

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;
 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.

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:

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
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
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
154 display such red or red and white warning signals on his or her
155 vehicle, the volunteer firefighter must first secure a written
156 permit 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
174 to read:

175 401.211 Legislative intent.—The Legislature recognizes

176 | that the systematic provision of emergency medical services
177 | saves lives and reduces disability associated with illness and
178 | injury. In addition, that system of care must be equally capable
179 | of 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.

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; which is not a parent,
211 subsidiary, or affiliate of, or related to, any for-profit
212 entity; and which uses only unpaid volunteers to provide
213 services, is not operating for pecuniary profit or financial
214 gain, and does not distribute to or inure to the benefit of its
215 directors, volunteers, members, or officers any part of its
216 assets or income.

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

219 401.25 Licensure as a basic life support or an advanced
220 life support service.—

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

223 (d) The applicant has obtained a certificate of public
224 convenience and necessity from each county in which the
225 applicant will operate. In issuing the certificate of public

226 convenience and necessity, the governing body of each county
227 shall consider the recommendations of municipalities within its
228 jurisdiction. An applicant that is a first responder agency is
229 exempt from this requirement if it is a faith-based, not-for-
230 profit corporation registered under chapter 617 which has been
231 operating in this state for at least 10 consecutive years, has
232 no for-profit subsidiaries, uses volunteers to provide services,
233 is not operating for pecuniary profit or financial gain, and
234 does not distribute to or inure to the benefit of its directors,
235 members, or officers any part of its assets or income.

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

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

249 (c) A county or municipal government may not require a
250 volunteer ambulance service to obtain a license or certificate

251 or pay a fee to provide ambulance or air ambulance services
252 within its jurisdiction, except that a county or municipal
253 government may impose, collect, or enforce payment of any
254 occupational license tax authorized by law.

255 Section 8. Paragraph (a) of subsection (3) of section
256 316.306, Florida Statutes, is amended to read:

257 316.306 School and work zones; prohibition on the use of a
258 wireless communications device in a handheld manner.-

259 (3) (a) 1. A person may not operate a motor vehicle while
260 using a wireless communications device in a handheld manner in a
261 designated school crossing, school zone, or work zone area as
262 defined in s. 316.003(106) ~~s. 316.003(105)~~. This subparagraph
263 shall only be applicable to work zone areas if construction
264 personnel are present or are operating equipment on the road or
265 immediately adjacent to the work zone area. For the purposes of
266 this paragraph, a motor vehicle that is stationary is not being
267 operated and is not subject to the prohibition in this
268 paragraph.

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

275 b. Effective January 1, 2020, a law enforcement officer

276 | may stop motor vehicles and issue citations to persons who are
277 | driving while using a wireless communications device in a
278 | handheld manner in violation of subparagraph 1.

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