

1979 WL 43064 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 13, 1979

\*1 Peter D. Hyman, Esquire  
Florence County Attorney  
Box 6, City-County Complex  
Florence, South Carolina 29501

Dear Mr. Hyman:

You have directed two questions to this Office concerning the operation of the Florence County Ambulance Service Commission (Commission). I will respond to your questions in the order in which they were raised.

(1) In light of existing ordinances, can the Commission set up a specific area for private ambulance service in Florence County?

In my opinion, the Commission can set up a specific area for private ambulance service, provided the requisite bidding procedures are followed and the area to be served will not also be served by the Florence County Emergency Medical Service. Paragraph (1) of Section 5-21, FLORENCE COUNTY CODE, gives the Commission the authority to: negotiate any or all bids to ensure the best possible ambulance service for the citizens of the county within its fiscal capability. If it should so elect, the commission may recommend to the council the operation of the ambulance service as a department of the county, and shall serve in an advisory capacity relating thereto; in such event no franchise shall be granted to commercial ambulance service operations in any area served by the county; . . . [Emphasis added.]

It thus would appear that so long as the Florence County Emergency Medical Service and the private service do not serve the same area, the Commission may set up special areas in its discretion for private franchise. This view seems consistent with the Commission By-Laws and [Section 4-21-10, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, both of which provide for the possibility of contracting for ambulance service with private entities.

(2) Can the Commission grant to Floyd Ambulance Service, a private institution, authority to become a branch of the Florence County Emergency Medical Service?

In my opinion, the Commission cannot do so. To become a branch of the Florence County Emergency Medical Service, Floyd Ambulance Service would necessarily become a county agency, subject solely to the control of the county, and be operated on the same terms as the County Emergency Medical Service. This would, of course, change its present character of a private, operated-for-profit institution.

You have also requested an opinion as to whether or not the Commission may make special dispensations to Floyd Ambulance Service as provided in the submitted proposals. While the mere granting of a franchise to a private business has been held to be a constitutional grant of public money [12 McQUILLIN MUNICIPAL CORPORATIONS § 34.19], a direct subsidy in the form of equipment or money as proposed by Floyd would, in my opinion, not be a proper exercise of county authority. I am enclosing an opinion from this Office which I think you will find further clarifies this issue.

With kind regards,

Karen LeCraft Henderson

Senior Assistant Attorney General

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