

By the Committee on Health Policy; and Senators Pizzo and Book

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1                                   A bill to be entitled  
2           An act relating to volunteer ambulance services;  
3           amending s. 316.003, F.S.; revising the definition of  
4           the term "authorized emergency vehicles" and defining  
5           the term "volunteer ambulance service"; amending s.  
6           316.072, F.S.; authorizing certain medical staff of a  
7           volunteer ambulance service to use red lights on a  
8           privately owned vehicle under certain circumstances;  
9           amending s. 316.2397, F.S.; authorizing vehicles of  
10          volunteer ambulance services to show or display red  
11          lights and operate emergency lights and sirens under  
12          certain circumstances; amending s. 316.2398, F.S.;  
13          authorizing privately owned vehicles belonging to  
14          certain medical staff of a volunteer ambulance service  
15          to display or use red warning signals under certain  
16          circumstances; conforming a provision to changes made  
17          by the act; prohibiting certain medical staff of  
18          volunteer ambulance services from operating red  
19          warning signals when not responding to an emergency in  
20          the line of duty; amending s. 401.211, F.S.; revising  
21          legislative intent; amending s. 401.23, F.S.; defining  
22          the term "volunteer ambulance service"; amending s.  
23          401.25, F.S.; exempting certain first responder  
24          agencies from certificate of public convenience and  
25          necessity requirements; providing that county and  
26          municipal governments may not limit, prohibit, or  
27          prevent volunteer ambulance services from responding  
28          to emergencies or providing emergency medical services  
29          or transport within their respective jurisdictions;

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30 prohibiting county and municipal governments from  
31 requiring volunteer ambulance services to obtain a  
32 license or certificate or pay a fee to provide  
33 ambulance or air ambulance services within their  
34 respective jurisdictions, with an exception; amending  
35 s. 316.306, F.S.; conforming a cross-reference;  
36 providing an effective date.  
37

38 Be It Enacted by the Legislature of the State of Florida:  
39

40 Section 1. Present subsection (105) of section 316.003,  
41 Florida Statutes, is redesignated as subsection (106), a new  
42 subsection (105) is added to that section, and subsection (1) of  
43 that section is amended, to read:

44 316.003 Definitions.—The following words and phrases, when  
45 used in this chapter, shall have the meanings respectively  
46 ascribed to them in this section, except where the context  
47 otherwise requires:

48 (1) AUTHORIZED EMERGENCY VEHICLES.—Vehicles of the fire  
49 department (fire patrol), police vehicles, and such ambulances  
50 and emergency vehicles of municipal departments, volunteer  
51 ambulance services, public service corporations operated by  
52 private corporations, the Fish and Wildlife Conservation  
53 Commission, the Department of Environmental Protection, the  
54 Department of Health, the Department of Transportation, and the  
55 Department of Corrections as are designated or authorized by  
56 their respective departments ~~department~~ or the chief of police  
57 of an incorporated city or any sheriff of any of the various  
58 counties.

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59       (105) VOLUNTEER AMBULANCE SERVICE.—A faith-based, not-for-  
60 profit corporation registered under chapter 617 which is  
61 licensed under part III of chapter 401 as a basic life support  
62 service or an advanced life support service and which has no  
63 for-profit subsidiaries, uses volunteers to provide services, is  
64 not operating for pecuniary profit or financial gain, and does  
65 not distribute to or inure to the benefit of its directors,  
66 members, or officers any part of its assets or income.

67       Section 2. Paragraph (a) of subsection (5) of section  
68 316.072, Florida Statutes, is amended to read:

69       316.072 Obedience to and effect of traffic laws.—

70       (5) AUTHORIZED EMERGENCY VEHICLES.—

71       (a)1. The driver of an authorized emergency vehicle, when  
72 responding to an emergency call, when in the pursuit of an  
73 actual or suspected violator of the law, or when responding to a  
74 fire alarm, but not upon returning from a fire;

75       2. A medical staff physician or technician of a medical  
76 facility licensed by the state or of a volunteer ambulance  
77 service when responding to an emergency in the line of duty in  
78 his or her privately owned vehicle, using red lights as  
79 authorized in s. 316.2398; or

80       3. The driver of an authorized law enforcement vehicle,  
81 when conducting a nonemergency escort, to warn the public of an  
82 approaching motorcade;

83  
84 may exercise the privileges set forth in this section, but  
85 subject to the conditions herein stated.

86       Section 3. Subsection (3) of section 316.2397, Florida  
87 Statutes, is amended to read:

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88 316.2397 Certain lights prohibited; exceptions.—

89 (3) Vehicles of the fire department and fire patrol,  
90 including vehicles of volunteer firefighters as permitted under  
91 s. 316.2398, may show or display red or red and white lights.  
92 Vehicles of medical staff physicians or technicians of medical  
93 facilities licensed by the state or of volunteer ambulance  
94 services as authorized under s. 316.2398, ambulances as  
95 authorized under this chapter, and buses and taxicabs as  
96 authorized under s. 316.2399 may show or display red lights.  
97 Vehicles of the fire department, fire patrol, police vehicles,  
98 and such ambulances and emergency vehicles of municipal and  
99 county departments, volunteer ambulance services, public service  
100 corporations operated by private corporations, the Fish and  
101 Wildlife Conservation Commission, the Department of  
102 Environmental Protection, the Department of Transportation, the  
103 Department of Agriculture and Consumer Services, and the  
104 Department of Corrections as are designated or authorized by  
105 their respective department or the chief of police of an  
106 incorporated city or any sheriff of any county may operate  
107 emergency lights and sirens in an emergency. Wreckers, mosquito  
108 control fog and spray vehicles, and emergency vehicles of  
109 governmental departments or public service corporations may show  
110 or display amber lights when in actual operation or when a  
111 hazard exists provided they are not used going to and from the  
112 scene of operation or hazard without specific authorization of a  
113 law enforcement officer or law enforcement agency. Wreckers must  
114 use amber rotating or flashing lights while performing  
115 recoveries and loading on the roadside day or night, and may use  
116 such lights while towing a vehicle on wheel lifts, slings, or

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117 under reach if the operator of the wrecker deems such lights  
118 necessary. A flatbed, car carrier, or rollback may not use amber  
119 rotating or flashing lights when hauling a vehicle on the bed  
120 unless it creates a hazard to other motorists because of  
121 protruding objects. Further, escort vehicles may show or display  
122 amber lights when in the actual process of escorting  
123 overdimensioned equipment, material, or buildings as authorized  
124 by law. Vehicles owned or leased by private security agencies  
125 may show or display green and amber lights, with either color  
126 being no greater than 50 percent of the lights displayed, while  
127 the security personnel are engaged in security duties on private  
128 or public property.

129 Section 4. Subsections (1), (2), and (4) of section  
130 316.2398, Florida Statutes, are amended to read:

131 316.2398 Display or use of red or red and white warning  
132 signals; motor vehicles of volunteer firefighters or medical  
133 staff.—

134 (1) A privately owned vehicle belonging to an active  
135 firefighter member of a regularly organized volunteer  
136 firefighting company or association, while en route to the fire  
137 station for the purpose of proceeding to the scene of a fire or  
138 other emergency or while en route to the scene of a fire or  
139 other emergency in the line of duty as an active firefighter  
140 member of a regularly organized firefighting company or  
141 association, may display or use red or red and white warning  
142 signals. A privately owned vehicle belonging to a medical staff  
143 physician or technician of a medical facility licensed by the  
144 state or of a volunteer ambulance service, while responding to  
145 an emergency in the line of duty, may display or use red warning

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146 signals. Warning signals must be visible from the front and from  
147 the rear of such vehicle, subject to the following restrictions  
148 and conditions:

149 (a) No more than two red or red and white warning signals  
150 may be displayed.

151 (b) No inscription of any kind may appear across the face  
152 of the lens of the red or red and white warning signal.

153 (c) In order for an active volunteer firefighter to display  
154 such red or red and white warning signals on his or her vehicle,  
155 the volunteer firefighter must first secure a written permit  
156 from the chief executive officers of the firefighting  
157 organization to use the red or red and white warning signals,  
158 and this permit must be carried by the volunteer firefighter at  
159 all times while the red or red and white warning signals are  
160 displayed.

161 (2) A person who is not an active firefighter member of a  
162 regularly organized volunteer firefighting company or  
163 association or a physician or technician of the medical staff of  
164 a medical facility licensed by the state or of a volunteer  
165 ambulance service may not display on any motor vehicle owned by  
166 him or her, at any time, any red or red and white warning  
167 signals as described in subsection (1).

168 (4) A physician or technician of the medical staff of a  
169 medical facility licensed by the state or of a volunteer  
170 ambulance service may not operate any red warning signals as  
171 authorized in subsection (1), except when responding to an  
172 emergency in the line of duty.

173 Section 5. Section 401.211, Florida Statutes, is amended to  
174 read:

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175           401.211 Legislative intent.—The Legislature recognizes that  
176 the systematic provision of emergency medical services saves  
177 lives and reduces disability associated with illness and injury.  
178 In addition, that system of care must be equally capable of  
179 assessing, treating, and transporting children, adults, and  
180 frail elderly persons. Further, it is the intent of the  
181 Legislature to encourage the development and maintenance of  
182 emergency medical services because such services are essential  
183 to the health and well-being of all citizens of the state. The  
184 Legislature finds that it is in the public interest to foster  
185 the development of emergency medical services that address  
186 religious sensitivities. In accordance with the Florida  
187 Volunteer and Community Service Act of 2001, the Legislature  
188 further recognizes the value of augmenting existing county and  
189 municipal emergency medical services with those provided by  
190 volunteer service organizations. The Legislature also recognizes  
191 that the establishment of a comprehensive statewide injury-  
192 prevention program supports state and community health systems  
193 by further enhancing the total delivery system of emergency  
194 medical services and reduces injuries for all persons. The  
195 purpose of this part is to protect and enhance the public  
196 health, welfare, and safety through the establishment of an  
197 emergency medical services state plan, an advisory council, a  
198 comprehensive statewide injury-prevention program, minimum  
199 standards for emergency medical services personnel, vehicles,  
200 services and medical direction, and the establishment of a  
201 statewide inspection program created to monitor the quality of  
202 patient care delivered by each licensed service and  
203 appropriately certified personnel.

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204 Section 6. Subsection (22) is added to section 401.23,  
205 Florida Statutes, to read:

206 401.23 Definitions.—As used in this part, the term:

207 (22) "Volunteer ambulance service" means a faith-based,  
208 not-for-profit corporation registered under chapter 617 which is  
209 licensed by the department as a basic life support service or an  
210 advanced life support service and which has no for-profit  
211 subsidiaries, uses volunteers to provide services, is not  
212 operating for pecuniary profit or financial gain, and does not  
213 distribute to or inure to the benefit of its directors, members,  
214 or officers any part of its assets or income.

215 Section 7. Paragraph (d) of subsection (2) and subsection  
216 (6) of section 401.25, Florida Statutes, are amended to read:

217 401.25 Licensure as a basic life support or an advanced  
218 life support service.—

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

221 (d) The applicant has obtained a certificate of public  
222 convenience and necessity from each county in which the  
223 applicant will operate. In issuing the certificate of public  
224 convenience and necessity, the governing body of each county  
225 shall consider the recommendations of municipalities within its  
226 jurisdiction. An applicant that is a first responder agency is  
227 exempt from this requirement if it is a faith-based, not-for-  
228 profit corporation registered under chapter 617 which has been  
229 operating in this state for at least 10 consecutive years, has  
230 no for-profit subsidiaries, uses volunteers to provide services,  
231 is not operating for pecuniary profit or financial gain, and  
232 does not distribute to or inure to the benefit of its directors,



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233 members, or officers any part of its assets or income.

234 (6) (a) The governing body of each county may adopt  
235 ordinances that provide reasonable standards for certificates of  
236 public convenience and necessity for basic or advanced life  
237 support services and air ambulance services. In developing  
238 standards for certificates of public convenience and necessity,  
239 the governing body of each county must consider state  
240 guidelines, recommendations of the local or regional trauma  
241 agency created under chapter 395, and the recommendations of  
242 municipalities within its jurisdiction.

243 (b) A county or municipal government may not limit,  
244 prohibit, or prevent a volunteer ambulance service from  
245 responding to an emergency or from providing emergency medical  
246 services or transport within its jurisdiction.

247 (c) A county or municipal government may not require a  
248 volunteer ambulance service to obtain a license or certificate  
249 or pay a fee to provide ambulance or air ambulance services  
250 within its jurisdiction, except that a county or municipal  
251 government may impose, collect, or enforce payment of any  
252 occupational license tax authorized by law.

253 Section 8. Paragraph (a) of subsection (3) of section  
254 316.306, Florida Statutes, is amended to read:

255 316.306 School and work zones; prohibition on the use of a  
256 wireless communications device in a handheld manner.—

257 (3) (a) 1. A person may not operate a motor vehicle while  
258 using a wireless communications device in a handheld manner in a  
259 designated school crossing, school zone, or work zone area as  
260 defined in s. 316.003(106) ~~s. 316.003(105)~~. This subparagraph  
261 shall only be applicable to work zone areas if construction

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262 personnel are present or are operating equipment on the road or  
263 immediately adjacent to the work zone area. For the purposes of  
264 this paragraph, a motor vehicle that is stationary is not being  
265 operated and is not subject to the prohibition in this  
266 paragraph.

267 2.a. During the period from October 1, 2019, through  
268 December 31, 2019, a law enforcement officer may stop motor  
269 vehicles to issue verbal or written warnings to persons who are  
270 in violation of subparagraph 1. for the purposes of informing  
271 and educating such persons of this section. This sub-  
272 subparagraph shall stand repealed on October 1, 2020.

273 b. Effective January 1, 2020, a law enforcement officer may  
274 stop motor vehicles and issue citations to persons who are  
275 driving while using a wireless communications device in a  
276 handheld manner in violation of subparagraph 1.

277 Section 9. This act shall take effect July 1, 2021.