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CS/CS/CS/HB 805, Engrossed 1

2021 Legislature

1  
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;

ENROLLED

CS/CS/CS/HB 805, Engrossed 1

2021 Legislature

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.

45  
 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

ENROLLED

CS/CS/CS/HB 805, Engrossed 1

2021 Legislature

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

ENROLLED

CS/CS/CS/HB 805, Engrossed 1

2021 Legislature

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,

ENROLLED

CS/CS/CS/HB 805, Engrossed 1

2021 Legislature

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

ENROLLED

CS/CS/CS/HB 805, Engrossed 1

2021 Legislature

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

ENROLLED

CS/CS/CS/HB 805, Engrossed 1

2021 Legislature

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.

ENROLLED

CS/CS/CS/HB 805, Engrossed 1

2021 Legislature

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



ENROLLED

CS/CS/CS/HB 805, Engrossed 1

2021 Legislature

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

ENROLLED

CS/CS/CS/HB 805, Engrossed 1

2021 Legislature

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

ENROLLED

CS/CS/CS/HB 805, Engrossed 1

2021 Legislature

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

ENROLLED

CS/CS/CS/HB 805, Engrossed 1

2021 Legislature

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

ENROLLED

CS/CS/CS/HB 805, Engrossed 1

2021 Legislature

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

ENROLLED

CS/CS/CS/HB 805, Engrossed 1

2021 Legislature

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.