

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 1164

INTRODUCER: Transportation Committee and Senator Burton

SUBJECT: Use of Lights and Sirens on Authorized Emergency Vehicles

DATE: February 13, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Vickers</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Johnson</u>	<u>Twogood</u>	<u>RC</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1164 relates to the use of lights and sirens by authorized emergency vehicles.

Specifically, the bill:

- Designates organ transport vehicles and emergency management vehicles as authorized emergency vehicles.
- Defines the term “organ transport vehicle” to provide that it is a dedicated and marked vehicle operated by an organ procurement organization, transplant center, or its contracted service provider to transport organs or surgical teams for organ recovery or transplant.
- Requires operators of organ transport vehicles to complete a 16-hour emergency vehicle operator course.
- Authorizes organ transport vehicles to display red lights and operate sirens while transporting organs or surgical teams to hospitals, airports, or other designated locations.
- Authorizes organ transport vehicle displaying lights and operating sirens to exercise specified privileges regarding traffic laws, such as running red lights and exceeding the maximum speed limit, provided that the vehicle operator exercises due care.

The bill takes effect July 1, 2024.

II. Present Situation:

Organ Transport and Donation

According to organ donation advocacy organizations, one organ donor can save up to eight lives, and on average, 17 people die each day while waiting for an organ transplant.¹ Once recovered from donors, life-saving organs only remain healthy for a short period of time. Therefore, transporting organs or surgical teams for organ recovery is a process that requires timely and seamless coordination between the involved parties. Involved parties include, but are not limited to, donor hospitals, organ procurement organizations, transplant centers, and other contracted service providers.² Organ transportation is most commonly achieved through ground or air transportation.³

Florida law does not currently allow motor vehicles transporting organs or surgical teams for organ recovery to operate emergency lights and sirens.

Authorized Emergency Vehicles

Florida law defines the following as “authorized emergency vehicles”:

- Vehicles of the fire department or fire patrol;
- Police vehicles;
- Ambulances; and
- Emergency vehicles operated by:
 - Municipal and county departments;
 - Volunteer ambulance services;
 - Public service corporations operated by private corporations;
 - The Fish and Wildlife Conservation Commission;
 - The Department of Environmental Protection;
 - The Department of Transportation;
 - The Department of Agriculture and Consumer Services; and
 - The Department of Corrections.⁴

Obedience to Traffic Laws by Authorized Emergency Vehicles

Under Florida law, 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; may exercise specified privileges.⁵

¹ Gift of Life Donor Program, *Get the Facts*, <https://www.donors1.org/learn-about-organ-donation/who-can-donate/get-the-facts/#:~:text=One%20organ%20donor%20can%20save,are%20waiting%20for%20a%20kidney>. (last visited January 18, 2024).

² LifeSource Organ, Eye and Tissue Donation, *How are Organs Transported for Transplant*, (Sep. 22, 2020), <https://www.life-source.org/latest/how-are-organs-transported-for-transplant/#:~:text=Transportation%20often%20depends%20on%20the,time%2C%20so%20every%20minute%20counts>. (last visited January 18, 2024).

³ *Id.*

⁴ Section 316.003(1), F.S.

⁵ Section 316.072(5)(a), F.S.

As such, the driver of an authorized emergency vehicle, except when otherwise directed by a police officer, may:

- Park or stand, irrespective of provisions of Ch. 316, F.S.;
- Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- Exceed the maximum speed limits so long as the driver does not endanger life or property;
- Disregard regulations governing direction or movement or turning in specified directions, so long as the driver does not endanger life or property.⁶

The above does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor does this protect the driver from the consequences of his or her reckless disregard for the safety of others.⁷

Display of Lights by Specified Vehicles

Florida law authorizes:

- A privately owned vehicle belonging to an active firefighter member of a regularly organized volunteer firefighting company or association, while en route to the fire station for the purpose of proceeding to the scene of a fire or other emergency or while en route to the scene of a fire or other emergency in the line of duty as an active firefighter member of a regularly organized firefighting company or association, may display or use red or red and white warning signals.
- A privately owned vehicle belonging to a medical staff physician or technician of a medical facility licensed by the state or of a volunteer ambulance service, while responding to an emergency in the line of duty, may display or use red warning signals.⁸

The above warning signals must be visible from the front and from the rear of such vehicle, subject to the following:

- No more than two red or red and white warning signals may be displayed.
- No inscription of any kind may appear across the face of the lens of the red or red and white warning signal.
- In order for an active volunteer firefighter to display such red or red and white warning signals on his or her vehicle, the volunteer firefighter must first secure a written permit from the chief executive officers of the firefighting organization to use the red or red and white warning signals, and this permit must be carried by the volunteer firefighter at all times while the red or red and white warning signals are displayed.
- An emergency medical technician, doctor, or paramedic who is using his or her personal vehicle with a red light to respond to an emergency call must have completed a 16-hour emergency vehicle operator course.⁹

⁶ Section 316.072(5)(b), F.S.

⁷ Section 316.072(5)(v), F.S.

⁸ Section 316.2397(1), F.S.

⁹ Section 216.2398(1), F.S.

Authorized Use of Lights on Specified Vehicles

Under Florida law, a person may not drive or move or cause to be moved any vehicle or equipment upon any highway within this state with any lamp or device thereon showing or displaying a red, red and white, or blue light visible from directly in front thereof except for certain vehicles as provided in s. 316.2397, F.S.¹⁰

Section 316.2397(3), F.S., provides that vehicles of the fire department and fire patrol, including vehicles of volunteer firefighters¹¹ 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,¹² ambulance, and buses and taxicabs¹³ may show or display red lights.

A violation of these provisions is a noncriminal traffic infraction, punishable as a nonmoving violation.¹⁴ The statutory base fine is \$30, but with additional fees and court costs, the total fine may be up to \$108.¹⁵

III. Effect of Proposed Changes:

The bill amends the definition of “authorized emergency vehicle” to include emergency management vehicles and organ transport vehicles.

The bill defines the term “organ transport vehicle” to mean any dedicated and marked vehicle operated by an organ procurement organization, transplant center, or its contracted service provider to transport organs or surgical teams for organ recovery and transplant.

The bill requires an operator of an organ transport vehicle to complete a 16-hour emergency vehicle operator course. This is the same course required by the Department of Health for ambulance drivers,¹⁶ and by statute for emergency medical technicians, doctors, or paramedics displaying lights on personal vehicles to respond to emergencies.¹⁷

The bill authorizes operators of authorized emergency vehicles when transporting organs or surgical teams for organ donation or transplant while en route to a hospital, airport, or other designated location to exercise specified privileges regarding traffic laws, including, but not limited to, passing through a red light or exceeding the maximum speed limit. This must be done with due regard to the safety of all persons and does not protect the operator from the consequences of his or her reckless disregard for the safety of others.

¹⁰ Section 316.2397(1), F.S.

¹¹ This is as permitted under s. 316.2398, F.S., relating to the display or use of red or red and white warning signals.

¹² This is as authorized under s. 316.2398, F.S.

¹³ This is as authorized under s. 316.2399, F.S., relating to special warning lights for buses or taxicabs.

¹⁴ Section 316.2397(10)(b), F.S.

¹⁵ Florida Association of Clerks of Court, *2023 Distribution Schedule*, p. 39.

https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2023_Distribution_Schedule_e.pdf
(last visited January 18, 2024).

¹⁶ See Rule 64J-1.013, F.A.C.

¹⁷ See s. 316.2398, F.S.

The bill provides that organ transport vehicles transporting organs or surgical teams for organ procurement or transplant may operate emergency lights and sirens while en route to a hospital, an airport, or other designated location and may show or display red lights.

The bill amends ss. 316.271, 316.306, and 655.960, F.S., making conforming changes.

The bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.072, 316.2397, 316.2398, 316.271, 316.306, and 655.960.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on January 30, 2024:

The committee substitute:

- Designates organ transport vehicles and emergency management vehicles as authorized emergency vehicles.
- Defines the term “organ transport vehicle.”
- Require drivers of organ transport vehicles to complete an emergency vehicle operator course.
- Authorizes organ transport vehicles to display red lights and operate sirens while transporting organs or surgical teams to hospitals, airports, or other designated locations.
- Authorizes organ transport vehicle displaying lights and operating sirens to exercise specified privileges regarding traffic laws.
- Conforms cross-references.

- B. **Amendments:**

None.