

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; requiring
35 | an emergency medical technician, doctor, or paramedic
36 | using his or her personal vehicle with a red light to
37 | have completed certain training; amending s. 316.306,
38 | F.S.; conforming a cross-reference; providing an
39 | effective date.

40 |
41 | Be It Enacted by the Legislature of the State of Florida:

42 |
43 | Section 1. Subsection (105) of section 316.003, Florida
44 | Statutes, is renumbered as subsection (106), subsection (1) is
45 | amended, and a new subsection (105) is added to that section, to
46 | read:

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

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

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

70 Section 2. Paragraph (a) of subsection (5) of section
71 316.072, Florida Statutes, is amended to read:

72 316.072 Obedience to and effect of traffic laws.—

73 (5) AUTHORIZED EMERGENCY VEHICLES.—

74 (a)1. The driver of an authorized emergency vehicle, when
75 responding to an emergency call, when in the pursuit of an

76 | actual or suspected violator of the law, or when responding to a
 77 | fire alarm, but not upon returning from a fire;

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

83 | 3. The driver of an authorized law enforcement vehicle,
 84 | when conducting a nonemergency escort, to warn the public of an
 85 | approaching motorcade;

86 |
 87 | may exercise the privileges set forth in this section, but
 88 | subject to the conditions herein stated.

89 | Section 3. Subsection (3) of section 316.2397, Florida
 90 | Statutes, is amended to read:

91 | 316.2397 Certain lights prohibited; exceptions.—

92 | (3) Vehicles of the fire department and fire patrol,
 93 | including vehicles of volunteer firefighters as permitted under
 94 | s. 316.2398, may show or display red or red and white lights.
 95 | Vehicles of medical staff physicians or technicians of medical
 96 | facilities licensed by the state or of volunteer ambulance
 97 | services as authorized under s. 316.2398, ambulances as
 98 | authorized under this chapter, and buses and taxicabs as
 99 | authorized under s. 316.2399 may show or display red lights.
 100 | Vehicles of the fire department, fire patrol, police vehicles,

101 and such ambulances and emergency vehicles of municipal and
102 county departments, volunteer ambulance services, public service
103 corporations operated by private corporations, the Fish and
104 Wildlife Conservation Commission, the Department of
105 Environmental Protection, the Department of Transportation, the
106 Department of Agriculture and Consumer Services, and the
107 Department of Corrections as are designated or authorized by
108 their respective department or the chief of police of an
109 incorporated city or any sheriff of any county may operate
110 emergency lights and sirens in an emergency. Wreckers, mosquito
111 control fog and spray vehicles, and emergency vehicles of
112 governmental departments or public service corporations may show
113 or display amber lights when in actual operation or when a
114 hazard exists provided they are not used going to and from the
115 scene of operation or hazard without specific authorization of a
116 law enforcement officer or law enforcement agency. Wreckers must
117 use amber rotating or flashing lights while performing
118 recoveries and loading on the roadside day or night, and may use
119 such lights while towing a vehicle on wheel lifts, slings, or
120 under reach if the operator of the wrecker deems such lights
121 necessary. A flatbed, car carrier, or rollback may not use amber
122 rotating or flashing lights when hauling a vehicle on the bed
123 unless it creates a hazard to other motorists because of
124 protruding objects. Further, escort vehicles may show or display
125 amber lights when in the actual process of escorting

126 | overdimensioned equipment, material, or buildings as authorized
127 | by law. Vehicles owned or leased by private security agencies
128 | may show or display green and amber lights, with either color
129 | being no greater than 50 percent of the lights displayed, while
130 | the security personnel are engaged in security duties on private
131 | or public property.

132 | Section 4. Subsections (1), (2), and (4) of section
133 | 316.2398, Florida Statutes, are amended to read:

134 | 316.2398 Display or use of red or red and white warning
135 | signals; motor vehicles of volunteer firefighters or medical
136 | staff.—

137 | (1) A privately owned vehicle belonging to an active
138 | firefighter member of a regularly organized volunteer
139 | firefighting company or association, while en route to the fire
140 | station for the purpose of proceeding to the scene of a fire or
141 | other emergency or while en route to the scene of a fire or
142 | other emergency in the line of duty as an active firefighter
143 | member of a regularly organized firefighting company or
144 | association, may display or use red or red and white warning
145 | signals. A privately owned vehicle belonging to a medical staff
146 | physician or technician of a medical facility licensed by the
147 | state or of a volunteer ambulance service, while responding to
148 | an emergency in the line of duty, may display or use red warning
149 | signals. Warning signals must be visible from the front and from
150 | the rear of such vehicle, subject to the following restrictions

151 and conditions:

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

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

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

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

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

176 Section 5. Section 401.211, Florida Statutes, is amended
177 to read:

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

201 comprehensive statewide injury-prevention program, minimum
202 standards for emergency medical services personnel, vehicles,
203 services and medical direction, and the establishment of a
204 statewide inspection program created to monitor the quality of
205 patient care delivered by each licensed service and
206 appropriately certified personnel.

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

209 401.23 Definitions.—As used in this part, the term:

210 (22) "Volunteer ambulance service" means a faith-based,
211 not-for-profit corporation registered under chapter 617 which is
212 licensed by the department as a basic life support service or an
213 advanced life support service; which is not a parent,
214 subsidiary, or affiliate of, or related to, any for-profit
215 entity; and which uses only unpaid volunteers to provide
216 services, is not operating for pecuniary profit or financial
217 gain, and does not distribute to or inure to the benefit of its
218 directors, volunteers, members, or officers any part of its
219 assets or income.

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

222 401.25 Licensure as a basic life support or an advanced
223 life support service.—

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

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

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

248 (b) A county or municipal government may not limit,
249 prohibit, or prevent a volunteer ambulance service from
250 responding to an emergency or from providing emergency medical

251 services or transport within its jurisdiction.

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

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

262 Section 8. Paragraph (a) of subsection (3) of section
263 316.306, Florida Statutes, is amended to read:

264 316.306 School and work zones; prohibition on the use of a
265 wireless communications device in a handheld manner.—

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

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

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

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