

1 CHAPTER 401
2 MEDICAL TELECOMMUNICATIONS AND
3 TRANSPORTATION

4
5 PART I
6 EMERGENCY TELECOMMUNICATION
7 SYSTEMS

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9 401.015 Statewide regional emergency
10 medical telecommunication system.
11 401.018 System coordination.
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15 **401.013 Legislative intent.**--It is the
16 intention and purpose of the Legislature
17 that a statewide system of regional
18 emergency medical telecommunications be
19 developed whereby maximum use of
20 existing radio channels is achieved in order
21 to more effectively and rapidly provide
22 emergency medical service to the general
23 population. To this end, all emergency
24 medical service entities within the state
25 are directed to provide the Department of
26 Management Services with any information
27 the department requests for the purpose of
28 implementing the provisions of s. 401.015,
29 and such entities shall comply with the
30 resultant provisions established pursuant to
31 this part.

32 **History.**--s. 1, ch. 73-254; s. 301, ch. 92-
33 279; s. 55, ch. 92-326; s. 100, ch. 98-279.

34 **401.015 Statewide regional emergency**
35 **medical telecommunication system.**--The
36 Department of Management Services is
37 authorized and directed to develop a
38 statewide system of regional emergency
39 medical telecommunications. For the
40 purpose of this part, the term
41 "telecommunications" means those voice,
42 data, and signaling transmissions and
43 receptions between emergency medical
44 service components, including, but not
45 limited to: ambulances; rescue vehicles;
46 hospitals or other related emergency
47 receiving facilities; emergency
48 communications centers; physicians and
49 emergency medical personnel; paging
50 facilities; law enforcement and fire
51 protection agencies; and poison control,
52 suicide, and emergency management

53 agencies. In formulating such a system, the
54 department shall divide the state into
55 appropriate regions and shall develop a
56 program which includes, but is not limited
57 to, the following provisions:

58 (1) A requirements provision, which shall
59 state the telecommunications requirements
60 for each emergency medical entity
61 comprising the region.

62 (2) An interfacility communications
63 provision, which shall depict the
64 telecommunications interfaces between
65 the various medical service entities which
66 operate within the region and state.

67 (3) An organizational layout provision,
68 which shall include each emergency
69 medical entity and the number of radio
70 operating units (base, mobile, handheld,
71 etc.) per entity.

72 (4) A frequency allocation and use
73 provision, which shall include on an entity
74 basis each assigned and planned radio
75 channel and the type of operation (simplex,
76 duplex, half duplex, etc.) on each channel.

77 (5) An operational provision, which shall
78 include dispatching, logging, and operating
79 procedures pertaining to
80 telecommunications on an entity basis and
81 regional basis.

82 (6) An emergency medical service
83 telephone provision, which shall include
84 the telephone and the numbering plan
85 throughout the region for both the public
86 and interface requirements.

87 **History.**--s. 2, ch. 73-254; s. 41, ch. 83-
88 334; s. 302, ch. 92-279; s. 55, ch. 92-326;
89 s. 101, ch. 98-279.

90 **401.018 System coordination.**--

91 (1) The statewide system of regional
92 emergency medical telecommunications
93 shall be developed by the Department of
94 Management Services, which department
95 shall be responsible for the implementation
96 and coordination of such system into the

1 state telecommunications plan. The
2 department shall adopt any necessary rules
3 and regulations for implementing and
4 coordinating such a system.

5 (2) The Department of Management
6 Services shall be designated as the state
7 frequency coordinator for the special
8 emergency radio service.

9 **History.**--s. 3, ch. 73-254; s. 102, ch. 98-
10 279.

11 **401.021 System director.**--The Secretary
12 of Management Services or his or her
13 designee is designated as the director of
14 the statewide telecommunications system
15 of the regional emergency medical service
16 and, for the purpose of carrying out the
17 provisions of this part, is authorized to
18 coordinate the activities of the
19 telecommunications system with other
20 interested state, county, local, and private
21 agencies.

22 **History.**--s. 4, ch. 73-254; s. 51, ch. 99-
23 399.

24 **401.024 System approval.**--From July 1,
25 1973, no emergency medical
26 telecommunications system shall be
27 established or present systems expanded
28 without prior approval of the Department
29 of Management Services.

30 **History.**--s. 5, ch. 73-254; s. 103, ch. 98-
31 279.

32 **401.027 Federal assistance.**--The
33 Secretary of Management Services or his or
34 her designee is authorized to apply for and
35 accept federal funding assistance in the
36 development and implementation of a
37 statewide emergency medical
38 telecommunications system.

39 **History.**--s. 6, ch. 73-254; s. 52, ch. 99-
40 399.

41 **PART II**
42 **EMERGENCY MEDICAL SERVICES GRANTS**
43 401.101 Short title.
44 401.104 Legislative intent.

45 401.107 Definitions.

46 401.111 Emergency medical services grant
47 program; authority.

48 401.113 Department; powers and duties.

49 401.117 Grant agreements; conditions.

50 401.121 Rules and regulations.

51 **401.101 Short title.**--This part shall be
52 known and may be cited as the "Florida
53 Emergency Medical Services Grant Act."

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

56 **401.104 Legislative intent.**--It is the
57 legislative intent that emergency medical
58 services are essential to the health and
59 well-being of all citizens and that private
60 and public expenditures for adequate
61 emergency medical services represent a
62 constructive and essential investment in
63 the future of the state and our democratic
64 society. A major impediment to the
65 provision of adequate and economic
66 emergency medical services to all citizens
67 is the inability of governmental and private
68 agencies within a service area to respond
69 cooperatively in order to finance the
70 systematic provision of such services. This
71 grant program is established to encourage
72 and assist such cooperative efforts.

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

74 **401.107 Definitions.**--As used in this part,
75 the term:

76 (1) "Department" means the Department of
77 Health.

78 (2) "Local agency" means the board of
79 county commissioners.

80 (3) "Emergency medical services" means
81 the activities or services to prevent or treat
82 a sudden critical illness or injury and to
83 provide emergency medical care and
84 prehospital emergency medical
85 transportation to sick, injured, or
86 otherwise incapacitated persons in this
87 state.

1 (4) "Emergency medical services
2 organizations" means public or private
3 entities involved in emergency medical
4 services systems.

5 (5) "Rural emergency medical services"
6 means emergency medical services in a
7 county with a total population of 100,000
8 or fewer people and density of less than
9 100 people per square mile.

10 **History.**--s. 3, ch. 73-262; s. 245, ch. 77-
11 147; s. 9, ch. 89-275; s. 7, ch. 89-283; s.
12 28, ch. 92-78; s. 39, ch. 97-237.

13 **401.111 Emergency medical services**
14 **grant program; authority.**--The
15 department is hereby authorized to make
16 grants to local agencies and emergency
17 medical services organizations in
18 accordance with any agreement entered
19 into pursuant to this part. These grants
20 shall be designed to assist said agencies
21 and organizations in providing emergency
22 medical services, including emergency
23 medical dispatch. The cost of administering
24 this program shall be paid by the
25 department from funds appropriated to it.

26 **History.**--s. 4, ch. 73-262; s. 246, ch. 77-
27 147; s. 10, ch. 89-275; s. 8, ch. 89-283; s.
28 40, ch. 97-237; s. 2, ch. 2003-180.

29 **401.113 Department; powers and**
30 **duties.**--

31 (1) Funds deposited into the Emergency
32 Medical Services Trust Fund as provided by
33 ss. 316.061, 316.192, 318.21, and 938.07
34 must be used solely to improve and expand
35 prehospital emergency medical services in
36 the state.

37 (2) The department shall annually dispense
38 funds contained in the Emergency Medical
39 Services Trust Fund as follows:

40 (a) Forty-five percent of such moneys must
41 be divided among the counties according to
42 the proportion of the combined amount
43 deposited in the trust fund from the
44 county. These funds may not be used to
45 match grant funds as identified in
46 paragraph (b). An individual board of

47 county commissioners may distribute these
48 funds to emergency medical service
49 organizations within the county, as it
50 deems appropriate.

51 (b) Forty percent of such moneys must be
52 used by the department for making
53 matching grants to local agencies,
54 municipalities, and emergency medical
55 services organizations for the purpose of
56 conducting research, increasing existing
57 levels of emergency medical services,
58 evaluation, community education, injury-
59 prevention programs, and training in
60 cardiopulmonary resuscitation and other
61 lifesaving and first aid techniques.

62 1. At least 90 percent of these moneys
63 must be made available on a cash matching
64 basis. A grant made under this
65 subparagraph must be contingent upon the
66 recipient providing a cash sum equal to 25
67 percent of the total department-approved
68 grant amount.

69 2. No more than 10 percent of these
70 moneys must be made available to rural
71 emergency medical services, and
72 notwithstanding the restrictions specified
73 in subsection (1), these moneys may be
74 used for improvement, expansion, or
75 continuation of services provided. A grant
76 made under this subparagraph must be
77 contingent upon the recipient providing a
78 cash sum equal to no more than 10 percent
79 of the total department-approved grant
80 amount.

81
82 The department shall develop procedures
83 and standards for grant disbursement under
84 this paragraph based on the need for
85 emergency medical services, the
86 requirements of the population to be
87 served, and the objectives of the state
88 emergency medical services plan.

89 (c) Fifteen percent of such moneys must
90 be used by the department for capital
91 equipment outlay, personnel, community
92 education, evaluation, and other costs
93 associated with the administration of this
94 chapter. Any moneys not annually used for
95 this purpose must be used for making
96 additional rural grant funds available.

1 (3) The department shall adopt rules to
2 administer this section.

3 **History.**--s. 5, ch. 73-262; s. 1, ch. 77-174;
4 s. 47, ch. 85-81; s. 26, ch. 85-167; s. 5, ch.
5 85-337; s. 10, ch. 86-154; s. 52, ch. 86-220;
6 s. 11, ch. 89-275; s. 9, ch. 89-283; s. 29,
7 ch. 92-78; s. 35, ch. 97-271; s. 17, ch.
8 2001-53; s. 6, ch. 2001-380; s. 13, ch.
9 2002-402; s. 9, ch. 2004-6.

10 **401.117 Grant agreements; conditions.**--
11 The department shall use the following
12 guidelines in developing the procedures for
13 grant disbursement:

14 (1) The need for emergency medical
15 services and the requirements of the
16 population to be served.

17 (2) All emergency vehicles and attendants
18 must conform to state standards
19 established by law or rule of the
20 department.

21 (3) All vehicles shall contain minimum
22 equipment and supplies as required by law
23 or rule of the department.

24 (4) All vehicles shall have at a minimum a
25 direct communications linkup with the
26 operating base and hospital designated as
27 the primary receiving facility.

28 (5) Emphasis shall be accorded to
29 applications that contain one or more of
30 the following provisions:

31 (a) Services provided on a county,
32 multicounty, or areawide basis.

33 (b) A single provider, or a coordinated
34 provider, method of delivering services.

35 (c) Coordination of all communication
36 links, including police, fire, emergency
37 vehicles, and other related services.

38 **History.**--s. 6, ch. 73-262; s. 247, ch. 77-
39 147; s. 41, ch. 97-237.

40 **401.121 Rules and regulations.**--The
41 department is authorized to make rules and

42 regulations necessary to carry out the
43 purposes of this part, including funds and
44 assistance to nonprofit volunteer
45 ambulance organizations desiring to comply
46 with the Florida Emergency Medical
47 Services Grant Act.

48 **History.**--s. 7, ch. 73-262; s. 75, ch. 95-
49 143.

50 **PART III**
51 **MEDICAL TRANSPORTATION SERVICES**

52 401.2101 Short title.

53 401.211 Legislative intent.

54 401.23 Definitions.

55 401.24 Emergency medical services state
56 plan.

57 401.243 Injury prevention.

58 401.245 Emergency Medical Services
59 Advisory Council.

60 401.25 Licensure as a basic life support or
61 an advanced life support service.

62 401.251 Air ambulance service; licensure.

63 401.252 Interfacility transfer.

64 401.26 Vehicle permits for basic life
65 support and advanced life support services.

66 401.265 Medical directors.

67 401.268 Protocols with regional poison
68 control centers.

69 401.27 Personnel; standards and
70 certification.

71 401.2701 Emergency medical services
72 training programs.

73 401.271 Certification of emergency
74 medical technicians and paramedics who

75 are on active duty with the Armed Forces
76 of the United States; spouses of members

77 of the Armed Forces.

78 401.2715 Recertification training of
79 emergency medical technicians and
80 paramedics.

81 401.272 Emergency medical services
82 community health care.

83 401.273 Emergency medical technician and
84 paramedic registry for disasters and
85 emergencies.

86 401.281 Drivers.

87 401.2915 Automated external
88 defibrillators.

89 401.30 Records.

90 401.31 Inspection and examination.

91 401.321 Transferability of license; effect
92 of sale, transfer, assignment, or lease of
93 service.

94 401.33 Exemptions.

1 401.34 Fees.
2 401.345 Emergency Medical Services Trust
3 Fund.
4 401.35 Rules.
5 401.38 Participation in federal programs.
6 401.41 Penalties.
7 401.411 Disciplinary action; penalties.
8 401.414 Complaint investigation
9 procedures.
10 401.421 Injunctive relief; cease and desist
11 notice; civil penalty; enforcement.
12 401.425 Emergency medical services
13 quality assurance; immunity from liability.
14 401.435 First responder agencies and
15 training.
16 401.445 Emergency examination and
17 treatment of incapacitated persons.
18 401.45 Denial of emergency treatment;
19 civil liability.
20
21 **401.2101 Short title.**--This part may be
22 cited as the "Raymond H. Alexander, M.D.,
23 Emergency Medical Transportation Services
24 Act."
25
26 **History.**--s. 1, ch. 92-78.

27 **401.211 Legislative intent.**--The
28 Legislature recognizes that the systematic
29 provision of emergency medical services
30 saves lives and reduces disability associated
31 with illness and injury. In addition, that
32 system of care must be equally capable of
33 assessing, treating, and transporting
34 children, adults, and frail elderly persons.
35 Further, it is the intent of the Legislature
36 to encourage the development and
37 maintenance of emergency medical
38 services because such services are essential
39 to the health and well-being of all citizens
40 of the state. The Legislature also
41 recognizes that the establishment of a
42 comprehensive statewide injury-prevention
43 program supports state and community
44 health systems by further enhancing the
45 total delivery system of emergency medical
46 services and reduces injuries for all
47 persons. The purpose of this part is to
48 protect and enhance the public health,
49 welfare, and safety through the
50 establishment of an emergency medical
51 services state plan, an advisory council, a
52 comprehensive statewide injury-prevention
53 program, minimum standards for
54 emergency medical services personnel,

55 vehicles, services and medical direction,
56 and the establishment of a statewide
57 inspection program created to monitor the
58 quality of patient care delivered by each
59 licensed service and appropriately certified
60 personnel.

61 **History.**--ss. 3, 25, ch. 82-402; ss. 1, 13,
62 ch. 83-196; s. 3, ch. 84-317; s. 53, ch. 86-
63 220; s. 12, ch. 89-275; s. 10, ch. 89-283; ss.
64 2, 36, ch. 92-78; s. 35, ch. 2004-350.

65 **401.23 Definitions.**--As used in this part,
66 the term:

67 (1) "Advanced life support" means
68 treatment of life-threatening medical
69 emergencies through the use of techniques
70 such as endotracheal intubation, the
71 administration of drugs or intravenous
72 fluids, telemetry, cardiac monitoring, and
73 cardiac defibrillation by a qualified person,
74 pursuant to rules of the department.

75 (2) "Advanced life support service" means
76 any emergency medical transport or
77 nontransport service which uses advanced
78 life support techniques.

79 (3) "Air ambulance" means any fixed-wing
80 or rotary-wing aircraft used for, or
81 intended to be used for, air transportation
82 of sick or injured persons requiring or likely
83 to require medical attention during
84 transport.

85 (4) "Air ambulance service" means any
86 publicly or privately owned service,
87 licensed in accordance with the provisions
88 of this part, which operates air ambulances
89 to transport persons requiring or likely to
90 require medical attention during transport.

91 (5) "Ambulance" or "emergency medical
92 services vehicle" means any privately or
93 publicly owned land or water vehicle that is
94 designed, constructed, reconstructed,
95 maintained, equipped, or operated for, and
96 is used for, or intended to be used for, land
97 or water transportation of sick or injured
98 persons requiring or likely to require
99 medical attention during transport.

1 (6) "Ambulance driver" means any person
2 who meets the requirements of s. 401.281.

3 (7) "Basic life support" means treatment of
4 medical emergencies by a qualified person
5 through the use of techniques such as
6 patient assessment, cardiopulmonary
7 resuscitation (CPR), splinting, obstetrical
8 assistance, bandaging, administration of
9 oxygen, application of medical antishock
10 trousers, administration of a subcutaneous
11 injection using a premeasured autoinjector
12 of epinephrine to a person suffering an
13 anaphylactic reaction, and other
14 techniques described in the Emergency
15 Medical Technician Basic Training Course
16 Curriculum of the United States
17 Department of Transportation. The term
18 "basic life support" also includes other
19 techniques which have been approved and
20 are performed under conditions specified
21 by rules of the department.

22 (8) "Basic life support service" means any
23 emergency medical service which uses only
24 basic life support techniques.

25 (9) "Certification" means any authorization
26 issued pursuant to this part to a person to
27 act as an emergency medical technician or
28 a paramedic.

29 (10) "Department" means the Department
30 of Health.

31 (11) "Emergency medical technician"
32 means a person who is certified by the
33 department to perform basic life support
34 pursuant to this part.

35 (12) "Interfacility transfer" means the
36 transportation by ambulance of a patient
37 between two facilities licensed under
38 chapter 393, chapter 395, or chapter 400,
39 pursuant to this part.

40 (13) "Licensee" means any basic life
41 support service, advanced life support
42 service, or air ambulance service licensed
43 pursuant to this part.

44 (14) "Medical direction" means direct
45 supervision by a physician through two-way
46 voice communication or, when such voice

47 communication is unavailable, through
48 established standing orders, pursuant to
49 rules of the department.

50 (15) "Medical director" means a physician
51 who is employed or contracted by a
52 licensee and who provides medical
53 supervision, including appropriate quality
54 assurance but not including administrative
55 and managerial functions, for daily
56 operations and training pursuant to this
57 part.

58 (16) "Mutual aid agreement" means a
59 written agreement between two or more
60 entities whereby the signing parties agree
61 to lend aid to one another under conditions
62 specified in the agreement and as
63 sanctioned by the governing body of each
64 affected county.

65 (17) "Paramedic" means a person who is
66 certified by the department to perform
67 basic and advanced life support pursuant to
68 this part.

69 (18) "Permit" means any authorization
70 issued pursuant to this part for a vehicle to
71 be operated as a basic life support or
72 advanced life support transport vehicle or
73 an advanced life support nontransport
74 vehicle providing basic or advanced life
75 support.

76 (19) "Physician" means a practitioner who
77 is licensed under the provisions of chapter
78 458 or chapter 459. For the purpose of
79 providing "medical direction" as defined in
80 subsection (14) for the treatment of
81 patients immediately prior to or during
82 transportation to a United States
83 Department of Veterans Affairs medical
84 facility, "physician" also means a
85 practitioner employed by the United States
86 Department of Veterans Affairs.

87 (20) "Registered nurse" means a
88 practitioner who is licensed to practice
89 professional nursing pursuant to part I of
90 chapter 464.

91 (21) "Secretary" means the Secretary of
92 Health.

1 (22) "Service location" means any
2 permanent location in or from which a
3 licensee solicits, accepts, or conducts
4 business under this part.

5 **History.**--s. 3, ch. 73-126; s. 3, ch. 76-168;
6 s. 248, ch. 77-147; s. 1, ch. 77-347; s. 1,
7 ch. 77-457; ss. 1, 4, 10, ch. 79-280; s. 257,
8 ch. 81-259; ss. 2, 3, ch. 81-318; ss. 4, 24,
9 25, ch. 82-402; ss. 2, 12, 13, ch. 83-196; s.
10 4, ch. 84-317; s. 54, ch. 86-220; s. 1, ch.
11 89-283; ss. 3, 36, ch. 92-78; s. 42, ch. 97-
12 237; s. 107, ch. 2000-318.

13 **401.24 Emergency medical services state**
14 **plan.**--The department is responsible, at a
15 minimum, for the improvement and
16 regulation of basic and advanced life
17 support programs. The department shall
18 develop and biennially revise a
19 comprehensive state plan for basic and
20 advanced life support services, the
21 emergency medical services grants
22 program, trauma centers, the injury
23 control program, and medical disaster
24 preparedness. The state plan shall include,
25 but need not be limited to:

26 (1) Emergency medical systems planning,
27 including the prehospital and hospital
28 phases of patient care, and injury control
29 effort and unification of such services into
30 a total delivery system to include air,
31 water, and land services.

32 (2) Requirements for the operation,
33 coordination, and ongoing development of
34 emergency medical services, which
35 includes: basic life support or advanced life
36 support vehicles, equipment, and supplies;
37 communications; personnel; training;
38 public education; state trauma system;
39 injury control; and other medical care
40 components.

41 (3) The definition of areas of responsibility
42 for regulating and planning the ongoing and
43 developing delivery service requirements.

44 **History.**--s. 4, ch. 73-126; s. 3, ch. 76-168;
45 s. 1, ch. 77-457; ss. 5, 10, ch. 79-280; ss. 2,
46 3, ch. 81-318; ss. 5, 24, 25, ch. 82-402; ss.
47 3, 13, ch. 83-196; s. 5, ch. 84-317; s. 55,

48 ch. 86-220; ss. 4, 36, ch. 92-78; s. 9, ch.
49 2004-259.

50 **401.243 Injury prevention.**--The
51 department shall establish an injury-
52 prevention program with responsibility for
53 the statewide coordination and expansion
54 of injury-prevention activities. The duties
55 of the department under the program may
56 include, but are not limited to, data
57 collection, surveillance, education, and the
58 promotion of interventions. In addition, the
59 department may:

60 (1) Provide communities, county health
61 departments, and other state agencies with
62 expertise and guidance in injury
63 prevention.

64 (2) Seek, receive, and expend funds
65 received from grants, donations, or
66 contributions from public or private sources
67 for program purposes.

68 (3) Develop, and revise as necessary, a
69 comprehensive state plan for injury
70 prevention.

71 (4) Adopt rules governing the
72 implementation of grant programs. The
73 rules may include, but need not be limited
74 to, criteria regarding the application
75 process, the selection of grantees, the
76 implementation of injury-prevention
77 activities, data collection, surveillance,
78 education, and the promotion of
79 interventions.

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

81 **401.245 Emergency Medical Services**
82 **Advisory Council.**--

83 (1) There is hereby created an advisory
84 council for the purpose of acting as the
85 advisory body to the emergency medical
86 services program. The duties of the council
87 include, but are not limited to:

88 (a) Identifying and making
89 recommendations to the department
90 concerning the appropriateness of

1 suggested changes to statutes and
2 administrative rules.

3 (b) Acting as a clearinghouse for
4 information specific to changes in the
5 provision of emergency medical services
6 and trauma care.

7 (c) Providing technical support to the
8 department in the areas of emergency
9 medical services and trauma systems
10 design, required medical and rescue
11 equipment, required drugs and dosages,
12 medical treatment protocols and
13 emergency medical services personnel
14 education and training requirements.

15 (d) Assisting in developing the emergency
16 medical services portion of the
17 department's annual legislative package.

18 (e) Providing a forum for discussing
19 significant issues facing the emergency
20 medical services and trauma care
21 communities.

22 (f) Providing a forum for planning the
23 continued development of the state's
24 emergency medical services system through
25 the joint production of the emergency
26 medical services state plan.

27 (g) Assisting the department in developing
28 the emergency medical services quality
29 management program.

30 (h) Assisting the department in setting
31 program priorities.

32 (i) Providing feedback to the department
33 on the administration and performance of
34 the emergency medical services program.

35 (j) Providing technical support to the
36 emergency medical services grants
37 program.

38 (k) Assisting the department in emergency
39 medical services public education.

40 (l) Assisting in the development of the
41 department's injury prevention and control
42 program.

43 (2)(a) No more than 15 members may be
44 appointed to this council. Members shall be
45 appointed for 4-year terms in such a
46 manner that each year the terms of
47 approximately one-fourth of the members
48 expire. The chair of the council shall be
49 designated by the secretary. Vacancies
50 shall be filled for the remainder of
51 unexpired terms in the same manner as the
52 original appointment. Members shall
53 receive no compensation but may be
54 reimbursed for per diem and travel
55 expenses.

56 (b) Representation on the Emergency
57 Medical Services Advisory Council shall
58 include: two licensed physicians who are
59 "medical directors" as defined in s.
60 401.23(15) or whose medical practice is
61 closely related to emergency medical
62 services; two emergency medical service
63 administrators, one of whom is employed
64 by a fire service; two certified paramedics,
65 one of whom is employed by a fire service;
66 two certified emergency medical
67 technicians, one of whom is employed by a
68 fire service; one emergency medical
69 services educator; one emergency nurse;
70 one hospital administrator; one
71 representative of air ambulance services;
72 one representative of a commercial
73 ambulance operator; and two laypersons
74 who are in no way connected with
75 emergency medical services, one of whom
76 is a representative of the elderly. Ex officio
77 members of the advisory council from state
78 agencies shall include, but shall not be
79 limited to, representatives from the
80 Department of Education, the Department
81 of Management Services, the State Fire
82 Marshal, the Department of Highway Safety
83 and Motor Vehicles, the Department of
84 Transportation, and the Department of
85 Community Affairs.

86 (c) Appointments to the council shall be
87 made by the secretary, except that state
88 agency representatives shall be appointed
89 by the respective agency head.

90 (3) Any Emergency Medical Services
91 Advisory Council member shall be removed
92 from office for malfeasance; misfeasance;
93 neglect of duty; incompetence; permanent
94 inability to perform official duties; or

1 pleading guilty or nolo contendere to, or
2 being found guilty of, a felony.

3 (4) The council shall hold meetings at the
4 call of the chair, upon the written request
5 of five members of the council, or at the
6 call of the staff director of the emergency
7 medical services program office. A majority
8 of the members of the council shall
9 constitute a quorum. Minutes shall be
10 recorded for all meetings of the council
11 and shall be maintained on file in the
12 emergency medical services program
13 office.

14 (5) The department shall adopt rules to
15 implement this section, which rules shall
16 serve as formal operating procedures for
17 the Emergency Medical Services Advisory
18 Council.

19 (6) There is established a committee to
20 advise the Department of Health on
21 matters concerning preventative,
22 prehospital, hospital, rehabilitative, and
23 other posthospital medical care for
24 children.

25 (a) Committee members shall be
26 appointed by the secretary, and shall
27 include, but not be limited to, physicians
28 and other medical professionals that have
29 experience in emergency medicine or
30 expertise in emergency and critical care for
31 children.

32 (b) Appointments to the committee shall
33 be for a term of 2 years. Vacancies may be
34 filled for the unexpired term at the
35 discretion of the secretary. The members
36 shall serve without compensation, and shall
37 not be reimbursed for necessary expenses
38 incurred in the performance of their duties,
39 unless there is funding available from the
40 Federal Government or contributions or
41 grants from private sources.

42 **History.**--ss. 4, 13, ch. 83-196; ss. 14, 56,
43 ch. 86-220; s. 5, ch. 88-186; s. 13, ch. 89-
44 275; s. 11, ch. 89-283; ss. 1, 2, 3, ch. 92-
45 46; s. 36, ch. 92-78; s. 7, ch. 92-174; s. 76,
46 ch. 95-143; s. 791, ch. 95-148; s. 45, ch.
47 95-196; s. 43, ch. 97-237; s. 422, ch. 2003-
48 261.

49 **401.25 Licensure as a basic life support**
50 **or an advanced life support service.--**

51 (1) Every person, firm, corporation,
52 association, or governmental entity owning
53 or acting as agent for the owner of any
54 business or service which furnishes,
55 operates, conducts, maintains, advertises,
56 engages in, proposes to engage in, or
57 professes to engage in the business or
58 service of providing prehospital or
59 interfacility advanced life support services
60 or basic life support transportation services
61 must be licensed as a basic life support
62 service or an advanced life support service,
63 whichever is applicable, before offering
64 such service to the public. The application
65 for such license must be submitted to the
66 department on forms provided for this
67 purpose. The application must include
68 documentation that the applicant meets
69 the appropriate requirements for a basic
70 life support service or an advanced life
71 support service, whichever is applicable, as
72 specified by rule of the department.

73 (2) The department shall issue a license
74 for operation to any applicant who
75 complies with the following requirements:

76 (a) The applicant has paid the fees
77 required by s. 401.34.

78 (b) The ambulances, equipment, vehicles,
79 personnel, communications systems,
80 staffing patterns, and services of the
81 applicant meet the requirements of this
82 part, including the appropriate rules for
83 either a basic life support service or an
84 advanced life support service, whichever is
85 applicable.

86 (c) The applicant has furnished evidence of
87 adequate insurance coverage for claims
88 arising out of injury to or death of persons
89 and damage to the property of others
90 resulting from any cause for which the
91 owner of such business or service would be
92 liable. The applicant must provide
93 insurance in such sums and under such
94 terms as required by the department. In
95 lieu of such insurance, the applicant may
96 furnish a certificate of self-insurance
97 evidencing that the applicant has

1 established an adequate self-insurance plan
2 to cover such risks and that the plan has
3 been approved by the Office of Insurance
4 Regulation of the Financial Services
5 Commission.

6 (d) The applicant has obtained a
7 certificate of public convenience and
8 necessity from each county in which the
9 applicant will operate. In issuing the
10 certificate of public convenience and
11 necessity, the governing body of each
12 county shall consider the recommendations
13 of municipalities within its jurisdiction.

14 (3) The department may suspend or revoke
15 a license at any time if it determines that
16 the licensee has failed to maintain
17 compliance with the requirements
18 prescribed for operating a basic or
19 advanced life support service.

20 (4) Each license issued in accordance with
21 this part will expire automatically 2 years
22 after the date of issuance.

23 (5) The requirements for renewal of any
24 license issued under this part are the same
25 as the requirements for original licensure
26 that are in effect at the time of renewal.

27 (6) The governing body of each county may
28 adopt ordinances that provide reasonable
29 standards for certificates of public
30 convenience and necessity for basic or
31 advanced life support services and air
32 ambulance services. In developing
33 standards for certificates of public
34 convenience and necessity, the governing
35 body of each county must consider state
36 guidelines, recommendations of the local
37 or regional trauma agency created under
38 chapter 395, and the recommendations of
39 municipalities within its jurisdiction.

40 (7)(a) Each permitted basic life support
41 ambulance not specifically exempted from
42 this part, when transporting a person who
43 is sick, injured, wounded, incapacitated, or
44 helpless, must be occupied by at least two
45 persons: one patient attendant who is a
46 certified emergency medical technician,
47 certified paramedic, or licensed physician;
48 and one ambulance driver who meets the

49 requirements of s. 401.281. This paragraph
50 does not apply to interfacility transfers
51 governed by s. 401.252(1).

52 (b) Each permitted advanced life support
53 ambulance not specifically exempted from
54 this part, when transporting a person who
55 is sick, injured, wounded, incapacitated, or
56 helpless, must be occupied by at least two
57 persons: one who is a certified paramedic
58 or licensed physician; and one who is a
59 certified emergency medical technician,
60 certified paramedic, or licensed physician
61 who also meets the requirements of s.
62 401.281 for drivers. The person with the
63 highest medical certifications shall be in
64 charge of patient care. This paragraph does
65 not apply to interfacility transfers governed
66 by s. 401.252(1).

67 **History.**--ss. 5, 16, ch. 73-126; s. 3, ch. 76-
68 168; s. 249, ch. 77-147; s. 1, ch. 77-457; s.
69 19, ch. 78-95; ss. 6, 10, ch. 79-280; ss. 2,
70 3, ch. 81-318; ss. 6, 24, 25, ch. 82-402; ss.
71 5, 13, ch. 83-196; s. 54, ch. 83-218; s. 6,
72 ch. 84-317; s. 57, ch. 86-220; s. 14, ch. 89-
73 275; s. 12, ch. 89-283; ss. 5, 36, ch. 92-78;
74 s. 29, ch. 99-397; s. 423, ch. 2003-261.

75 **401.251 Air ambulance service;**
76 **licensure.--**

77 (1) Each person, firm, corporation,
78 association, or governmental entity that
79 owns or acts as an agent for the owner of
80 any business or service that furnishes,
81 operates, conducts, maintains, advertises,
82 engages in, proposes to engage in, or
83 professes to engage in the business or
84 service of transporting by air ambulance
85 persons who require or are likely to require
86 medical attention during transport must be
87 licensed as an air ambulance service,
88 before offering such service.

89 (2) The application for this license must be
90 submitted to the department on forms
91 provided for this purpose. The application
92 must include documentation that the
93 applicant meets the appropriate
94 requirements for an air ambulance service
95 as specified by rule of the department.

1 (3) An applicant who seeks licensure as an
2 air ambulance service must:

3 (a) Submit a completed application to the
4 department on such forms and including
5 such information as specified by rule of the
6 department.

7 (b) Submit the appropriate fee as provided
8 in s. 401.34.

9 (c) Specify the location of all required
10 medical equipment and provide
11 documentation that all such equipment is
12 available and in good working order.

13 (d) Provide documentation that all aircraft
14 and crew members meet applicable Federal
15 Aviation Administration (FAA) regulations.

16 (e) Provide proof of adequate insurance
17 coverage of not less than \$100,000 per
18 person and \$300,000 per incident, or a
19 greater amount if specified by rule of the
20 department, for claims arising out of injury
21 or death of persons and damage to
22 property of others resulting from any cause
23 for which the owner of such business or
24 service would be liable. Self-insurance is an
25 acceptable alternative as specified in s.
26 401.25(2)(c).

27 (f) Specify whether the service uses either
28 fixed-winged or rotary-winged aircraft, or
29 both.

30 (4)(a) If a service provides interhospital air
31 transport, air transport from hospital to
32 another facility, air transport from hospital
33 to home, or similar air transport, the
34 service must provide evidence that it has
35 employed or contracted with a medical
36 director to advise the service on the
37 appropriate staffing, equipment, and
38 supplies to be used for the transport of any
39 patient aboard an air ambulance and must
40 provide information to referring physicians
41 regarding special medical requirements and
42 restrictions when transporting by air
43 ambulance.

44 (b) If the air ambulance service uses
45 rotary-winged aircraft in conjunction with
46 another emergency medical service, the air

47 ambulance service must meet the
48 provisions of this section and must meet
49 separate basic life support and advanced
50 life support requirements unique to air
51 ambulance operations as is required by
52 rules of the department. Such service is
53 subject to the provisions of s. 401.25
54 relating to a certificate of public
55 convenience and necessity; however, a
56 service may operate in any county under
57 the terms of mutual aid agreements.

58 (c) Unless, in the opinion of the attending
59 physician, the patient has an emergency
60 medical condition as defined by s. 395.002,
61 the service must provide each person using
62 the service, before rendering the service, a
63 written description of the services to be
64 rendered and the cost of those services.

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

67 (a) Submit a renewal application to the
68 department not more than 90 days nor less
69 than 60 days before the license expires.

70 (b) Submit the appropriate renewal fee as
71 provided in s. 401.34.

72 (c) Provide documentation that current
73 standards for issuance of a license are met.

74 (6) Any advanced life support service
75 licensee may engage in air ambulance
76 operations by complying with the
77 appropriate provisions of this section and
78 requirements specified by rule of the
79 department.

80 **History.**--ss. 11, 13, ch. 83-196; s. 1, ch.
81 91-169; ss. 27, 36, ch. 92-78; s. 73, ch. 92-
82 289.

83 **Note.**--Former s. 401.48.

84 **401.252 Interfacility transfer.**--

85 (1) A licensed basic or advanced life
86 support ambulance service may conduct
87 interfacility transfers in a permitted
88 ambulance, using a registered nurse in

1 place of an emergency medical technician
2 or paramedic, if:

3 (a) The registered nurse holds a current
4 certificate of successful course completion
5 in advanced cardiac life support;

6 (b) The physician in charge has granted
7 permission for such a transfer, has
8 designated the level of service required for
9 such transfer, and has deemed the patient
10 to be in such a condition appropriate to
11 this type of ambulance staffing; and

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

14 (2) A licensed basic or advanced life
15 support service may conduct interfacility
16 transfers in a permitted ambulance if the
17 patient's treating physician certifies that
18 the transfer is medically appropriate and
19 the physician provides reasonable transfer
20 orders. An interfacility transfer must be
21 conducted in a permitted ambulance if it is
22 determined that the patient needs, or is
23 likely to need, medical attention during
24 transport. If the emergency medical
25 technician or paramedic believes the level
26 of patient care required during the transfer
27 is beyond his or her capability, the medical
28 director, or his or her designee, must be
29 contacted for clearance prior to conducting
30 the transfer. If necessary, the medical
31 director, or his or her designee, shall
32 attempt to contact the treating physician
33 for consultation to determine the
34 appropriateness of the transfer.

35 (3) Infants less than 28 days old or infants
36 weighing less than 5 kilograms, who require
37 critical care interfacility transport to a
38 neonatal intensive care unit, shall be
39 transported in a permitted advanced life
40 support or basic life support transport
41 ambulance, or in a permitted advanced life
42 support or basic life support ambulance
43 that is recognized by the department as
44 meeting designated criteria for neonatal
45 interfacility critical care transport.

46 (4) The department shall adopt and
47 enforce rules to carry out this section,
48 including rules for permitting, equipping,

49 and staffing transport ambulances and that
50 govern the medical direction under which
51 interfacility transfers take place.

52 **History.**--ss. 7, 25, ch. 82-402; s. 13, ch.
53 83-196; ss. 6, 36, ch. 92-78; s. 792, ch. 95-
54 148; s. 44, ch. 97-237; s. 108, ch. 2000-
55 318.

56 **401.26 Vehicle permits for basic life**
57 **support and advanced life support**
58 **services.--**

59 (1) Every licensee shall possess a valid
60 permit for each transport vehicle,
61 advanced life support nontransport vehicle,
62 and aircraft in use. Applications for such
63 permits shall be made upon forms
64 prescribed by the department. The licensee
65 shall provide documentation that each
66 vehicle for which a permit is sought meets
67 the appropriate requirements for a basic
68 life support or advanced life support
69 service vehicle, whichever is applicable, as
70 specified by rule of the department. A
71 permit is not required for an advanced life
72 support nontransport vehicle that is
73 intended to be used for scene supervision,
74 incident command, or the augmentation of
75 supplies.

76 (2) To receive a valid permit, the
77 applicant must submit a completed
78 application form for each vehicle or
79 aircraft for which a permit is desired, pay
80 the appropriate fees established as
81 provided in s. 401.34, and provide
82 documentation that each vehicle or aircraft
83 meets the following requirements as
84 established by rule of the department; the
85 vehicle or aircraft must:

86 (a) Be furnished with essential medical
87 supplies and equipment which is in good
88 working order.

89 (b) Meet appropriate standards for design
90 and construction.

91 (c) Be equipped with an appropriate
92 communication system.

93 (d) Meet appropriate safety standards.

1 (e) Meet sanitation and maintenance
2 standards.

3 (f) Be insured for an appropriate sum
4 against injuries to or the death of any
5 person arising out of an accident.

6 (3) The department may deny, suspend, or
7 revoke a permit if it determines that the
8 vehicle, aircraft, or equipment fails to
9 meet the requirements specified in this
10 part or in the rules of the department.

11 (4) A permit issued in accordance with this
12 section will expire automatically
13 concurrent with the service license.

14 (5) In order to renew a vehicle or aircraft
15 permit issued pursuant to this part, the
16 applicant must:

17 (a) Submit a renewal application. Such
18 application must be received by the
19 department not more than 90 days or less
20 than 30 days prior to the expiration of the
21 permit.

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

24 (c) Provide documentation that current
25 standards for issuance of a permit are met.

26 (6) The department shall establish criteria
27 and time limits for substitution of
28 permitted vehicles that are out of service
29 for maintenance purposes.

30 (7) The department shall adopt and
31 enforce rules necessary to administer this
32 section.

33 **History.**--s. 6, ch. 73-126; s. 3, ch. 76-168;
34 s. 250, ch. 77-147; s. 1, ch. 77-457; s. 19,
35 ch. 78-95; ss. 7, 10, ch. 79-280; ss. 2, 3,
36 ch. 81-318; ss. 9, 24, 25, ch. 82-402; s. 13,
37 ch. 83-196; s. 56, ch. 83-218; s. 8, ch. 84-
38 317; s. 58, ch. 86-220; ss. 7, 36, ch. 92-78;
39 s. 19, ch. 98-151.

40 **401.265 Medical directors.--**

41 (1) Each basic life support transportation
42 service or advanced life support service
43 must employ or contract with a medical
44 director. The medical director must be a
45 licensed physician; a corporation,
46 association, or partnership composed of
47 physicians; or physicians employed by any
48 hospital that delivers in-hospital emergency
49 medical services and employs or contracts
50 with physicians specifically for that
51 purpose. Such a hospital, physician,
52 corporation, association, or partnership
53 must designate one physician from that
54 organization to be medical director at any
55 given time. The medical director must
56 supervise and assume direct responsibility
57 for the medical performance of the
58 emergency medical technicians and
59 paramedics operating for that emergency
60 medical services system. The medical
61 director must perform duties including
62 advising, consulting, training, counseling,
63 and overseeing of services, including
64 appropriate quality assurance but not
65 including administrative and managerial
66 functions.

67 (2) Each medical director shall establish a
68 quality assurance committee to provide for
69 quality assurance review of all emergency
70 medical technicians and paramedics
71 operating under his or her supervision. If
72 the medical director has reasonable belief
73 that conduct by an emergency medical
74 technician or paramedic may constitute
75 one or more grounds for discipline as
76 provided by this part, he or she shall
77 document facts and other information
78 related to the alleged violation. The
79 medical director shall report to the
80 department any emergency medical
81 technician or paramedic whom the medical
82 director reasonably believes to have acted
83 in a manner which might constitute grounds
84 for disciplinary action. Such a report of
85 disciplinary concern must include a
86 statement and documentation of the
87 specific acts of the disciplinary concern.
88 Within 7 days after receipt of such a
89 report, the department shall provide the
90 emergency medical technician or
91 paramedic a copy of the report of the
92 disciplinary concern and documentation of
93 the specific acts related to the disciplinary
94 concern. If the department determines that

1 the report is insufficient for disciplinary
2 action against the emergency medical
3 technician or paramedic pursuant to s.
4 401.411, the report shall be expunged from
5 the record of the emergency medical
6 technician or paramedic.

7 (3) Any medical director who in good faith
8 gives oral or written instructions to
9 certified emergency medical services
10 personnel for the provision of emergency
11 care shall be deemed to be providing
12 emergency medical care or treatment for
13 the purposes of s. 768.13(2).

14 (4) Each medical director who uses a
15 paramedic or emergency medical
16 technician to perform blood pressure
17 screening, health promotion, and wellness
18 activities, or to administer immunization on
19 any patient under a protocol as specified in
20 s. 401.272, which is not in the provision of
21 emergency care, is liable for any act or
22 omission of any paramedic or emergency
23 medical technician acting under his or her
24 supervision and control when performing
25 such services.

26 (5) The department shall adopt and
27 enforce all rules necessary to administer
28 this section.

29 **History.**--ss. 6, 25, ch. 82-402; ss. 12, 13,
30 ch. 83-196; s. 8, ch. 88-186; s. 15, ch. 89-
31 275; s. 13, ch. 89-283; s. 70, ch. 89-374; ss.
32 8, 36, ch. 92-78; s. 34, ch. 93-211; s. 793,
33 ch. 95-148; s. 45, ch. 97-237; s. 3, ch. 98-
34 87; s. 20, ch. 98-151.

35 **401.268 Protocols with regional poison**
36 **control centers.**--By October 1, 1999, each
37 licensee shall implement a prehospital
38 emergency dispatch protocol with the
39 regional poison control center established
40 pursuant to s. 395.1027. The prehospital
41 emergency dispatch protocol shall be
42 developed by the licensee's medical
43 director in conjunction with the designated
44 regional poison control center responsible
45 for the geographic area in which the
46 licensee operates. The protocol shall define
47 toxic substances and describe the
48 procedure by which the designated regional
49 poison control center may be consulted by

50 the licensee. If a call is transferred to the
51 regional poison control center in
52 accordance with the protocol established
53 under this section and s. 395.1027, the
54 regional poison control center shall assume
55 responsibility and liability for the call.

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

57 **401.27 Personnel; standards and**
58 **certification.**--

59 (1) Each permitted ambulance not
60 specifically exempted from this part, when
61 transporting a person who is sick, injured,
62 wounded, incapacitated, or helpless, must
63 be occupied by at least two persons, one of
64 whom must be a certified emergency
65 medical technician, certified paramedic, or
66 licensed physician and one of whom must
67 be a driver who meets the requirements for
68 ambulance drivers. This subsection does
69 not apply to interfacility transfers governed
70 by s. 401.252(1).

71 (2) The department shall establish by rule
72 educational and training criteria and
73 examinations for the certification and
74 recertification of emergency medical
75 technicians and paramedics. Such rules
76 must require, but need not be limited to:

77 (a) For emergency medical technicians,
78 proficiency in techniques identified in s.
79 401.23(7) and in rules of the department.

80 (b) For paramedics, proficiency in
81 techniques identified in s. 401.23(1) and in
82 rules of the department.

83 (3) Any person who desires to be certified
84 or recertified as an emergency medical
85 technician or paramedic must apply to the
86 department under oath on forms provided
87 by the department which shall contain such
88 information as the department reasonably
89 requires, which may include affirmative
90 evidence of ability to comply with
91 applicable laws and rules. The department
92 shall determine whether the applicant
93 meets the requirements specified in this
94 section and in rules of the department and
95 shall issue a certificate to any person who
96 meets such requirements.

1 (4) An applicant for certification or
2 recertification as an emergency medical
3 technician or paramedic must:

4 (a) Have completed an appropriate
5 training course as follows:

6 1. For an emergency medical technician,
7 an emergency medical technician training
8 course equivalent to the most recent
9 emergency medical technician basic
10 training course of the United States
11 Department of Transportation as approved
12 by the department;

13 2. For a paramedic, a paramedic training
14 program equivalent to the most recent
15 paramedic course of the United States
16 Department of Transportation as approved
17 by the department;

18 (b) Certify under oath that he or she is not
19 addicted to alcohol or any controlled
20 substance;

21 (c) Certify under oath that he or she is
22 free from any physical or mental defect or
23 disease that might impair the applicant's
24 ability to perform his or her duties;

25 (d) Within 1 year after course completion
26 have passed an examination developed or
27 required by the department;

28 (e)1. For an emergency medical
29 technician, hold either a current American
30 Heart Association cardiopulmonary
31 resuscitation course card or an American
32 Red Cross cardiopulmonary resuscitation
33 course card or its equivalent as defined by
34 department rule;

35 2. For a paramedic, hold a certificate of
36 successful course completion in advanced
37 cardiac life support from the American
38 Heart Association or its equivalent as
39 defined by department rule;

40 (f) Submit the certification fee and the
41 nonrefundable examination fee prescribed
42 in s. 401.34, which examination fee will be
43 required for each examination
44 administered to an applicant; and

45 (g) Submit a completed application to the
46 department, which application documents
47 compliance with paragraphs (a), (b), (c),
48 (e), (f), (g), and, if applicable, (d). The
49 application must be submitted so as to be
50 received by the department at least 30
51 calendar days before the next regularly
52 scheduled examination for which the
53 applicant desires to be scheduled.

54 (5) The certification examination must be
55 offered monthly. The department shall
56 issue an examination admission notice to
57 the applicant advising him or her of the
58 time and place of the examination for
59 which he or she is scheduled. Individuals
60 achieving a passing score on the
61 certification examination may be issued a
62 temporary certificate with their
63 examination grade report. The department
64 must issue an original certification within
65 45 days after the examination. Examination
66 questions and answers are not subject to
67 discovery but may be introduced into
68 evidence and considered only in camera in
69 any administrative proceeding under
70 chapter 120. If an administrative hearing is
71 held, the department shall provide
72 challenged examination questions and
73 answers to the administrative law judge.
74 The department shall establish by rule the
75 procedure by which an applicant, and the
76 applicant's attorney, may review
77 examination questions and answers in
78 accordance with s. 119.07(6)(a).

79 (6)(a) The department shall establish by
80 rule a procedure for biennial renewal
81 certification of emergency medical
82 technicians. Such rules must require a
83 United States Department of Transportation
84 refresher training program of at least 30
85 hours as approved by the department every
86 2 years. The refresher program may be
87 offered in multiple presentations spread
88 over the 2-year period. The rules must also
89 provide that the refresher course
90 requirement may be satisfied by passing a
91 challenge examination.

92 (b) The department shall establish by rule
93 a procedure for biennial renewal
94 certification of paramedics. Such rules
95 must require candidates for renewal to
96 have taken at least 30 hours of continuing

1 education units during the 2-year period.
2 The rules must provide that the continuing
3 education requirement may be satisfied by
4 passing a challenge examination.

5 (7) A physician, dentist, or registered
6 nurse may be certified as a paramedic if
7 the physician, dentist, or registered nurse
8 is certified in this state as an emergency
9 medical technician, has passed the
10 required emergency medical technician
11 curriculum, has successfully completed an
12 advanced cardiac life support course, has
13 passed the examination for certification as
14 a paramedic, and has met other
15 certification requirements specified by rule
16 of the department. A physician, dentist, or
17 registered nurse so certified must be
18 recertified under this section.

19 (8) Each emergency medical technician
20 certificate and each paramedic certificate
21 will expire automatically and may be
22 renewed if the holder meets the
23 qualifications for renewal as established by
24 the department. A certificate that is not
25 renewed at the end of the 2-year period
26 will automatically revert to an inactive
27 status for a period not to exceed 180 days.
28 Such certificate may be reactivated and
29 renewed within the 180 days if the
30 certificateholder meets all other
31 qualifications for renewal and pays a \$25
32 late fee. Reactivation shall be in a manner
33 and on forms prescribed by department
34 rule. The holder of a certificate that
35 expired on December 1, 1996, has until
36 September 30, 1997, to reactivate the
37 certificate in accordance with this
38 subsection.

39 (9) The department may suspend or revoke
40 a certificate at any time if it determines
41 that the holder does not meet the
42 applicable qualifications.

43 (10) The department may provide by rule
44 for physically disabled persons to take and
45 be provided with the results of the written
46 portion of the emergency medical
47 technician certification examination or
48 paramedic certification examination.
49 However, such persons may not receive any
50 special assistance in completing the

51 examination. An individual who achieves a
52 passing grade on the emergency medical
53 technician certification examination or
54 paramedic certification examination may
55 be issued a limited emergency medical
56 technician certificate or a limited
57 paramedic certificate. An individual issued
58 a limited certificate may not perform
59 patient care or treatment activities.

60 (11)(a) A certificateholder may request
61 that his or her emergency medical
62 technician certificate or paramedic
63 certificate be placed on inactive status by
64 applying to the department before his or
65 her current certification expires and paying
66 a fee set by the department not to exceed
67 \$50.

68 (b)1. A certificateholder whose certificate
69 has been on inactive status for 1 year or
70 less following the date his or her
71 emergency medical technician certificate
72 or paramedic certificate expired may
73 renew his or her certificate pursuant to the
74 rules adopted by the department and upon
75 payment of a late renewal fee set by the
76 department not to exceed \$100.

77 2. A certificateholder whose certificate
78 has been on inactive status for more than 1
79 year may renew his or her certificate
80 pursuant to rules adopted by the
81 department. To renew, the
82 certificateholder must pass the
83 certification examination and complete
84 continuing education requirements and a
85 field internship.

86 (c) A certificate which has been inactive
87 for more than 6 years automatically expires
88 and may not be reinstated.

89 (12) An applicant for certification who is
90 an out-of-state trained emergency medical
91 technician or paramedic must provide proof
92 of current emergency medical technician or
93 paramedic certification or registration
94 based upon successful completion of the
95 United States Department of Transportation
96 emergency medical technician or
97 paramedic training curriculum and hold a
98 current certificate of successful course
99 completion in cardiopulmonary

1 resuscitation (CPR) or advanced cardiac life
2 support for emergency medical technicians
3 or paramedics, respectively, to be eligible
4 for the certification examination. The
5 applicant must successfully complete the
6 certification examination within 1 year
7 after the date of the receipt of his or her
8 application by the department. After 1
9 year, the applicant must submit a new
10 application, meet all eligibility
11 requirements, and submit all fees to
12 reestablish eligibility to take the
13 certification examination.

14 (13) The department shall adopt a
15 standard state insignia for emergency
16 medical technicians and paramedics. The
17 department shall establish by rule the
18 requirements to display the state
19 emergency medical technician and
20 paramedic insignia. The rules may not
21 require a person to wear the standard
22 insignia but must require that if a person
23 wears any insignia that identifies the
24 person as a certified emergency medical
25 technician or paramedic in this state, the
26 insignia must be the standard state insignia
27 adopted under this section. The insignia
28 must denote the individual's level of
29 certification at which he or she is
30 functioning.

31 **History.**--s. 7, ch. 73-126; s. 3, ch. 76-168;
32 s. 251, ch. 77-147; s. 1, ch. 77-257; s. 2,
33 ch. 77-347; s. 1, ch. 77-457; s. 19, ch. 78-
34 95; ss. 2, 3, ch. 81-318; ss. 10, 24, 25, ch.
35 82-402; ss. 6, 12, 13, ch. 83-196; s. 9, ch.
36 84-317; s. 1, ch. 86-74; s. 59, ch. 86-220;
37 ss. 9, 36, ch. 92-78; s. 794, ch. 95-148; s.
38 46, ch. 97-237; s. 30, ch. 99-397; s. 18, ch.
39 2001-53; s. 42, ch. 2004-335.

40 **401.2701 Emergency medical services**
41 **training programs.--**

42 (1) Any private or public institution in
43 Florida desiring to conduct an approved
44 program for the education of emergency
45 medical technicians and paramedics shall:

46 (a) Submit a completed application on a
47 form provided by the department, which
48 must include:

49 1. Evidence that the institution is in
50 compliance with all applicable
51 requirements of the Department of
52 Education.

53 2. Evidence of an affiliation agreement
54 with a hospital that has an emergency
55 department staffed by at least one
56 physician and one registered nurse.

57 3. Evidence of an affiliation agreement
58 with a current Florida-licensed emergency
59 medical services provider. Such agreement
60 shall include, at a minimum, a commitment
61 by the provider to conduct the field
62 experience portion of the education
63 program.

64 4. Documentation verifying faculty,
65 including:

66 a. A medical director who is a licensed
67 physician meeting the applicable
68 requirements for emergency medical
69 services medical directors as outlined in
70 this chapter and rules of the department.
71 The medical director shall have the duty
72 and responsibility of certifying that
73 graduates have successfully completed all
74 phases of the education program and are
75 proficient in basic or advanced life support
76 techniques, as applicable.

77 b. A program director responsible for the
78 operation, organization, periodic review,
79 administration, development, and approval
80 of the program.

81 5. Documentation verifying that the
82 curriculum:

83 a. Meets the course guides and instructor's
84 lesson plans in the most recent Emergency
85 Medical Technician-Basic National Standard
86 Curricula for emergency medical technician
87 programs and Emergency Medical
88 Technician-Paramedic National Standard
89 Curricula for paramedic programs.

90 b. Includes 2 hours of instruction on the
91 trauma scorecard methodologies for
92 assessment of adult trauma patients and
93 pediatric trauma patients as specified by
94 the department by rule.

1 c. Includes 4 hours of instruction on
2 HIV/AIDS training consistent with the
3 requirements of chapter 381.

4 6. Evidence of sufficient medical and
5 educational equipment to meet emergency
6 medical services training program needs.

7 (b) Receive a scheduled site visit from the
8 department to the applicant's institution.
9 Such site visit shall be conducted within 30
10 days after notification to the institution
11 that the application was accepted. During
12 the site visit, the department must
13 determine the applicant's compliance with
14 the following criteria:

15 1. Emergency medical technician programs
16 must be a minimum of 110 hours, with at
17 least 20 hours of supervised clinical
18 supervision, including 10 hours in a hospital
19 emergency department.

20 2. Paramedic programs must be available
21 only to Florida-certified emergency medical
22 technicians or an emergency medical
23 technician applicant who will obtain Florida
24 certification prior to completion of phase
25 one of the paramedic program. Paramedic
26 programs must be a minimum of 700 hours
27 of didactic and skills practice components,
28 with the skills laboratory student-to-
29 instructor ratio not exceeding six to one.
30 Paramedic programs must provide a field
31 internship experience aboard an advanced
32 life support permitted ambulance.

33 (2) After completion of the site visit, the
34 department shall prepare a report which
35 shall be provided to the institution. Upon
36 completion of the report, the application
37 shall be deemed complete and the
38 provisions of s. 120.60 shall apply.

39 (3) If the program is approved, the
40 department must issue the institution a 2-
41 year certificate of approval as an
42 emergency medical technician training
43 program or a paramedic training program.
44 If the application is denied, the
45 department must notify the applicant of
46 any areas of strength, areas needing
47 improvement, and any suggested means of
48 improvement of the program. A denial

49 notification shall be provided to the
50 applicant so as to allow the applicant 5
51 days prior to the expiration of the
52 application processing time in s. 120.60 to
53 advise the department in writing of its
54 intent to submit a plan of correction. Such
55 intent notification shall provide the time
56 for application processing in s. 120.60. The
57 plan of correction must be submitted to the
58 department within 30 days of the notice.
59 The department shall advise the applicant
60 of its approval or denial of the plan of
61 correction within 30 days of receipt. The
62 denial of the plan of correction or denial of
63 the application may be reviewed as
64 provided in chapter 120.

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

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

93 **History.--s. 31, ch. 99-397.**

94 **401.271 Certification of emergency**
95 **medical technicians and paramedics who**
96 **are on active duty with the Armed Forces**
97 **of the United States; spouses of members**
98 **of the Armed Forces.--**

1 (1) Any member of the Armed Forces of
2 the United States on active duty who, at
3 the time he or she became a member, was
4 in good standing with the department and
5 was entitled to practice as an emergency
6 medical technician or paramedic in the
7 state remains in good standing without
8 registering, paying dues or fees, or
9 performing any other act, as long as he or
10 she is a member of the Armed Forces of the
11 United States on active duty and for a
12 period of 6 months after his or her
13 discharge from active duty as a member of
14 the Armed Forces of the United States.

15 (2) The department may adopt rules
16 exempting the spouse of a member of the
17 Armed Forces of the United States on
18 active duty from certification renewal
19 provisions while the spouse is absent from
20 the state because of the member's active
21 duty with the Armed Forces.

22 **History.**--s. 2, ch. 91-145; s. 795, ch. 95-
23 148.

24 **401.2715 Recertification training of**
25 **emergency medical technicians and**
26 **paramedics.--**

27 (1) The department shall establish by rule
28 criteria for all emergency medical
29 technician and paramedic recertification
30 training. The rules shall provide that all
31 recertification training equals at least 30
32 hours, includes the performance
33 parameters for adult and pediatric
34 emergency medical clinical care, and is
35 documented through a system of
36 recordkeeping.

37 (2) Any individual, institution, school,
38 corporation, or governmental entity may
39 conduct emergency medical technician or
40 paramedic recertification training upon
41 application to the department and payment
42 of a nonrefundable fee to be deposited into
43 the Emergency Medical Services Trust Fund.
44 Institutions conducting department-
45 approved educational programs as provided
46 in this chapter and licensed ambulance
47 services are exempt from the application
48 process and payment of fees. The
49 department shall adopt rules for the

50 application and payment of a fee not to
51 exceed the actual cost of administering this
52 approval process.

53 (3) To be eligible for recertification as
54 provided in s. 401.27, certified emergency
55 medical technicians and paramedics must
56 provide proof of completion of training
57 conducted pursuant to this section. The
58 department shall accept the written
59 affirmation of a licensee's or a department-
60 approved educational program's medical
61 director as documentation that the
62 certificateholder has completed a minimum
63 of 30 hours of recertification training as
64 provided herein.

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

66 **401.272 Emergency medical services**
67 **community health care.--**

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

76 (2) Notwithstanding any other provision of
77 law to the contrary:

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

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

1 which the paramedic administers
2 immunizations. This agreement must
3 establish the protocols, policies, and
4 procedures under which the paramedic
5 must operate.

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

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

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

27 **401.273 Emergency medical technician
28 and paramedic registry for disasters and
29 emergencies.**--

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

45 (2) A certificateholder may perform the
46 functions of an emergency medical
47 technician or paramedic in a special needs
48 shelter or as a member of a disaster

49 medical assistance team, provided that
50 such functions are performed only under
51 the medical direction of a physician who is
52 licensed under chapter 458 or chapter 459
53 and 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 assuring
58 that its vehicles are driven only by trained,
59 experienced, and otherwise qualified
60 personnel. The licensee must, at a
61 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 or
69 disease that might impair his or her ability
70 to drive an ambulance;

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

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

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

88 (g) Possesses a valid American Red Cross or
89 American Heart Association
90 cardiopulmonary resuscitation card.

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

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

11 **401.2915 Automated external**
12 **defibrillators.**--It is the intent of the
13 Legislature that an automated external
14 defibrillator may be used by any person for
15 the purpose of saving the life of another
16 person in cardiac arrest. In order to ensure
17 public health and safety:

18 (1) All persons who use an automated
19 external defibrillator must obtain
20 appropriate training, to include completion
21 of a course in cardiopulmonary
22 resuscitation or successful completion of a
23 basic first aid course that includes
24 cardiopulmonary resuscitation training, and
25 demonstrated proficiency in the use of an
26 automated external defibrillator;

27 (2) Any person or entity in possession of an
28 automated external defibrillator is
29 encouraged to register with the local
30 emergency medical services medical
31 director the existence and location of the
32 automated external defibrillator; and

33 (3) Any person who uses an automated
34 external defibrillator is required to activate
35 the emergency medical services system as
36 soon as possible upon use of the automated
37 external defibrillator.

38 **History.**--s. 1, ch. 97-34; s. 3, ch. 2001-76.

39 **401.30 Records.**--

40 (1) Each licensee must maintain accurate
41 records of emergency calls on forms that
42 contain such information as is required by
43 the department. These records must be
44 available for inspection by the department
45 at any reasonable time, and copies thereof
46 must be furnished to the department upon

47 request. The department shall give each
48 licensee notice of what information such
49 forms must contain.

50 (2) Each licensee must provide the
51 receiving hospital with a copy of an
52 individual patient care record for each
53 patient who is transported to the hospital.
54 The information contained in the record
55 and the method and timeframe for
56 providing the record shall be prescribed by
57 rule of the department.

58 (3) Reports to the department from
59 licensees which cover statistical data are
60 public records, except that the names of
61 patients and other patient-identifying
62 information contained in such reports are
63 confidential and exempt from the
64 provisions of s. 119.07(1). Any record
65 furnished by a licensee at the request of
66 the department must be a true and
67 certified copy of the original record and
68 may not be altered or have information
69 deleted.

70 (4) Records of emergency calls which
71 contain patient examination or treatment
72 information are confidential and exempt
73 from the provisions of s. 119.07(1) and may
74 not be disclosed without the consent of the
75 person to whom they pertain, but
76 appropriate limited disclosure may be
77 made without such consent:

78 (a) To the person's guardian, to the next of
79 kin if the person is deceased, or to a parent
80 if the person is a minor;

81 (b) To hospital personnel for use in
82 conjunction with the treatment of the
83 patient;

84 (c) To the department;

85 (d) To the service medical director;

86 (e) For use in a critical incident stress
87 debriefing. Any such discussions during a
88 critical incident stress debriefing shall be
89 considered privileged communication under
90 s. 90.503;

1 (f) In any civil or criminal action, unless
2 otherwise prohibited by law, upon the
3 issuance of a subpoena from a court of
4 competent jurisdiction and proper notice
5 by the party seeking such records, to the
6 patient or his or her legal representative;
7 or

8 (g) To a local trauma agency or a regional
9 trauma agency, or a panel or committee
10 assembled by such an agency to assist the
11 agency in performing quality assurance
12 activities in accordance with a plan
13 approved under s. 395.401. Records
14 obtained under this paragraph are
15 confidential and exempt from s. 119.07(1)
16 and s. 24(a), Art. I of the State
17 Constitution.

18
19 This subsection does not prohibit the
20 department or a licensee from providing
21 information to any law enforcement agency
22 or any other regulatory agency responsible
23 for the regulation or supervision of
24 emergency medical services and personnel.

25 (5) The department shall adopt and
26 enforce all rules necessary to administer
27 this section.

28 **History.**--s. 10, ch. 73-126; s. 3, ch. 76-
29 168; s. 254, ch. 77-147; s. 1, ch. 77-457; ss.
30 2, 3, ch. 81-318; ss. 12, 24, 25, ch. 82-402;
31 s. 13, ch. 83-196; s. 11, ch. 84-317; s. 40,
32 ch. 87-225; s. 17, ch. 90-344; ss. 12, 36,
33 ch. 92-78; s. 5, ch. 94-260; s. 1058, ch. 95-
34 148; s. 233, ch. 96-406; s. 21, ch. 98-151;
35 s. 33, ch. 99-397.

36 **401.31 Inspection and examination.--**

37 (1) In order to carry out the requirements
38 of this part, the department shall
39 periodically and randomly inspect licensees
40 for compliance with the requirements of
41 this part and departmental rules. The
42 department shall conduct inspections
43 without impeding patient care.

44 (2) The department shall, in the course of
45 the inspections provided for in subsection
46 (1), determine the continuing compliance
47 of each business, service, ambulance, and
48 piece of vehicle equipment and all

49 personnel with the requirements of this
50 part, the rules of the department, and the
51 applicable vehicle safety requirements of
52 chapter 316 relating to:

53 (a) Exhaust system;

54 (b) Exterior lights; headlights, high and
55 low beam; turn signals; brake lights;
56 taillights; and red emergency lights;

57 (c) Horn;

58 (d) Windshield and windshield wipers;

59 (e) Mirrors;

60 (f) Tires; and

61 (g) Siren.

62 (3) The refusal of a licensee to allow an
63 inspection is a ground for revocation of the
64 licensee's license.

65 (4) Upon completion of an inspection, the
66 department may request an inspection
67 corrective action statement from a licensee
68 stating that any violation found during the
69 inspection has been corrected. The
70 department shall adopt, by rule,
71 procedures which provide for categories of
72 violations, the type of violations in each
73 category, the time for correcting violations
74 in each category, and the time for
75 returning the inspection corrective action
76 statement to the department. Failure of a
77 licensee to submit the inspection corrective
78 action statement within the required time
79 is a ground for discipline under s. 401.411.

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

86 **401.321 Transferability of license; effect**
87 **of sale, transfer, assignment, or lease of**
88 **service.--**

1 (1) Each license is valid only for the
2 licensee to whom it is issued and is not
3 subject to sale, assignment, or other
4 transfer, voluntary or involuntary. A license
5 or permit is valid only for the service
6 location for which it was originally issued.

7 (2) A license will automatically expire
8 when a licensee changes his or her service
9 location or service name as registered with
10 the department. The expired license must
11 be surrendered by the licensee, and the
12 department shall issue a new license for
13 the balance of the term under the expired
14 license upon receipt of a completed
15 application and a fee of \$30.

16 (3) An application for a new license is
17 required when:

18 (a) A majority of the ownership or a
19 controlling interest of a service is
20 transferred or assigned; and

21 (b) A lessee agrees to undertake or provide
22 services to the extent that legal liability for
23 the service rests with the lessee.

24
25 The application for a new license showing
26 such change must be submitted so as to be
27 received by the department at least 60
28 days prior to the date of the sale, transfer,
29 assignment, or lease.

30 **History.**--s. 13, ch. 84-317; s. 1, ch. 85-65;
31 s. 49, ch. 85-81; ss. 14, 36, ch. 92-78; s.
32 797, ch. 95-148.

33 **401.33 Exemptions.**--The following are
34 exempt from this part:

35 (1) A privately owned vehicle not
36 ordinarily used in the business of
37 transporting persons who are sick, injured,
38 wounded, incapacitated, or helpless.

39 (2) A vehicle rendering services as an
40 ambulance during a major catastrophe or
41 emergency when ambulances with permits
42 based in the locality of the catastrophe or
43 emergency are incapacitated or insufficient
44 in number to render the services needed.

45 (3) Any ambulance service provider
46 licensed in another state or territory of the
47 United States, except that any such
48 provider receiving a person within this
49 state for transport to a location within this
50 state must comply with this part.

51 (4) Any ambulance owned and operated by
52 the Federal Government.

53 (5) A vehicle under the direct supervision
54 of a licensed physician and used as an
55 integral part of a private industrial safety
56 or emergency management plan within a
57 privately owned and controlled area, which
58 vehicle may from time to time be used to
59 transport persons in need of medical
60 attention, but which is not available to the
61 public and which does not routinely
62 transport patients.

63 **History.**--s. 13, ch. 73-126; s. 1, ch. 74-
64 334; s. 3, ch. 76-168; s. 1, ch. 77-457; s.
65 12, ch. 79-280; s. 258, ch. 81-259; ss. 2, 3,
66 ch. 81-318; ss. 14, 24, 25, ch. 82-402; s.
67 13, ch. 83-196; s. 42, ch. 83-334; s. 14, ch.
68 84-317; s. 67, ch. 86-220; ss. 15, 36, ch.
69 92-78.

70 **401.34 Fees.**--

71 (1) Each organization or person subject to
72 this part must pay to the department the
73 following nonrefundable fees:

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

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

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

81 (d) Emergency medical technician
82 certification examination application: \$40.

83 (e) Emergency medical technician original
84 certificate application: \$35.

1 (f) Emergency medical technician renewal
2 certificate application: \$20, to be paid
3 biennially.

4 (g) Paramedic certification examination
5 application: \$40.

6 (h) Paramedic original certificate
7 application: \$45.

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

10 (j) Air ambulance service application:
11 \$1,375, to be paid biennially.

12 (k) Original or renewal aircraft permit
13 application for air ambulance: \$25, to be
14 paid biennially.

15 (2) Fees collected under this section must
16 be deposited to the credit of the
17 Emergency Medical Services Trust Fund and
18 must be applied solely for salaries and
19 expenses of the department incurred in
20 implementing and enforcing this part.

21 (3) A volunteer emergency medical
22 services provider licensed by the
23 department and persons actively serving
24 with the provider without pay are not
25 required to pay any of the fees set by the
26 department for licensure, vehicle permits,
27 or personnel certification. A licensee that
28 charges any service fee is not entitled to
29 this exemption. An emergency medical
30 technician or paramedic certificate issued
31 in accordance with this volunteer fee
32 exemption provision is invalid while the
33 certificateholder is performing his or her
34 duties in a paid capacity.

35 (4)(a) If a certificate, license, or permit
36 issued under this part is lost or destroyed,
37 the person or entity to whom the
38 certificate, license, or permit was issued
39 may, upon payment of a fee to be set by
40 the department not to exceed \$10, obtain
41 a duplicate, or substitute thereof.

42 (b) Upon surrender of the original
43 emergency medical technician or
44 paramedic certificate and receipt of a

45 replacement fee to be set by the
46 department not to exceed \$10, the
47 department shall issue a replacement
48 certificate to make a change in name.

49 (5) The department may provide same-day
50 grading of the examination for an applicant
51 for emergency medical technician or
52 paramedic certification. The department
53 must provide procedures for implementing
54 same-day grading in its rules.

55 (6) The department may by rule offer
56 walk-in eligibility determination and
57 examination to applicants for emergency
58 medical technician or paramedic
59 certification who pay to the department a
60 nonrefundable fee to be set by the
61 department not to exceed \$65. The fee is
62 in addition to the certification fee and
63 examination fee. The department must
64 establish locations and times for eligibility
65 determination and examination.

66 (7) The cost of emergency medical
67 technician or paramedic certification
68 examination review may not exceed \$50.

69 **History.**--s. 14, ch. 73-126; s. 2, ch. 74-
70 334; s. 3, ch. 76-168; s. 1, ch. 77-174; s. 4,
71 ch. 77-347; s. 1, ch. 77-457; ss. 2, 3, ch.
72 81-318; ss. 15, 24, 25, ch. 82-402; ss. 7, 12,
73 13, ch. 83-196; s. 15, ch. 84-317; s. 62, ch.
74 86-220; ss. 16, 36, ch. 92-78; s. 798, ch.
75 95-148.

76 **401.345 Emergency Medical Services**
77 **Trust Fund.**--

78 (1) There is created the Emergency
79 Medical Services Trust Fund in the State
80 Treasury, which shall be used exclusively
81 for those purposes provided by law.

82 (2) Any funds appropriated in the General
83 Appropriations Act for functions related to
84 emergency medical services, and any other
85 funds that become available for functions
86 related to emergency medical services,
87 must be deposited in the Emergency
88 Medical Services Trust Fund.

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

1 **401.35 Rules.**--The department shall
2 adopt rules, including definitions of terms,
3 necessary to carry out the purposes of this
4 part.

5 (1) The rules must provide at least
6 minimum standards governing:

7 (a) Sanitation, safety, and maintenance of
8 basic life support and advanced life support
9 vehicles and air ambulances.

10 (b) Emergency medical technician,
11 paramedic, and driver training and
12 qualifications.

13 (c) Ground ambulance and vehicle
14 equipment and supplies at least as
15 comprehensive as those published in the
16 most current edition of the American
17 College of Surgeons, Committee on
18 Trauma, list of essential equipment for
19 ambulances, as interpreted by rules of the
20 department.

21 (d) Ground ambulance or vehicle design
22 and construction at least equal to those
23 most currently recommended by the United
24 States General Services Administration as
25 interpreted by rules of the department.

26 (e) Staffing of basic life support and
27 advanced life support vehicles.

28 (f) Two-way communications for basic life
29 support services and advanced life support
30 services.

31 (g) Advanced life support services
32 equipment.

33 (h) Programs of training for emergency
34 medical technicians and paramedics.

35 (i) Vehicles, equipment, communications,
36 and minimum staffing qualifications for air
37 ambulance services.

38 (j) Ambulance driver qualifications,
39 training, and experience.

40 (k) Optional use of telemetry by licensees.

41 (l) Licensees' security and storage of
42 controlled substances, medications, and
43 fluids, not inconsistent with the provisions
44 of chapter 499 or chapter 893.

45 (2) The rules must establish application
46 requirements for licensure and
47 certification. Pursuant thereto, the
48 department must develop application forms
49 for basic life support services and advanced
50 life support services. An application for
51 each respective service license must
52 include, but is not limited to:

53 (a) The name and business address of the
54 operator and owner of the service or
55 proposed service.

56 (b) The name under which the applicant
57 will operate.

58 (c) A list of the names and addresses of all
59 officers, directors, and shareholders of the
60 applicant.

61 (d) A description of each vehicle to be
62 used, including the make, model, year of
63 manufacture, mileage, and vehicle
64 identification number (VIN); the state or
65 federal aviation or marine registration
66 number, when applicable; and the color
67 scheme, insignia, name, monogram, or
68 other distinguishing characteristics to be
69 used to designate the applicant's vehicle or
70 vehicles.

71 (e) The service location from which the
72 service will operate.

73 (f) A statement reasonably describing the
74 geographic area or areas to be served by
75 the applicant.

76 (g) A statement certifying that the
77 applicant will provide continuous service 24
78 hours a day, 7 days a week, if a basic life
79 support service license or an advanced life
80 support service license is sought. Such
81 service must be initiated within 30 days
82 after issuance of the license.

1 (h) Such other information as the
2 department determines reasonable and
3 necessary.

4 (i) An oath, upon forms provided by the
5 department which shall contain such
6 information as the department reasonably
7 requires, which may include affirmative
8 evidence of ability to comply with
9 applicable laws and rules.

10 (3) The rules must establish specifications
11 regarding insignia and other ambulance
12 identification. Any fire department may
13 retain its fire department identity and may
14 use such color scheme, insignia, name,
15 monogram, or other distinguishing
16 characteristic that is acceptable to the fire
17 department for the purpose of designating
18 its vehicles as advanced life support
19 vehicles. However, those advanced life
20 support service/fire rescue vehicles or
21 ambulances operated by fire departments
22 which were purchased in whole or in part
23 with federal funds must comply with
24 federal regulations pertaining to color
25 schemes, emblems, and markings.

26 (4) The rules must establish circumstances
27 and procedures under which emergency
28 medical technicians and paramedics may
29 honor orders by the patient's physician not
30 to resuscitate and the documentation and
31 reporting requirements for handling such
32 requests.

33 (5) The rules must establish requirements
34 for licensees and certificateholders with
35 respect to providing address information to
36 the department; requirements for
37 examinations, grading, and passing scores
38 for certification; and requirements for
39 determining whether a convicted felon
40 whose civil rights have not been restored is
41 eligible for certification or recertification.

42 **History.**--s. 15, ch. 73-126; s. 3, ch. 76-
43 168; s. 257, ch. 77-147; s. 5, ch. 77-347; s.
44 1, ch. 77-457; ss. 8, 10, ch. 79-280; s. 259,
45 ch. 81-259; ss. 2, 3, ch. 81-318; ss. 16, 24,
46 25, ch. 82-402; ss. 9, 12, 13, ch. 83-196; s.
47 16, ch. 84-317; s. 63, ch. 86-220; ss. 18,
48 36, ch. 92-78; s. 34, ch. 99-397; s. 27, ch.
49 2000-242.

50 **401.38 Participation in federal**
51 **programs.**--The department shall develop
52 federal funding proposals and apply for all
53 federal funds available to carry out the
54 purposes of this part. The department is
55 authorized to participate in those federal
56 programs aimed at the development of an
57 integrated system of emergency medical
58 service delivery to include injury control,
59 rural system development, training, trauma
60 system development, maternal and child
61 health, highway safety, and the delivery of
62 basic life support service and advanced life
63 support service.

64 **History.**--s. 19, ch. 73-126; s. 3, ch. 76-
65 168; s. 1, ch. 77-457; ss. 8, 10, ch. 79-280;
66 ss. 2, 3, ch. 81-318; ss. 17, 24, 25, ch. 82-
67 402; s. 13, ch. 83-196; s. 64, ch. 86-220; ss.
68 19, 36, ch. 92-78.

69 **401.41 Penalties.**--

70 (1) Any person who:

71 (a) Uses or attempts to use a certificate,
72 license, or permit that has been suspended,
73 revoked, or terminated;

74 (b) Practices or holds himself or herself
75 out as an emergency medical technician,
76 paramedic, or ambulance driver without
77 being so certified;

78 (c) Knowingly conceals information
79 relating to violations of this part; or

80 (d) Knowingly makes false or fraudulent
81 claims to procure, attempt to procure, or
82 renew a certificate, license, or permit
83
84 is guilty of a misdemeanor of the first
85 degree, punishable as provided in s.
86 775.082 or s. 775.083.

87 (2) Whoever willfully and with intent to
88 defraud obtains or attempts to obtain
89 services from a licensee is guilty of:

90 (a) A misdemeanor of the second degree,
91 punishable as provided in s. 775.082 or s.
92 775.083, for the first offense; and

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

4 (3) Whoever summons any emergency
5 medical services vehicle pursuant to this
6 part or reports that an emergency medical
7 services vehicle is needed when he or she
8 knows or has reason to know that the
9 services of the vehicle are not needed is
10 guilty of:

11 (a) A misdemeanor of the second degree,
12 punishable as provided in s. 775.082 or s.
13 775.083, for the first offense; and

14 (b) A misdemeanor of the first degree,
15 punishable as provided in s. 775.082 or s.
16 775.083, for any subsequent offense.

17 (4) Each day that a violation of this part is
18 committed or permitted to continue
19 constitutes a separate and distinct offense
20 under this section.

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

26 **401.411 Disciplinary action; penalties.--**

27 (1) The department may deny, suspend, or
28 revoke a license, certificate, or permit or
29 may reprimand or fine any licensee,
30 certificateholder, or other person operating
31 under this part for any of the following
32 grounds:

33 (a) The violation of any rule of the
34 department or any provision of this part.

35 (b) Being found guilty of, or pleading nolo
36 contendere to, regardless of adjudication
37 in any jurisdiction, a crime that relates to
38 practice as an emergency medical
39 technician or paramedic, or to practice in
40 any other occupation, when operating
41 under this part.

42 (c) Addiction to alcohol or any controlled
43 substance.

44 (d) Engaging in or attempting to engage in
45 the possession, except in legitimate duties
46 under the supervision of a licensed
47 physician, or the sale or distribution of any
48 controlled substance as set forth in chapter
49 893.

50 (e) The conviction in any court in any state
51 or in any federal court of a felony, unless
52 the person's civil rights have been restored.

53 (f) Knowingly making false or fraudulent
54 claims; procuring, attempting to procure,
55 or renewing a certificate, license, or
56 permit by fakery, fraudulent action, or
57 misrepresentation.

58 (g) Unprofessional conduct, including, but
59 not limited to, any departure from or
60 failure to conform to the minimal
61 prevailing standards of acceptable practice
62 as an emergency medical technician or
63 paramedic, including undertaking activities
64 that the emergency medical technician or
65 paramedic is not qualified by training or
66 experience to perform.

67 (h) Sexual misconduct with a patient,
68 including inducing or attempting to induce
69 the patient to engage, or engaging or
70 attempting to engage the patient, in sexual
71 activity.

72 (i) The failure to give to the department,
73 or its authorized representative, true
74 information upon request regarding an
75 alleged or confirmed violation of this part
76 or rule of the department.

77 (j) Fraudulent or misleading advertising or
78 advertising in an unauthorized category.

79 (k) Practicing as an emergency medical
80 technician, paramedic, or other health care
81 professional operating under this part
82 without reasonable skill and safety to
83 patients by reason of illness, drunkenness,
84 or the use of drugs, narcotics, or chemicals
85 or any other substance or as a result of any
86 mental or physical condition.

87 (l) The failure to report to the department
88 any person known to be in violation of this
89 part.

1 (2) A suspension or revocation of a license
2 or certificate is for all classifications unless
3 the department, in its sole discretion,
4 suspends or revokes one or more
5 classifications thereof.

6 (3) One year after the revocation of a
7 license or certificate, application may be
8 made to the department for reinstatement;
9 and the department may authorize
10 reinstatement.

11 (4) Any charge of a violation of this part by
12 a licensee affects only the license of the
13 service location from which the violation is
14 alleged to have occurred. Another license
15 may not be issued to the same licensee for
16 a new service location in the same county
17 or any other county for a period of 3 years
18 from the effective date of revocation.

19 (5) If the department finds that the terms
20 of any such suspension have been violated,
21 it may revoke such suspension immediately.

22 (6) If a person whose license, certificate,
23 or permit has been suspended is found by
24 the department to have violated any of the
25 other provisions of this part, the
26 department may revoke the license,
27 certificate, or permit.

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

38 (a) The gravity of the violation, including
39 the probability of death or disability as a
40 result of the violation.

41 (b) Any actions taken to correct the
42 violation.

43 (c) Any previous violations committed by
44 the violator.

45 (8) All amounts collected under this
46 section must be deposited into the
47 Emergency Medical Services Trust Fund.

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

51 **401.414 Complaint investigation**
52 **procedures.--**

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

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

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

1 such information to any law enforcement
2 agency or any other regulatory agency.

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

7 **401.421 Injunctive relief; cease and**
8 **desist notice; civil penalty; enforcement.**-
9 -

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

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

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

49 **History.**--ss. 10, 13, ch. 83-196; ss. 23, 36,
50 ch. 92-78.

51 **401.425 Emergency medical services**
52 **quality assurance; immunity from**
53 **liability.**--

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

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

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

66 (c) The department, or employees, agents,
67 or consultants of the department.

68 (2) An emergency medical review
69 committee may review and evaluate the
70 professional medical competence of
71 emergency medical technicians and
72 paramedics under the jurisdiction of such
73 committee.

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

85 (b) The provisions of this section shall not
86 affect the provisions of s. 768.28.

87 (4) Except as provided in subsection (3),
88 this section shall not be construed to
89 confer immunity from liability on any
90 person while performing services other
91 than as a member of an emergency medical
92 review committee, or upon any person

1 acting as a witness, incident reporter to, or
2 investigator for, an emergency medical
3 review committee for any act or
4 proceeding undertaken or performed
5 outside the scope of the functions of such
6 committee.

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

52 (6) If the defendant prevails in an action
53 brought by a health care provider against

54 any person who initiated, participated in,
55 was a witness in, or conducted any review
56 as authorized by this section, the court
57 shall award reasonable attorney's fees and
58 costs to the defendant.

59 (7) For the purpose of any disciplinary
60 proceeding conducted by the department,
61 the department shall have the power to
62 issue subpoenas which shall compel the
63 production of information, documents, or
64 records from an Emergency Medical Review
65 Committee. Challenges to, and
66 enforcement of, the subpoenas and orders
67 shall be handled as provided in s. 120.569.

68 **History.**--s. 16, ch. 89-275; s. 14, ch. 89-
69 283; s. 71, ch. 89-374; s. 1, ch. 90-192; s.
70 72, ch. 92-289; s. 2, ch. 93-12; s. 801, ch.
71 95-148; s. 1, ch. 95-384; s. 235, ch. 96-406;
72 s. 127, ch. 96-410.

73 **401.435 First responder agencies and**
74 **training.--**

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

91 (2) Each first responder agency must take
92 all reasonable efforts to enter into a
93 memorandum of understanding with the
94 emergency medical services licensee within
95 whose territory the agency operates in
96 order to coordinate emergency services at
97 an emergency scene. The department must
98 provide a model memorandum of
99 understanding for this purpose. The
100 memorandum of understanding should
101 include dispatch protocols, the roles and
102 responsibilities of first responder personnel

1 at an emergency scene, and the
2 documentation required for patient care
3 rendered. For purposes of this section, the
4 term "first responder agency" includes a
5 law enforcement agency, a fire service
6 agency not licensed under this part, a
7 lifeguard agency, and a volunteer
8 organization that renders, as part of its
9 routine functions, on-scene patient care
10 before emergency medical technicians or
11 paramedics arrive.

12 **History.**--s. 24, ch. 92-78; s. 11, ch. 95-
13 408.

14 **401.445 Emergency examination and**
15 **treatment of incapacitated persons.--**

16 (1) No recovery shall be allowed in any
17 court in this state against any emergency
18 medical technician, paramedic, or
19 physician as defined in this chapter, or any
20 person acting under the direct medical
21 supervision of a physician, in an action
22 brought for examining or treating a patient
23 without his or her informed consent if:

24 (a) The patient at the time of examination
25 or treatment is intoxicated, under the
26 influence of drugs, or otherwise incapable
27 of providing informed consent as provided
28 in s. 766.103;

29 (b) The patient at the time of examination
30 or treatment is experiencing an emergency
31 medical condition; and

32 (c) The patient would reasonably, under
33 all the surrounding circumstances, undergo
34 such examination, treatment, or procedure
35 if he or she were advised by the emergency
36 medical technician, paramedic, or
37 physician in accordance with s. 766.103(3).
38

39 Examination and treatment provided under
40 this subsection shall be limited to
41 reasonable examination of the patient to
42 determine the medical condition of the
43 patient and treatment reasonably
44 necessary to alleviate the emergency
45 medical condition or to stabilize the
46 patient.

47 (2) In examining and treating a person who
48 is apparently intoxicated, under the
49 influence of drugs, or otherwise incapable
50 of providing informed consent, the
51 emergency medical technician, paramedic,
52 or physician, or any person acting under
53 the direct medical supervision of a
54 physician, shall proceed wherever possible
55 with the consent of the person. If the
56 person reasonably appears to be
57 incapacitated and refuses his or her
58 consent, the person may be examined,
59 treated, or taken to a hospital or other
60 appropriate treatment resource if he or she
61 is in need of emergency attention, without
62 his or her consent, but unreasonable force
63 shall not be used.

64 (3) This section does not limit medical
65 treatment provided pursuant to court order
66 or treatment provided in accordance with
67 chapter 394 or chapter 397.

68 **History.**--s. 17, ch. 89-275; s. 15, ch. 89-
69 283; s. 3, ch. 89-336; s. 1, ch. 90-192; s.
70 25, ch. 92-78; s. 3, ch. 93-12; s. 25, ch. 93-
71 39; s. 802, ch. 95-148.

72 **401.45 Denial of emergency treatment;**
73 **civil liability.--**

74 (1)(a) Except as provided in subsection (3),
75 a person may not be denied needed
76 prehospital treatment or transport from
77 any licensee for an emergency medical
78 condition.

79 (b) A person may not be denied treatment
80 for any emergency medical condition that
81 will deteriorate from a failure to provide
82 such treatment at any general hospital
83 licensed under chapter 395 or at any
84 specialty hospital that has an emergency
85 room.

86 (2) A hospital or its employees or any
87 physician or dentist responding to an
88 apparent need for emergency treatment
89 under this section is not liable in any action
90 arising out of a refusal to render
91 emergency treatment or care if reasonable
92 care is exercised in determining the
93 condition of the person and in determining
94 the appropriateness of the facilities and

1 the qualifications and availability of
2 personnel to render such treatment.

3 (3)(a) Resuscitation may be withheld or
4 withdrawn from a patient by an emergency
5 medical technician or paramedic if
6 evidence of an order not to resuscitate by
7 the patient's physician is presented to the
8 emergency medical technician or
9 paramedic. An order not to resuscitate, to
10 be valid, must be on the form adopted by
11 rule of the department. The form must be
12 signed by the patient's physician and by the
13 patient or, if the patient is incapacitated,
14 the patient's health care surrogate or proxy
15 as provided in chapter 765, court-
16 appointed guardian as provided in chapter
17 744, or attorney in fact under a durable
18 power of attorney as provided in chapter
19 709. The court-appointed guardian or
20 attorney in fact must have been delegated
21 authority to make health care decisions on
22 behalf of the patient.

23 (b) Any licensee, physician, medical
24 director, or emergency medical technician
25 or paramedic who acts under the direction
26 of a medical director is not subject to
27 criminal prosecution or civil liability, and
28 has not engaged in negligent or
29 unprofessional conduct, as a result of the
30 withholding or withdrawal of resuscitation
31 from a patient pursuant to this subsection
32 and rules adopted by the department.

33 (c) The department, in consultation with
34 the Department of Elderly Affairs and the
35 Agency for Health Care Administration,
36 shall develop a standardized do-not-
37 resuscitate identification system with
38 devices that signify, when carried or worn,
39 that the possessor is a patient for whom a
40 physician has issued an order not to
41 administer cardiopulmonary resuscitation.
42 The department may charge a reasonable
43 fee to cover the cost of producing and
44 distributing such identification devices. Use
45 of such devices shall be voluntary.

46 (4) Any licensee or emergency medical
47 technician or paramedic who in good faith
48 provides emergency medical care or
49 treatment within the scope of their
50 employment and pursuant to oral or

51 written instructions of a medical director
52 shall be deemed to be providing emergency
53 medical care or treatment for the purposes
54 of s. 768.13(2)(b).

55 (5) The department shall adopt and
56 enforce all rules necessary to implement
57 this section.

58 **History.**--s. 26, ch. 73-126; s. 3, ch. 76-
59 168; s. 1, ch. 77-174; s. 1, ch. 77-457; ss.
60 2, 3, ch. 81-318; ss. 24, 25, 27, ch. 82-402;
61 s. 13, ch. 83-196; ss. 26, 36, ch. 92-78; s.
62 8, ch. 99-331; s. 5, ch. 2000-295.

63
64