

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 Community Affairs Committee

BILL: SB 514

INTRODUCER: Senator Dean

SUBJECT: Public Safety Telecommunications

DATE: December 23, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Toman	Yeatman	CA	Pre-meeting
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill authorizes public safety agencies to use sworn law enforcement officers as temporary 911 public safety telecommunicators. These officers must complete a supplementary training program within 12 months after first serving as a temporary 911 public safety telecommunicator.

This bill substantially amends section 401.465 of the Florida Statutes.

II. Present Situation:

Emergency Communications Number E911

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:

to 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 E911 Board receives and distributes fee revenues for the system and provides

¹ Section 365.171(2), F.S.

annual reports to the Governor and the Legislature regarding expenditures and the status of E911 service in Florida.²

All 67 Florida counties have enhanced 911 (E911) equipment, which allows an emergency dispatch center's computers to automatically provide a caller's name, address, and mapped location.³ The map also identifies the closest police, fire, and emergency medical services (EMS) agencies. Next Generation 911 (NG911) equipment will include video and data transmission capability.⁴

The E911 Board's 2009-2010 fiscal year county funding survey identified 286 Public Safety Answering Points (PSAPs) 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 Telecommunicators

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.

Public Safety Telecommunication Curriculum Framework and Standards

The Division of Workforce Education at the Department of Education (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.

² Section 365.172 (5)(a), F.S.

³ See s. 365.172(2)(i), F.S.

⁴ State of Florida E911 Board 2011 Annual Report, *available at* http://dms.myflorida.com/suncom/public_safety_bureau/florida_e911/e911_board (last visited Dec. 22, 2011).

⁵ *Id.* See appendix 2.

⁶ David Gulliver, Ed., *Florida 911: The State of Emergency*, Gulf Coast Community Foundation of Venice, <http://www.a911.org/sites/default/files/Florida-911-Report.pdf> (last visited Dec. 22, 2011).

⁷

- 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.⁸

The Public Safety Telecommunication program 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.⁹

Law Enforcement Officer Curriculum Framework and Standards

The Florida DOE curriculum framework for Law Enforcement Officers includes its own set of intended outcomes in its 770-hour course. 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. No specific, formal public safety telecommunication training is presently known to be provided to law enforcement officers.¹⁰

Public Safety Telecommunicator Certification

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

⁸ 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 Dec. 22, 2011).

⁹ 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 Dec. 22, 2011).

¹⁰ See Florida Department of Education, *Curriculum Framework, Law Enforcement Officer*, (July 2010), http://www.fldoe.org/workforce/dwdframe/law_cluster_frame10.asp (last visited Dec. 23, 2011).

¹¹ Section 3, ch. 2010-188, L.O.F.

Another significant change to this section in 2010 was the transition of certification from a voluntary to a mandatory procedure. Effective October 1, 2012, all public safety telecommunicators must be certified by the 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.”¹² To achieve certification, a person must complete an appropriate training program and pass an examination administered by the DOH which measures the applicant’s competency and proficiency.¹³ A certificate is good for two years and expires automatically if not renewed at the end of the two-year period.¹⁴ Twenty hours of training are required for the biennial renewal certification.¹⁵

Section 401.465(4), F.S., provides that this 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.

Existing Public Safety Telecommunicators, Law Enforcement Officers and Firefighters

Section 401.465(2)(j), F.S., addresses the certification of existing public safety telecommunicators, as well as existing state-certified law enforcement officers and firefighters. 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.

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 are dependent upon personnel’s length of employment as a 911 public safety telecommunicator.¹⁶

¹² Section 365.172(3)(a), F.S. A trainee may be employed for a period of less than 12 months if this person is working under the direct supervision of a certified telecommunicator and is also enrolled in a public safety telecommunication training program.

¹³ See s. 401.465(2)(d), F.S. An alternative process for initial certification of existing public safety telecommunicators will expire also on Oct. 1, 2012.

¹⁴ Section 401.465(2)(f), F.S.

¹⁵ Section 401.465(2)(e), F.S.

¹⁶ Op. Atty Gen. Fla. 10-27 (2010).

Florida Department of Law Enforcement E911 Training Efforts¹⁷

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. 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 made available by the FDLE via its current system for online training and delivery at no cost to officers of their agency.

III. Effect of Proposed Changes:

Section 1 authorizes public safety agencies to use sworn law enforcement officers as temporary 911 public safety telecommunicators. The section also requires officers who work as a temporary 911 public safety telecommunicator to successfully complete a supplementary training program for temporary 911 public safety telecommunicators. This supplementary program would be distributed by the Criminal Justice Standards and Training Commission and would provide a maximum of 40 hours of training.

Section 2 provides that the bill takes effect on July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

¹⁷ Florida Department of Law Enforcement, *Senate Bill 514 Analysis* (Nov. 15, 2011) (on file with the Senate Committee on Community Affairs).

C. Government Sector Impact:

The bill will likely reduce the cost for local governments who use sworn state-certified law enforcement officers in their answering points by eliminating the costs to certify them beginning October 1, 2012. The supplemental training program distributed by the Criminal Justice Standards and Training Commission will not have a fiscal impact on local governments since the agency itself will be able to deliver a part of the training, and the segment delivered by the FDLE will be provided at no cost to the agency or officer.¹⁸

VI. Technical Deficiencies:

Lines 14, 17, 18, 20: The term “temporary public safety telecommunicators” is used without a definition being provided. Without a definition, it is unclear what is meant by “temporary” and under what circumstances officers would qualify. Some local law enforcement agencies reportedly assign officers to fill in certain shifts on a weekly basis. When a court must determine the meaning of a term used but undefined in a statute, “resort may be had to case law or related statutory provisions which define the term, and where a statute does not specifically define words of common usage, such words are construed in their plain and ordinary sense.”¹⁹

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

¹⁸ Florida Department of Law Enforcement, *Senate Bill 514 Analysis* (Nov. 15, 2011) (on file with the Senate Committee on Community Affairs).

¹⁹ *State v. Hagan*, 387 So.2d 943, 945 (Fla.1980) (citations omitted).