

1 A bill to be entitled
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 providing a declaration of important state interest;
13 creating s. 365.179, F.S.; defining the terms "first
14 responder agency" and "911 public safety answering
15 point"; requiring each sheriff, in collaboration with
16 certain first responder agencies, to enter into
17 specified written agreements; requiring each agreement
18 to require a PSAP to be able to directly communicate
19 with first responder agencies; requiring each PSAP to
20 be able to broadcast certain emergency communications
21 and public safety information; requiring law
22 enforcement agency heads to authorize the installation
23 of its dispatch channels on certain other law
24 enforcement agency radios, upon request; providing an
25 exception; requiring each county sheriff to certify

26 compliance in writing with the Department of Law
 27 Enforcement by a specified date; 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).

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

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

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

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.

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

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).

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;

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,

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. (1) The Legislature finds that an important
256 state interest is served in protecting the public safety by
257 ensuring that 911 telecommunications are routed to the most
258 appropriate 911 system in the most expeditious manner possible.
259 A proper and legitimate state purpose is achieved when local
260 government 911 public safety telecommunicators are able to
261 transfer and receive transfers of emergency calls to and from
262 other local, multijurisdictional, or regional E911 systems in
263 the state.

264 (2) The Legislature also finds that an important state
265 interest is served in protecting the public safety by ensuring
266 that text-to-911 service is available in all counties of the
267 state. A proper and legitimate state purpose is achieved when
268 text-to-911 service is made available statewide to ensure that
269 persons who cannot speak or whose safety may be compromised by
270 speaking in emergency situations will have access to the 911
271 system. Provision of this service statewide will prevent
272 confusion about the availability of the service in particular
273 areas.

274 (3) Therefore, the Legislature finds and declares that
275 this act fulfills an important state interest.

276 Section 4. Section 365.179, Florida Statutes, is created
 277 to read:

278 365.179 Direct radio communication between 911 public
 279 safety answering points and first responders.-

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

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

286 (b) "911 public safety answering point" or "PSAP" means a
 287 municipal or county emergency communications or 911 call center
 288 in this state that receives cellular, landline, or text-to-911
 289 communications.

290 (2) Each sheriff, in collaboration with all first
 291 responder agency heads in his or her county, shall facilitate
 292 the development and execution of written interlocal agreements
 293 between all primary first responder agencies within the county.
 294 Each agreement must establish written protocols that outline
 295 circumstances and public safety emergencies under which a non-
 296 primary dispatch PSAP will directly notify a first responder
 297 agency's on-duty personnel of an emergency by radio. Each
 298 agreement must require the PSAP to have direct radio contact
 299 with primary first responder agencies and their dispatchers
 300 without having to transfer a 911 communication to another PSAP

301 or dispatch center for dispatch. The method of complying with
302 this requirement shall be established by the first responder
303 agency heads and set forth in each interlocal agreement.

304 (3) Each PSAP must be capable of immediately broadcasting
305 911 communications or public safety information over the primary
306 radio dispatch channels of each first responder agency in the
307 county it serves. If a county or jurisdiction has multiple
308 PSAPs, each PSAP must have this capability.

309 (4) Unless technologically precluded due to radio
310 incompatibility, upon written request from a law enforcement
311 agency head, a law enforcement agency head in the same county or
312 in an adjacent jurisdiction in another county must authorize the
313 requesting agency to install the responding agency's primary
314 dispatch channel or channels in the requesting agency's PSAP,
315 dispatch center, or mobile or portable radios.

316 (5) Each primary first responder agency, PSAP, and
317 dispatch center within each county shall train all applicable
318 personnel regarding the procedures and protocols specified in
319 the interlocal agreements made pursuant to this section. This
320 training shall also include radio functionality and how to
321 readily access the necessary dispatch channels in accordance
322 with the interlocal agreements.

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

325 (a) A copy of each interlocal agreement made between the

CS/HB 441

2019

326 | primary first responder agencies within his or her county
327 | pursuant to this section; and

328 | (b) Written certification that all PSAPs in his or her
329 | county are in compliance with this section.

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