

## CHAPTER 2021-90

### Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 805

An act relating to volunteer ambulance services; amending s. 316.003, F.S.; revising the definition of the term “authorized emergency vehicles” and defining the term “volunteer ambulance service”; amending s. 316.072, F.S.; authorizing certain medical staff of a volunteer ambulance service to use red lights on a privately owned vehicle under certain circumstances; amending s. 316.2397, F.S.; authorizing vehicles of volunteer ambulance services to show or display red lights and operate emergency lights and sirens under certain circumstances; amending s. 316.2398, F.S.; authorizing privately owned vehicles belonging to certain medical staff of a volunteer ambulance service to display or use red warning signals under certain circumstances; conforming a provision to changes made by the act; prohibiting certain medical staff of volunteer ambulance services from operating red warning signals when not responding to an emergency in the line of duty; amending s. 401.211, F.S.; revising legislative intent; amending s. 401.23, F.S.; defining the term “volunteer ambulance service”; amending s. 401.25, F.S.; exempting certain first responder agencies from certificate of public convenience and necessity requirements; providing a limitation; requiring compliance with all other licensure requirements; providing requirements regarding memoranda of understanding; providing that county and municipal governments may not limit, prohibit, or prevent volunteer ambulance services from responding to emergencies or providing emergency medical services or transport within their respective jurisdictions; specifying that an emergency medical services provider or fire rescue services provider operated by a county, municipality, or special district is responsible for the care and transport of certain patients; prohibiting county and municipal governments from requiring volunteer ambulance services to obtain a license or certificate or pay a fee to provide ambulance services or nonemergency air ambulance services within their respective jurisdictions if a certain condition is met; providing an exception; amending s. 316.306, F.S.; conforming a cross-reference; providing an effective date.

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

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

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

(1) **AUTHORIZED EMERGENCY VEHICLES.**—Vehicles of the fire department (fire patrol), police vehicles, and such ambulances and

emergency vehicles of municipal 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 Health, the Department of Transportation, and the Department of Corrections as are designated or authorized by their respective ~~departments~~ department or the chief of police of an incorporated city or any sheriff of any of the various counties.

(105) VOLUNTEER AMBULANCE SERVICE.—A faith-based, not-for-profit charitable corporation registered under chapter 617 which is licensed under part III of chapter 401 as a basic life support service or an advanced life support service; which is not a parent, subsidiary, or affiliate of, or related to, any for-profit entity; and which uses only unpaid volunteers to 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.—

(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

authorized under this chapter, and buses and taxicabs as authorized under s. 316.2399 may show or display red lights. Vehicles of the fire department, fire patrol, police vehicles, and such ambulances and emergency vehicles of 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 as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any county may operate emergency lights and sirens in an emergency. Wreckers, mosquito control fog and spray vehicles, and emergency vehicles of governmental departments or public service corporations may show or display amber lights when in actual operation or when a hazard exists provided they are not used going to and from the scene of operation or hazard without specific authorization of a law enforcement officer or law enforcement agency. Wreckers must use amber rotating or flashing lights while performing recoveries and loading on the roadside day or night, and may use such lights while towing a vehicle on wheel lifts, slings, or under reach if the operator of the wrecker deems such lights necessary. A flatbed, car carrier, or rollback may not use amber rotating or flashing lights when hauling a vehicle on the bed unless it creates a hazard to other motorists because of protruding objects. Further, escort vehicles may show or display amber lights when in the actual process of escorting overdimensioned equipment, material, or buildings as authorized by law. Vehicles owned or leased by private security agencies may show or display green and amber lights, with either color being no greater than 50 percent of the lights displayed, while the security personnel are engaged in security duties on private or public property.

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

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

(1) 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. Warning signals must be visible from the front and from the rear of such vehicle, subject to the following restrictions and conditions:

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

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

(c) 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.

(d) 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.

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

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

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

401.211 Legislative intent.—The Legislature recognizes that the systematic provision of emergency medical services saves lives and reduces disability associated with illness and injury. In addition, that system of care must be equally capable of assessing, treating, and transporting children, adults, and frail elderly persons. Further, it is the intent of the Legislature to encourage the development and maintenance of emergency medical services because such services are essential to the health and well-being of all citizens of the state. The Legislature finds that it is in the public interest to foster the development of emergency medical services that address religious sensitivities. In accordance with the Florida Volunteer and Community Service Act of 2001, the Legislature further recognizes the value of augmenting existing county and municipal emergency medical services with those provided by volunteer service organizations. The Legislature also recognizes that the establishment of a comprehensive statewide injury-prevention program supports state and community health systems by further enhancing the total delivery system of emergency medical services and reduces injuries for all persons. The purpose of this part is to protect and enhance the public health, welfare, and safety through the establishment of an emergency medical services state plan, an advisory council, a comprehensive statewide injury-prevention program, minimum standards for emergency medical services personnel, vehicles, services and medical direction, and the establishment of a statewide inspection program created

to monitor the quality of patient care delivered by each licensed service and appropriately certified personnel.

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

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

(22) “Volunteer ambulance service” means a faith-based, not-for-profit charitable corporation registered under chapter 617 which is licensed under this part as a basic life support service or an advanced life support service; which is not a parent, subsidiary, or affiliate of, or related to, any for-profit entity; and which uses only unpaid volunteers to 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, volunteers, members, or officers any part of its assets or income.

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

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

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

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

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

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

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

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

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

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

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

8. Provides services free of charge.

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

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

The exemption under this paragraph may be granted to no more than four counties. This exemption notwithstanding, an applicant is not exempted from and must comply with all other requirements for licensure. An applicant must also take all reasonable efforts to enter into a memorandum of understanding with the emergency medical services licensee within whose jurisdiction the applicant will provide services in order to facilitate communications and coordinate emergency services for situations beyond the scope of the applicant's capacity and for situations of advanced life support that are deemed priority 1 or priority 2 emergencies.

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

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

(c) A county or municipal government may not require a volunteer ambulance service to obtain a license or certificate or pay a fee to provide ambulance services or nonemergency air ambulance services within its

jurisdiction, provided that the ambulance or air ambulance is approved by the Department of Health. However, a county or municipal government may impose, collect, or enforce payment of any occupational license tax authorized by law.

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

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

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

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

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

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

Approved by the Governor June 14, 2021.

Filed in Office Secretary of State June 14, 2021.