

By Senator Silver

38-1118-01

1                                   A bill to be entitled  
2           An act relating to emergency telephone systems;  
3           amending s. 365.171, F.S.; authorizing the  
4           establishment of telephone systems using the  
5           number "311" for nonemergency services;  
6           providing an effective date.

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

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10           Section 1. Section 365.171, Florida Statutes, is  
11 amended to read:

12           365.171 Emergency telephone number "911."--

13           (1) SHORT TITLE.--This section shall be known and  
14 cited as the "Florida Emergency Telephone Act."

15           (2) LEGISLATIVE INTENT.--It is the intent of the  
16 Legislature to establish and implement a cohesive statewide  
17 emergency telephone number "911" plan which will provide  
18 citizens with rapid direct access to public safety agencies by  
19 dialing the telephone number "911" with the objective of  
20 reducing the response time to situations requiring law  
21 enforcement, fire, medical, rescue, and other emergency  
22 services. To improve overall efficiency and reduce "911"  
23 emergency response time, nonemergency calls can be supported  
24 through the nonemergency number "311."

25           (3) DEFINITIONS.--As used in this section:

26           (a) "Department" means the Department of Management  
27 Services.

28           (b) "Local government" means any city, county, or  
29 political subdivision of the state and its agencies.

30           (c) "Public agency" means the state and any city,  
31 county, city and county, municipal corporation, chartered

1 organization, public district, or public authority located in  
2 whole or in part within this state which provides, or has  
3 authority to provide, firefighting, law enforcement,  
4 ambulance, medical, or other emergency services.

5 (d) "Public safety agency" means a functional division  
6 of a public agency which provides firefighting, law  
7 enforcement, medical, or other emergency services.

8 (4) STATE PLAN.--The department shall develop a  
9 statewide emergency telephone number "911" system plan. The  
10 plan shall provide for:

11 (a) The establishment of the public agency emergency  
12 telephone communications requirements for each entity of local  
13 government in the state, to include public safety nonemergency  
14 assistance.

15 (b) A system to meet specific local government  
16 requirements. Such system shall include law enforcement,  
17 firefighting, and emergency medical services and may include  
18 other emergency services such as poison control, suicide  
19 prevention, and emergency and nonemergency management  
20 services. Nonemergency services may include requesting police  
21 reports, reporting a burglary, a traffic accident that is not  
22 life-threatening, and traffic light outage. The nonemergency  
23 "311" function can support other county or state agencies'  
24 services that complement emergency service agency operations.  
25 These services may include traffic sign replacement, traffic  
26 light repair, vacant or nuisance properties, and disposition  
27 of abandoned cars.

28 (c) Identification of the mutual aid agreements  
29 necessary to obtain an effective "911" system.

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1           (d) A funding provision which shall identify the cost  
2 necessary to implement the "911" and nonemergency "311"  
3 systems ~~system~~.

4           (e) A firm implementation schedule which shall include  
5 the installation of the "911" system in a local community  
6 within 24 months after the designated agency of the local  
7 government gives a firm order to the telephone utility for a  
8 "911" system.

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10 The department shall be responsible for the implementation and  
11 coordination of such plan. The department shall adopt any  
12 necessary rules and schedules related to public agencies for  
13 implementing and coordinating such plan, pursuant to chapter  
14 120. The public agency designated in the plan shall order  
15 such system within 6 months after publication date of the plan  
16 if the public agency is in receipt of funds appropriated by  
17 the Legislature for the implementation and maintenance of the  
18 "911" system. Any jurisdiction which has utilized local  
19 funding as of July 1, 1976, to begin the implementation of the  
20 state plan as set forth in this section shall be eligible for  
21 at least a partial reimbursement of its direct cost when, and  
22 if, state funds are available for such reimbursement.

23           (5) SYSTEM DIRECTOR.--The secretary of the department  
24 or his or her designee is designated as the director of the  
25 statewide emergency telephone number "911" system and, for the  
26 purpose of carrying out the provisions of this section, is  
27 authorized to coordinate the activities of the system with  
28 state, county, local, and private agencies. The director is  
29 authorized to employ not less than five persons, three of whom  
30 will be at the professional level, one at the secretarial  
31 level, and one to fill a fiscal position, for the purpose of

1 carrying out the provisions of this section. The director in  
2 implementing the system shall consult, cooperate, and  
3 coordinate with local law enforcement agencies.

4 (6) REGIONAL SYSTEMS.--Nothing in this section shall  
5 be construed to prohibit or discourage the formation of  
6 multijurisdictional or regional systems; and any system  
7 established pursuant to this section may include the  
8 jurisdiction, or any portion thereof, of more than one public  
9 agency.

10 (7) TELEPHONE INDUSTRY COORDINATION.--The department  
11 shall coordinate with the Florida Public Service Commission  
12 which shall encourage the Florida telephone industry to  
13 activate facility modification plans for a timely "911" and  
14 "311" implementation.

15 (8) COIN TELEPHONES.--The Florida Public Service  
16 Commission shall establish rules to be followed by the  
17 telephone utilities in this state designed toward encouraging  
18 the provision of coin-free dialing of "911" and "311" calls  
19 wherever economically practicable and in the public interest.

20 (9) SYSTEM APPROVAL.--No emergency telephone number  
21 "911" or nonemergency telephone number "311" system shall be  
22 established and no present system shall be expanded without  
23 prior approval of the department.

24 (10) COMPLIANCE.--All public agencies shall assist the  
25 department in their efforts to carry out the intent of this  
26 section, and such agencies shall comply with the developed  
27 plan.

28 (11) EXISTING EMERGENCY OR NONEMERGENCY TELEPHONE  
29 SERVICE.--

30 (a) Any emergency telephone number established by any  
31 local government or state agency prior to July 1, 1974, using

1 a number other than "911" shall be changed to "911" on the  
2 same implementation schedule provided in paragraph (4)(e).

3 (b) Any nonemergency telephone number established by a  
4 local government or state agency prior to October 1, 2000,  
5 using a number other than "311" may be changed to "311"  
6 following approval by a majority vote of the board of county  
7 commissioners of the county in which the nonemergency number  
8 is in use.

9 (12) FEDERAL ASSISTANCE.--The secretary of the  
10 department or his or her designee may apply for and accept  
11 federal funding assistance in the development and  
12 implementation of a statewide emergency telephone number "911"  
13 system. Also, the secretary or his or her designee may apply  
14 for and accept federal funding assistance in the development  
15 and implementation of a statewide nonemergency telephone  
16 number "311" system.

17 (13) "911" FEE.--

18 (a) Following approval by referendum as set forth in  
19 paragraph (b), or following approval by a majority vote of its  
20 board of county commissioners, a county may impose a "911" fee  
21 to be paid by the local exchange subscribers within its  
22 boundaries served by the "911" service. Proceeds from the  
23 "911" fee shall be used only for "911" or "311" expenditures  
24 as set forth in subparagraph 6. The manner of imposing and  
25 collecting said payment shall be as follows:

26 1. At the request of the county subscribing to "911"  
27 or "311" service, the telephone company shall, insofar as is  
28 practicable, bill the "911" fee to the local exchange  
29 subscribers served by the "911" service, on an individual  
30 access line basis, at a rate not to exceed 50 cents per month  
31 per line (up to a maximum of 25 access lines per account bill

1 rendered). However, the fee may not be assessed on any pay  
2 telephone in this state. A county collecting the fee for the  
3 first time may collect the fee for no longer than 36 months  
4 without initiating the acquisition of its "911" or "311"  
5 equipment.

6 2. Fees collected by the telephone company pursuant to  
7 subparagraph 1. shall be returned to the county, less the  
8 costs of administration retained pursuant to paragraph (c).  
9 The county shall provide a minimum of 90 days' written notice  
10 to the telephone company prior to the collection of any "911"  
11 fees.

12 3. Any county that currently has an operational "911"  
13 or "311"system or that is actively pursuing the  
14 implementation of a "911" or "311"system shall establish a  
15 fund to be used exclusively for receipt and expenditure of  
16 "911" fee revenues collected pursuant to this section. All  
17 fees placed in said fund, and any interest accrued thereupon,  
18 shall be used solely for "911" and "311" systems costs  
19 described in subparagraph 6. The money collected and interest  
20 earned in this fund shall be appropriated for "911" purposes  
21 by the county commissioners and incorporated into the annual  
22 county budget. The county shall annually have a financial  
23 audit performed on this fund, in accordance with s. 11.45. A  
24 report of the audit shall be forwarded to the department  
25 within 60 days of its completion. A county may carry forward  
26 on an annual basis unspent moneys in the fund for expenditures  
27 allowed by this section, or it may reduce its fee. However, in  
28 no event shall a county carry forward more than 10 percent of  
29 the "911" fee billed for the prior year. The amount of moneys  
30 carried forward each year may be accumulated in order to allow  
31 for capital improvements described in this subsection. The

1 carryover shall be documented by resolution of the board of  
2 county commissioners expressing the purpose of the carryover  
3 or by an adopted capital improvement program identifying  
4 projected expansion or replacement expenditures for "911" or  
5 "311"equipment and service features, or both. In no event  
6 shall the "911" fee carryover surplus moneys be used for any  
7 purpose other than for the "911" or "311"equipment, service  
8 features, and installation charges authorized in subparagraph  
9 6. Nothing in this section shall prohibit a county from using  
10 other sources of revenue for improvements, replacements, or  
11 expansions of its "911" or "311"system. A county may increase  
12 its fee for purposes authorized in this section. However, in  
13 no case shall the fee exceed 50 cents per month per line. All  
14 current "911" fees shall be reported to the department within  
15 30 days of the start of each county's fiscal period. Any fee  
16 adjustment made by a county shall be reported to the  
17 department. A county shall give the telephone company a 90-day  
18 written notice of such fee adjustment.

19           4. The telephone company shall have no obligation to  
20 take any legal action to enforce collection of the "911" fee.  
21 The telephone company shall provide quarterly to the county a  
22 list of the names, addresses, and telephone numbers of any and  
23 all subscribers who have identified to the telephone company  
24 their refusal to pay the "911" fee.

25           5. The county subscribing to "911" or "311"service  
26 shall remain liable to the telephone company for any "911"  
27 service, equipment, operation, or maintenance charge owed by  
28 the county to the telephone company.

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1 As used in this paragraph, "telephone company" means an  
2 exchange telephone service provider of "911" or "311"service  
3 or equipment to any county within its certificated area.  
4         6. It is the intent of the Legislature that the "911"  
5 fee authorized by this section to be imposed by counties will  
6 not necessarily provide the total funding required for  
7 establishing or providing the "911" or "311"service. For  
8 purposes of this section, "911" service includes the functions  
9 of database management, call taking, location verification,  
10 and call transfer. The following costs directly attributable  
11 to the establishment and/or provision of "911" or "311"  
12 service are eligible for expenditure of moneys derived from  
13 imposition of the "911" fee authorized by this section: the  
14 acquisition, implementation, and maintenance of Public Safety  
15 Answering Point (PSAP) equipment and "911" service features,  
16 as defined in the Florida Public Service Commission's lawfully  
17 approved "911" and related tariffs and/or the acquisition,  
18 installation, and maintenance of other "911" equipment,  
19 including call answering equipment, call transfer equipment,  
20 ANI controllers, ALI controllers, ANI displays, ALI displays,  
21 station instruments, "911" and "311"telecommunications  
22 systems, teleprinters, logging recorders, instant playback  
23 recorders, telephone devices for the deaf (TDD) used in the  
24 "911" or "311"system, PSAP backup power systems, consoles,  
25 automatic call distributors, and interfaces (hardware and  
26 software) for computer-aided dispatch (CAD) systems; salary  
27 and associated expenses for "911" or "311"call takers for  
28 that portion of their time spent taking and transferring "911"  
29 and "311"calls; salary and associated expenses for a county  
30 to employ a full-time equivalent "911" coordinator position  
31 and a full-time equivalent staff assistant position per county



1 for the portion of their time spent administrating the "911"  
2 and "311"system; training costs for PSAP call takers in the  
3 proper methods and techniques used in taking and transferring  
4 "911" and "311"calls; and expenses required to develop and  
5 maintain all information (ALI and ANI databases and other  
6 information source repositories) necessary to properly inform  
7 call takers as to location address, type of emergency, and  
8 other information directly relevant to the "911" and "311"  
9 call-taking and transferring function. The "911" fee revenues  
10 shall not be used to pay for any item not listed, including,  
11 but not limited to, any capital or operational costs for  
12 emergency responses which occur after the call transfer to the  
13 responding public safety entity and the costs for constructing  
14 buildings, leasing buildings, maintaining buildings, or  
15 renovating buildings, except for those building modifications  
16 necessary to maintain the security and environmental integrity  
17 of the PSAP and "911" and "311"equipment rooms.

18           7. It is the goal of the Legislature that enhanced  
19 "911" and "311"service be available throughout the state.  
20 Expenditure by counties of the "911" fees authorized by this  
21 section should support this goal to the greatest extent  
22 feasible within the context of local service needs and fiscal  
23 capability. Nothing in this section shall be construed to  
24 prohibit two or more counties from establishing a combined  
25 emergency "911" or "311"telephone service by interlocal  
26 agreement and utilizing the "911" fees authorized by this  
27 section for such combined "911" and "311"service.

28           (b) If a county elects to obtain approval of a "911"  
29 fee by referendum, it shall arrange to place a question on the  
30 ballot at the next regular or special election to be held  
31 within the county, substantially as follows:

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.... I am in favor of the "911" emergency telephone system fee.

.... I am against the "911" emergency telephone system fee.

If a majority of the electors voting on the question approve the fee, it may be imposed by the county.

(c) Any county imposing a "911" fee in accordance with the provisions of this subsection shall allow the telephone company to retain as an administrative fee an amount equal to 1 percent of the total "911" fee collected by the telephone company.

(14) INDEMNIFICATION AND LIMITATION OF LIABILITY.--All local governments are authorized to undertake to indemnify the telephone company against liability in accordance with the telephone company's lawfully filed tariffs. Regardless of any indemnification agreement, a telephone company or commercial mobile radio service provider as defined in s. 364.02 shall not be liable for damages resulting from or in connection with "911" or "311"service or identification of the telephone number, address, or name associated with any person accessing "911" or "311"service, unless the telephone company or commercial radio service provider acted with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property in providing such services.

(15) CONFIDENTIALITY OF RECORDS.--Any record, recording, or information, or portions thereof, obtained by a public agency or a public safety agency for the purpose of providing services in an emergency and which reveals the name, address, telephone number, or personal information about, or

1 information which may identify any person requesting emergency  
2 service or reporting an emergency by accessing an emergency  
3 telephone number "911" system is confidential and exempt from  
4 the provisions of s. 119.07(1), except that such record or  
5 information may be disclosed to a public safety agency. The  
6 exemption applies only to the name, address, telephone number  
7 or personal information about, or information which may  
8 identify any person requesting emergency services or reporting  
9 an emergency while such information is in the custody of the  
10 public agency or public safety agency providing emergency  
11 services. A telephone company or commercial mobile radio  
12 service provider shall not be liable for damages to any person  
13 resulting from or in connection with such telephone company's  
14 or commercial mobile radio service provider's provision of any  
15 lawful assistance to any investigative or law enforcement  
16 officer of the State of Florida or political subdivisions  
17 thereof, of the United States, or of any other state or  
18 political subdivision thereof, in connection with any lawful  
19 investigation or other law enforcement activity by such law  
20 enforcement officer unless the telephone company or commercial  
21 mobile radio service provider acted in a wanton and willful  
22 manner. The exemptions in this section are subject to the Open  
23 Government Sunset Review Act of 1995 in accordance with s.  
24 119.15 and shall stand repealed on October 2, 2001, unless  
25 reviewed and saved from repeal through reenactment by the  
26 Legislature.

27           (16) FALSE "911" CALLS.--Whoever accesses the number  
28 "911" for the purpose of making a false alarm or complaint or  
29 reporting false information which could result in the  
30 emergency response of any public safety agency is guilty of a  
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1 misdemeanor of the first degree, punishable as provided in s.  
2 775.082 or s. 775.083.

3 Section 2. This act shall take effect upon becoming a  
4 law.

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7 SENATE SUMMARY

8 Provides for the establishment of a system corollary to  
9 the emergency "911" system which uses the number "311" to  
10 request nonemergency services and to notify authorities  
11 of conditions or events needing government action which  
12 are not life-threatening.  
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