

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 | specifying that an emergency medical services provider
31 | or fire rescue services provider operated by a county,
32 | municipality, or special district is responsible for
33 | the care and transport of certain patients;
34 | prohibiting county and municipal governments from
35 | requiring volunteer ambulance services to obtain a
36 | license or certificate or pay a fee to provide
37 | ambulance or air ambulance services within their
38 | respective jurisdictions; providing an exception;
39 | amending s. 316.306, F.S.; conforming a cross-
40 | reference; providing an effective date.

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42 | Be It Enacted by the Legislature of the State of Florida:

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

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

51 otherwise requires:

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

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

73 Section 2. Paragraph (a) of subsection (5) of section
74 316.072, Florida Statutes, is amended to read:

75 316.072 Obedience to and effect of traffic laws.—

(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

101 authorized under this chapter, and buses and taxicabs as
102 authorized under s. 316.2399 may show or display red lights.
103 Vehicles of the fire department, fire patrol, police vehicles,
104 and such ambulances and emergency vehicles of municipal and
105 county departments, volunteer ambulance services, public service
106 corporations operated by private corporations, the Fish and
107 Wildlife Conservation Commission, the Department of
108 Environmental Protection, the Department of Transportation, the
109 Department of Agriculture and Consumer Services, and the
110 Department of Corrections as are designated or authorized by
111 their respective department or the chief of police of an
112 incorporated city or any sheriff of any county may operate
113 emergency lights and sirens in an emergency. Wreckers, mosquito
114 control fog and spray vehicles, and emergency vehicles of
115 governmental departments or public service corporations may show
116 or display amber lights when in actual operation or when a
117 hazard exists provided they are not used going to and from the
118 scene of operation or hazard without specific authorization of a
119 law enforcement officer or law enforcement agency. Wreckers must
120 use amber rotating or flashing lights while performing
121 recoveries and loading on the roadside day or night, and may use
122 such lights while towing a vehicle on wheel lifts, slings, or
123 under reach if the operator of the wrecker deems such lights
124 necessary. A flatbed, car carrier, or rollback may not use amber
125 rotating or flashing lights when hauling a vehicle on the bed

126 unless it creates a hazard to other motorists because of
127 protruding objects. Further, escort vehicles may show or display
128 amber lights when in the actual process of escorting
129 overdimensioned equipment, material, or buildings as authorized
130 by law. Vehicles owned or leased by private security agencies
131 may show or display green and amber lights, with either color
132 being no greater than 50 percent of the lights displayed, while
133 the security personnel are engaged in security duties on private
134 or public property.

135 Section 4. Subsections (1), (2), and (4) of section
136 316.2398, Florida Statutes, are amended to read:

137 316.2398 Display or use of red or red and white warning
138 signals; motor vehicles of volunteer firefighters or medical
139 staff.—

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

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

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

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

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

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

171 (2) A person who is not an active firefighter member of a
172 regularly organized volunteer firefighting company or
173 association or a physician or technician of the medical staff of
174 a medical facility licensed by the state or of a volunteer
175 ambulance service may not display on any motor vehicle owned by

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

178 | (4) A physician or technician of the medical staff of a
179 | medical facility licensed by the state or of a volunteer
180 | ambulance service may not operate any red warning signals as
181 | authorized in subsection (1), except when responding to an
182 | emergency in the line of duty.

183 | Section 5. Section 401.211, Florida Statutes, is amended
184 | to read:

185 | 401.211 Legislative intent.—The Legislature recognizes
186 | that the systematic provision of emergency medical services
187 | saves lives and reduces disability associated with illness and
188 | injury. In addition, that system of care must be equally capable
189 | of assessing, treating, and transporting children, adults, and
190 | frail elderly persons. Further, it is the intent of the
191 | Legislature to encourage the development and maintenance of
192 | emergency medical services because such services are essential
193 | to the health and well-being of all citizens of the state. The
194 | Legislature finds that it is in the public interest to foster
195 | the development of emergency medical services that address
196 | religious sensitivities. In accordance with the Florida
197 | Volunteer and Community Service Act of 2001, the Legislature
198 | further recognizes the value of augmenting existing county and
199 | municipal emergency medical services with those provided by
200 | volunteer service organizations. The Legislature also recognizes

201 that the establishment of a comprehensive statewide injury-
202 prevention program supports state and community health systems
203 by further enhancing the total delivery system of emergency
204 medical services and reduces injuries for all persons. The
205 purpose of this part is to protect and enhance the public
206 health, welfare, and safety through the establishment of an
207 emergency medical services state plan, an advisory council, a
208 comprehensive statewide injury-prevention program, minimum
209 standards for emergency medical services personnel, vehicles,
210 services and medical direction, and the establishment of a
211 statewide inspection program created to monitor the quality of
212 patient care delivered by each licensed service and
213 appropriately certified personnel.

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

216 401.23 Definitions.—As used in this part, the term:

217 (22) "Volunteer ambulance service" means a faith-based,
218 not-for-profit charitable corporation registered under chapter
219 617 which is licensed by the department as a basic life support
220 service or an advanced life support service; which is not a
221 parent, subsidiary, or affiliate of, or related to, any for-
222 profit entity; and which uses only unpaid volunteers to provide
223 services, is not operating for pecuniary profit or financial
224 gain, and does not distribute to or inure to the benefit of its
225 directors, volunteers, members, or officers any part of its

226 assets or income.

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

229 401.25 Licensure as a basic life support or an advanced
230 life support service.—

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

233 (d) The applicant has obtained a certificate of public
234 convenience and necessity from each county in which the
235 applicant will operate. In issuing the certificate of public
236 convenience and necessity, the governing body of each county
237 shall consider the recommendations of municipalities within its
238 jurisdiction. An applicant that is a first responder agency is
239 exempt from this requirement if it:

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

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

245 3. Uses only unpaid volunteers to provide services.

246 4. Is not operating for pecuniary profit or financial
247 gain.

248 5. Does not distribute to or inure to the benefit of its
249 directors, members, or officers any part of its assets or
250 income.

251 6. Does not receive any government funding.

252 7. Provides to the department a management plan that
 253 includes a training program, complaint management system,
 254 accident or injury handling system, quality assurance program,
 255 and proof of adequate insurance coverage to meet state or county
 256 insurance requirements, whichever requirements are greater.

257 (6) (a) The governing body of each county may adopt
 258 ordinances that provide reasonable standards for certificates of
 259 public convenience and necessity for basic or advanced life
 260 support services and air ambulance services. In developing
 261 standards for certificates of public convenience and necessity,
 262 the governing body of each county must consider state
 263 guidelines, recommendations of the local or regional trauma
 264 agency created under chapter 395, and the recommendations of
 265 municipalities within its jurisdiction.

266 (b) A county or municipal government may not limit,
 267 prohibit, or prevent a volunteer ambulance service from
 268 responding to an emergency or from providing emergency medical
 269 services or transport within its jurisdiction. However, an
 270 emergency medical services provider or fire rescue services
 271 provider operated by a county, municipality, or special district
 272 is responsible for the care and transport of an incapacitated
 273 patient if a volunteer ambulance service arrives at the scene of
 274 an emergency simultaneously with such a provider and a person
 275 authorized to consent to the medical treatment of the

276 incapacitated patient is not present.

277 (c) A county or municipal government may not require a
 278 volunteer ambulance service to obtain a license or certificate
 279 or pay a fee to provide ambulance or air ambulance services
 280 within its jurisdiction. However, a county or municipal
 281 government may impose, collect, or enforce payment of any
 282 occupational license tax authorized by law.

283 Section 8. Paragraph (a) of subsection (3) of section
 284 316.306, Florida Statutes, is amended to read:

285 316.306 School and work zones; prohibition on the use of a
 286 wireless communications device in a handheld manner.-

287 (3) (a) 1. A person may not operate a motor vehicle while
 288 using a wireless communications device in a handheld manner in a
 289 designated school crossing, school zone, or work zone area as
 290 defined in s. 316.003(106) ~~s. 316.003(105)~~. This subparagraph
 291 shall only be applicable to work zone areas if construction
 292 personnel are present or are operating equipment on the road or
 293 immediately adjacent to the work zone area. For the purposes of
 294 this paragraph, a motor vehicle that is stationary is not being
 295 operated and is not subject to the prohibition in this
 296 paragraph.

297 2.a. During the period from October 1, 2019, through
 298 December 31, 2019, a law enforcement officer may stop motor
 299 vehicles to issue verbal or written warnings to persons who are
 300 in violation of subparagraph 1. for the purposes of informing

301 and educating such persons of this section. This sub-
302 subparagraph shall stand repealed on October 1, 2020.

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

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