

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 a limitation;

26 requiring compliance with all other licensure
 27 requirements; providing requirements regarding
 28 memoranda of understanding; providing that county and
 29 municipal governments may not limit, prohibit, or
 30 prevent volunteer ambulance services from responding
 31 to emergencies or providing emergency medical services
 32 or transport within their respective jurisdictions;
 33 specifying that an emergency medical services provider
 34 or fire rescue services provider operated by a county,
 35 municipality, or special district is responsible for
 36 the care and transport of certain patients;
 37 prohibiting county and municipal governments from
 38 requiring volunteer ambulance services to obtain a
 39 license or certificate or pay a fee to provide
 40 ambulance services or nonemergency air ambulance
 41 services within their respective jurisdictions if a
 42 certain condition is met; providing an exception;
 43 amending s. 316.306, F.S.; conforming a cross-
 44 reference; providing an effective date.

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 46 Be It Enacted by the Legislature of the State of Florida:

47
 48 Section 1. Subsection (105) of section 316.003, Florida
 49 Statutes, is renumbered as subsection (106), subsection (1) is
 50 amended, and a new subsection (105) is added to that section, to

51 read:

52 316.003 Definitions.—The following words and phrases, when
 53 used in this chapter, shall have the meanings respectively
 54 ascribed to them in this section, except where the context
 55 otherwise requires:

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

67 (105) VOLUNTEER AMBULANCE SERVICE.—A faith-based, not-for-
 68 profit charitable corporation registered under chapter 617 which
 69 is licensed under part III of chapter 401 as a basic life
 70 support service or an advanced life support service; which is
 71 not a parent, subsidiary, or affiliate of, or related to, any
 72 for-profit entity; and which uses only unpaid volunteers to
 73 provide basic life support services or advanced life support
 74 services free of charge, is not operating for pecuniary profit
 75 or financial gain, and does not distribute to or inure to the

76 | benefit of its directors, members, or officers any part of its
 77 | assets or income.

78 | Section 2. Paragraph (a) of subsection (5) of section
 79 | 316.072, Florida Statutes, is amended to read:

80 | 316.072 Obedience to and effect of traffic laws.—

81 | (5) AUTHORIZED EMERGENCY VEHICLES.—

82 | (a)1. The driver of an authorized emergency vehicle, when
 83 | responding to an emergency call, when in the pursuit of an
 84 | actual or suspected violator of the law, or when responding to a
 85 | fire alarm, but not upon returning from a fire;

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

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

94 |
 95 | may exercise the privileges set forth in this section, but
 96 | subject to the conditions herein stated.

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

99 | 316.2397 Certain lights prohibited; exceptions.—

100 | (3) Vehicles of the fire department and fire patrol,

101 including vehicles of volunteer firefighters as permitted under
102 s. 316.2398, may show or display red or red and white lights.
103 Vehicles of medical staff physicians or technicians of medical
104 facilities licensed by the state or of volunteer ambulance
105 services as authorized under s. 316.2398, ambulances as
106 authorized under this chapter, and buses and taxicabs as
107 authorized under s. 316.2399 may show or display red lights.
108 Vehicles of the fire department, fire patrol, police vehicles,
109 and such ambulances and emergency vehicles of municipal and
110 county departments, volunteer ambulance services, public service
111 corporations operated by private corporations, the Fish and
112 Wildlife Conservation Commission, the Department of
113 Environmental Protection, the Department of Transportation, the
114 Department of Agriculture and Consumer Services, and the
115 Department of Corrections as are designated or authorized by
116 their respective department or the chief of police of an
117 incorporated city or any sheriff of any county may operate
118 emergency lights and sirens in an emergency. Wreckers, mosquito
119 control fog and spray vehicles, and emergency vehicles of
120 governmental departments or public service corporations may show
121 or display amber lights when in actual operation or when a
122 hazard exists provided they are not used going to and from the
123 scene of operation or hazard without specific authorization of a
124 law enforcement officer or law enforcement agency. Wreckers must
125 use amber rotating or flashing lights while performing

126 recoveries and loading on the roadside day or night, and may use
127 such lights while towing a vehicle on wheel lifts, slings, or
128 under reach if the operator of the wrecker deems such lights
129 necessary. A flatbed, car carrier, or rollback may not use amber
130 rotating or flashing lights when hauling a vehicle on the bed
131 unless it creates a hazard to other motorists because of
132 protruding objects. Further, escort vehicles may show or display
133 amber lights when in the actual process of escorting
134 overdimensioned equipment, material, or buildings as authorized
135 by law. Vehicles owned or leased by private security agencies
136 may show or display green and amber lights, with either color
137 being no greater than 50 percent of the lights displayed, while
138 the security personnel are engaged in security duties on private
139 or public property.

140 Section 4. Subsections (1), (2), and (4) of section
141 316.2398, Florida Statutes, are amended to read:

142 316.2398 Display or use of red or red and white warning
143 signals; motor vehicles of volunteer firefighters or medical
144 staff.—

145 (1) A privately owned vehicle belonging to an active
146 firefighter member of a regularly organized volunteer
147 firefighting company or association, while en route to the fire
148 station for the purpose of proceeding to the scene of a fire or
149 other emergency or while en route to the scene of a fire or
150 other emergency in the line of duty as an active firefighter

151 member of a regularly organized firefighting company or
152 association, may display or use red or red and white warning
153 signals. A privately owned vehicle belonging to a medical staff
154 physician or technician of a medical facility licensed by the
155 state or of a volunteer ambulance service, while responding to
156 an emergency in the line of duty, may display or use red warning
157 signals. Warning signals must be visible from the front and from
158 the rear of such vehicle, subject to the following restrictions
159 and conditions:

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

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

164 (c) In order for an active volunteer firefighter to
165 display such red or red and white warning signals on his or her
166 vehicle, the volunteer firefighter must first secure a written
167 permit from the chief executive officers of the firefighting
168 organization to use the red or red and white warning signals,
169 and this permit must be carried by the volunteer firefighter at
170 all times while the red or red and white warning signals are
171 displayed.

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

176 (2) A person who is not an active firefighter member of a
177 regularly organized volunteer firefighting company or
178 association or a physician or technician of the medical staff of
179 a medical facility licensed by the state or of a volunteer
180 ambulance service may not display on any motor vehicle owned by
181 him or her, at any time, any red or red and white warning
182 signals as described in subsection (1).

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

188 Section 5. Section 401.211, Florida Statutes, is amended
189 to read:

190 401.211 Legislative intent.—The Legislature recognizes
191 that the systematic provision of emergency medical services
192 saves lives and reduces disability associated with illness and
193 injury. In addition, that system of care must be equally capable
194 of assessing, treating, and transporting children, adults, and
195 frail elderly persons. Further, it is the intent of the
196 Legislature to encourage the development and maintenance of
197 emergency medical services because such services are essential
198 to the health and well-being of all citizens of the state. The
199 Legislature finds that it is in the public interest to foster
200 the development of emergency medical services that address

201 religious sensitivities. In accordance with the Florida
202 Volunteer and Community Service Act of 2001, the Legislature
203 further recognizes the value of augmenting existing county and
204 municipal emergency medical services with those provided by
205 volunteer service organizations. The Legislature also recognizes
206 that the establishment of a comprehensive statewide injury-
207 prevention program supports state and community health systems
208 by further enhancing the total delivery system of emergency
209 medical services and reduces injuries for all persons. The
210 purpose of this part is to protect and enhance the public
211 health, welfare, and safety through the establishment of an
212 emergency medical services state plan, an advisory council, a
213 comprehensive statewide injury-prevention program, minimum
214 standards for emergency medical services personnel, vehicles,
215 services and medical direction, and the establishment of a
216 statewide inspection program created to monitor the quality of
217 patient care delivered by each licensed service and
218 appropriately certified personnel.

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

221 401.23 Definitions.—As used in this part, the term:

222 (22) "Volunteer ambulance service" means a faith-based,
223 not-for-profit charitable corporation registered under chapter
224 617 which is licensed under this part as a basic life support
225 service or an advanced life support service; which is not a

226 parent, subsidiary, or affiliate of, or related to, any for-
227 profit entity; and which uses only unpaid volunteers to provide
228 basic life support services or advanced life support services
229 free of charge, is not operating for pecuniary profit or
230 financial gain, and does not distribute to or inure to the
231 benefit of its directors, volunteers, members, or officers any
232 part of its assets or income.

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

235 401.25 Licensure as a basic life support or an advanced
236 life support service.-

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

239 (d) The applicant has obtained a certificate of public
240 convenience and necessity from each county in which the
241 applicant will operate. In issuing the certificate of public
242 convenience and necessity, the governing body of each county
243 shall consider the recommendations of municipalities within its
244 jurisdiction. An applicant that is an active first responder
245 agency is exempt from this requirement if it:

246 1. Is a faith-based, not-for-profit charitable corporation
247 registered under chapter 617 which has been responding to
248 medical emergencies in this state for at least 10 consecutive
249 years.

250 2. Is not a parent, subsidiary, or affiliate of, or

251 related to, any for-profit entity.

252 3. Provides basic life support services or advanced life
253 support services solely through at least 50 unpaid licensed
254 emergency medical technician or paramedic volunteers.

255 4. Is not operating for pecuniary profit or financial
256 gain.

257 5. Does not distribute to or inure to the benefit of its
258 directors, members, or officers any part of its assets or
259 income.

260 6. Does not receive any government funding. However, the
261 volunteer ambulance service may receive funding from specialty
262 license plate proceeds.

263 7. Has never had a license denied, revoked, or suspended.

264 8. Provides services free of charge.

265 9. As part of its application for licensure, provides to
266 the department a management plan that includes a training
267 program, dispatch protocols, a complaint management system, an
268 accident or injury handling system, a quality assurance program,
269 and proof of adequate insurance coverage to meet state or county
270 insurance requirements, whichever requirements are greater.

271 10. Provides a disclaimer on all written materials that
272 the volunteer ambulance service is not associated with the
273 state's 911 system.

274
275 The exemption under this paragraph may be granted to no more

276 than four counties. This exemption notwithstanding, an applicant
277 is not exempted from and must comply with all other requirements
278 for licensure. An applicant must also take all reasonable
279 efforts to enter into a memorandum of understanding with the
280 emergency medical services licensee within whose jurisdiction
281 the applicant will provide services in order to facilitate
282 communications and coordinate emergency services for situations
283 beyond the scope of the applicant's capacity and for situations
284 of advanced life support that are deemed priority 1 or priority
285 2 emergencies.

286 (6) (a) The governing body of each county may adopt
287 ordinances that provide reasonable standards for certificates of
288 public convenience and necessity for basic or advanced life
289 support services and air ambulance services. In developing
290 standards for certificates of public convenience and necessity,
291 the governing body of each county must consider state
292 guidelines, recommendations of the local or regional trauma
293 agency created under chapter 395, and the recommendations of
294 municipalities within its jurisdiction.

295 (b) A county or municipal government may not limit,
296 prohibit, or prevent a volunteer ambulance service from
297 responding to an emergency or from providing emergency medical
298 services or transport within its jurisdiction. However, an
299 emergency medical services provider or fire rescue services
300 provider operated by a county, municipality, or special district

301 is responsible for the care and transport of an unresponsive
302 patient if a volunteer ambulance service arrives at the scene of
303 an emergency simultaneously with such a provider and a person
304 authorized to consent to the medical treatment of the
305 unresponsive patient is not present.

306 (c) A county or municipal government may not require a
307 volunteer ambulance service to obtain a license or certificate
308 or pay a fee to provide ambulance services or nonemergency air
309 ambulance services within its jurisdiction, provided that the
310 ambulance or air ambulance is approved by the Department of
311 Health. However, a county or municipal government may impose,
312 collect, or enforce payment of any occupational license tax
313 authorized by law.

314 Section 8. Paragraph (a) of subsection (3) of section
315 316.306, Florida Statutes, is amended to read:

316 316.306 School and work zones; prohibition on the use of a
317 wireless communications device in a handheld manner.—

318 (3) (a) 1. A person may not operate a motor vehicle while
319 using a wireless communications device in a handheld manner in a
320 designated school crossing, school zone, or work zone area as
321 defined in s. 316.003(106) ~~s. 316.003(105)~~. This subparagraph
322 shall only be applicable to work zone areas if construction
323 personnel are present or are operating equipment on the road or
324 immediately adjacent to the work zone area. For the purposes of
325 this paragraph, a motor vehicle that is stationary is not being

326 | operated and is not subject to the prohibition in this
327 | paragraph.

328 | 2.a. During the period from October 1, 2019, through
329 | December 31, 2019, a law enforcement officer may stop motor
330 | vehicles to issue verbal or written warnings to persons who are
331 | in violation of subparagraph 1. for the purposes of informing
332 | and educating such persons of this section. This sub-
333 | subparagraph shall stand repealed on October 1, 2020.

334 | b. Effective January 1, 2020, a law enforcement officer
335 | may stop motor vehicles and issue citations to persons who are
336 | driving while using a wireless communications device in a
337 | handheld manner in violation of subparagraph 1.

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