

ORDINANCE NO. 21-39

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 34, EMERGENCY SERVICES, TO ADD ARTICLE III, EMERGENCY MEDICAL RESPONSE; NAMING THE FIRE DEPARTMENT AS THE PRIMARY AND SOLE PROVIDER OF EMERGENCY MEDICAL RESPONSE AND GROUND TRANSPORT AND STANDBY SERVICES; AUTHORIZING THE CITY COMMISSION TO ADOPT BY RESOLUTION FEES FOR EMERGENCY MEDICAL RESPONSE, STANDBY, AND GROUND TRANSPORT SERVICES; PROVIDING FOR CODIFICATION, CONFLICTS, AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as provided in section 2(b), Article VIII of the Constitution of the State of Florida and chapters 163 and 166, Florida Statutes, the City of Winter Garden (the "City") enjoys all home rule authority, police power, governmental and proprietary powers necessary to conduct municipal government and perform municipal functions, and the City may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, the City has historically contracted with a third party emergency medical transport service to provide ambulance ground transport to area hospitals for patients treated by the City's first responding Fire and Rescue Department;

WHEREAS, the several neighboring jurisdictions have opted for a medical ground ambulance transportation system whereby the local jurisdiction is not only the primary first responder but also the agency responsible for providing ground ambulance transportation to area hospitals as needed;

WHEREAS, the City Commission further finds that it will be more efficient and ensure a smoother continuum of care if the City served as the primary agency responsible for both first medical response and medical ground transport thereafter;

WHEREAS, furthermore, if the City were solely responsible for both emergency medical response and ambulance transport, the City would have greater authority and control over the level of service provided;

WHEREAS, the City has, in certain instances, had to provide medical transport of patients to area hospitals where the third party provider has been unable to do so;

WHEREAS, in such instances where the City has provided medical transport in lieu of a third party provider, the City has been unable to recoup its costs for lack of an ordinance or resolution authorizing the imposition of fees for service;

WHEREAS, for the foregoing reasons, the City desires to make the City of Winter Garden's Fire & Rescue Department the primary and sole provider of emergency medical services, including standby services, and emergency ambulance ground transport within the corporate limits of the City, subject to exceptions for mutual aid or assistance and where the law may require otherwise, and authorize the City to charge fees in connection with such services;

WHEREAS, the City desires to amend Chapter 34, Emergency Services, by adding Article III, entitled Emergency Medical Response, naming the City's Fire Department to be the primary and sole provider of emergency medical response services, including non-emergency medical stand-by services, and emergency medical ground transport services; and

WHEREAS, the City Commission finds that this Ordinance is in the best interest and welfare of the citizens of the City of Winter Garden.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA, AS FOLLOWS:

SECTION 1: Recitals. The above referenced "Whereas" clauses are true and correct and constitute the legislative findings of the City Commission.

SECTION 2: New Article. The following Article III is hereby added to Chapter 34 – Emergency Services of the City of Winter Garden's Code of Ordinances (words that are ~~stricken out~~ are deletions; words that are underlined are additions; and stars * * * indicate breaks between sections and subsections and do not indicate changes to the City Code):

Chapter 34 – Article III. Emergency Medical Response

§ 34-69. – Definitions.

The following words, terms, and phrases, when used in this Article III. Emergency Medical Response, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) City means the City of Winter Garden, Florida.
- (b) Emergency management plan means a current emergency management plan duly adopted pursuant to Chapter 252, Florida Statutes, which plan is applicable to the city.
- (c) Emergency medical response and transport means and collectively refers to emergency medical response and medical ground ambulance transport services.
- (d) Fire chief means the individual appointed and serving as the Chief of the City of Winter Garden Fire Department, or if such individual is incapacitated or unavailable, such other person who is serving in such capacity pursuant to appointment, designation, regulation, law, ordinance, or applicable plan of succession.
- (e) Fire department means the Winter Garden Fire Rescue Department as operated by the city or any successor organization thereto.
- (f) Mutual aid agreement means an agreement between the city and one or more other entities for the provision of mutual aid, mutual assistance, or other emergency medical services within the jurisdictional boundaries of the city, which agreement is currently in effect and has been duly adopted by the city and any other necessary parties thereto.
- (g) Standby non-emergency services refers to standby non-emergency medical monitoring, response, and ground transport services provided in support of or in connection with private or public events or gatherings whereby the sustained and continuous presence of fire department personnel, equipment, and/or vehicles is required or desired to be in attendance for the purpose of providing first-aid, emergency response, and/or ground transport services on an as-needed basis.
- (h) Qualified provider means and refers to the city's fire department or a provider of emergency medical response or emergency ground transport services, which provider has a mutual aid agreement with the city to provide such services within the jurisdictional boundaries of the city.

§ 34-70. – Fire Department as the Primary Agency.

(a) The fire department is hereby confirmed and recognized as the primary and sole agency responsible for fire suppression, fire prevention, and emergency medical response and transport within the corporate limits of the city, except as otherwise may be permitted or required by a mutual aid agreement, emergency management plan, or applicable law, regulation, rule, or ordinance.

(b) Regardless of anything set forth in this Article III to the contrary, nothing herein may operate to prohibit other licensed emergency medical providers from providing emergency medical services within the jurisdictional boundaries of the city when responding to a call for assistance under a mutual aid agreement or emergency management plan.

§ 34-71. - Administration; delegation.

The fire chief is the official responsible for the oversight and administration of the provisions of this Article III of Chapter 34. Whenever a provision appears requiring the fire chief, the fire department, or some other officer or employee to do some act or perform some duty, such provision will be construed as authorizing the fire chief or other officer to designate, delegate, or authorize qualified subordinates to perform such act or duty unless the terms of the provision or section specify otherwise.

§ 34-72. – Medical Director.

The city is authorized to employ or contract with a medical director pursuant to § 401.265, Florida Statutes. If so employed or contracted, the medical director will supervise and assume direct responsibility for the medical performance of emergency medical technicians and paramedics operating on behalf of the fire department and its emergency medical response system. At the city's discretion, the medical director may be the same individual as the medical director that is employed by or contracted by Orange County or another local government agency presently having a medical director.

§ 34-73. – Standby Non-Emergency Services.

(a) As the primary and sole agency responsible for fire suppression, fire prevention, and emergency medical

response and transport within the corporate limits of the city, the fire department is also designated the primary and sole provider of standby non-emergency services at public and private events or gatherings conducted or held within the jurisdictional boundaries of the city, subject to the exception set forth in subsection (d) *infra*.

- (b) The fire chief is authorized to enter into and negotiate contracts with private or public entities to provide standby non-emergency services at events and gatherings conducted, hosted, or otherwise organized by such entities. Compensation to the city for standby non-emergency services will be assessed and paid on the basis of rates and charges established by resolution of the City Commission.
- (c) Requests for non-emergency stand-by services must be made via written application to the fire chief in a form satisfactory to the fire chief. Upon receipt of an application for such services, the fire chief will evaluate the application and determine whether the city will be able to or desires to provide such services for such event or gathering.
- (d) If the fire chief determines that the city will not provide standby non-emergency services at an event or gathering occurring within the jurisdictional boundaries of the city, then the fire chief may (i) authorize the mobilization of other qualified personnel from nearby or neighboring jurisdictions to provide standby non-emergency services to such event or (ii) otherwise allow the requesting entity to hire or contract with other qualified providers as defined in § 34-69 of this code to provide non-emergency standby services.

§ 34-74. - Medical Services Fees.

The City Commission is authorized to adopt a schedule of fees for emergency medical response and transport services and standby non-emergency services provided by the fire department and/or its contractors. Such schedule of fees may be adopted by resolution and include one or more clauses to provide for the automatic adjustment of fees on an annual or other periodic basis.

SECTION 3: Codification. It is the intention of the City Commission of the City that Section 2 of this Ordinance be codified and made part of the City of Winter Garden Code of Ordinances. Sections of this Ordinance may be renumbered or re-lettered to accomplish the intent of this Ordinance; that the word, "Ordinance" may be changed to "Section," "Article,"

or other appropriate word. The City Clerk is given liberal authority to correct scribes' errors, such as incorrect code cross references, grammatical, typographical, and similar or like errors when codifying this Ordinance.

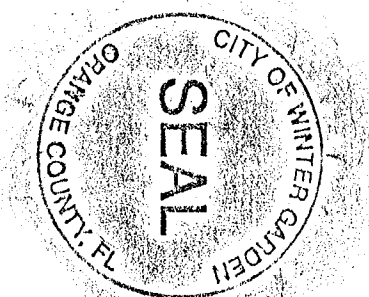
SECTION 4: Conflicts. In the event of a conflict or conflicts between this ordinance and other previously adopted ordinances, this ordinance governs and controls to the extent of any such conflict.

SECTION 5: Severability. It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality will not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 6: Effective Date. This Ordinance will become effective upon adoption at its second reading.

FIRST READING: OCTOBER 28 2021
SECOND READING AND PUBLIC HEARING: NOVEMBER 11 2021

ADOPTED this 11TH day of NOVEMBER, by the City Commission of the City of Winter Garden, Florida.



APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

ANGELA GRIMMAGE, City Clerk