

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Caruso offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 63-261 and insert:

7 profit charitable corporation registered under chapter 617 which
8 is licensed under part III of chapter 401 as a basic life
9 support service or an advanced life support service; which is
10 not a parent, subsidiary, or affiliate of, or related to, any
11 for-profit entity; and which uses only unpaid volunteers to
12 provide services, is not operating for pecuniary profit or
13 financial gain, and does not distribute to or inure to the
14 benefit of its directors, members, or officers any part of its
15 assets or income.

16 Section 2. Paragraph (a) of subsection (5) of section

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17 316.072, Florida Statutes, is amended to read:

18 316.072 Obedience to and effect of traffic laws.—

19 (5) AUTHORIZED EMERGENCY VEHICLES.—

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

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

29 3. The driver of an authorized law enforcement vehicle,
30 when conducting a nonemergency escort, to warn the public of an
31 approaching motorcade;

32
33 may exercise the privileges set forth in this section, but
34 subject to the conditions herein stated.

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

37 316.2397 Certain lights prohibited; exceptions.—

38 (3) Vehicles of the fire department and fire patrol,
39 including vehicles of volunteer firefighters as permitted under
40 s. 316.2398, may show or display red or red and white lights.
41 Vehicles of medical staff physicians or technicians of medical

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42 facilities licensed by the state or of volunteer ambulance
43 services as authorized under s. 316.2398, ambulances as
44 authorized under this chapter, and buses and taxicabs as
45 authorized under s. 316.2399 may show or display red lights.
46 Vehicles of the fire department, fire patrol, police vehicles,
47 and such ambulances and emergency vehicles of municipal and
48 county departments, volunteer ambulance services, public service
49 corporations operated by private corporations, the Fish and
50 Wildlife Conservation Commission, the Department of
51 Environmental Protection, the Department of Transportation, the
52 Department of Agriculture and Consumer Services, and the
53 Department of Corrections as are designated or authorized by
54 their respective department or the chief of police of an
55 incorporated city or any sheriff of any county may operate
56 emergency lights and sirens in an emergency. Wreckers, mosquito
57 control fog and spray vehicles, and emergency vehicles of
58 governmental departments or public service corporations may show
59 or display amber lights when in actual operation or when a
60 hazard exists provided they are not used going to and from the
61 scene of operation or hazard without specific authorization of a
62 law enforcement officer or law enforcement agency. Wreckers must
63 use amber rotating or flashing lights while performing
64 recoveries and loading on the roadside day or night, and may use
65 such lights while towing a vehicle on wheel lifts, slings, or
66 under reach if the operator of the wrecker deems such lights

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67 necessary. A flatbed, car carrier, or rollback may not use amber
68 rotating or flashing lights when hauling a vehicle on the bed
69 unless it creates a hazard to other motorists because of
70 protruding objects. Further, escort vehicles may show or display
71 amber lights when in the actual process of escorting
72 overdimensioned equipment, material, or buildings as authorized
73 by law. Vehicles owned or leased by private security agencies
74 may show or display green and amber lights, with either color
75 being no greater than 50 percent of the lights displayed, while
76 the security personnel are engaged in security duties on private
77 or public property.

78 Section 4. Subsections (1), (2), and (4) of section
79 316.2398, Florida Statutes, are amended to read:

80 316.2398 Display or use of red or red and white warning
81 signals; motor vehicles of volunteer firefighters or medical
82 staff.—

83 (1) A privately owned vehicle belonging to an active
84 firefighter member of a regularly organized volunteer
85 firefighting company or association, while en route to the fire
86 station for the purpose of proceeding to the scene of a fire or
87 other emergency or while en route to the scene of a fire or
88 other emergency in the line of duty as an active firefighter
89 member of a regularly organized firefighting company or
90 association, may display or use red or red and white warning
91 signals. A privately owned vehicle belonging to a medical staff

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92 physician or technician of a medical facility licensed by the
93 state or of a volunteer ambulance service, while responding to
94 an emergency in the line of duty, may display or use red warning
95 signals. Warning signals must be visible from the front and from
96 the rear of such vehicle, subject to the following restrictions
97 and conditions:

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

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

102 (c) In order for an active volunteer firefighter to
103 display such red or red and white warning signals on his or her
104 vehicle, the volunteer firefighter must first secure a written
105 permit from the chief executive officers of the firefighting
106 organization to use the red or red and white warning signals,
107 and this permit must be carried by the volunteer firefighter at
108 all times while the red or red and white warning signals are
109 displayed.

110 (d) An emergency medical technician, doctor, or paramedic
111 who is using his or her personal vehicle with a red light to
112 respond to an emergency call must have completed a 16-hour
113 emergency vehicle operator course.

114 (2) A person who is not an active firefighter member of a
115 regularly organized volunteer firefighting company or
116 association or a physician or technician of the medical staff of

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117 a medical facility licensed by the state or of a volunteer
118 ambulance service may not display on any motor vehicle owned by
119 him or her, at any time, any red or red and white warning
120 signals as described in subsection (1).

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

126 Section 5. Section 401.211, Florida Statutes, is amended
127 to read:

128 401.211 Legislative intent.—The Legislature recognizes
129 that the systematic provision of emergency medical services
130 saves lives and reduces disability associated with illness and
131 injury. In addition, that system of care must be equally capable
132 of assessing, treating, and transporting children, adults, and
133 frail elderly persons. Further, it is the intent of the
134 Legislature to encourage the development and maintenance of
135 emergency medical services because such services are essential
136 to the health and well-being of all citizens of the state. The
137 Legislature finds that it is in the public interest to foster
138 the development of emergency medical services that address
139 religious sensitivities. In accordance with the Florida
140 Volunteer and Community Service Act of 2001, the Legislature
141 further recognizes the value of augmenting existing county and

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142 municipal emergency medical services with those provided by
143 volunteer service organizations. The Legislature also recognizes
144 that the establishment of a comprehensive statewide injury-
145 prevention program supports state and community health systems
146 by further enhancing the total delivery system of emergency
147 medical services and reduces injuries for all persons. The
148 purpose of this part is to protect and enhance the public
149 health, welfare, and safety through the establishment of an
150 emergency medical services state plan, an advisory council, a
151 comprehensive statewide injury-prevention program, minimum
152 standards for emergency medical services personnel, vehicles,
153 services and medical direction, and the establishment of a
154 statewide inspection program created to monitor the quality of
155 patient care delivered by each licensed service and
156 appropriately certified personnel.

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

159 401.23 Definitions.—As used in this part, the term:

160 (22) "Volunteer ambulance service" means a faith-based,
161 not-for-profit charitable corporation registered under chapter
162 617 which is licensed by the department as a basic life support
163 service or an advanced life support service; which is not a
164 parent, subsidiary, or affiliate of, or related to, any for-
165 profit entity; and which uses only unpaid volunteers to provide
166 services, is not operating for pecuniary profit or financial

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167 gain, and does not distribute to or inure to the benefit of its
168 directors, volunteers, members, or officers any part of its
169 assets or income.

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

172 401.25 Licensure as a basic life support or an advanced
173 life support service.—

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

176 (d) The applicant has obtained a certificate of public
177 convenience and necessity from each county in which the
178 applicant will operate. In issuing the certificate of public
179 convenience and necessity, the governing body of each county
180 shall consider the recommendations of municipalities within its
181 jurisdiction. An applicant that is a first responder agency is
182 exempt from this requirement if it:

183 1. Is a faith-based, not-for-profit charitable corporation
184 registered under chapter 617 which has been operating in this
185 state for at least 10 consecutive years.

186 2. Is not a parent, subsidiary, or affiliate of, or
187 related to, any for-profit entity.

188 3. Uses only unpaid volunteers to provide services.

189 4. Is not operating for pecuniary profit or financial
190 gain.

191 5. Does not distribute to or inure to the benefit of its

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192 directors, members, or officers any part of its assets or
193 income.

194 6. Does not receive any government funding.

195 7. Provides to the department a management plan that
196 includes a training program, complaint management system,
197 accident or injury handling system, quality assurance program,
198 and proof of adequate insurance coverage to meet state or county
199 insurance requirements, whichever requirements are greater.

200 (6) (a) The governing body of each county may adopt
201 ordinances that provide reasonable standards for certificates of
202 public convenience and necessity for basic or advanced life
203 support services and air ambulance services. In developing
204 standards for certificates of public convenience and necessity,
205 the governing body of each county must consider state
206 guidelines, recommendations of the local or regional trauma
207 agency created under chapter 395, and the recommendations of
208 municipalities within its jurisdiction.

209 (b) A county or municipal government may not limit,
210 prohibit, or prevent a volunteer ambulance service from
211 responding to an emergency or from providing emergency medical
212 services or transport within its jurisdiction. However, an
213 emergency medical services provider or fire rescue services
214 provider operated by a county, municipality, or special district
215 is responsible for the care and transport of an incapacitated
216 patient if a volunteer ambulance service arrives at the scene of

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217 an emergency simultaneously with such a provider and a person
218 authorized to consent to the medical treatment of the
219 incapacitated patient is not present.

220 (c) A county or municipal government may not require a
221 volunteer ambulance service to obtain a license or certificate
222 or pay a fee to provide ambulance or air ambulance services
223 within its jurisdiction. However, a county or municipal
224 government may impose, collect, or enforce payment of any
225 occupational license tax authorized by law.

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228 **T I T L E A M E N D M E N T**

229 Remove lines 30-37 and insert:
230 specifying that an emergency medical services provider or fire
231 rescue services provider operated by a county, municipality, or
232 special district is responsible for the care and transport of
233 certain patients; prohibiting county and municipal governments
234 from requiring volunteer ambulance services to obtain a license
235 or certificate or pay a fee to provide ambulance or air
236 ambulance services within their respective jurisdictions;
237 providing an exception; amending s. 316.306, Enter Amending Text
238 Here