 ambulance organizations desiring to
19 comply with the Florida Emergency
20 Medical Services Grant Act.

21 **History.**--s. 7, ch. 73-262; s. 75, ch. 95-
22 143.

23 **PART III**

24 **MEDICAL TRANSPORTATION** 25 **SERVICES**

26 401.2101 Short title.

27 401.211 Legislative intent.

28 401.23 Definitions.

29 401.24 Emergency medical services
30 state plan.

31 401.243 Injury prevention.

32 401.245 Emergency Medical Services
33 Advisory Council.

34 401.25 Licensure as a basic life support
35 or an advanced life support service.

36 401.251 Air ambulance service;
37 licensure.

38 401.252 Interfacility transfer.

39 401.26 Vehicle permits for basic life
40 support and advanced life support
41 services.

42 401.265 Medical directors.

43 401.268 Protocols with regional poison
44 control centers.

45 401.27 Personnel; standards and
46 certification.

47 401.2701 Emergency medical services
48 training programs.

49 401.271 Certification of emergency
50 medical technicians and paramedics
51 who are on active duty with the Armed
52 Forces of the United States; spouses of
53 members of the Armed Forces.

54 401.2715 Recertification training of
55 emergency medical technicians and
56 paramedics.

57 401.272 Emergency medical services
58 community health care.

59 401.273 Emergency medical technician
60 and paramedic registry for disasters and
61 emergencies.

62 401.281 Drivers.

63 401.2915 Automated external
64 defibrillators.

65 401.2916 Educational campaign.

66 401.30 Records.

67 401.31 Inspection and examination.

68 401.321 Transferability of license; effect
69 of sale, transfer, assignment, or lease of
70 service.

1 401.33 Exemptions.
2 401.34 Fees.
3 401.345 Emergency Medical Services
4 Trust Fund.
5 401.35 Rules.
6 401.38 Participation in federal
7 programs.
8 401.41 Penalties.
9 401.411 Disciplinary action; penalties.
10 401.414 Complaint investigation
11 procedures.
12 401.421 Injunctive relief; cease and
13 desist notice; civil penalty; enforcement.
14 401.425 Emergency medical services
15 quality assurance; immunity from
16 liability.
17 401.435 First responder agencies and
18 training.
19 401.445 Emergency examination and
20 treatment of incapacitated persons.
21 401.45 Denial of emergency treatment;
22 civil liability.
23 401.465 911 emergency dispatcher
24 certification.
25 **401.2101 Short title.**--This part may be
26 cited as the "Raymond H. Alexander,
27 M.D., Emergency Medical
28 Transportation Services Act."
29 **History.**--s. 1, ch. 92-78.
30 **401.211 Legislative intent.**--The
31 Legislature recognizes that the
32 systematic provision of emergency
33 medical services saves lives and
34 reduces disability associated with illness
35 and injury. In addition, that system of
36 care must be equally capable of

37 assessing, treating, and transporting
38 children, adults, and frail elderly
39 persons. Further, it is the intent of the
40 Legislature to encourage the
41 development and maintenance of
42 emergency medical services because
43 such services are essential to the health
44 and well-being of all citizens of the state.
45 The Legislature also recognizes that the
46 establishment of a comprehensive
47 statewide injury-prevention program
48 supports state and community health
49 systems by further enhancing the total
50 delivery system of emergency medical
51 services and reduces injuries for all
52 persons. The purpose of this part is to
53 protect and enhance the public health,
54 welfare, and safety through the
55 establishment of an emergency medical
56 services state plan, an advisory council,
57 a comprehensive statewide injury-
58 prevention program, minimum standards
59 for emergency medical services
60 personnel, vehicles, services and
61 medical direction, and the establishment
62 of a statewide inspection program
63 created to monitor the quality of patient
64 care delivered by each licensed service
65 and appropriately certified personnel.

66 **History.**--ss. 3, 25, ch. 82-402; ss. 1,
67 13, ch. 83-196; s. 3, ch. 84-317; s. 53,
68 ch. 86-220; s. 12, ch. 89-275; s. 10, ch.
69 89-283; ss. 2, 36, ch. 92-78; s. 35, ch.
70 2004-350.

71 **401.23 Definitions.**--As used in this
72 part, the term:

73 (1) "Advanced life support" means
74 treatment of life-threatening medical
75 emergencies through the use of
76 techniques such as endotracheal
77 intubation, the administration of drugs or
78 intravenous fluids, telemetry, cardiac
79 monitoring, and cardiac defibrillation by
80 a qualified person, pursuant to rules of
81 the department.

82 (2) "Advanced life support service"
83 means any emergency medical
84 transport or nontransport service which
85 uses advanced life support techniques.

1 (3) "Air ambulance" means any fixed-
2 wing or rotary-wing aircraft used for, or
3 intended to be used for, air
4 transportation of sick or injured persons
5 requiring or likely to require medical
6 attention during transport.

7 (4) "Air ambulance service" means any
8 publicly or privately owned service,
9 licensed in accordance with the
10 provisions of this part, which operates
11 air ambulances to transport persons
12 requiring or likely to require medical
13 attention during transport.

14 (5) "Ambulance" or "emergency medical
15 services vehicle" means any privately or
16 publicly owned land or water vehicle that
17 is designed, constructed, reconstructed,
18 maintained, equipped, or operated for,
19 and is used for, or intended to be used
20 for, land or water transportation of sick
21 or injured persons requiring or likely to
22 require medical attention during
23 transport.

24 (6) "Ambulance driver" means any
25 person who meets the requirements of
26 s. 401.281.

27 (7) "Basic life support" means treatment
28 of medical emergencies by a qualified
29 person through the use of techniques
30 such as patient assessment,
31 cardiopulmonary resuscitation (CPR),
32 splinting, obstetrical assistance,
33 bandaging, administration of oxygen,
34 application of medical antishock
35 trousers, administration of a
36 subcutaneous injection using a
37 premeasured autoinjector of epinephrine
38 to a person suffering an anaphylactic
39 reaction, and other techniques
40 described in the Emergency Medical
41 Technician Basic Training Course
42 Curriculum of the United States
43 Department of Transportation. The term
44 "basic life support" also includes other
45 techniques which have been approved
46 and are performed under conditions
47 specified by rules of the department.

48 (8) "Basic life support service" means
49 any emergency medical service which
50 uses only basic life support techniques.

51 (9) "Certification" means any
52 authorization issued pursuant to this
53 part to a person to act as an emergency
54 medical technician or a paramedic.

55 (10) "Department" means the
56 Department of Health.

57 (11) "Emergency medical technician"
58 means a person who is certified by the
59 department to perform basic life support
60 pursuant to this part.

61 (12) "Interfacility transfer" means the
62 transportation by ambulance of a patient
63 between two facilities licensed under
64 chapter 393, chapter 395, chapter 400,
65 or chapter 429, pursuant to this part.

66 (13) "Licensee" means any basic life
67 support service, advanced life support
68 service, or air ambulance service
69 licensed pursuant to this part.

70 (14) "Medical direction" means direct
71 supervision by a physician through two-
72 way voice communication or, when such
73 voice communication is unavailable,
74 through established standing orders,
75 pursuant to rules of the department.

76 (15) "Medical director" means a
77 physician who is employed or
78 contracted by a licensee and who
79 provides medical supervision, including
80 appropriate quality assurance but not
81 including administrative and managerial
82 functions, for daily operations and
83 training pursuant to this part.

84 (16) "Mutual aid agreement" means a
85 written agreement between two or more
86 entities whereby the signing parties
87 agree to lend aid to one another under
88 conditions specified in the agreement
89 and as sanctioned by the governing
90 body of each affected county.

91 (17) "Paramedic" means a person who
92 is certified by the department to perform
93 basic and advanced life support
94 pursuant to this part.

1 (18) "Permit" means any authorization
2 issued pursuant to this part for a vehicle
3 to be operated as a basic life support or
4 advanced life support transport vehicle
5 or an advanced life support nontransport
6 vehicle providing basic or advanced life
7 support.

8 (19) "Physician" means a practitioner
9 who is licensed under the provisions of
10 chapter 458 or chapter 459. For the
11 purpose of providing "medical direction"
12 as defined in subsection (14) for the
13 treatment of patients immediately prior
14 to or during transportation to a United
15 States Department of Veterans Affairs
16 medical facility, "physician" also means
17 a practitioner employed by the United
18 States Department of Veterans Affairs.

19 (20) "Registered nurse" means a
20 practitioner who is licensed to practice
21 professional nursing pursuant to part I of
22 chapter 464.

23 (21) "Service location" means any
24 permanent location in or from which a
25 licensee solicits, accepts, or conducts
26 business under this part.

27 **History.**--s. 3, ch. 73-126; s. 3, ch. 76-
28 168; s. 248, ch. 77-147; s. 1, ch. 77-347;
29 s. 1, ch. 77-457; ss. 1, 4, 10, ch. 79-280;
30 s. 257, ch. 81-259; ss. 2, 3, ch. 81-318;
31 ss. 4, 24, 25, ch. 82-402; ss. 2, 12, 13,
32 ch. 83-196; s. 4, ch. 84-317; s. 54, ch.
33 86-220; s. 1, ch. 89-283; ss. 3, 36, ch.
34 92-78; s. 42, ch. 97-237; s. 107, ch.
35 2000-318; s. 72, ch. 2006-197; s. 50, ch.
36 2008-6.

37 **401.24 Emergency medical services**
38 **state plan.**--The department is
39 responsible, at a minimum, for the
40 improvement and regulation of basic
41 and advanced life support programs.
42 The department shall develop and
43 biennially revise a comprehensive state
44 plan for basic and advanced life support
45 services, the emergency medical
46 services grants program, trauma
47 centers, the injury control program, and
48 medical disaster preparedness. The
49 state plan shall include, but need not be
50 limited to:

51 (1) Emergency medical systems
52 planning, including the prehospital and
53 hospital phases of patient care, and
54 injury control effort and unification of
55 such services into a total delivery
56 system to include air, water, and land
57 services.

58 (2) Requirements for the operation,
59 coordination, and ongoing development
60 of emergency medical services, which
61 includes: basic life support or advanced
62 life support vehicles, equipment, and
63 supplies; communications; personnel;
64 training; public education; state trauma
65 system; injury control; and other medical
66 care components.

67 (3) The definition of areas of
68 responsibility for regulating and planning
69 the ongoing and developing delivery
70 service requirements.

71 **History.**--s. 4, ch. 73-126; s. 3, ch. 76-
72 168; s. 1, ch. 77-457; ss. 5, 10, ch. 79-
73 280; ss. 2, 3, ch. 81-318; ss. 5, 24, 25,
74 ch. 82-402; ss. 3, 13, ch. 83-196; s. 5,
75 ch. 84-317; s. 55, ch. 86-220; ss. 4, 36,
76 ch. 92-78; s. 9, ch. 2004-259.

77 **401.243 Injury prevention.**--The
78 department shall establish an injury-
79 prevention program with responsibility
80 for the statewide coordination and
81 expansion of injury-prevention activities.
82 The duties of the department under the
83 program may include, but are not limited
84 to, data collection, surveillance,
85 education, and the promotion of
86 interventions. In addition, the
87 department may:

88 (1) Provide communities, county health
89 departments, and other state agencies
90 with expertise and guidance in injury
91 prevention.

92 (2) Seek, receive, and expend funds
93 received from grants, donations, or
94 contributions from public or private
95 sources for program purposes.

1 (3) Develop, and revise as necessary, a
2 comprehensive state plan for injury
3 prevention.

4 (4) Adopt rules governing the
5 implementation of grant programs. The
6 rules may include, but need not be
7 limited to, criteria regarding the
8 application process, the selection of
9 grantees, the implementation of injury-
10 prevention activities, data collection,
11 surveillance, education, and the
12 promotion of interventions.

13 **History.**--s. 36, ch. 2004-350.

14 **401.245 Emergency Medical Services**
15 **Advisory Council.**--

16 (1) There is hereby created an advisory
17 council for the purpose of acting as the
18 advisory body to the emergency medical
19 services program. The duties of the
20 council include, but are not limited to:

21 (a) Identifying and making
22 recommendations to the department
23 concerning the appropriateness of
24 suggested changes to statutes and
25 administrative rules.

26 (b) Acting as a clearinghouse for
27 information specific to changes in the
28 provision of emergency medical
29 services and trauma care.

30 (c) Providing technical support to the
31 department in the areas of emergency
32 medical services and trauma systems
33 design, required medical and rescue
34 equipment, required drugs and dosages,
35 medical treatment protocols and
36 emergency medical services personnel
37 education and training requirements.

38 (d) Assisting in developing the
39 emergency medical services portion of
40 the department's annual legislative
41 package.

42 (e) Providing a forum for discussing
43 significant issues facing the emergency
44 medical services and trauma care
45 communities.

46 (f) Providing a forum for planning the
47 continued development of the state's
48 emergency medical services system
49 through the joint production of the
50 emergency medical services state plan.

51 (g) Assisting the department in
52 developing the emergency medical
53 services quality management program.

54 (h) Assisting the department in setting
55 program priorities.

56 (i) Providing feedback to the
57 department on the administration and
58 performance of the emergency medical
59 services program.

60 (j) Providing technical support to the
61 emergency medical services grants
62 program.

63 (k) Assisting the department in
64 emergency medical services public
65 education.

66 (l) Assisting in the development of the
67 department's injury prevention and
68 control program.

69 (2)(a) No more than 15 members may
70 be appointed to this council. Members
71 shall be appointed for 4-year terms in
72 such a manner that each year the terms
73 of approximately one-fourth of the
74 members expire. The chair of the
75 council shall be designated by the State
76 Surgeon General. Vacancies shall be
77 filled for the remainder of unexpired
78 terms in the same manner as the
79 original appointment. Members shall
80 receive no compensation but may be
81 reimbursed for per diem and travel
82 expenses.

83 (b) Representation on the Emergency
84 Medical Services Advisory Council shall
85 include: two licensed physicians who
86 are "medical directors" as defined in s.
87 401.23(15) or whose medical practice is
88 closely related to emergency medical
89 services; two emergency medical
90 service administrators, one of whom is
91 employed by a fire service; two certified

1 paramedics, one of whom is employed
2 by a fire service; two certified
3 emergency medical technicians, one of
4 whom is employed by a fire service; one
5 emergency medical services educator;
6 one emergency nurse; one hospital
7 administrator; one representative of air
8 ambulance services; one representative
9 of a commercial ambulance operator;
10 and two laypersons who are in no way
11 connected with emergency medical
12 services, one of whom is a
13 representative of the elderly. Ex officio
14 members of the advisory council from
15 state agencies shall include, but shall
16 not be limited to, representatives from
17 the Department of Education, the
18 Department of Management Services,
19 the State Fire Marshal, the Department
20 of Highway Safety and Motor Vehicles,
21 the Department of Transportation, and
22 the Department of Community Affairs.

23 (c) Appointments to the council shall be
24 made by the State Surgeon General,
25 except that state agency representatives
26 shall be appointed by the respective
27 agency head.

28 (3) Any Emergency Medical Services
29 Advisory Council member shall be
30 removed from office for malfeasance;
31 misfeasance; neglect of duty;
32 incompetence; permanent inability to
33 perform official duties; or pleading guilty
34 or nolo contendere to, or being found
35 guilty of, a felony.

36 (4) The council shall hold meetings at
37 the call of the chair, upon the written
38 request of five members of the council,
39 or at the call of the staff director of the
40 emergency medical services program
41 office. A majority of the members of the
42 council shall constitute a quorum.
43 Minutes shall be recorded for all
44 meetings of the council and shall be
45 maintained on file in the emergency
46 medical services program office.

47 (5) The department shall adopt rules to
48 implement this section, which rules shall
49 serve as formal operating procedures
50 for the Emergency Medical Services
51 Advisory Council.

52 (6) There is established a committee to
53 advise the Department of Health on
54 matters concerning preventative,
55 prehospital, hospital, rehabilitative, and
56 other posthospital medical care for
57 children.

58 (a) Committee members shall be
59 appointed by the State Surgeon
60 General, and shall include, but not be
61 limited to, physicians and other medical
62 professionals that have experience in
63 emergency medicine or expertise in
64 emergency and critical care for children.

65 (b) Appointments to the committee shall
66 be for a term of 2 years. Vacancies may
67 be filled for the unexpired term at the
68 discretion of the State Surgeon General.
69 The members shall serve without
70 compensation, and shall not be
71 reimbursed for necessary expenses
72 incurred in the performance of their
73 duties, unless there is funding available
74 from the Federal Government or
75 contributions or grants from private
76 sources.

77 **History.**--ss. 4, 13, ch. 83-196; ss. 14,
78 56, ch. 86-220; s. 5, ch. 88-186; s. 13,
79 ch. 89-275; s. 11, ch. 89-283; ss. 1, 2, 3,
80 ch. 92-46; s. 36, ch. 92-78; s. 7, ch. 92-
81 174; s. 76, ch. 95-143; s. 791, ch. 95-
82 148; s. 45, ch. 95-196; s. 43, ch. 97-237;
83 s. 422, ch. 2003-261; s. 51, ch. 2008-6.

84 **401.25 Licensure as a basic life**
85 **support or an advanced life support**
86 **service.--**

87 (1) Every person, firm, corporation,
88 association, or governmental entity
89 owning or acting as agent for the owner
90 of any business or service which
91 furnishes, operates, conducts,
92 maintains, advertises, engages in,
93 proposes to engage in, or professes to
94 engage in the business or service of
95 providing prehospital or interfacility
96 advanced life support services or basic
97 life support transportation services must
98 be licensed as a basic life support
99 service or an advanced life support
100 service, whichever is applicable, before
101 offering such service to the public. The

1 application for such license must be
2 submitted to the department on forms
3 provided for this purpose. The
4 application must include documentation
5 that the applicant meets the appropriate
6 requirements for a basic life support
7 service or an advanced life support
8 service, whichever is applicable, as
9 specified by rule of the department.

10 (2) The department shall issue a
11 license for operation to any applicant
12 who complies with the following
13 requirements:

14 (a) The applicant has paid the fees
15 required by s. 401.34.

16 (b) The ambulances, equipment,
17 vehicles, personnel, communications
18 systems, staffing patterns, and services
19 of the applicant meet the requirements
20 of this part, including the appropriate
21 rules for either a basic life support
22 service or an advanced life support
23 service, whichever is applicable.

24 (c) The applicant has furnished
25 evidence of adequate insurance
26 coverage for claims arising out of injury
27 to or death of persons and damage to
28 the property of others resulting from any
29 cause for which the owner of such
30 business or service would be liable. The
31 applicant must provide insurance in
32 such sums and under such terms as
33 required by the department. In lieu of
34 such insurance, the applicant may
35 furnish a certificate of self-insurance
36 evidencing that the applicant has
37 established an adequate self-insurance
38 plan to cover such risks and that the
39 plan has been approved by the Office of
40 Insurance Regulation of the Financial
41 Services Commission.

42 (d) The applicant has obtained a
43 certificate of public convenience and
44 necessity from each county in which the
45 applicant will operate. In issuing the
46 certificate of public convenience and
47 necessity, the governing body of each
48 county shall consider the
49 recommendations of municipalities
50 within its jurisdiction.

51 (3) The department may suspend or
52 revoke a license at any time if it
53 determines that the licensee has failed
54 to maintain compliance with the
55 requirements prescribed for operating a
56 basic or advanced life support service.

57 (4) Each license issued in accordance
58 with this part will expire automatically 2
59 years after the date of issuance.

60 (5) The requirements for renewal of any
61 license issued under this part are the
62 same as the requirements for original
63 licensure that are in effect at the time of
64 renewal.

65 (6) The governing body of each county
66 may adopt ordinances that provide
67 reasonable standards for certificates of
68 public convenience and necessity for
69 basic or advanced life support services
70 and air ambulance services. In
71 developing standards for certificates of
72 public convenience and necessity, the
73 governing body of each county must
74 consider state guidelines,
75 recommendations of the local or
76 regional trauma agency created under
77 chapter 395, and the recommendations
78 of municipalities within its jurisdiction.

79 (7)(a) Each permitted basic life support
80 ambulance not specifically exempted
81 from this part, when transporting a
82 person who is sick, injured, wounded,
83 incapacitated, or helpless, must be
84 occupied by at least two persons: one
85 patient attendant who is a certified
86 emergency medical technician, certified
87 paramedic, or licensed physician; and
88 one ambulance driver who meets the
89 requirements of s. 401.281. This
90 paragraph does not apply to interfacility
91 transfers governed by s. 401.252(1).

92 (b) Each permitted advanced life
93 support ambulance not specifically
94 exempted from this part, when
95 transporting a person who is sick,
96 injured, wounded, incapacitated, or
97 helpless, must be occupied by at least
98 two persons: one who is a certified
99 paramedic or licensed physician; and
100 one who is a certified emergency

1 medical technician, certified paramedic,
2 or licensed physician who also meets
3 the requirements of s. 401.281 for
4 drivers. The person with the highest
5 medical certifications shall be in charge
6 of patient care. This paragraph does not
7 apply to interfacility transfers governed
8 by s. 401.252(1).

9 **History.**--ss. 5, 16, ch. 73-126; s. 3, ch.
10 76-168; s. 249, ch. 77-147; s. 1, ch. 77-
11 457; s. 19, ch. 78-95; ss. 6, 10, ch. 79-
12 280; ss. 2, 3, ch. 81-318; ss. 6, 24, 25,
13 ch. 82-402; ss. 5, 13, ch. 83-196; s. 54,
14 ch. 83-218; s. 6, ch. 84-317; s. 57, ch.
15 86-220; s. 14, ch. 89-275; s. 12, ch. 89-
16 283; ss. 5, 36, ch. 92-78; s. 29, ch. 99-
17 397; s. 423, ch. 2003-261.

18 **401.251 Air ambulance service;**
19 **licensure.--**

20 (1) Each person, firm, corporation,
21 association, or governmental entity that
22 owns or acts as an agent for the owner
23 of any business or service that
24 furnishes, operates, conducts,
25 maintains, advertises, engages in,
26 proposes to engage in, or professes to
27 engage in the business or service of
28 transporting by air ambulance persons
29 who require or are likely to require
30 medical attention during transport must
31 be licensed as an air ambulance
32 service, before offering such service.

33 (2) The application for this license must
34 be submitted to the department on
35 forms provided for this purpose. The
36 application must include documentation
37 that the applicant meets the appropriate
38 requirements for an air ambulance
39 service as specified by rule of the
40 department.

41 (3) An applicant who seeks licensure as
42 an air ambulance service must:

43 (a) Submit a completed application to
44 the department on such forms and
45 including such information as specified
46 by rule of the department.

47 (b) Submit the appropriate fee as
48 provided in s. 401.34.

49 (c) Specify the location of all required
50 medical equipment and provide
51 documentation that all such equipment
52 is available and in good working order.

53 (d) Provide documentation that all
54 aircraft and crew members meet
55 applicable Federal Aviation
56 Administration (FAA) regulations.

57 (e) Provide proof of adequate insurance
58 coverage of not less than \$100,000 per
59 person and \$300,000 per incident, or a
60 greater amount if specified by rule of the
61 department, for claims arising out of
62 injury or death of persons and damage
63 to property of others resulting from any
64 cause for which the owner of such
65 business or service would be liable.
66 Self-insurance is an acceptable
67 alternative as specified in s.
68 401.25(2)(c).

69 (f) Specify whether the service uses
70 either fixed-winged or rotary-winged
71 aircraft, or both.

72 (4)(a) If a service provides interhospital
73 air transport, air transport from hospital
74 to another facility, air transport from
75 hospital to home, or similar air transport,
76 the service must provide evidence that it
77 has employed or contracted with a
78 medical director to advise the service on
79 the appropriate staffing, equipment, and
80 supplies to be used for the transport of
81 any patient aboard an air ambulance
82 and must provide information to
83 referring physicians regarding special
84 medical requirements and restrictions
85 when transporting by air ambulance.

86 (b) If the air ambulance service uses
87 rotary-winged aircraft in conjunction with
88 another emergency medical service, the
89 air ambulance service must meet the
90 provisions of this section and must meet
91 separate basic life support and
92 advanced life support requirements
93 unique to air ambulance operations as is
94 required by rules of the department.
95 Such service is subject to the provisions

1 of s. 401.25 relating to a certificate of
2 public convenience and necessity;
3 however, a service may operate in any
4 county under the terms of mutual aid
5 agreements.

6 (c) Unless, in the opinion of the
7 attending physician, the patient has an
8 emergency medical condition as defined
9 by s. 395.002, the service must provide
10 each person using the service, before
11 rendering the service, a written
12 description of the services to be
13 rendered and the cost of those services.

14 (5) In order to renew a license for air
15 ambulance service, the applicant must:

16 (a) Submit a renewal application to the
17 department not more than 90 days nor
18 less than 60 days before the license
19 expires.

20 (b) Submit the appropriate renewal fee
21 as provided in s. 401.34.

22 (c) Provide documentation that current
23 standards for issuance of a license are
24 met.

25 (6) Any advanced life support service
26 licensee may engage in air ambulance
27 operations by complying with the
28 appropriate provisions of this section
29 and requirements specified by rule of
30 the department.

31 **History.**--ss. 11, 13, ch. 83-196; s. 1,
32 ch. 91-169; ss. 27, 36, ch. 92-78; s. 73,
33 ch. 92-289.

34 **Note.**--Former s. 401.48.

35 **401.252 Interfacility transfer.**--

36 (1) A licensed basic or advanced life
37 support ambulance service may conduct
38 interfacility transfers in a permitted
39 ambulance, using a registered nurse in
40 place of an emergency medical
41 technician or paramedic, if:

42 (a) The registered nurse holds a current
43 certificate of successful course
44 completion in advanced cardiac life
45 support;

46 (b) The physician in charge has granted
47 permission for such a transfer, has
48 designated the level of service required
49 for such transfer, and has deemed the
50 patient to be in such a condition
51 appropriate to this type of ambulance
52 staffing; and

53 (c) The registered nurse operates within
54 the scope of part I of chapter 464.

55 (2) A licensed basic or advanced life
56 support service may conduct interfacility
57 transfers in a permitted ambulance if the
58 patient's treating physician certifies that
59 the transfer is medically appropriate and
60 the physician provides reasonable
61 transfer orders. An interfacility transfer
62 must be conducted in a permitted
63 ambulance if it is determined that the
64 patient needs, or is likely to need,
65 medical attention during transport. If the
66 emergency medical technician or
67 paramedic believes the level of patient
68 care required during the transfer is
69 beyond his or her capability, the medical
70 director, or his or her designee, must be
71 contacted for clearance prior to
72 conducting the transfer. If necessary,
73 the medical director, or his or her
74 designee, shall attempt to contact the
75 treating physician for consultation to
76 determine the appropriateness of the
77 transfer.

78 (3) Infants less than 28 days old or
79 infants weighing less than 5 kilograms,
80 who require critical care interfacility
81 transport to a neonatal intensive care
82 unit, shall be transported in a permitted
83 advanced life support or basic life
84 support transport ambulance, or in a
85 permitted advanced life support or basic
86 life support ambulance that is
87 recognized by the department as
88 meeting designated criteria for neonatal
89 interfacility critical care transport.

90 (4) The department shall adopt and
91 enforce rules to carry out this section,

1 including rules for permitting, equipping,
2 and staffing transport ambulances and
3 that govern the medical direction under
4 which interfacility transfers take place.

5 **History.**--ss. 7, 25, ch. 82-402; s. 13,
6 ch. 83-196; ss. 6, 36, ch. 92-78; s. 792,
7 ch. 95-148; s. 44, ch. 97-237; s. 108, ch.
8 2000-318.

9 **401.26 Vehicle permits for basic life**
10 **support and advanced life support**
11 **services.--**

12 (1) Every licensee shall possess a valid
13 permit for each transport vehicle,
14 advanced life support nontransport
15 vehicle, and aircraft in use. Applications
16 for such permits shall be made upon
17 forms prescribed by the department.
18 The licensee shall provide
19 documentation that each vehicle for
20 which a permit is sought meets the
21 appropriate requirements for a basic life
22 support or advanced life support service
23 vehicle, whichever is applicable, as
24 specified by rule of the department. A
25 permit is not required for an advanced
26 life support nontransport vehicle that is
27 intended to be used for scene
28 supervision, incident command, or the
29 augmentation of supplies.

30 (2) To receive a valid permit, the
31 applicant must submit a completed
32 application form for each vehicle or
33 aircraft for which a permit is desired, pay
34 the appropriate fees established as
35 provided in s. 401.34, and provide
36 documentation that each vehicle or
37 aircraft meets the following
38 requirements as established by rule of
39 the department; the vehicle or aircraft
40 must:

41 (a) Be furnished with essential medical
42 supplies and equipment which is in good
43 working order.

44 (b) Meet appropriate standards for
45 design and construction.

46 (c) Be equipped with an appropriate
47 communication system.

48 (d) Meet appropriate safety standards.

49 (e) Meet sanitation and maintenance
50 standards.

51 (f) Be insured for an appropriate sum
52 against injuries to or the death of any
53 person arising out of an accident.

54 (3) The department may deny,
55 suspend, or revoke a permit if it
56 determines that the vehicle, aircraft, or
57 equipment fails to meet the
58 requirements specified in this part or in
59 the rules of the department.

60 (4) A permit issued in accordance with
61 this section will expire automatically
62 concurrent with the service license.

63 (5) In order to renew a vehicle or
64 aircraft permit issued pursuant to this
65 part, the applicant must:

66 (a) Submit a renewal application. Such
67 application must be received by the
68 department not more than 90 days or
69 less than 30 days prior to the expiration
70 of the permit.

71 (b) Submit the appropriate fee or fees,
72 established as provided in s. 401.34.

73 (c) Provide documentation that current
74 standards for issuance of a permit are
75 met.

76 (6) The department shall establish
77 criteria and time limits for substitution of
78 permitted vehicles that are out of service
79 for maintenance purposes.

80 (7) The department shall adopt and
81 enforce rules necessary to administer
82 this section.

83 **History.**--s. 6, ch. 73-126; s. 3, ch. 76-
84 168; s. 250, ch. 77-147; s. 1, ch. 77-457;
85 s. 19, ch. 78-95; ss. 7, 10, ch. 79-280;
86 ss. 2, 3, ch. 81-318; ss. 9, 24, 25, ch.
87 82-402; s. 13, ch. 83-196; s. 56, ch. 83-
88 218; s. 8, ch. 84-317; s. 58, ch. 86-220;
89 ss. 7, 36, ch. 92-78; s. 19, ch. 98-151.

1 **401.265 Medical directors.--**

2 (1) Each basic life support
3 transportation service or advanced life
4 support service must employ or contract
5 with a medical director. The medical
6 director must be a licensed physician; a
7 corporation, association, or partnership
8 composed of physicians; or physicians
9 employed by any hospital that delivers
10 in-hospital emergency medical services
11 and employs or contracts with
12 physicians specifically for that purpose.
13 Such a hospital, physician, corporation,
14 association, or partnership must
15 designate one physician from that
16 organization to be medical director at
17 any given time. The medical director
18 must supervise and assume direct
19 responsibility for the medical
20 performance of the emergency medical
21 technicians and paramedics operating
22 for that emergency medical services
23 system. The medical director must
24 perform duties including advising,
25 consulting, training, counseling, and
26 overseeing of services, including
27 appropriate quality assurance but not
28 including administrative and managerial
29 functions.

30 (2) Each medical director shall establish
31 a quality assurance committee to
32 provide for quality assurance review of
33 all emergency medical technicians and
34 paramedics operating under his or her
35 supervision. If the medical director has
36 reasonable belief that conduct by an
37 emergency medical technician or
38 paramedic may constitute one or more
39 grounds for discipline as provided by
40 this part, he or she shall document facts
41 and other information related to the
42 alleged violation. The medical director
43 shall report to the department any
44 emergency medical technician or
45 paramedic whom the medical director
46 reasonably believes to have acted in a
47 manner which might constitute grounds
48 for disciplinary action. Such a report of
49 disciplinary concern must include a
50 statement and documentation of the
51 specific acts of the disciplinary concern.
52 Within 7 days after receipt of such a
53 report, the department shall provide the

54 emergency medical technician or
55 paramedic a copy of the report of the
56 disciplinary concern and documentation
57 of the specific acts related to the
58 disciplinary concern. If the department
59 determines that the report is insufficient
60 for disciplinary action against the
61 emergency medical technician or
62 paramedic pursuant to s. 401.411, the
63 report shall be expunged from the
64 record of the emergency medical
65 technician or paramedic.

66 (3) Any medical director who in good
67 faith gives oral or written instructions to
68 certified emergency medical services
69 personnel for the provision of
70 emergency care shall be deemed to be
71 providing emergency medical care or
72 treatment for the purposes of s.
73 768.13(2).

74 (4) Each medical director who uses a
75 paramedic or emergency medical
76 technician to perform blood pressure
77 screening, health promotion, and
78 wellness activities, or to administer
79 immunization on any patient under a
80 protocol as specified in s. 401.272,
81 which is not in the provision of
82 emergency care, is liable for any act or
83 omission of any paramedic or
84 emergency medical technician acting
85 under his or her supervision and control
86 when performing such services.

87 (5) The department shall adopt and
88 enforce all rules necessary to administer
89 this section.

90 **History.**--ss. 6, 25, ch. 82-402; ss. 12,
91 13, ch. 83-196; s. 8, ch. 88-186; s. 15,
92 ch. 89-275; s. 13, ch. 89-283; s. 70, ch.
93 89-374; ss. 8, 36, ch. 92-78; s. 34, ch.
94 93-211; s. 793, ch. 95-148; s. 45, ch.
95 97-237; s. 3, ch. 98-87; s. 20, ch. 98-
96 151.

97 **401.268 Protocols with regional**
98 **poison control centers.**--By October 1,
99 1999, each licensee shall implement a
100 prehospital emergency dispatch protocol
101 with the regional poison control center
102 established pursuant to s. 395.1027.
103 The prehospital emergency dispatch

1 protocol shall be developed by the
2 licensee's medical director in
3 conjunction with the designated regional
4 poison control center responsible for the
5 geographic area in which the licensee
6 operates. The protocol shall define toxic
7 substances and describe the procedure
8 by which the designated regional poison
9 control center may be consulted by the
10 licensee. If a call is transferred to the
11 regional poison control center in
12 accordance with the protocol
13 established under this section and s.
14 395.1027, the regional poison control
15 center shall assume responsibility and
16 liability for the call.

17 **History.**--s. 2, ch. 98-7.

18 **401.27 Personnel; standards and**
19 **certification.--**

20 (1) Each permitted ambulance not
21 specifically exempted from this part,
22 when transporting a person who is sick,
23 injured, wounded, incapacitated, or
24 helpless, must be occupied by at least
25 two persons, one of whom must be a
26 certified emergency medical technician,
27 certified paramedic, or licensed
28 physician and one of whom must be a
29 driver who meets the requirements for
30 ambulance drivers. This subsection
31 does not apply to interfacility transfers
32 governed by s. 401.252(1).

33 (2) The department shall establish by
34 rule educational and training criteria and
35 examinations for the certification and
36 recertification of emergency medical
37 technicians and paramedics. Such rules
38 must require, but need not be limited to:

39 (a) For emergency medical technicians,
40 proficiency in techniques identified in s.
41 401.23(7) and in rules of the
42 department.

43 (b) For paramedics, proficiency in
44 techniques identified in s. 401.23(1) and
45 in rules of the department.

46 (3) Any person who desires to be
47 certified or recertified as an emergency

48 medical technician or paramedic must
49 apply to the department under oath on
50 forms provided by the department which
51 shall contain such information as the
52 department reasonably requires, which
53 may include affirmative evidence of
54 ability to comply with applicable laws
55 and rules. The department shall
56 determine whether the applicant meets
57 the requirements specified in this
58 section and in rules of the department
59 and shall issue a certificate to any
60 person who meets such requirements.

61 (4) An applicant for certification or
62 recertification as an emergency medical
63 technician or paramedic must:

64 (a) Have completed an appropriate
65 training course as follows:

66 1. For an emergency medical
67 technician, an emergency medical
68 technician training course equivalent to
69 the most recent emergency medical
70 technician basic training course of the
71 United States Department of
72 Transportation as approved by the
73 department;

74 2. For a paramedic, a paramedic
75 training program equivalent to the most
76 recent paramedic course of the United
77 States Department of Transportation as
78 approved by the department;

79 (b) Certify under oath that he or she is
80 not addicted to alcohol or any controlled
81 substance;

82 (c) Certify under oath that he or she is
83 free from any physical or mental defect
84 or disease that might impair the
85 applicant's ability to perform his or her
86 duties;

87 (d) Within 1 year after course
88 completion have passed an examination
89 developed or required by the
90 department;

91 (e)1. For an emergency medical
92 technician, hold either a current
93 American Heart Association

1 cardiopulmonary resuscitation course
2 card or an American Red Cross
3 cardiopulmonary resuscitation course
4 card or its equivalent as defined by
5 department rule;

6 2. For a paramedic, hold a certificate of
7 successful course completion in
8 advanced cardiac life support from the
9 American Heart Association or its
10 equivalent as defined by department
11 rule;

12 (f) Submit the certification fee and the
13 nonrefundable examination fee
14 prescribed in s. 401.34, which
15 examination fee will be required for each
16 examination administered to an
17 applicant; and

18 (g) Submit a completed application to
19 the department, which application
20 documents compliance with paragraphs
21 (a), (b), (c), (e), (f), (g), and, if
22 applicable, (d). The application must be
23 submitted so as to be received by the
24 department at least 30 calendar days
25 before the next regularly scheduled
26 examination for which the applicant
27 desires to be scheduled.

28 (5) The certification examination must
29 be offered monthly. The department
30 shall issue an examination admission
31 notice to the applicant advising him or
32 her of the time and place of the
33 examination for which he or she is
34 scheduled. Individuals achieving a
35 passing score on the certification
36 examination may be issued a temporary
37 certificate with their examination grade
38 report. The department must issue an
39 original certification within 45 days after
40 the examination. Examination questions
41 and answers are not subject to
42 discovery but may be introduced into
43 evidence and considered only in camera
44 in any administrative proceeding under
45 chapter 120. If an administrative hearing
46 is held, the department shall provide
47 challenged examination questions and
48 answers to the administrative law judge.
49 The department shall establish by rule
50 the procedure by which an applicant,
51 and the applicant's attorney, may review

52 examination questions and answers in
53 accordance with s. 119.071(1)(a).

54 (6)(a) The department shall establish by
55 rule a procedure for biennial renewal
56 certification of emergency medical
57 technicians. Such rules must require a
58 United States Department of
59 Transportation refresher training
60 program of at least 30 hours as
61 approved by the department every 2
62 years. The refresher program may be
63 offered in multiple presentations spread
64 over the 2-year period. The rules must
65 also provide that the refresher course
66 requirement may be satisfied by passing
67 a challenge examination.

68 (b) The department shall establish by
69 rule a procedure for biennial renewal
70 certification of paramedics. Such rules
71 must require candidates for renewal to
72 have taken at least 30 hours of
73 continuing education units during the 2-
74 year period. The rules must provide that
75 the continuing education requirement
76 may be satisfied by passing a challenge
77 examination.

78 (7) A physician, physician assistant,
79 dentist, or registered nurse may be
80 certified as a paramedic if the physician,
81 physician assistant, dentist, or
82 registered nurse is certified in this state
83 as an emergency medical technician,
84 has passed the required emergency
85 medical technician curriculum, has
86 successfully completed an advanced
87 cardiac life support course, has passed
88 the examination for certification as a
89 paramedic, and has met other
90 certification requirements specified by
91 rule of the department. A physician,
92 physician assistant, dentist, or
93 registered nurse so certified must be
94 recertified under this section.

95 (8) Each emergency medical technician
96 certificate and each paramedic
97 certificate will expire automatically and
98 may be renewed if the holder meets the
99 qualifications for renewal as established
100 by the department. A certificate that is
101 not renewed at the end of the 2-year
102 period will automatically revert to an

1 inactive status for a period not to exceed
2 180 days. Such certificate may be
3 reactivated and renewed within the 180
4 days if the certificateholder meets all
5 other qualifications for renewal and pays
6 a \$25 late fee. Reactivation shall be in a
7 manner and on forms prescribed by
8 department rule. The holder of a
9 certificate that expired on December 1,
10 1996, has until September 30, 1997, to
11 reactivate the certificate in accordance
12 with this subsection.

13 (9) The department may suspend or
14 revoke a certificate at any time if it
15 determines that the holder does not
16 meet the applicable qualifications.

17 (10) The department may provide by
18 rule for physically disabled persons to
19 take and be provided with the results of
20 the written portion of the emergency
21 medical technician certification
22 examination or paramedic certification
23 examination. However, such persons
24 may not receive any special assistance
25 in completing the examination. An
26 individual who achieves a passing grade
27 on the emergency medical technician
28 certification examination or paramedic
29 certification examination may be issued
30 a limited emergency medical technician
31 certificate or a limited paramedic
32 certificate. An individual issued a limited
33 certificate may not perform patient care
34 or treatment activities.

35 (11)(a) A certificateholder may request
36 that his or her emergency medical
37 technician certificate or paramedic
38 certificate be placed on inactive status
39 by applying to the department before his
40 or her current certification expires and
41 paying a fee set by the department not
42 to exceed \$50.

43 (b)1. A certificateholder whose
44 certificate has been on inactive status
45 for 1 year or less following the date his
46 or her emergency medical technician
47 certificate or paramedic certificate
48 expired may renew his or her certificate
49 pursuant to the rules adopted by the
50 department and upon payment of a late

51 renewal fee set by the department not to
52 exceed \$100.

53 2. A certificateholder whose certificate
54 has been on inactive status for more
55 than 1 year may renew his or her
56 certificate pursuant to rules adopted by
57 the department. To renew, the
58 certificateholder must pass the
59 certification examination and complete
60 continuing education requirements and
61 a field internship.

62 (c) A certificate which has been inactive
63 for more than 6 years automatically
64 expires and may not be reinstated.

65 (12) An applicant for certification who is
66 an out-of-state trained emergency
67 medical technician or paramedic must
68 provide proof of current emergency
69 medical technician or paramedic
70 certification or registration based upon
71 successful completion of the United
72 States Department of Transportation
73 emergency medical technician or
74 paramedic training curriculum and hold
75 a current certificate of successful course
76 completion in cardiopulmonary
77 resuscitation (CPR) or advanced cardiac
78 life support for emergency medical
79 technicians or paramedics, respectively,
80 to be eligible for the certification
81 examination. The applicant must
82 successfully complete the certification
83 examination within 1 year after the date
84 of the receipt of his or her application by
85 the department. After 1 year, the
86 applicant must submit a new application,
87 meet all eligibility requirements, and
88 submit all fees to reestablish eligibility to
89 take the certification examination.

90 (13) The department shall adopt a
91 standard state insignia for emergency
92 medical technicians and paramedics.
93 The department shall establish by rule
94 the requirements to display the state
95 emergency medical technician and
96 paramedic insignia. The rules may not
97 require a person to wear the standard
98 insignia but must require that if a person
99 wears any insignia that identifies the
100 person as a certified emergency medical
101 technician or paramedic in this state, the

1 insignia must be the standard state
2 insignia adopted under this section. The
3 insignia must denote the individual's
4 level of certification at which he or she is
5 functioning.

6 **History.**--s. 7, ch. 73-126; s. 3, ch. 76-
7 168; s. 251, ch. 77-147; s. 1, ch. 77-257;
8 s. 2, ch. 77-347; s. 1, ch. 77-457; s. 19,
9 ch. 78-95; ss. 2, 3, ch. 81-318; ss. 10,
10 24, 25, ch. 82-402; ss. 6, 12, 13, ch. 83-
11 196; s. 9, ch. 84-317; s. 1, ch. 86-74; s.
12 59, ch. 86-220; ss. 9, 36, ch. 92-78; s.
13 794, ch. 95-148; s. 46, ch. 97-237; s. 30,
14 ch. 99-397; s. 18, ch. 2001-53; s. 42, ch.
15 2004-335; s. 49, ch. 2005-251; s. 1, ch.
16 2007-145.

17 **401.2701 Emergency medical**
18 **services training programs.--**

19 (1) Any private or public institution in
20 Florida desiring to conduct an approved
21 program for the education of emergency
22 medical technicians and paramedics
23 shall:

24 (a) Submit a completed application on a
25 form provided by the department, which
26 must include:

27 1. Evidence that the institution is in
28 compliance with all applicable
29 requirements of the Department of
30 Education.

31 2. Evidence of an affiliation agreement
32 with a hospital that has an emergency
33 department staffed by at least one
34 physician and one registered nurse.

35 3. Evidence of an affiliation agreement
36 with a current Florida-licensed
37 emergency medical services provider.
38 Such agreement shall include, at a
39 minimum, a commitment by the provider
40 to conduct the field experience portion
41 of the education program.

42 4. Documentation verifying faculty,
43 including:

44 a. A medical director who is a licensed
45 physician meeting the applicable

46 requirements for emergency medical
47 services medical directors as outlined in
48 this chapter and rules of the department.
49 The medical director shall have the duty
50 and responsibility of certifying that
51 graduates have successfully completed
52 all phases of the education program and
53 are proficient in basic or advanced life
54 support techniques, as applicable.

55 b. A program director responsible for
56 the operation, organization, periodic
57 review, administration, development,
58 and approval of the program.

59 5. Documentation verifying that the
60 curriculum:

61 a. Meets the course guides and
62 instructor's lesson plans in the most
63 recent Emergency Medical Technician-
64 Basic National Standard Curricula for
65 emergency medical technician programs
66 and Emergency Medical Technician-
67 Paramedic National Standard Curricula
68 for paramedic programs.

69 b. Includes 2 hours of instruction on the
70 trauma scorecard methodologies for
71 assessment of adult trauma patients
72 and pediatric trauma patients as
73 specified by the department by rule.

74 c. Includes 4 hours of instruction on
75 HIV/AIDS training consistent with the
76 requirements of chapter 381.

77 6. Evidence of sufficient medical and
78 educational equipment to meet
79 emergency medical services training
80 program needs.

81 (b) Receive a scheduled site visit from
82 the department to the applicant's
83 institution. Such site visit shall be
84 conducted within 30 days after
85 notification to the institution that the
86 application was accepted. During the
87 site visit, the department must
88 determine the applicant's compliance
89 with the following criteria:

90 1. Emergency medical technician
91 programs must be a minimum of 110

1 hours, with at least 20 hours of
2 supervised clinical supervision, including
3 10 hours in a hospital emergency
4 department.

5 2. Paramedic programs must be
6 available only to Florida-certified
7 emergency medical technicians or an
8 emergency medical technician applicant
9 who will obtain Florida certification prior
10 to completion of phase one of the
11 paramedic program. Paramedic
12 programs must be a minimum of 700
13 hours of didactic and skills practice
14 components, with the skills laboratory
15 student-to-instructor ratio not exceeding
16 six to one. Paramedic programs must
17 provide a field internship experience
18 aboard an advanced life support
19 permitted ambulance. However, a
20 portion of the field internship experience
21 may be satisfied aboard an advanced
22 life support permitted vehicle other than
23 an ambulance as determined by rule of
24 the department.

25 (2) After completion of the site visit, the
26 department shall prepare a report which
27 shall be provided to the institution. Upon
28 completion of the report, the application
29 shall be deemed complete and the
30 provisions of s. 120.60 shall apply.

31 (3) If the program is approved, the
32 department must issue the institution a
33 2-year certificate of approval as an
34 emergency medical technician training
35 program or a paramedic training
36 program. If the application is denied, the
37 department must notify the applicant of
38 any areas of strength, areas needing
39 improvement, and any suggested
40 means of improvement of the program.
41 A denial notification shall be provided to
42 the applicant so as to allow the applicant
43 5 days prior to the expiration of the
44 application processing time in s. 120.60
45 to advise the department in writing of its
46 intent to submit a plan of correction.
47 Such intent notification shall provide the
48 time for application processing in s.
49 120.60. The plan of correction must be
50 submitted to the department within 30
51 days of the notice. The department shall
52 advise the applicant of its approval or

53 denial of the plan of correction within 30
54 days of receipt. The denial of the plan of
55 correction or denial of the application
56 may be reviewed as provided in chapter
57 120.

58 (4) Approved emergency medical
59 services training programs must
60 maintain records and reports that must
61 be made available to the department,
62 upon written request. Such records must
63 include student applications, records of
64 attendance, records of participation in
65 hospital clinic and field training, medical
66 records, course objectives and outlines,
67 class schedules, learning objectives,
68 lesson plans, number of applicants,
69 number of students accepted, admission
70 requirements, description of
71 qualifications, duties and responsibilities
72 of faculty, and correspondence.

73 (5) Each approved program must notify
74 the department within 30 days of any
75 change in the professional or
76 employment status of faculty. Each
77 approved program must require its
78 students to pass a comprehensive final
79 written and practical examination
80 evaluating the skills described in the
81 current United States Department of
82 Transportation EMT-Basic or EMT-
83 Paramedic, National Standard
84 Curriculum. Each approved program
85 must issue a certificate of completion to
86 program graduates within 14 days of
87 completion.

88 **History.**--s. 31, ch. 99-397; s. 1, ch.
89 2009-181.

90 **401.271 Certification of emergency**
91 **medical technicians and paramedics**
92 **who are on active duty with the**
93 **Armed Forces of the United States;**
94 **spouses of members of the Armed**
95 **Forces.--**

96 (1) Any member of the Armed Forces of
97 the United States on active duty who, at
98 the time he or she became a member,
99 was in good standing with the
100 department and was entitled to practice
101 as an emergency medical technician or
102 paramedic in the state remains in good

1 standing without registering, paying
2 dues or fees, or performing any other
3 act, as long as he or she is a member of
4 the Armed Forces of the United States
5 on active duty and for a period of 6
6 months after his or her discharge from
7 active duty as a member of the Armed
8 Forces of the United States.

9 (2) The department may adopt rules
10 exempting the spouse of a member of
11 the Armed Forces of the United States
12 on active duty from certification renewal
13 provisions while the spouse is absent
14 from the state because of the member's
15 active duty with the Armed Forces.

16 **History.**--s. 2, ch. 91-145; s. 795, ch.
17 95-148.

18 **401.2715 Recertification training of**
19 **emergency medical technicians and**
20 **paramedics.--**

21 (1) The department shall establish by
22 rule criteria for all emergency medical
23 technician and paramedic recertification
24 training. The rules shall provide that all
25 recertification training equals at least 30
26 hours, includes the performance
27 parameters for adult and pediatric
28 emergency medical clinical care, and is
29 documented through a system of
30 recordkeeping.

31 (2) Any individual, institution, school,
32 corporation, or governmental entity may
33 conduct emergency medical technician
34 or paramedic recertification training
35 upon application to the department and
36 payment of a nonrefundable fee to be
37 deposited into the Emergency Medical
38 Services Trust Fund. Institutions
39 conducting department-approved
40 educational programs as provided in this
41 chapter and licensed ambulance
42 services are exempt from the application
43 process and payment of fees. The
44 department shall adopt rules for the
45 application and payment of a fee not to
46 exceed the actual cost of administering
47 this approval process.

48 (3) To be eligible for recertification as
49 provided in s. 401.27, certified

50 emergency medical technicians and
51 paramedics must provide proof of
52 completion of training conducted
53 pursuant to this section. The department
54 shall accept the written affirmation of a
55 licensee's or a department-approved
56 educational program's medical director
57 as documentation that the
58 certificateholder has completed a
59 minimum of 30 hours of recertification
60 training as provided herein.

61 **History.**--s. 32, ch. 99-397.

62 **401.272 Emergency medical services**
63 **community health care.--**

64 (1) The purpose of this section is to
65 encourage more effective utilization of
66 the skills of emergency medical
67 technicians and paramedics by enabling
68 them to perform, in partnership with
69 local county health departments,
70 specific additional health care tasks that
71 are consistent with the public health and
72 welfare.

73 (2) Notwithstanding any other provision
74 of law to the contrary:

75 (a) Paramedics or emergency medical
76 technicians may perform health
77 promotion and wellness activities and
78 blood pressure screenings in a
79 nonemergency environment, within the
80 scope of their training, and under the
81 direction of a medical director. As used
82 in this paragraph, the term "health
83 promotion and wellness" means the
84 provision of public health programs
85 pertaining to the prevention of illness
86 and injury.

87 (b) Paramedics may administer
88 immunizations in a nonemergency
89 environment, within the scope of their
90 training, and under the direction of a
91 medical director. There must be a
92 written agreement between the
93 paramedic's medical director and the
94 county health department located in
95 each county in which the paramedic
96 administers immunizations. This
97 agreement must establish the protocols,

1 policies, and procedures under which
2 the paramedic must operate.

3 (3) Each medical director under whose
4 direction a paramedic administers
5 immunizations must verify and
6 document that the paramedic has
7 received sufficient training and
8 experience to administer immunizations.
9 The verification must be documented on
10 forms developed by the department, and
11 the completed forms must be
12 maintained at the service location of the
13 licensee and made available to the
14 department upon request.

15 (4) The department may adopt and
16 enforce all rules necessary to enforce
17 the provisions relating to a paramedic's
18 administration of immunizations and the
19 performance of health promotion and
20 wellness activities and blood pressure
21 screenings by a paramedic or
22 emergency medical technician in a
23 nonemergency environment.

24 **History.**--s. 1, ch. 98-87.

25 **401.273 Emergency medical**
26 **technician and paramedic registry for**
27 **disasters and emergencies.--**

28 (1) The department shall include on its
29 forms for the certification or
30 recertification of emergency medical
31 technicians and paramedics who could
32 assist the department in the event of a
33 disaster a question asking if the
34 practitioner would be available to
35 provide health care services in special
36 needs shelters or to help staff disaster
37 medical assistance teams during times
38 of emergency or major disaster. The
39 names of the emergency medical
40 technicians and paramedics who
41 answer affirmatively shall be maintained
42 by the department as a registry for
43 disasters and emergencies.

44 (2) A certificateholder may perform the
45 functions of an emergency medical
46 technician or paramedic in a special
47 needs shelter or as a member of a
48 disaster medical assistance team,
49 provided that such functions are

50 performed only under the medical
51 direction of a physician who is licensed
52 under chapter 458 or chapter 459 and
53 who has complied with the formal
54 supervision requirements of s. 458.348.

55 **History.**--s. 18, ch. 2000-140.

56 **401.281 Drivers.--**

57 (1) Each licensee is responsible for
58 assuring that its vehicles are driven only
59 by trained, experienced, and otherwise
60 qualified personnel. The licensee must,
61 at a minimum, document that each of its
62 drivers:

63 (a) Is at least 18 years of age;

64 (b) Certifies under oath that he or she is
65 not addicted to alcohol or any controlled
66 substance;

67 (c) Certifies under oath that he or she is
68 free from any physical or mental defect
69 or disease that might impair his or her
70 ability to drive an ambulance;

71 (d) Upon initial designation as a driver,
72 has not, within the past 3 years, been
73 convicted of driving under the influence
74 of alcohol or controlled substances and
75 has not had a driver's license
76 suspended under the point system
77 provided for in chapter 322;

78 (e) Possesses a valid driver's license
79 issued under chapter 322, is trained in
80 the safe operation of emergency
81 vehicles, and has completed an
82 emergency vehicle operator's course or
83 the reasonable equivalent as approved
84 by the department; however, this
85 paragraph applies only to a driver of a
86 land vehicle;

87 (f) Possesses a valid American Red
88 Cross or National Safety Council
89 standard first aid course card or its
90 equivalent; and

91 (g) Possesses a valid American Red
92 Cross or American Heart Association
93 cardiopulmonary resuscitation card.

1 (2) The department shall periodically
2 inspect licensees for verification of
3 compliance with this section. Services
4 that are unable to verify compliance are
5 subject to disciplinary action as provided
6 in this part.

7 **History.**--ss. 11, 25, ch. 82-402; ss. 8,
8 13, ch. 83-196; s. 10, ch. 84-317; s. 60,
9 ch. 86-220; s. 56, ch. 89-282; ss. 10, 36,
10 ch. 92-78; s. 796, ch. 95-148; s. 2, ch.
11 2009-181.

12 **401.2915 Automated external**
13 **defibrillators.**--It is the intent of the
14 Legislature that an automated external
15 defibrillator may be used by any person
16 for the purpose of saving the life of
17 another person in cardiac arrest. In
18 order to achieve that goal, the
19 Legislature intends to encourage
20 training in lifesaving first aid and set
21 standards for and encourage the use of
22 automated external defibrillators.

23 (1) As used in this section, the term:

24 (a) "Automated external defibrillator"
25 means a device as defined in s.
26 768.1325(2)(b).

27 (b) "Defibrillation" means the
28 administration of a controlled electrical
29 charge to the heart to restore a viable
30 cardiac rhythm.

31 (2) In order to promote public health
32 and safety:

33 (a) All persons who use an automated
34 external defibrillator are encouraged to
35 obtain appropriate training, to include
36 completion of a course in
37 cardiopulmonary resuscitation or
38 successful completion of a basic first aid
39 course that includes cardiopulmonary
40 resuscitation training, and demonstrated
41 proficiency in the use of an automated
42 external defibrillator.

43 (b) Any person or entity in possession
44 of an automated external defibrillator is
45 encouraged to notify the local
46 emergency medical services medical

47 director of the location of the automated
48 external defibrillator.

49 (c) Any person who uses an automated
50 external defibrillator shall activate the
51 emergency medical services system as
52 soon as possible upon use of the
53 automated external defibrillator.

54 (3) Any person who intentionally or
55 willfully:

56 (a) Tamper with or otherwise renders
57 an automated external defibrillator
58 inoperative, except during such time as
59 the automated external defibrillator is
60 being serviced, tested, repaired,
61 recharged, or inspected or except
62 pursuant to court order; or

63 (b) Obliterates the serial number on an
64 automated external defibrillator for
65 purposes of falsifying service records,
66
67 commits a misdemeanor of the first
68 degree, punishable as provided in s.
69 775.082 or s. 775.083. Paragraph (a)
70 does not apply to the owner of the
71 automated external defibrillator or the
72 owner's authorized representative or
73 agent.

74 (4) Each local and state law
75 enforcement vehicle may carry an
76 automated external defibrillator.

77 **History.**--s. 1, ch. 97-34; s. 3, ch. 2001-
78 76; s. 1, ch. 2005-109; s. 1, ch. 2006-
79 206; s. 1, ch. 2008-101.

80 **401.2916 Educational campaign.**--
81 The Department of Health shall
82 implement an educational campaign to
83 inform any person who acquires an
84 automated external defibrillator device
85 of the scope and limitations of the
86 immunity from liability provided under s.
87 768.1325.

88 **History.**--s. 5, ch. 2006-125; s. 2, ch.
89 2006-206.

90 **401.30 Records.**--

1 (1) Each licensee must maintain
2 accurate records of emergency calls on
3 forms that contain such information as is
4 required by the department. These
5 records must be available for inspection
6 by the department at any reasonable
7 time, and copies thereof must be
8 furnished to the department upon
9 request. The department shall give each
10 licensee notice of what information such
11 forms must contain.

12 (2) Each licensee must provide the
13 receiving hospital with a copy of an
14 individual patient care record for each
15 patient who is transported to the
16 hospital. The information contained in
17 the record and the method and
18 timeframe for providing the record shall
19 be prescribed by rule of the department.

20 (3) Reports to the department from
21 licensees which cover statistical data
22 are public records, except that the
23 names of patients and other patient-
24 identifying information contained in such
25 reports are confidential and exempt from
26 the provisions of s. 119.07(1). Any
27 record furnished by a licensee at the
28 request of the department must be a
29 true and certified copy of the original
30 record and may not be altered or have
31 information deleted.

32 (4) Records of emergency calls which
33 contain patient examination or treatment
34 information are confidential and exempt
35 from the provisions of s. 119.07(1) and
36 may not be disclosed without the
37 consent of the person to whom they
38 pertain, but appropriate limited
39 disclosure may be made without such
40 consent:

41 (a) To the person's guardian, to the
42 next of kin if the person is deceased, or
43 to a parent if the person is a minor;

44 (b) To hospital personnel for use in
45 conjunction with the treatment of the
46 patient;

47 (c) To the department;

48 (d) To the service medical director;

49 (e) For use in a critical incident stress
50 debriefing. Any such discussions during
51 a critical incident stress debriefing shall
52 be considered privileged communication
53 under s. 90.503;

54 (f) In any civil or criminal action, unless
55 otherwise prohibited by law, upon the
56 issuance of a subpoena from a court of
57 competent jurisdiction and proper notice
58 by the party seeking such records, to
59 the patient or his or her legal
60 representative; or

61 (g) To a local trauma agency or a
62 regional trauma agency, or a panel or
63 committee assembled by such an
64 agency to assist the agency in
65 performing quality assurance activities
66 in accordance with a plan approved
67 under s. 395.401. Records obtained
68 under this paragraph are confidential
69 and exempt from s. 119.07(1) and s.
70 24(a), Art. I of the State Constitution.

71
72 This subsection does not prohibit the
73 department or a licensee from providing
74 information to any law enforcement
75 agency or any other regulatory agency
76 responsible for the regulation or
77 supervision of emergency medical
78 services and personnel.

79 (5) The department shall adopt and
80 enforce all rules necessary to administer
81 this section.

82 **History.**--s. 10, ch. 73-126; s. 3, ch. 76-
83 168; s. 254, ch. 77-147; s. 1, ch. 77-457;
84 ss. 2, 3, ch. 81-318; ss. 12, 24, 25, ch.
85 82-402; s. 13, ch. 83-196; s. 11, ch. 84-
86 317; s. 40, ch. 87-225; s. 17, ch. 90-344;
87 ss. 12, 36, ch. 92-78; s. 5, ch. 94-260; s.
88 1058, ch. 95-148; s. 233, ch. 96-406; s.
89 21, ch. 98-151; s. 33, ch. 99-397.

90 **401.31 Inspection and examination.--**

91 (1) In order to carry out the
92 requirements of this part, the
93 department shall periodically and
94 randomly inspect licensees for

1 compliance with the requirements of this
2 part and departmental rules. The
3 department shall conduct inspections
4 without impeding patient care.

5 (2) The department shall, in the course
6 of the inspections provided for in
7 subsection (1), determine the continuing
8 compliance of each business, service,
9 ambulance, and piece of vehicle
10 equipment and all personnel with the
11 requirements of this part, the rules of the
12 department, and the applicable vehicle
13 safety requirements of chapter 316
14 relating to:

15 (a) Exhaust system;

16 (b) Exterior lights; headlights, high and
17 low beam; turn signals; brake lights;
18 taillights; and red emergency lights;

19 (c) Horn;

20 (d) Windshield and windshield wipers;

21 (e) Mirrors;

22 (f) Tires; and

23 (g) Siren.

24 (3) The refusal of a licensee to allow an
25 inspection is a ground for revocation of
26 the licensee's license.

27 (4) Upon completion of an inspection,
28 the department may request an
29 inspection corrective action statement
30 from a licensee stating that any violation
31 found during the inspection has been
32 corrected. The department shall adopt,
33 by rule, procedures which provide for
34 categories of violations, the type of
35 violations in each category, the time for
36 correcting violations in each category,
37 and the time for returning the inspection
38 corrective action statement to the
39 department. Failure of a licensee to
40 submit the inspection corrective action
41 statement within the required time is a
42 ground for discipline under s. 401.411.

43 **History.**--s. 11, ch. 73-126; s. 3, ch. 76-
44 168; s. 255, ch. 77-147; s. 3, ch. 77-347;
45 s. 1, ch. 77-457; ss. 8, 10, ch. 79-280;
46 ss. 2, 3, ch. 81-318; ss. 13, 24, 25, ch.
47 82-402; ss. 12, 13, ch. 83-196; s. 12, ch.
48 84-317; s. 61, ch. 86-220; ss. 13, 36, ch.
49 92-78.

50 **401.321 Transferability of license;**
51 **effect of sale, transfer, assignment,**
52 **or lease of service.--**

53 (1) Each license is valid only for the
54 licensee to whom it is issued and is not
55 subject to sale, assignment, or other
56 transfer, voluntary or involuntary. A
57 license or permit is valid only for the
58 service location for which it was
59 originally issued.

60 (2) A license will automatically expire
61 when a licensee changes his or her
62 service location or service name as
63 registered with the department. The
64 expired license must be surrendered by
65 the licensee, and the department shall
66 issue a new license for the balance of
67 the term under the expired license upon
68 receipt of a completed application and a
69 fee of \$30.

70 (3) An application for a new license is
71 required when:

72 (a) A majority of the ownership or a
73 controlling interest of a service is
74 transferred or assigned; and

75 (b) A lessee agrees to undertake or
76 provide services to the extent that legal
77 liability for the service rests with the
78 lessee.

79 The application for a new license
80 showing such change must be
81 submitted so as to be received by the
82 department at least 60 days prior to the
83 date of the sale, transfer, assignment, or
84 lease.
85

86 **History.**--s. 13, ch. 84-317; s. 1, ch. 85-
87 65; s. 49, ch. 85-81; ss. 14, 36, ch. 92-
88 78; s. 797, ch. 95-148.

1 **401.33 Exemptions.**--The following are
2 exempt from this part:

3 (1) A privately owned vehicle not
4 ordinarily used in the business of
5 transporting persons who are sick,
6 injured, wounded, incapacitated, or
7 helpless.

8 (2) A vehicle rendering services as an
9 ambulance during a major catastrophe
10 or emergency when ambulances with
11 permits based in the locality of the
12 catastrophe or emergency are
13 incapacitated or insufficient in number to
14 render the services needed.

15 (3) Any ambulance service provider
16 licensed in another state or territory of
17 the United States, except that any such
18 provider receiving a person within this
19 state for transport to a location within
20 this state must comply with this part.

21 (4) Any ambulance owned and
22 operated by the Federal Government.

23 (5) A vehicle under the direct
24 supervision of a licensed physician and
25 used as an integral part of a private
26 industrial safety or emergency
27 management plan within a privately
28 owned and controlled area, which
29 vehicle may from time to time be used to
30 transport persons in need of medical
31 attention, but which is not available to
32 the public and which does not routinely
33 transport patients.

34 **History.**--s. 13, ch. 73-126; s. 1, ch. 74-
35 334; s. 3, ch. 76-168; s. 1, ch. 77-457; s.
36 12, ch. 79-280; s. 258, ch. 81-259; ss. 2,
37 3, ch. 81-318; ss. 14, 24, 25, ch. 82-402;
38 s. 13, ch. 83-196; s. 42, ch. 83-334; s.
39 14, ch. 84-317; s. 67, ch. 86-220; ss. 15,
40 36, ch. 92-78.

41 **401.34 Fees.**--

42 (1) Each organization or person subject
43 to this part must pay to the department
44 the following nonrefundable fees:

45 (a) Basic life support service license
46 application: \$660, to be paid biennially.

47 (b) Advanced life support service
48 license application: \$1,375, to be paid
49 biennially.

50 (c) Original or renewal vehicle permit
51 application for basic or advanced life
52 support: \$25, to be paid biennially.

53 (d) Emergency medical technician
54 certification examination application:
55 \$40.

56 (e) Emergency medical technician
57 original certificate application: \$35.

58 (f) Emergency medical technician
59 renewal certificate application: \$20, to
60 be paid biennially.

61 (g) Paramedic certification examination
62 application: \$40.

63 (h) Paramedic original certificate
64 application: \$45.

65 (i) Paramedic renewal certificate
66 application: \$45, to be paid biennially.

67 (j) Air ambulance service application:
68 \$1,375, to be paid biennially.

69 (k) Original or renewal aircraft permit
70 application for air ambulance: \$25, to be
71 paid biennially.

72 (2) Fees collected under this section
73 must be deposited to the credit of the
74 Emergency Medical Services Trust
75 Fund and must be applied solely for
76 salaries and expenses of the
77 department incurred in implementing
78 and enforcing this part.

79 (3) A volunteer emergency medical
80 services provider licensed by the
81 department and persons actively serving
82 with the provider without pay are not
83 required to pay any of the fees set by
84 the department for licensure, vehicle
85 permits, or personnel certification. A

1 licensee that charges any service fee is
2 not entitled to this exemption. An
3 emergency medical technician or
4 paramedic certificate issued in
5 accordance with this volunteer fee
6 exemption provision is invalid while the
7 certificateholder is performing his or her
8 duties in a paid capacity.

9 (4)(a) If a certificate, license, or permit
10 issued under this part is lost or
11 destroyed, the person or entity to whom
12 the certificate, license, or permit was
13 issued may, upon payment of a fee to
14 be set by the department not to exceed
15 \$10, obtain a duplicate, or substitute
16 thereof.

17 (b) Upon surrender of the original
18 emergency medical technician or
19 paramedic certificate and receipt of a
20 replacement fee to be set by the
21 department not to exceed \$10, the
22 department shall issue a replacement
23 certificate to make a change in name.

24 (5) The department may provide same-
25 day grading of the examination for an
26 applicant for emergency medical
27 technician or paramedic certification.
28 The department must provide
29 procedures for implementing same-day
30 grading in its rules.

31 (6) The department may by rule offer
32 walk-in eligibility determination and
33 examination to applicants for emergency
34 medical technician or paramedic
35 certification who pay to the department
36 a nonrefundable fee to be set by the
37 department not to exceed \$65. The fee
38 is in addition to the certification fee and
39 examination fee. The department must
40 establish locations and times for
41 eligibility determination and
42 examination.

43 (7) The cost of emergency medical
44 technician or paramedic certification
45 examination review may not exceed
46 \$50.

47 **History.**--s. 14, ch. 73-126; s. 2, ch. 74-
48 334; s. 3, ch. 76-168; s. 1, ch. 77-174; s.
49 4, ch. 77-347; s. 1, ch. 77-457; ss. 2, 3,

50 ch. 81-318; ss. 15, 24, 25, ch. 82-402;
51 ss. 7, 12, 13, ch. 83-196; s. 15, ch. 84-
52 317; s. 62, ch. 86-220; ss. 16, 36, ch.
53 92-78; s. 798, ch. 95-148.

54 **401.345 Emergency Medical Services**
55 **Trust Fund.--**

56 (1) There is created the Emergency
57 Medical Services Trust Fund in the
58 State Treasury, which shall be used
59 exclusively for those purposes provided
60 by law.

61 (2) Any funds appropriated in the
62 General Appropriations Act for functions
63 related to emergency medical services,
64 and any other funds that become
65 available for functions related to
66 emergency medical services, must be
67 deposited in the Emergency Medical
68 Services Trust Fund.

69 **History.**--s. 17, ch. 92-78.

70 **401.35 Rules.**--The department shall
71 adopt rules, including definitions of
72 terms, necessary to carry out the
73 purposes of this part.

74 (1) The rules must provide at least
75 minimum standards governing:

76 (a) Sanitation, safety, and maintenance
77 of basic life support and advanced life
78 support vehicles and air ambulances.

79 (b) Emergency medical technician,
80 paramedic, and driver training and
81 qualifications.

82 (c) Ground ambulance and vehicle
83 equipment and supplies at least as
84 comprehensive as those published in
85 the most current edition of the American
86 College of Surgeons, Committee on
87 Trauma, list of essential equipment for
88 ambulances, as interpreted by rules of
89 the department.

90 (d) Ground ambulance or vehicle
91 design and construction at least equal to
92 those most currently recommended by
93 the United States General Services

1 Administration as interpreted by rules of
2 the department.

3 (e) Staffing of basic life support and
4 advanced life support vehicles.

5 (f) Two-way communications for basic
6 life support services and advanced life
7 support services.

8 (g) Advanced life support services
9 equipment.

10 (h) Programs of training for emergency
11 medical technicians and paramedics.

12 (i) Vehicles, equipment,
13 communications, and minimum staffing
14 qualifications for air ambulance
15 services.

16 (j) Ambulance driver qualifications,
17 training, and experience.

18 (k) Optional use of telemetry by
19 licensees.

20 (l) Licensees' security and storage of
21 controlled substances, medications, and
22 fluids, not inconsistent with the
23 provisions of chapter 499 or chapter
24 893.

25 (2) The rules must establish application
26 requirements for licensure and
27 certification. Pursuant thereto, the
28 department must develop application
29 forms for basic life support services and
30 advanced life support services. An
31 application for each respective service
32 license must include, but is not limited
33 to:

34 (a) The name and business address of
35 the operator and owner of the service or
36 proposed service.

37 (b) The name under which the applicant
38 will operate.

39 (c) A list of the names and addresses of
40 all officers, directors, and shareholders
41 of the applicant.

42 (d) A description of each vehicle to be
43 used, including the make, model, year of
44 manufacture, mileage, and vehicle
45 identification number (VIN); the state or
46 federal aviation or marine registration
47 number, when applicable; and the color
48 scheme, insignia, name, monogram, or
49 other distinguishing characteristics to be
50 used to designate the applicant's vehicle
51 or vehicles.

52 (e) The service location from which the
53 service will operate.

54 (f) A statement reasonably describing
55 the geographic area or areas to be
56 served by the applicant.

57 (g) A statement certifying that the
58 applicant will provide continuous service
59 24 hours a day, 7 days a week, if a
60 basic life support service license or an
61 advanced life support service license is
62 sought. Such service must be initiated
63 within 30 days after issuance of the
64 license.

65 (h) Such other information as the
66 department determines reasonable and
67 necessary.

68 (i) An oath, upon forms provided by the
69 department which shall contain such
70 information as the department
71 reasonably requires, which may include
72 affirmative evidence of ability to comply
73 with applicable laws and rules.

74 (3) The rules must establish
75 specifications regarding insignia and
76 other ambulance identification. Any fire
77 department may retain its fire
78 department identity and may use such
79 color scheme, insignia, name,
80 monogram, or other distinguishing
81 characteristic that is acceptable to the
82 fire department for the purpose of
83 designating its vehicles as advanced life
84 support vehicles. However, those
85 advanced life support service/fire rescue
86 vehicles or ambulances operated by fire
87 departments which were purchased in
88 whole or in part with federal funds must
89 comply with federal regulations

1 pertaining to color schemes, emblems,
2 and markings.

3 (4) The rules must establish
4 circumstances and procedures under
5 which emergency medical technicians
6 and paramedics may honor orders by
7 the patient's physician not to resuscitate
8 and the documentation and reporting
9 requirements for handling such
10 requests.

11 (5) The rules must establish
12 requirements for licensees and
13 certificateholders with respect to
14 providing address information to the
15 department; requirements for
16 examinations, grading, and passing
17 scores for certification; and
18 requirements for determining whether a
19 convicted felon whose civil rights have
20 not been restored is eligible for
21 certification or recertification.

22 **History.**--s. 15, ch. 73-126; s. 3, ch. 76-
23 168; s. 257, ch. 77-147; s. 5, ch. 77-347;
24 s. 1, ch. 77-457; ss. 8, 10, ch. 79-280; s.
25 259, ch. 81-259; ss. 2, 3, ch. 81-318; ss.
26 16, 24, 25, ch. 82-402; ss. 9, 12, 13, ch.
27 83-196; s. 16, ch. 84-317; s. 63, ch. 86-
28 220; ss. 18, 36, ch. 92-78; s. 34, ch. 99-
29 397; s. 27, ch. 2000-242.

30 **401.38 Participation in federal**
31 **programs.**--The department shall
32 develop federal funding proposals and
33 apply for all federal funds available to
34 carry out the purposes of this part. The
35 department is authorized to participate
36 in those federal programs aimed at the
37 development of an integrated system of
38 emergency medical service delivery to
39 include injury control, rural system
40 development, training, trauma system
41 development, maternal and child health,
42 highway safety, and the delivery of basic
43 life support service and advanced life
44 support service.

45 **History.**--s. 19, ch. 73-126; s. 3, ch. 76-
46 168; s. 1, ch. 77-457; ss. 8, 10, ch. 79-
47 280; ss. 2, 3, ch. 81-318; ss. 17, 24, 25,
48 ch. 82-402; s. 13, ch. 83-196; s. 64, ch.
49 86-220; ss. 19, 36, ch. 92-78.

50 **401.41 Penalties.**--

51 (1) Any person who:

52 (a) Uses or attempts to use a
53 certificate, license, or permit that has
54 been suspended, revoked, or
55 terminated;

56 (b) Practices or holds himself or herself
57 out as an emergency medical
58 technician, paramedic, or ambulance
59 driver without being so certified;

60 (c) Knowingly conceals information
61 relating to violations of this part; or

62 (d) Knowingly makes false or fraudulent
63 claims to procure, attempt to procure, or
64 renew a certificate, license, or permit
65
66 is guilty of a misdemeanor of the first
67 degree, punishable as provided in s.
68 775.082 or s. 775.083.

69 (2) Whoever willfully and with intent to
70 defraud obtains or attempts to obtain
71 services from a licensee is guilty of:

72 (a) A misdemeanor of the second
73 degree, punishable as provided in s.
74 775.082 or s. 775.083, for the first
75 offense; and

76 (b) A misdemeanor of the first degree,
77 punishable as provided in s. 775.082 or
78 s. 775.083, for any subsequent offense.

79 (3) Whoever summons any emergency
80 medical services vehicle pursuant to this
81 part or reports that an emergency
82 medical services vehicle is needed
83 when he or she knows or has reason to
84 know that the services of the vehicle are
85 not needed is guilty of:

86 (a) A misdemeanor of the second
87 degree, punishable as provided in s.
88 775.082 or s. 775.083, for the first
89 offense; and

1 (b) A misdemeanor of the first degree,
2 punishable as provided in s. 775.082 or
3 s. 775.083, for any subsequent offense.

4 (4) Each day that a violation of this part
5 is committed or permitted to continue
6 constitutes a separate and distinct
7 offense under this section.

8 **History.**--s. 22, ch. 73-126; s. 3, ch. 76-
9 168; s. 1, ch. 77-457; ss. 2, 3, ch. 81-
10 318; ss. 18, 24, 25, ch. 82-402; ss. 12,
11 13, ch. 83-196; s. 73, ch. 91-224; ss. 20,
12 36, ch. 92-78; s. 799, ch. 95-148; s. 7,
13 ch. 96-293.

14 **401.411 Disciplinary action;**
15 **penalties.--**

16 (1) The department may deny,
17 suspend, or revoke a license, certificate,
18 or permit or may reprimand or fine any
19 licensee, certificateholder, or other
20 person operating under this part for any
21 of the following grounds:

22 (a) The violation of any rule of the
23 department or any provision of this part.

24 (b) Being found guilty of, or pleading
25 nolo contendere to, regardless of
26 adjudication in any jurisdiction, a crime
27 that relates to practice as an emergency
28 medical technician or paramedic, or to
29 practice in any other occupation, when
30 operating under this part.

31 (c) Addiction to alcohol or any
32 controlled substance.

33 (d) Engaging in or attempting to engage
34 in the possession, except in legitimate
35 duties under the supervision of a
36 licensed physician, or the sale or
37 distribution of any controlled substance
38 as set forth in chapter 893.

39 (e) The conviction in any court in any
40 state or in any federal court of a felony,
41 unless the person's civil rights have
42 been restored.

43 (f) Knowingly making false or fraudulent
44 claims; procuring, attempting to procure,

45 or renewing a certificate, license, or
46 permit by fakery, fraudulent action, or
47 misrepresentation.

48 (g) Unprofessional conduct, including,
49 but not limited to, any departure from or
50 failure to conform to the minimal
51 prevailing standards of acceptable
52 practice as an emergency medical
53 technician or paramedic, including
54 undertaking activities that the
55 emergency medical technician or
56 paramedic is not qualified by training or
57 experience to perform.

58 (h) Sexual misconduct with a patient,
59 including inducing or attempting to
60 induce the patient to engage, or
61 engaging or attempting to engage the
62 patient, in sexual activity.

63 (i) The failure to give to the department,
64 or its authorized representative, true
65 information upon request regarding an
66 alleged or confirmed violation of this part
67 or rule of the department.

68 (j) Fraudulent or misleading advertising
69 or advertising in an unauthorized
70 category.

71 (k) Practicing as an emergency medical
72 technician, paramedic, or other health
73 care professional operating under this
74 part without reasonable skill and safety
75 to patients by reason of illness,
76 drunkenness, or the use of drugs,
77 narcotics, or chemicals or any other
78 substance or as a result of any mental
79 or physical condition.

80 (l) The failure to report to the
81 department any person known to be in
82 violation of this part.

83 (2) A suspension or revocation of a
84 license or certificate is for all
85 classifications unless the department, in
86 its sole discretion, suspends or revokes
87 one or more classifications thereof.

88 (3) One year after the revocation of a
89 license or certificate, application may be
90 made to the department for

1 reinstatement; and the department may
2 authorize reinstatement.

3 (4) Any charge of a violation of this part
4 by a licensee affects only the license of
5 the service location from which the
6 violation is alleged to have occurred.
7 Another license may not be issued to
8 the same licensee for a new service
9 location in the same county or any other
10 county for a period of 3 years from the
11 effective date of revocation.

12 (5) If the department finds that the
13 terms of any such suspension have
14 been violated, it may revoke such
15 suspension immediately.

16 (6) If a person whose license,
17 certificate, or permit has been
18 suspended is found by the department
19 to have violated any of the other
20 provisions of this part, the department
21 may revoke the license, certificate, or
22 permit.

23 (7) In addition to any other
24 administrative action authorized by law,
25 the department may impose an
26 administrative fine, not to exceed \$1,000
27 per violation of this part or rule of the
28 department. Each day of a violation
29 constitutes a separate violation and is
30 subject to a separate fine. In
31 determining the amount of a fine, the
32 department shall consider the following
33 factors:

34 (a) The gravity of the violation, including
35 the probability of death or disability as a
36 result of the violation.

37 (b) Any actions taken to correct the
38 violation.

39 (c) Any previous violations committed
40 by the violator.

41 (8) All amounts collected under this
42 section must be deposited into the
43 Emergency Medical Services Trust
44 Fund.

45 **History.**--ss. 19, 25, ch. 82-402; ss. 12,
46 13, ch. 83-196; s. 17, ch. 84-317; ss. 21,
47 36, ch. 92-78; s. 2, ch. 98-87.

48 **401.414 Complaint investigation**
49 **procedures.--**

50 (1) The department shall cause to be
51 investigated any complaint that is filed
52 before it if the complaint is in writing,
53 signed by the complainant, and legally
54 sufficient. A complaint is legally
55 sufficient if it contains ultimate facts that
56 show that a violation of this part, or of
57 any rule adopted by the department, has
58 occurred. The department may
59 investigate or continue to investigate,
60 and may take appropriate final action
61 on, a complaint even though the original
62 complainant withdraws his or her
63 complaint or otherwise indicates a
64 desire not to cause it to be investigated
65 to completion. When an investigation of
66 any person is undertaken, the
67 department shall notify that person of
68 the investigation and inform him or her
69 of the substance of any complaint filed
70 against him or her. The department may
71 conduct an investigation without
72 notifying any person if the act under
73 investigation is a crime.

74 (2) The department shall expeditiously
75 investigate each complaint. When its
76 investigation is complete, the
77 department shall prepare an
78 investigative report. The report must
79 contain the investigative findings and
80 the recommendations of the department
81 concerning the existence of probable
82 cause.

83 (3) The complaint and all information
84 obtained in the investigation by the
85 department are confidential and exempt
86 from the provisions of s. 119.07(1) until
87 10 days after probable cause has been
88 found to exist by the department, or until
89 the person who is the subject of the
90 investigation waives confidentiality,
91 whichever occurs first. This subsection
92 does not prohibit the department from
93 providing such information to any law
94 enforcement agency or any other
95 regulatory agency.

1 **History.**--s. 18, ch. 84-317; s. 1, ch. 85-
2 65; s. 5, ch. 89-162; s. 18, ch. 90-344;
3 ss. 22, 36, ch. 92-78; s. 800, ch. 95-148;
4 s. 234, ch. 96-406.

5 **401.421 Injunctive relief; cease and**
6 **desist notice; civil penalty;**
7 **enforcement.--**

8 (1) The State Surgeon General may
9 cause to be instituted a civil action in
10 circuit court for preliminary or permanent
11 injunctive relief to remedy or prevent a
12 violation of this part or any rule adopted
13 by the department under this part.

14 (2)(a) If the department has probable
15 cause to believe that any person not
16 licensed by the department has
17 provided prehospital or interfacility
18 advanced life support or basic life
19 support procedures or transportation
20 services in this state not specifically
21 authorized by law, the department may
22 issue and deliver to such person a
23 notice to cease and desist from such
24 services. For the purpose of enforcing a
25 cease and desist order, the department
26 may file a petition, in the name of the
27 state, seeking issuance of an injunction
28 or a writ of mandamus against any
29 person who violates any provisions of
30 such order.

31 (b) In addition to or in lieu of any
32 remedy provided in paragraph (a), the
33 department may seek the imposition of
34 a civil penalty by the circuit court for any
35 violation for which the department may
36 issue a notice to cease and desist under
37 paragraph (a). The civil penalty must be
38 no less than \$500 and no more than
39 \$5,000 for each offense. The court may,
40 in addition to any other remedy it finds
41 appropriate, award to the prevailing
42 party court costs and a reasonable
43 attorney's fee, and, if the department
44 prevails, the court may also award
45 reasonable costs of investigation. All
46 amounts collected by the department
47 under this paragraph must be deposited
48 into the Emergency Medical Services
49 Trust Fund.

50 **History.**--ss. 10, 13, ch. 83-196; ss. 23,
51 36, ch. 92-78; s. 52, ch. 2008-6.

52 **401.425 Emergency medical services**
53 **quality assurance; immunity from**
54 **liability.--**

55 (1) As used in this section, the term
56 "emergency medical review committee"
57 or "committee" means a committee of:

58 (a) An emergency medical service
59 provider, a local or regional trauma
60 agency as provided in s. 395.401, a
61 quality assurance committee as
62 provided in s. 401.265, or a local
63 emergency medical services advisory
64 council;

65 (b) A hospital licensed under chapter
66 395 which is directly responsible for a
67 licensed emergency medical service
68 provider; or

69 (c) The department, or employees,
70 agents, or consultants of the
71 department.

72 (2) An emergency medical review
73 committee may review and evaluate the
74 professional medical competence of
75 emergency medical technicians and
76 paramedics under the jurisdiction of
77 such committee.

78 (3)(a) There shall be no monetary
79 liability on the part of, and no cause of
80 action shall arise against, any person,
81 including any person acting as a
82 witness, incident reporter to, or
83 investigator for, an emergency medical
84 review committee for any act or
85 proceeding undertaken or performed
86 within the scope of the functions of any
87 emergency medical review committee if
88 such action is taken without intentional
89 fraud or malice.

90 (b) The provisions of this section shall
91 not affect the provisions of s. 768.28.

92 (4) Except as provided in subsection
93 (3), this section shall not be construed to
94 confer immunity from liability on any

1 person while performing services other
2 than as a member of an emergency
3 medical review committee, or upon any
4 person acting as a witness, incident
5 reporter to, or investigator for, an
6 emergency medical review committee
7 for any act or proceeding undertaken or
8 performed outside the scope of the
9 functions of such committee.

10 (5) The records obtained or produced
11 by a committee providing quality
12 assurance activities as described in
13 subsections (1)-(4) are exempt from the
14 provisions of s. 119.07(1) and s. 24(a),
15 Art. I of the State Constitution, and
16 committee proceedings and meetings
17 regarding quality assurance activities
18 are exempt from the provisions of s.
19 286.011 and s. 24(b), Art. I of the State
20 Constitution. The investigations,
21 proceedings, and records of a
22 committee providing quality assurance
23 activities as described in subsections
24 (1)-(4) shall not be subject to discovery
25 or introduction into evidence in any civil
26 action or disciplinary proceeding by the
27 department or employing agency arising
28 out of matters which are the subject of
29 evaluation and review by the committee,
30 and no person who was in attendance at
31 a meeting of such committee shall be
32 permitted or required to testify in any
33 such civil action or disciplinary
34 proceeding as to any evidence or other
35 matters produced or presented during
36 the proceedings of such committee or
37 as to any findings, recommendations,
38 evaluations, opinions, or other actions of
39 such committee or any members
40 thereof. However, information,
41 documents, or records provided to the
42 committee from sources external to the
43 committee are not immune from
44 discovery or use in any such civil action
45 or disciplinary proceeding merely
46 because they were presented during
47 proceedings of such committee nor
48 should any person who testifies before a
49 committee or who is a member of such
50 committee be prevented from testifying
51 as to matters within the person's
52 knowledge, but, such witness shall not
53 be asked about his or her testimony
54 before a committee or information
55 obtained from or opinions formed by him

56 or her as a result of participating in
57 activities conducted by a committee.

58 (6) If the defendant prevails in an action
59 brought by a health care provider
60 against any person who initiated,
61 participated in, was a witness in, or
62 conducted any review as authorized by
63 this section, the court shall award
64 reasonable attorney's fees and costs to
65 the defendant.

66 (7) For the purpose of any disciplinary
67 proceeding conducted by the
68 department, the department shall have
69 the power to issue subpoenas which
70 shall compel the production of
71 information, documents, or records from
72 an Emergency Medical Review
73 Committee. Challenges to, and
74 enforcement of, the subpoenas and
75 orders shall be handled as provided in s.
76 120.569.

77 **History.**--s. 16, ch. 89-275; s. 14, ch.
78 89-283; s. 71, ch. 89-374; s. 1, ch. 90-
79 192; s. 72, ch. 92-289; s. 2, ch. 93-12; s.
80 801, ch. 95-148; s. 1, ch. 95-384; s. 235,
81 ch. 96-406; s. 127, ch. 96-410.

82 **401.435 First responder agencies**
83 **and training.--**

84 (1) The department must adopt by rule
85 the United States Department of
86 Transportation Emergency Medical
87 Services: First Responder Training
88 Course as the minimum standard for
89 first responder training. In addition, the
90 department must adopt rules
91 establishing minimum first responder
92 instructor qualifications. For purposes of
93 this section, a first responder includes
94 any individual who receives training to
95 render initial care to an ill or injured
96 person, other than an individual trained
97 and certified pursuant to s. 943.1395(1),
98 but who does not have the primary
99 responsibility of treating and
100 transporting ill or injured persons.

101 (2) Each first responder agency must
102 take all reasonable efforts to enter into a
103 memorandum of understanding with the
104 emergency medical services licensee

1 within whose territory the agency
2 operates in order to coordinate
3 emergency services at an emergency
4 scene. The department must provide a
5 model memorandum of understanding
6 for this purpose. The memorandum of
7 understanding should include dispatch
8 protocols, the roles and responsibilities
9 of first responder personnel at an
10 emergency scene, and the
11 documentation required for patient care
12 rendered. For purposes of this section,
13 the term "first responder agency"
14 includes a law enforcement agency, a
15 fire service agency not licensed under
16 this part, a lifeguard agency, and a
17 volunteer organization that renders, as
18 part of its routine functions, on-scene
19 patient care before emergency medical
20 technicians or paramedics arrive.

21 **History.**--s. 24, ch. 92-78; s. 11, ch. 95-
22 408.

23 **401.445 Emergency examination and**
24 **treatment of incapacitated persons.--**

25 (1) No recovery shall be allowed in any
26 court in this state against any
27 emergency medical technician,
28 paramedic, or physician as defined in
29 this chapter, any advanced registered
30 nurse practitioner certified under s.
31 464.012, or any physician assistant
32 licensed under s. 458.347 or s. 459.022,
33 or any person acting under the direct
34 medical supervision of a physician, in an
35 action brought for examining or treating
36 a patient without his or her informed
37 consent if:

38 (a) The patient at the time of
39 examination or treatment is intoxicated,
40 under the influence of drugs, or
41 otherwise incapable of providing
42 informed consent as provided in s.
43 766.103;

44 (b) The patient at the time of
45 examination or treatment is
46 experiencing an emergency medical
47 condition; and

48 (c) The patient would reasonably, under
49 all the surrounding circumstances,

50 undergo such examination, treatment, or
51 procedure if he or she were advised by
52 the emergency medical technician,
53 paramedic, physician, advanced
54 registered nurse practitioner, or
55 physician assistant in accordance with
56 s. 766.103(3).

57
58 Examination and treatment provided
59 under this subsection shall be limited to
60 reasonable examination of the patient to
61 determine the medical condition of the
62 patient and treatment reasonably
63 necessary to alleviate the emergency
64 medical condition or to stabilize the
65 patient.

66 (2) In examining and treating a person
67 who is apparently intoxicated, under the
68 influence of drugs, or otherwise
69 incapable of providing informed consent,
70 the emergency medical technician,
71 paramedic, physician, advanced
72 registered nurse practitioner, or
73 physician assistant, or any person
74 acting under the direct medical
75 supervision of a physician, shall proceed
76 wherever possible with the consent of
77 the person. If the person reasonably
78 appears to be incapacitated and refuses
79 his or her consent, the person may be
80 examined, treated, or taken to a hospital
81 or other appropriate treatment resource
82 if he or she is in need of emergency
83 attention, without his or her consent, but
84 unreasonable force shall not be used.

85 (3) This section does not limit medical
86 treatment provided pursuant to court
87 order or treatment provided in
88 accordance with chapter 394 or chapter
89 397.

90 **History.**--s. 17, ch. 89-275; s. 15, ch.
91 89-283; s. 3, ch. 89-336; s. 1, ch. 90-
92 192; s. 25, ch. 92-78; s. 3, ch. 93-12; s.
93 25, ch. 93-39; s. 802, ch. 95-148; s. 1,
94 ch. 2007-176.

95 **401.45 Denial of emergency**
96 **treatment; civil liability.--**

97 (1)(a) Except as provided in subsection
98 (3), a person may not be denied needed
99 prehospital treatment or transport from

1 any licensee for an emergency medical
2 condition.

3 (b) A person may not be denied
4 treatment for any emergency medical
5 condition that will deteriorate from a
6 failure to provide such treatment at any
7 general hospital licensed under chapter
8 395 or at any specialty hospital that has
9 an emergency room.

10 (2) A hospital or its employees or any
11 physician or dentist responding to an
12 apparent need for emergency treatment
13 under this section is not liable in any
14 action arising out of a refusal to render
15 emergency treatment or care if
16 reasonable care is exercised in
17 determining the condition of the person
18 and in determining the appropriateness
19 of the facilities and the qualifications and
20 availability of personnel to render such
21 treatment.

22 (3)(a) Resuscitation may be withheld or
23 withdrawn from a patient by an
24 emergency medical technician or
25 paramedic if evidence of an order not to
26 resuscitate by the patient's physician is
27 presented to the emergency medical
28 technician or paramedic. An order not to
29 resuscitate, to be valid, must be on the
30 form adopted by rule of the department.
31 The form must be signed by the
32 patient's physician and by the patient or,
33 if the patient is incapacitated, the
34 patient's health care surrogate or proxy
35 as provided in chapter 765, court-
36 appointed guardian as provided in
37 chapter 744, or attorney in fact under a
38 durable power of attorney as provided in
39 chapter 709. The court-appointed
40 guardian or attorney in fact must have
41 been delegated authority to make health
42 care decisions on behalf of the patient.

43 (b) Any licensee, physician, medical
44 director, or emergency medical
45 technician or paramedic who acts under
46 the direction of a medical director is not
47 subject to criminal prosecution or civil
48 liability, and has not engaged in
49 negligent or unprofessional conduct, as
50 a result of the withholding or withdrawal
51 of resuscitation from a patient pursuant

52 to this subsection and rules adopted by
53 the department.

54 (c) The department, in consultation with
55 the Department of Elderly Affairs and
56 the Agency for Health Care
57 Administration, shall develop a
58 standardized do-not-resuscitate
59 identification system with devices that
60 signify, when carried or worn, that the
61 possessor is a patient for whom a
62 physician has issued an order not to
63 administer cardiopulmonary
64 resuscitation. The department may
65 charge a reasonable fee to cover the
66 cost of producing and distributing such
67 identification devices. Use of such
68 devices shall be voluntary.

69 (4) Any licensee or emergency medical
70 technician or paramedic who in good
71 faith provides emergency medical care
72 or treatment within the scope of their
73 employment and pursuant to oral or
74 written instructions of a medical director
75 shall be deemed to be providing
76 emergency medical care or treatment
77 for the purposes of s. 768.13(2)(b).

78 (5) The department shall adopt and
79 enforce all rules necessary to implement
80 this section.

81 **History.**--s. 26, ch. 73-126; s. 3, ch. 76-
82 168; s. 1, ch. 77-174; s. 1, ch. 77-457;
83 ss. 2, 3, ch. 81-318; ss. 24, 25, 27, ch.
84 82-402; s. 13, ch. 83-196; ss. 26, 36, ch.
85 92-78; s. 8, ch. 99-331; s. 5, ch. 2000-
86 295.

87 **401.465 911 emergency dispatcher**
88 **certification.--**

89 (1) DEFINITIONS.--As used in this
90 section, the term:

91 (a) "911 emergency dispatcher" means
92 a person employed by a state agency or
93 local government as a public safety
94 dispatcher or 911 operator whose duties
95 and responsibilities include answering
96 911 calls; dispatching law enforcement
97 officers, fire rescue services, emergency
98 medical services, and other public

1 safety services to the scene of an
2 emergency; providing real-time
3 information from federal, state, and local
4 crime databases; or supervising or
5 serving as the command officer to a
6 person or persons having such duties
7 and responsibilities. However, the term
8 does not include administrative support
9 personnel, including, but not limited to,
10 those whose primary duties and
11 responsibilities are in accounting,
12 purchasing, legal, and personnel.

13 (b) "Department" means the
14 Department of Health.

15 (2) PERSONNEL; STANDARDS AND
16 CERTIFICATION.--

17 (a) Any person who desires to be
18 certified or recertified as a 911
19 emergency dispatcher may apply to the
20 department under oath on forms
21 provided by the department. The
22 department shall establish by rule
23 educational and training criteria for the
24 certification and recertification of 911
25 emergency dispatchers.

26 (b) The department shall determine
27 whether the applicant meets the
28 requirements specified in this section
29 and in rules of the department and shall
30 issue a certificate to any person who
31 meets such requirements. Such
32 requirements must include, but need not
33 be limited to, the following:

34 1. Completion of an appropriate 911
35 emergency dispatcher training program
36 that is equivalent to the most recently
37 approved emergency dispatcher course
38 of the Department of Education and
39 consists of not less than 208 hours;

40 2. Completion and documentation of at
41 least 2 years of supervised full-time
42 employment as a 911 emergency
43 dispatcher since January 1, 2002;

44 3. Certification under oath that the
45 applicant is not addicted to alcohol or
46 any controlled substance;

47 4. Certification under oath that the
48 applicant is free from any physical or
49 mental defect or disease that might
50 impair the applicant's ability to perform
51 his or her duties;

52 5. Submission of the application fee
53 prescribed in subsection (3); and

54 6. Submission of a completed
55 application to the department which
56 indicates compliance with
57 subparagraphs 1., 2., 3., and 4.

58 (c) The department shall establish by
59 rule a procedure for the biennial renewal
60 certification of 911 emergency
61 dispatchers.

62 (d) Each 911 emergency dispatcher
63 certificate expires automatically if not
64 renewed at the end of the 2-year period
65 and may be renewed if the holder meets
66 the qualifications for renewal as
67 established by the department. A
68 certificate that is not renewed at the end
69 of the 2-year period automatically
70 reverts to an inactive status for a period
71 that may not exceed 180 days. Such
72 certificate may be reactivated and
73 renewed within the 180-day period if the
74 certificateholder meets all other
75 qualifications for renewal and pays a
76 \$50 late fee. Reactivation shall be in a
77 manner and on forms prescribed by
78 department rule.

79 (e) The department may suspend or
80 revoke a certificate at any time if it
81 determines that the certificateholder
82 does not meet the applicable
83 qualifications.

84 (f) A certificateholder may request that
85 his or her 911 emergency dispatcher
86 certificate be placed on inactive status
87 by applying to the department before his
88 or her current certification expires and
89 paying a fee set by the department
90 which may not exceed \$100.

91 1. A certificateholder whose certificate
92 has been on inactive status for 1 year or
93 less may renew his or her certificate

1 pursuant to the rules adopted by the
2 department and upon payment of a
3 renewal fee set by the department which
4 may not exceed \$100.

5 2. A certificateholder whose certificate
6 has been on inactive status for more
7 than 1 year may renew his or her
8 certificate pursuant to rules adopted by
9 the department.

10 3. A certificate that has been inactive
11 for more than 6 years automatically
12 expires and may not be renewed.

13 (g) The department shall establish by
14 rule a procedure for the initial
15 certification of 911 emergency
16 dispatchers as defined in this section
17 who have documentation of at least 5
18 years of supervised full-time
19 employment as a 911 emergency
20 dispatcher since January 1, 2002.

21 (3) FEES.--

22 (a) The fee for application for the 911
23 emergency dispatcher original certificate
24 is \$75.

25 (b) The application fee for the 911
26 emergency dispatcher biennial renewal
27 certificate is \$100.

28 (c) Fees collected under this section
29 shall be deposited into the Emergency
30 Medical Services Trust Fund and used
31 solely for salaries and expenses of the
32 department incurred in administering
33 this section.

34 (d) If a certificate issued under this
35 section is lost or destroyed, the person
36 to whom the certificate was issued may,
37 upon payment of a fee set by the
38 department which may not exceed \$25,
39 obtain a duplicate or substitute
40 certificate.

41 (e) Upon surrender of the original 911
42 emergency dispatcher certificate and
43 receipt of a replacement fee set by the
44 department which may not exceed \$25,
45 the department shall issue a

46 replacement certificate to make a
47 change in name.

48 **History.**--s. 2, ch. 2008-51.

49