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1
2 An act relating to E911 systems; amending s. 365.172,
3 F.S.; revising applicability of definitions; requiring
4 counties to develop a plan for implementing a text-to-
5 911 system and implement a system by a specified date;
6 creating s. 365.177, F.S.; requiring the Technology
7 Program within the Department of Management Services
8 to develop a plan to upgrade 911 public safety answer
9 points to allow the transfer of emergency calls from
10 one E911 system to another one in the state; providing
11 duties relating to the development of such plan;
12 creating s. 365.179, F.S.; defining the terms "first
13 responder agency" and "911 public safety answering
14 point"; requiring each sheriff, in collaboration with
15 certain first responder agencies, to enter into
16 specified written agreements; requiring each agreement
17 to require a PSAP to be able to directly communicate
18 with first responder agencies; requiring each PSAP to
19 be able to broadcast certain emergency communications
20 and public safety information; requiring law
21 enforcement agency heads to authorize the installation
22 of its dispatch channels on certain other law
23 enforcement agency radios, upon request; providing an
24 exception; requiring each county sheriff to certify
25 compliance in writing with the Department of Law

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26 Enforcement by a specified date; providing a
 27 declaration of important state interest; providing an
 28 effective date.

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

31
 32 Section 1. Subsection (15) section 365.172, Florida
 33 Statutes, is renumbered as subsection (16), subsection (3) is
 34 amended, and a new subsection (15) is added to that section, to
 35 read:

36 365.172 Emergency communications number "E911."—

37 (3) DEFINITIONS.—Only as used in this section and ss.
 38 365.171, 365.173, ~~and~~ 365.174, and 365.176, the term:

39 (a) "Authorized expenditures" means expenditures of the
 40 fee, as specified in subsection (10).

41 (b) "Automatic location identification" means the
 42 capability of the E911 service which enables the automatic
 43 display of information that defines the approximate geographic
 44 location of the wireless telephone, or the location of the
 45 address of the wireline telephone, used to place a 911 call.

46 (c) "Automatic number identification" means the capability
 47 of the E911 service which enables the automatic display of the
 48 service number used to place a 911 call.

49 (d) "Board" or "E911 Board" means the board of directors
 50 of the E911 Board established in subsection (5).

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51 (e) "Building permit review" means a review for compliance
52 with building construction standards adopted by the local
53 government under chapter 553 and does not include a review for
54 compliance with land development regulations.

55 (f) "Collocation" means the situation when a second or
56 subsequent wireless provider uses an existing structure to
57 locate a second or subsequent antennae. The term includes the
58 ground, platform, or roof installation of equipment enclosures,
59 cabinets, or buildings, and cables, brackets, and other
60 equipment associated with the location and operation of the
61 antennae.

62 (g) "Designed service" means the configuration and manner
63 of deployment of service the wireless provider has designed for
64 an area as part of its network.

65 (h) "Enhanced 911" or "E911" means an enhanced 911 system
66 or enhanced 911 service that is an emergency telephone system or
67 service that provides a subscriber with 911 service and, in
68 addition, directs 911 calls to appropriate public safety
69 answering points by selective routing based on the geographical
70 location from which the call originated, or as otherwise
71 provided in the state plan under s. 365.171, and that provides
72 for automatic number identification and automatic location-
73 identification features. E911 service provided by a wireless
74 provider means E911 as defined in the order.

75 (i) "Existing structure" means a structure that exists at

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76 | the time an application for permission to place antennae on a
77 | structure is filed with a local government. The term includes
78 | any structure that can structurally support the attachment of
79 | antennae in compliance with applicable codes.

80 | (j) "Fee" means the E911 fee authorized and imposed under
81 | subsections (8) and (9).

82 | (k) "Fund" means the Emergency Communications Number E911
83 | System Fund established in s. 365.173 and maintained under this
84 | section for the purpose of recovering the costs associated with
85 | providing 911 service or E911 service, including the costs of
86 | implementing the order. The fund shall be segregated into
87 | wireless, prepaid wireless, and nonwireless categories.

88 | (l) "Historic building, structure, site, object, or
89 | district" means any building, structure, site, object, or
90 | district that has been officially designated as a historic
91 | building, historic structure, historic site, historic object, or
92 | historic district through a federal, state, or local designation
93 | program.

94 | (m) "Land development regulations" means any ordinance
95 | enacted by a local government for the regulation of any aspect
96 | of development, including an ordinance governing zoning,
97 | subdivisions, landscaping, tree protection, or signs, the local
98 | government's comprehensive plan, or any other ordinance
99 | concerning any aspect of the development of land. The term does
100 | not include any building construction standard adopted under and

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101 in compliance with chapter 553.

102 (n) "Local exchange carrier" means a "competitive local
103 exchange telecommunications company" or a "local exchange
104 telecommunications company" as defined in s. 364.02.

105 (o) "Local government" means any municipality, county, or
106 political subdivision or agency of a municipality, county, or
107 political subdivision.

108 (p) "Medium county" means any county that has a population
109 of 75,000 or more but less than 750,000.

110 (q) "Mobile telephone number" or "MTN" means the telephone
111 number assigned to a wireless telephone at the time of initial
112 activation.

113 (r) "Nonwireless category" means the revenues to the fund
114 received from voice communications services providers other than
115 wireless providers.

116 (s) "Office" means the Technology Program within the
117 Department of Management Services, as designated by the
118 secretary of the department.

119 (t) "Order" means:

120 1. The following orders and rules of the Federal
121 Communications Commission issued in FCC Docket No. 94-102:

122 a. Order adopted on June 12, 1996, with an effective date
123 of October 1, 1996, the amendments to s. 20.03 and the creation
124 of s. 20.18 of Title 47 of the Code of Federal Regulations
125 adopted by the Federal Communications Commission pursuant to

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126 | such order.

127 | b. Memorandum and Order No. FCC 97-402 adopted on December
128 | 23, 1997.

129 | c. Order No. FCC DA 98-2323 adopted on November 13, 1998.

130 | d. Order No. FCC 98-345 adopted December 31, 1998.

131 | 2. Orders and rules subsequently adopted by the Federal
132 | Communications Commission relating to the provision of 911
133 | services, including Order Number FCC-05-116, adopted May 19,
134 | 2005.

135 | (u) "Prepaid wireless category" means all revenues in the
136 | fund received through the Department of Revenue from the fee
137 | authorized and imposed under subsection (9).

138 | (v) "Prepaid wireless service" means a right to access
139 | wireless service that allows a caller to contact and interact
140 | with 911 to access the 911 system, which service must be paid
141 | for in advance and is sold in predetermined units or dollars,
142 | which units or dollars expire on a predetermined schedule or are
143 | decremented on a predetermined basis in exchange for the right
144 | to access wireless service.

145 | (w) "Public agency" means the state and any municipality,
146 | county, municipal corporation, or other governmental entity,
147 | public district, or public authority located in whole or in part
148 | within this state which provides, or has authority to provide,
149 | firefighting, law enforcement, ambulance, medical, or other
150 | emergency services.

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151 (x) "Public safety agency" means a functional division of
 152 a public agency which provides firefighting, law enforcement,
 153 medical, or other emergency services.

154 (y) "Public safety answering point," "PSAP," or "answering
 155 point" means the public safety agency that receives incoming 911
 156 requests for assistance and dispatches appropriate public safety
 157 agencies to respond to the requests in accordance with the state
 158 E911 plan.

159 (z) "Rural county" means any county that has a population
 160 of fewer than 75,000.

161 (aa) "Service identifier" means the service number, access
 162 line, or other unique identifier assigned to a subscriber and
 163 established by the Federal Communications Commission for
 164 purposes of routing calls whereby the subscriber has access to
 165 the E911 system.

166 (bb) "Tower" means any structure designed primarily to
 167 support a wireless provider's antennae.

168 (cc) "Voice communications services" means two-way voice
 169 service, through the use of any technology, which actually
 170 provides access to E911 services, and includes communications
 171 services, as defined in s. 202.11, which actually provide access
 172 to E911 services and which are required to be included in the
 173 provision of E911 services pursuant to orders and rules adopted
 174 by the Federal Communications Commission. The term includes
 175 voice-over-Internet-protocol service. For the purposes of this

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176 section, the term "voice-over-Internet-protocol service" or
 177 "VoIP service" means interconnected VoIP services having the
 178 following characteristics:

- 179 1. The service enables real-time, two-way voice
 180 communications;
- 181 2. The service requires a broadband connection from the
 182 user's locations;
- 183 3. The service requires IP-compatible customer premises
 184 equipment; and
- 185 4. The service offering allows users generally to receive
 186 calls that originate on the public switched telephone network
 187 and to terminate calls on the public switched telephone network.

188 (dd) "Voice communications services provider" or
 189 "provider" means any person or entity providing voice
 190 communications services, except that the term does not include
 191 any person or entity that resells voice communications services
 192 and was assessed the fee authorized and imposed under subsection
 193 (8) by its resale supplier.

194 (ee) "Wireless 911 system" or "wireless 911 service" means
 195 an emergency telephone system or service that provides a
 196 subscriber with the ability to reach an answering point by
 197 accessing the digits 911.

198 (ff) "Wireless category" means the revenues to the fund
 199 received from a wireless provider from the fee authorized and
 200 imposed under subsection (8).

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201 (gg) "Wireless communications facility" means any
202 equipment or facility used to provide service and may include,
203 but is not limited to, antennae, towers, equipment enclosures,
204 cabling, antenna brackets, and other such equipment. Placing a
205 wireless communications facility on an existing structure does
206 not cause the existing structure to become a wireless
207 communications facility.

208 (hh) "Wireless provider" means a person who provides
209 wireless service and:

- 210 1. Is subject to the requirements of the order; or
- 211 2. Elects to provide wireless 911 service or E911 service
212 in this state.

213 (ii) "Wireless service" means "commercial mobile radio
214 service" as provided under ss. 3(27) and 332(d) of the Federal
215 Telecommunications Act of 1996, 47 U.S.C. ss. 151 et seq., and
216 the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-
217 66, August 10, 1993, 107 Stat. 312. The term includes service
218 provided by any wireless real-time two-way wire communication
219 device, including radio-telephone communications used in
220 cellular telephone service; personal communications service; or
221 the functional or competitive equivalent of a radio-telephone
222 communications line used in cellular telephone service, a
223 personal communications service, or a network radio access line.
224 The term does not include wireless providers that offer mainly
225 dispatch service in a more localized, noncellular configuration;

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226 providers offering only data, one-way, or stored-voice services
227 on an interconnected basis; providers of air-to-ground services;
228 or public coast stations.

229 (15) TEXT-TO-911 SERVICE.—Each county shall develop a
230 countywide implementation plan addressing text-to-911 services
231 and, by January 1, 2022, enact a system to allow text-to-911
232 services.

233 Section 2. Section 365.177, Florida Statutes, is created
234 to read:

235 365.177 Transfer of E911 calls between systems.—

236 (1) The office shall develop a plan by February 1, 2020,
237 to upgrade 911 public safety answering points within the state
238 to allow the transfer of an emergency call from one local,
239 multijurisdictional, or regional E911 system to another local,
240 multijurisdictional, or regional E911 system in the state. Such
241 transfer should include, voice, text message, image, video,
242 caller identification information, location information, and
243 additional standards-based 911 call information.

244 (2) In developing the plan, the office shall:

245 (a) Coordinate with public agencies to identify and
246 resolve any technological or logistical issues.

247 (b) Identify or establish a system or clearinghouse for
248 maintaining contact information for all E911 systems in the
249 state.

250 (c) For both a regionally phased and statewide approach,

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251 establish a date, considering any technological, logistical,
252 financial, or other identified issues, by when all E911 systems
253 in the state must be able to transfer emergency calls pursuant
254 to subsection (1).

255 Section 3. Section 365.179, Florida Statutes, is created
256 to read:

257 365.179 Direct radio communication between 911 public
258 safety answering points and first responders.-

259 (1) As used in this section, the term:

260 (a) "First responder agency" includes each law enforcement
261 agency and fire service agency, other than a state agency, and
262 each emergency medical services provider, that is designated as
263 a primary first responder for the service area in which a 911
264 public safety answering point receives 911 calls.

265 (b) "911 public safety answering point" or "PSAP" means a
266 municipal or county emergency communications or 911 call center
267 in this state that receives cellular, landline, or text-to-911
268 communications.

269 (2) Each sheriff, in collaboration with all first
270 responder agency heads in his or her county, shall facilitate
271 the development and execution of written interlocal agreements
272 between all primary first responder agencies within the county.
273 Each agreement must establish written protocols that outline
274 circumstances and public safety emergencies under which a PSAP
275 will directly provide notice by radio of an emergency to the on-

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276 duty personnel of a first responder agency for which the PSAP
 277 does not provide primary dispatch functions. Each agreement must
 278 require the PSAP to have direct radio contact with primary first
 279 responder agencies and their dispatchers, for whom the PSAP can
 280 reasonably receive 911 communications, without having to
 281 transfer a 911 communication to another PSAP or dispatch center
 282 for dispatch. The method of complying with this requirement
 283 shall be established by the first responder agency heads and set
 284 forth in each interlocal agreement.

285 (3) Each PSAP must be capable of immediately broadcasting
 286 911 communications or public safety information over the primary
 287 radio dispatch channels of each first responder agency in the
 288 county it serves, except in those first responders service areas
 289 where the PSAP cannot reasonably receive 911 calls. If a county
 290 or jurisdiction has multiple PSAPs, each PSAP must have this
 291 capability.

292 (4) Unless technologically precluded due to radio
 293 incompatibility, upon written request from a law enforcement
 294 agency head, a law enforcement agency head in the same county or
 295 in an adjacent jurisdiction in another county must authorize the
 296 requesting agency to install the responding agency's primary
 297 dispatch channel or channels in the requesting agency's PSAP,
 298 dispatch center, or mobile or portable radios.

299 (5) Each primary first responder agency, PSAP, and
 300 dispatch center within each county shall train all applicable

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301 personnel regarding the procedures and protocols specified in
302 the interlocal agreements made pursuant to this section. This
303 training shall also include radio functionality and how to
304 readily access the necessary dispatch channels in accordance
305 with the interlocal agreements.

306 (6) By January 1, 2020, each sheriff shall provide to the
307 Department of Law Enforcement:

308 (a) A copy of each interlocal agreement made between the
309 primary first responder agencies within his or her county
310 pursuant to this section; and

311 (b) Written certification that all PSAPs in his or her
312 county are in compliance with this section.

313 Section 4. (1) The Legislature finds that an important
314 state interest is served in protecting the public safety by
315 ensuring that 911 telecommunications are routed to the most
316 appropriate 911 system in the most expeditious manner possible.
317 A proper and legitimate state purpose is achieved when local
318 government 911 public safety telecommunicators are able to
319 transfer and receive transfers of emergency calls to and from
320 other local, multijurisdictional, or regional E911 systems in
321 the state.

322 (2) The Legislature also finds that an important state
323 interest is served in protecting the public safety by ensuring
324 that text-to-911 service is available in all counties of the
325 state. A proper and legitimate state purpose is achieved when

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326 | text-to-911 service is made available statewide to ensure that
327 | persons who cannot speak or whose safety may be compromised by
328 | speaking in emergency situations will have access to the 911
329 | system. Provision of this service statewide will prevent
330 | confusion about the availability of the service in particular
331 | areas.

332 | (3) The Legislature also finds that an important state
333 | interest is served in protecting the public safety by ensuring
334 | that each 911 public safety answering point is capable of direct
335 | radio communications with first responders and dispatchers
336 | within the surrounding area for which the public safety
337 | answering point would not otherwise provide dispatch. A proper
338 | and legitimate state purpose is achieved when a public safety
339 | answering point that receives an emergency communication is able
340 | to save crucial time by avoiding the need to transfer that
341 | communication to a second public safety answering point to
342 | dispatch first responders.

343 | (4) Therefore, the Legislature finds and declares that
344 | this act fulfills an important state interest.

345 | Section 5. This act shall take effect July 1, 2019.