

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 Committee on Innovation, Industry, and Technology

BILL: CS/SB 536

INTRODUCER: Innovation, Industry, and Technology Committee and Senators Brandes and Perry

SUBJECT: 911 Services

DATE: March 12, 2019 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Imhof	IT	Fav/CS
2.			IS	
3.			AP	

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 536 requires each county to develop a countywide implementation plan for text-to-911 services and, by January 1, 2022, to have a system in place to receive Enhanced 911 (E911) messages from providers.

The bill requires the Technology Program (office) within the Department of Management Services (department) to develop and implement, by January 1, 2020, a plan to require that a 911 public safety telecommunicator be able to transfer an emergency call from one local, multijurisdictional, or regional E911 system to another within this state when deemed prudent and requested by a caller or when deemed necessary. In developing and implementing this plan, the office is required to:

- Coordinate with public agencies to identify and resolve any technological or logistical issues;
- Identify or establish a system or clearinghouse for maintaining contact information for all E911 systems in this state; and
- Establish a date, considering any technological, logistical, financial, or other identified issues, by which all E911 systems in this state must be able to transfer emergency calls.

The bill addresses the Marjory Stoneman Douglas High School Public Safety Commission’s recommendations by requiring that all local governments and first responders develop and implement communications systems allowing direct radio communication between 911 public safety answering points and first responders.

The bill is expected to increase the costs incurred by state and local governments by significant but indeterminate amounts. The local government cost increases may trigger the mandates provisions of the State Constitution, requiring a legislative determination that the law fulfills an important state interest and approval by two-thirds of the membership in each house of the Legislature. The bill sets out legislative findings relating to the important state interest regarding the ability to transfer emergency calls from one 911 system to another. It does not contain any such finding regarding E911 text messages or direct radio communication between 911 public safety answering points and first responders.

The bill takes effect July 1, 2019.

II. Present Situation:

The Technology Program (office) within the Department of Management Services (department) oversees the E911 system in Florida.¹ The office is required to develop, maintain, and implement appropriate modifications for a statewide emergency communications E911 system plan. The plan must provide for:

- The public agency emergency communications requirements for each entity of local government² in the state.
- A system to meet specific local government requirements. The system is required to include law enforcement, firefighting, and emergency medical services and may include other emergency services such as poison control, suicide prevention, and emergency management services.
- Identification of the mutual aid agreements necessary to obtain an effective E911 system.
- A funding provision that identifies the cost necessary to implement the E911 system.

The office is responsible for the implementation and coordination of the plan, and must adopt any necessary rules and schedules related to public agencies³ for implementing and coordinating the plan.

In 2007, the Florida Legislature established the E911 Board, which is composed of eleven members. The secretary of the department designates the chair of the E911 Board. The Governor appoints five members who are county 911 coordinators and five members from the telecommunications industry. The E911 Board's primary function is to administer the funds derived from a monthly fee on each subscriber with a Florida billing address (place of primary use). The E911 Board makes disbursements from the Wireless Emergency Telephone System Trust Fund to county governments and wireless providers in accordance with s. 365.173, F.S.

The Secretary of the department, or his or her designee, is the director of the statewide emergency communications number E911 system and is authorized to coordinate the activities of

¹ Section 365.171, F.S.

² The term "local government" means any city, county, or political subdivision of the state and its agencies. Section 365.171(3)(b), F.S.

³ The term "public agency" means the state and any city, county, city and county, municipal corporation, chartered organization, public district, or public authority located in whole or in part within this state which provides, or has authority to provide, firefighting, law enforcement, ambulance, medical, or other emergency services. Section 365.171(3)(c), F.S.

the system with state, county, local, and private agencies. In implementing the system, the director must consult, cooperate, and coordinate with local law enforcement agencies.

Section 365.176(6), F.S., permits the formation of multijurisdictional or regional systems, and any system established pursuant to the section may include the jurisdiction, or any portion thereof, of more than one public agency.

Within the E911 system, public safety answering points (PSAPs) are the public safety agencies⁴ that receive incoming 911 requests for assistance and dispatch appropriate public safety agencies to respond to the requests in accordance with the state E911 plan.⁵

The Marjory Stoneman Douglas High School Public Safety Commission reviewed 911 and first responder dispatch communications on February 14, 2018, related to the shootings at the high school.⁶ The commission found the City of Parkland's public safety services were provided through contracts with two separate agencies, the Broward County Sheriff's Office and Coral Springs/Parkland Fire Rescue, and Parkland's decision to contract with both agencies for its police and fire/EMS services caused issues with inter-agency communications interoperability and 911 call routing. The commission made the following recommendations to address these issues:

- Law enforcement agencies should be required to have communications interoperability with all other law enforcement agencies in their county. The methodology for accomplishing this is immaterial, but interoperability is essential.
- If a law enforcement agency asks another law enforcement agency for access to its primary dispatch radio channels, honoring the request should be mandatory.
- Law enforcement agencies should tactically train their personnel so they are familiar with all radio functionality.
- Florida law should require that all primary 911 call centers have the ability to directly communicate via radio with the first responder units for which they are receiving 911 calls without having to transfer calls.
- All public safety agencies should work toward consolidation of 911 call centers and eliminate the 911 call transfer process.
- School districts and law enforcement agencies should strive for radio interoperability.

III. Effect of Proposed Changes:

The bill amends s. 365.172, F.S., to require each county to develop a countywide implementation plan for text-to-911 services and, by January 1, 2022, have in place a system to receive E911 text messages from providers.

⁴ "Public safety agency" means a functional division of a public agency which provides firefighting, law enforcement, medical, or other emergency services. Section 365.172(3)(x), F.S.

⁵ Section 365.172(3)(y), F.S.

⁶ Marjory Stoneman Douglas High School Public Safety Commission, *Initial Report Submitted to the Governor, Speaker of the House of Representatives, and Senate President*, (January 2, 2019), available at <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf> (last accessed March 12, 2019). This subject is addressed in Chapter 7 on incident communications, interoperability and 911, radio, and computer-aided dispatch (CAD) systems, pages 215-230.

The bill creates s. 365.177, F.S., to require the Technology Program within the Department of Management Services to develop and implement a plan by January 1, 2020, to require that a 911 public safety telecommunicator be able to transfer an emergency call from one local, multijurisdictional, or regional E911 system to another local, multijurisdictional, or regional E911 system in this state, when deemed prudent and requested by a caller or when deemed necessary. In developing and implementing this plan, the office is required to:

- Coordinate with public agencies to identify and resolve any technological or logistical issues in implementing this requirement;
- Identify or establish a system or clearinghouse for maintaining contact information for all E911 systems in this state; and
- Establish a date, considering any technological, logistical, financial, or other identified issues, by which all E911 systems in this state must be able to transfer emergency calls as required.

The bill sets out legislative findings that appear to relate to only the call-transfer portion of the bill. There is an important state interest in ensuring that 911 telecommunications are routed to the most appropriate 911 system in the most expeditious manner possible in order to protect public safety. A proper and legitimate state purpose is served when local government 911 public safety telecommunicators are able to transfer and receive transfers of emergency calls from other local, multijurisdictional, or regional E911 systems in this state. Therefore, the Legislature finds and declares that this act fulfills an important state interest.

The bill creates s. 365.179, F.S., to address the Marjory Stoneman Douglas High School Public Safety Commission's recommendations and provide for direct radio communication between 911 public safety answering points and first responders. It creates the following definitions:

- "911 public safety answering point" or "PSAP" means a municipal or county emergency communications call center in this state which receives cellular, landline, or text 911 communications; and
- "First responders" includes the law enforcement agencies, fire service agencies, and emergency management services providers that are designated as first responders for the service area in which a PSAP receives 911 calls.

The bill establishes the following requirements.

- Each PSAP must be able to directly communicate by radio with first responders.
- Each sheriff must enter into a written agreement with each first responder in his or her county to establish protocols under which a PSAP that does not dispatch calls for a first responder agency will directly notify the first responder agency's on-duty personnel of an emergency by radio.
- Each PSAP must install, in at least one dispatch console within its emergency communications center, the primary radio dispatch channels of each first responder in the county it serves. If there are multiple PSAPs in a county, each PSAP must have this capability.
- Each law enforcement agency head must, upon the written request of another law enforcement agency head in the same county or an adjoining jurisdiction in another county, authorize the requesting agency to install the other agency's primary dispatch channel or channels in the requesting agency's mobile or portable radios.

- Each sheriff must, by January 1, 2020, certify in writing to the Department of Law Enforcement that all PSAPs in his or her county are in compliance with these requirements.

The bill takes take effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(a) of the State Constitution provides, in pertinent part, that “no county or municipality shall be bound by any general law requiring such county or municipality to spend funds or take an action requiring the expenditure of funds unless the Legislature has determined that such law fulfills an important state interest and the law requiring such expenditure is approved by two-thirds of the membership in each house of the Legislature.”

The bill requires:

- The development and implementation of a plan requiring 911 public safety telecommunicators to be able to transfer and receive transfers of emergency calls from other local, multijurisdictional, or regional E911 systems in the state under certain circumstances;
- The development and implementation of a plan requiring a text-to-911 service countywide; and
- The development and implementation of communications systems that allow direct radio communication between 911 public safety answering points and first responders.

The bill states that ensuring 911 telecommunications are routed to the most appropriate 911 systems in the most expeditious manner possible in order to protect public safety fulfills an important state interest. No such legislative declaration related to the text-to-911 service is included or the direct radio communication between 911 public safety answering points and first responders.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Section 19, Art. VII of the State Constitution limits the authority of the legislature to enact legislation that imposes or raises a state tax or fee by requiring such legislation to be approved by a 2/3 vote of each chamber of the legislature. Such state tax or fee imposed, authorized, or raised must be contained in a separate bill that contains no other subject.

For purposes of this limitation, the term “fee” is defined, in pertinent part, to mean any charge or payment required by law, including any fee for service . . . and charge for service.

This bill requires:

- Each county to develop and implement a countywide plan for a system to receive E911 text messages;
- Requires the state to develop and implement a plan to require that a 911 public safety telecommunicator be able to transfer and receive an emergency call from one local, multijurisdictional, or regional E911 system to another; and
- Requires that all local government emergency communications call centers and first responders develop and implement communications systems allowing direct radio communication between 911 public safety answering points and first responders.

All of these requirements are expected to increase costs incurred by state and local governments by a significant but indeterminate amount, which may require an increase in taxes or fees to create a source of revenue to implement.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

All of the bill’s requirements are expected to increase costs incurred by state and local governments by a significant but indeterminate amount, which may require an increase in taxes or fees to create a source of revenue to implement.

B. Private Sector Impact:

None.

C. Government Sector Impact:

All of the bill’s requirements are expected to increase costs incurred by state and local governments by a significant but indeterminate amount, which may require an increase in taxes or fees to create a source of revenue to implement.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 365.172 of the Florida Statutes.

This bill creates sections 365.177 and 365.179 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Innovation, Industry, and Technology on March 12, 2019:

The committee substitute addresses the Marjory Stoneman Douglas High School Public Safety Commission's recommendations by requiring that all local governments and first responders develop and implement communications systems allowing direct radio communication between 911 public safety answering points and first responders.

- B. **Amendments:**

None.