

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1227 Certification of 911 Public Safety Telecommunicators

SPONSOR(S): Judiciary Committee; Drake and others

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 514

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Judiciary Committee	16 Y, 0 N, As CS	Thomas	Havlicak
2) State Affairs Committee	14 Y, 0 N	Thompson	Hamby
3) Health & Human Services Committee	16 Y, 0 N	Entress	Gormley

SUMMARY ANALYSIS

The bill provides that the requirement for certification as a 911 public safety telecommunicator is waived for a sworn state-certified law enforcement officer that passes the 911 public safety telecommunicator certification exam, provided that the officer:

- Is selected by the chief executive of her or his agency, and
- Performs as a 911 public safety telecommunicator only on an occasional or limited basis.

The bill waives the \$75.00 fee for law enforcement officers taking the examination. A law enforcement officer who fails the examination must complete the required 911 public safety telecommunication training program before retaking the exam.

The bill has an indeterminate fiscal impact on the Department of Health.

The bill takes effect July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Emergency Telephone Number “911”

Section 365.171, F.S., governs Florida’s public policy on the emergency telephone number “911.” This statute specifies that it is the intent of the Legislature:

[T]o implement and continually update a cohesive statewide emergency communications number “E911” plan for enhanced 911 services which will provide citizens with rapid direct access to public safety agencies by accessing “911” with the objective of reducing the response time to situations requiring law enforcement, fire, medical, rescue, and other emergency services.¹

The Department of Management Services (DMS) directs the statewide 911 system and is authorized to coordinate the activities of the system with state, county, local, and private agencies. The Enhanced 911 (E911) Board receives and distributes fee revenues for the system and provides annual reports to the Governor and the Legislature regarding expenditures and the status of E911 service in Florida.²

Currently, all 67 Florida counties report operational E911 systems that provide lifesaving features, including call answering, call back and location determination. Automatic location identification including the caller’s telephone number, address or location of the telephone, and supplementary emergency services information are required at all Public Safety Answering Points.³ In addition, Florida is continuing Next Generation 911 migration.⁴

The E911 Board’s 2009-2010 fiscal year county funding survey identified 286 Public Safety Answering Points statewide with each county having between one and forty of these facilities.⁵ There is no standard procedure defining which local agency operates these call centers, but many are managed by Sheriff’s offices, police departments, fire rescue, or a variety of local administrative agencies.⁶ The FY 2009-2010 county survey found that 5,213 call takers received over 13.2 million 911 calls statewide.⁷

Public Safety Telecommunicator Certification

Public safety telecommunicators (telecommunicators), also known as 911 operators or emergency dispatchers, are often the initial point of contact for the public when emergency assistance is required. Telecommunicators receive emergency calls requesting police, fire, medical, and other urgent situation services. These personnel determine the nature, location, and priority of the situation and communicate this information to emergency units as necessary and in accordance with established procedures. Telecommunicators answer and process 911 calls, maintain contact with all units on assignment, and coordinate status and location of emergency responders as necessary.

¹ Section 365.171(2), F.S.

² Section 365.172 (5)(a), F.S.

³ See s. 365.175, F.S.

⁴ State of Florida E911 Board 2010 Annual Report, *available at*

http://dms.myflorida.com/suncom/public_safety_bureau/florida_e911/e911_board (last visited Jan. 25, 2012), provides that NG-911 involves the transition to a managed IP network for routing and delivery of 911 emergency requests from a variety of devices and services to the appropriate Public Safety Answering Point (PSAP). Congress and Federal agencies are increasing efforts to regulate advanced technologies and NG-911 to ensure access to emergency services.

⁵ *Id.* See appendix 2.

⁶ David Gulliver, Ed., *Florida 911: The State of Emergency*, Gulf Coast Community Foundation of Venice,

<http://www.a1911.org/sites/default/files/Florida-911-Report.pdf> (last visited Jan. 25, 2012).

⁷ *Supra* note 5.

In 2008, the Legislature established a voluntary certification program for “911 emergency dispatchers,” administered by the Department of Health (DOH).⁸

In 2010, the Florida Legislature made several changes to the public safety telecommunication certification provisions of s. 401.465, F.S.⁹ Among the changes were the replacement of “911 emergency dispatcher” with “public safety telecommunicator”¹⁰ throughout Florida law and the delineation of a public safety telecommunication training program.¹¹ A training program is certified by DOH if it meets the Department of Education’s (DOE’s) curriculum framework and consists of not less than 232 hours of coursework.¹²

Another significant change to this section in 2010 was the transition of certification from a voluntary to a mandatory procedure.¹³ Effective October 1, 2012, all public safety telecommunicators must be certified by DOH if they are employed at an “answering point,” defined as a “public safety agency that receives incoming 911 calls and dispatches appropriate public safety agencies to respond to the calls.”¹⁴ To achieve certification, a person must complete an appropriate training program and pass an examination administered by DOH which measures the applicant’s competency and proficiency.¹⁵ A certificate is good for two years and expires automatically if not renewed at the end of the two-year period.¹⁶ Twenty hours of training are required for the biennial renewal certification.¹⁷ The examination fee for a 911 public safety telecommunicator is set by DOH and may not exceed \$75.¹⁸ DOH presently imposes an examination fee of \$75.¹⁹

The mandatory public safety telecommunicator certification may be temporarily waived by the DOH in a geographic area of Florida where a state of emergency has been declared by the Governor.²⁰

The certification of existing public safety telecommunicators, as well as existing state-certified law enforcement officers and firefighters is also provided for in current law. Persons who fit these descriptions prior to April 1, 2012, must still pass the examination for certification; however, upon passage of the examination, completion of the training program is waived. Newly-employed telecommunicators, law enforcement officers, and firefighters who begin their employment on or after April 1, 2012, will be required to be certified by taking both a training course and passing the exam.²¹

In a 2010 Advisory Legal Opinion, Florida Attorney General Bill McCollum addressed a question posed by the Chief of Police in Springfield, Florida, as to whether the law now required “all law enforcement officers who are likely to work in the city’s dispatch center and serve as a call-taker and dispatcher of 911 calls to be trained and certified?” The Attorney General opined that certification is the only requirement. McCollum stated:

... it is my opinion that pursuant to section 401.465(2)(a), Florida Statutes, any public agency employee whose duties and responsibilities include answering, receiving, transferring, and dispatching functions related to 911 calls or supervising or serving as the command officer to a person or persons having these duties and responsibilities at a public safety answering point is required to be certified by the Department of Health by October 1, 2012. Training requirements

⁸ Chapter 2008-51, L.O.F.; codified as s. 401.465, F.S.

⁹ Section 3, ch. 2010-188, L.O.F.

¹⁰ Section 401.465(1)(a), F.S.

¹¹ Section 401.465(1)(c), F.S.

¹² *Id.*

¹³ Chapter 2010-188, L.O.F.; codified as s. 401.465(2)(a), F.S.

¹⁴ Section 365.172(2)(a), F.S.

¹⁵ *See* s. 401.465(2)(d), F.S.

¹⁶ Section 401.465(2)(f), F.S.

¹⁷ Section 401.465(2)(e), F.S.

¹⁸ Section 401.465(3)(b), F.S.

¹⁹ Florida Department of Health Bill Analysis, Economic Statement and Fiscal Note of HB 1227 (2012), dated Feb. 2, 2012 (on file with the House Health and Human Services Committee).

²⁰ Section 401.465(4), F.S.

²¹ Section 401.465(2)(j), F.S.

are dependent upon personnel's length of employment as a 911 public safety telecommunicator.²²

Public Safety Telecommunication Curriculum

The Division of Workforce Education at DOE publishes curriculum frameworks and standards for both public safety telecommunication and law enforcement.

The public safety telecommunication framework is designed to prepare students for employment as police, fire, and ambulance dispatchers. The intended outcomes for the 232-hour public safety telecommunication course include the ability of the dispatcher to do all of the following:

- Describe and demonstrate professional ethics and the role of telecommunicator.
- Describe guidelines and operational standards of call classification and prioritization.
- Identify and explain communication equipment and resources.
- Demonstrate communication and interpersonal skills.
- Perform operational skills.
- Demonstrate understanding of fire department role and responses as well as hazardous materials awareness.
- Demonstrate understanding of emergency medical services role and responses.
- Demonstrate understanding of law enforcement role and responses.
- Understand the duties of a public safety telecommunicator.
- Comprehend stress management techniques.
- Demonstrate an understanding of emergency management practices.
- Demonstrate CPR proficiency.²³

The public safety telecommunication curriculum is currently taught at various community colleges and vocational/technical centers across the state. Forty-eight public safety agencies have been certified to teach the curriculum since 2008, including thirty-seven local law enforcement agencies.²⁴

Law Enforcement Officer Curriculum

The DOE curriculum framework for law enforcement officers includes its own set of intended outcomes in its 770-hour course.²⁵ Seven of the twelve public safety telecommunication outcomes overlap with law enforcement officer training. The five public safety telecommunication outcomes which are not covered by the law enforcement officer curriculum are the first three, relating to the role of telecommunicator, call classification and prioritization, and E911 equipment; the fifth, relating to operational skills; and the tenth, relating to understanding the duties of a public safety telecommunicator.

The Florida Department of Law Enforcement (FDLE) is working to develop a 40-hour training program in E911 Public Safety communication for sworn law enforcement officers for which approval as a specialized course will be sought from the Criminal Justice Standards and Training Commission.²⁶ The training program will be a combination of hands-on and on-line training. The hands-on training portion could be delivered by public safety agency training departments, and the online segment would be

²² Op. Atty Gen. Fla. 10-27 (2010).

²³ Florida Department of Education, *Curriculum Framework, Public Safety Telecommunication* (July 2010) available at http://www.fldoe.org/workforce/dwdframe/law_cluster_frame10.asp (last visited Jan. 25, 2012).

²⁴ Florida Department of Health, *911 Public Safety Telecommunicator Program: Overview* (Oct. 4, 2011) available at <http://www.doh.state.fl.us/DEMO/EMS/dispatchers.html> (last visited Jan. 25, 2012).

²⁵ Florida Department of Education, "Curriculum Framework, Law Enforcement," July 2010, http://www.fldoe.org/workforce/dwdframe/law_cluster_frame10.asp, (last visited Jan. 25, 2012),

²⁶ Florida Criminal Justice Standards and Training Commission, at <http://www.fdle.state.fl.us/Content/getdoc/91a75023-5a74-40ef-814d-8e7e5b622d4d/CJSTC-Home-Page.aspx>, (last visited Jan. 25, 2012).

made available by FDLE via its current system for on-line training and delivery at no cost to officers of their agency.²⁷

Effect of the Bill

The bill waives the requirement for certification as a 911 public safety telecommunicator for a person employed as a sworn state-certified law enforcement officer, provided the officer:

1. Is selected by the chief executive of her or his agency;
2. Only performs as a 911 public safety telecommunicator on an occasional and limited basis; and
3. Passes the Department of Health approved examination that measures the competency and proficiency of an applicant in the subject material comprising the public safety telecommunications program.

The bill waives the \$75.00 examination fee for law enforcement officers taking the examination under this new provision. A law enforcement officer who fails the examination must take a Department of Health approved public safety telecommunication training program before retaking the exam.

The bill takes effect on July 1, 2012.

B. SECTION DIRECTORY:

Section 1 amends s. 401.465, F.S., relating to 911 public safety telecommunicator certification.

Section 2 provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Currently, DOH is authorized to collect fees for all persons taking the telecommunicator examination. The fee is set by DOH and is presently at the statutory maximum of \$75. The bill waives examination fees for law enforcement officers, which will reduce fee revenues. It is unknown at this time how many fees will be waived under this bill, so the amount of revenue reduction is also indeterminate.

DOH estimates 1,179 law enforcement officers will take the examination before the statutory deadline of October, 2012, which would result in a loss of revenue in the amount of \$88,425, assuming all those law enforcement officers wait to take the examination until after the effective date of the bill. Thereafter, DOH estimates 177 law enforcement officers will take the examination annually, which would result in a loss of revenue in the amount of \$13,275 annually.²⁸

2. Expenditures:

Currently, DOH is required to administer the telecommunicator certification examination, for which DOH expends examination fee revenue. The bill removes authority to administer the examination; instead requiring DOH to approve the examination. DOH intends to implement this provision potentially by contracting with one or more outside entities to offer the examination.²⁹ Reduction in fee revenues due to the bill's fee waiver for law enforcement officers may result in an indeterminate negative fiscal impact on DOH. DOH would not be able to shift costs to other examinees, as the

²⁷ Florida Department of Law Enforcement Analysis of HB 1227 (2012), at page 3, section IV., last visited Jan. 25, 2012, (on file with the House Government Operations Subcommittee).

²⁸ Florida Department of Health Bill Analysis, Economic Statement and Fiscal Note of HB 1227 (2012), revised, Feb. 8, 2012 (on file with the House Health and Human Services Committee).

²⁹ Florida Department of Health Bill Analysis, Economic Statement and Fiscal Note of HB 1227 (2012), dated Feb. 2, 2012 (on file with the House Health and Human Services Committee).

examination fee is set at the statutory maximum. It is possible that any negative impact may be offset, in whole or in part, by a current surplus in fee revenues held by DOH or through other departmental efficiencies.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill will likely reduce costs for local governments by allowing them to occasionally utilize law enforcement officers as 911 public safety telecommunicators if the officers have passed the statutorily-mandated certification exam. In addition, the bill waives examination fees for law enforcement officers.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

DOH may need to amend its rules relating to the 911 public safety telecommunicator certification program based on the changes made by the bill. Adequate rulemaking authority exists within s. 401.35, F.S.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 19, 2012, the Judiciary Committee approved one amendment and reported the bill favorably as a committee substitute. The amendment:

- Removes from the bill the exemption for law enforcement officers from the definition of "911 Public Safety Telecommunicator."
- Provides that law enforcement officers selected by their chief executive who pass the required examination and only perform as a 911 public safety telecommunicator on an occasional and limited basis are exempt from certification as a 911 public safety telecommunicator.

This analysis reflects the committee substitute.