

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Caruso offered the following:

**Substitute Amendment for Amendment (042015) (with title amendment)**

Remove lines 69-280 and insert:

provide basic life support services or advanced life support services free of charge, is not operating for pecuniary profit or financial gain, and does not distribute to or inure to the benefit of its directors, members, or officers any part of its assets or income.

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

316.072 Obedience to and effect of traffic laws.—

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## (5) AUTHORIZED EMERGENCY VEHICLES.—

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

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

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

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

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

316.2397 Certain lights prohibited; exceptions.—

(3) Vehicles of the fire department and fire patrol, including vehicles of volunteer firefighters as permitted under s. 316.2398, may show or display red or red and white lights. Vehicles of medical staff physicians or technicians of medical facilities licensed by the state or of volunteer ambulance services as authorized under s. 316.2398, ambulances as

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

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64 unless it creates a hazard to other motorists because of  
65 protruding objects. Further, escort vehicles may show or display  
66 amber lights when in the actual process of escorting  
67 overdimensioned equipment, material, or buildings as authorized  
68 by law. Vehicles owned or leased by private security agencies  
69 may show or display green and amber lights, with either color  
70 being no greater than 50 percent of the lights displayed, while  
71 the security personnel are engaged in security duties on private  
72 or public property.

73 Section 4. Subsections (1), (2), and (4) of section  
74 316.2398, Florida Statutes, are amended to read:

75 316.2398 Display or use of red or red and white warning  
76 signals; motor vehicles of volunteer firefighters or medical  
77 staff.—

78 (1) A privately owned vehicle belonging to an active  
79 firefighter member of a regularly organized volunteer  
80 firefighting company or association, while en route to the fire  
81 station for the purpose of proceeding to the scene of a fire or  
82 other emergency or while en route to the scene of a fire or  
83 other emergency in the line of duty as an active firefighter  
84 member of a regularly organized firefighting company or  
85 association, may display or use red or red and white warning  
86 signals. A privately owned vehicle belonging to a medical staff  
87 physician or technician of a medical facility licensed by the  
88 state or of a volunteer ambulance service, while responding to

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89 an emergency in the line of duty, may display or use red warning  
90 signals. Warning signals must be visible from the front and from  
91 the rear of such vehicle, subject to the following restrictions  
92 and conditions:

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

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

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

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

109 (2) A person who is not an active firefighter member of a  
110 regularly organized volunteer firefighting company or  
111 association or a physician or technician of the medical staff of  
112 a medical facility licensed by the state or of a volunteer  
113 ambulance service may not display on any motor vehicle owned by

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114 him or her, at any time, any red or red and white warning  
115 signals as described in subsection (1).

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

121 Section 5. Section 401.211, Florida Statutes, is amended  
122 to read:

123 401.211 Legislative intent.—The Legislature recognizes  
124 that the systematic provision of emergency medical services  
125 saves lives and reduces disability associated with illness and  
126 injury. In addition, that system of care must be equally capable  
127 of assessing, treating, and transporting children, adults, and  
128 frail elderly persons. Further, it is the intent of the  
129 Legislature to encourage the development and maintenance of  
130 emergency medical services because such services are essential  
131 to the health and well-being of all citizens of the state. The  
132 Legislature finds that it is in the public interest to foster  
133 the development of emergency medical services that address  
134 religious sensitivities. In accordance with the Florida  
135 Volunteer and Community Service Act of 2001, the Legislature  
136 further recognizes the value of augmenting existing county and  
137 municipal emergency medical services with those provided by  
138 volunteer service organizations. The Legislature also recognizes

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

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

154 401.23 Definitions.—As used in this part, the term:

155 (22) "Volunteer ambulance service" means a faith-based,  
156 not-for-profit charitable corporation registered under chapter  
157 617 which is licensed under this part as a basic life support  
158 service or an advanced life support service; which is not a  
159 parent, subsidiary, or affiliate of, or related to, any for-  
160 profit entity; and which uses only unpaid volunteers to provide  
161 basic life support services or advanced life support services  
162 free of charge, is not operating for pecuniary profit or  
163 financial gain, and does not distribute to or inure to the

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164 benefit of its directors, volunteers, members, or officers any  
165 part of its assets or income.

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

168 401.25 Licensure as a basic life support or an advanced  
169 life support service.-

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

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

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

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

185 3. Provides basic life support services or advanced life  
186 support services solely through at least 50 unpaid licensed  
187 emergency medical technician or paramedic volunteers.

188 4. Is not operating for pecuniary profit or financial

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189 gain.

190 5. Does not distribute to or inure to the benefit of its  
191 directors, members, or officers any part of its assets or  
192 income.

193 6. Does not receive any government funding. However, the  
194 volunteer ambulance service may receive funding from specialty  
195 license plate proceeds.

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

197 8. Provides services free of charge.

198 9. As part of its application for licensure, provides to  
199 the department a management plan that includes a training  
200 program, dispatch protocols, a complaint management system, an  
201 accident or injury handling system, a quality assurance program,  
202 and proof of adequate insurance coverage to meet state or county  
203 insurance requirements, whichever requirements are greater.

204 10. Provides a disclaimer on all written materials that  
205 the volunteer ambulance service is not associated with the  
206 state's 911 system.

207  
208 The exemption under this paragraph may be granted to no more  
209 than four counties. This exemption notwithstanding, an applicant  
210 is not exempted from and must comply with all other requirements  
211 for licensure. An applicant must also take all reasonable  
212 efforts to enter into a memorandum of understanding with the  
213 emergency medical services licensee within whose jurisdiction

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214 the applicant will provide services in order to facilitate  
215 communications and coordinate emergency services for situations  
216 beyond the scope of the applicant's capacity and for situations  
217 of advanced life support that are deemed priority 1 or priority  
218 2 emergencies.

219 (6) (a) The governing body of each county may adopt  
220 ordinances that provide reasonable standards for certificates of  
221 public convenience and necessity for basic or advanced life  
222 support services and air ambulance services. In developing  
223 standards for certificates of public convenience and necessity,  
224 the governing body of each county must consider state  
225 guidelines, recommendations of the local or regional trauma  
226 agency created under chapter 395, and the recommendations of  
227 municipalities within its jurisdiction.

228 (b) A county or municipal government may not limit,  
229 prohibit, or prevent a volunteer ambulance service from  
230 responding to an emergency or from providing emergency medical  
231 services or transport within its jurisdiction. However, an  
232 emergency medical services provider or fire rescue services  
233 provider operated by a county, municipality, or special district  
234 is responsible for the care and transport of an unresponsive  
235 patient if a volunteer ambulance service arrives at the scene of  
236 an emergency simultaneously with such a provider and a person  
237 authorized to consent to the medical treatment of the  
238 unresponsive patient is not present.

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239        (c) A county or municipal government may not require a  
 240 volunteer ambulance service to obtain a license or certificate  
 241 or pay a fee to provide ambulance services or nonemergency air  
 242 ambulance services within its jurisdiction, provided that the  
 243 ambulance or air ambulance is approved by the Department of  
 244 Health. However, a county or municipal

245  
 246        -----

**T I T L E   A M E N D M E N T**

248        Remove lines 25-38 and insert:  
 249        necessity requirements; providing a limitation;  
 250        requiring compliance with all other licensure  
 251        requirements; providing requirements regarding  
 252        memoranda of understanding; providing that county and  
 253        municipal governments may not limit, prohibit, or  
 254        prevent volunteer ambulance services from responding  
 255        to emergencies or providing emergency medical services  
 256        or transport within their respective jurisdictions;  
 257        specifying that an emergency medical services provider  
 258        or fire rescue services provider operated by a county,  
 259        municipality, or special district is responsible for  
 260        the care and transport of certain patients;  
 261        prohibiting county and municipal governments from  
 262        requiring volunteer ambulance services to obtain a  
 263        license or certificate or pay a fee to provide

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264 ambulance services or nonemergency air ambulance  
265 services within their respective jurisdictions if a  
266 certain condition is met; providing an exception;

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