

By the Committee on Innovation, Industry, and Technology; and
Senators Brandes and Perry

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1 A bill to be entitled
2 An act relating to 911 services; amending s. 365.172,
3 F.S.; revising the applicability of definitions;
4 requiring counties to develop a plan for implementing
5 a text-to-911 system and to implement a system to
6 receive E911 text messages by a specified date;
7 creating s. 365.177, F.S.; requiring that the
8 Technology Program within the Department of Management
9 Services develop and implement a plan to require that
10 emergency dispatchers be able to transfer an emergency
11 call from one E911 system to another E911 system in
12 this state; providing a declaration of important state
13 interest; creating s. 365.179, F.S.; defining the
14 terms "first responders" and "911 public safety
15 answering point" or "PSAP"; requiring a PSAP to be
16 able to directly communicate by radio with first
17 responders; requiring each sheriff, in collaboration
18 with first responders in his or her county, to enter
19 into specified written agreements; requiring each PSAP
20 to install local first responder radio dispatch
21 channels in its emergency communications center;
22 requiring a law enforcement agency head to authorize
23 the installation of his or her agency's primary
24 dispatch channel or channels on certain other law
25 enforcement agency's mobile or portable radios, upon
26 request; requiring each county sheriff to certify
27 compliance in writing with the Department of Law
28 Enforcement by a specified date; providing an
29 effective date.

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

Section 1. Present subsection (15) of section 365.172, Florida Statutes, is redesignated as subsection (16), a new subsection (15) is added to that section, and subsection (3) of that section is amended, to read:

365.172 Emergency communications number "E911."—

(3) DEFINITIONS.—Only as used in this section and ss. 365.171, 365.173, ~~and~~ 365.174, and 365.177, the term:

(a) "Authorized expenditures" means expenditures of the fee, as specified in subsection (10).

(b) "Automatic location identification" means the capability of the E911 service which enables the automatic display of information that defines the approximate geographic location of the wireless telephone, or the location of the address of the wireline telephone, used to place a 911 call.

(c) "Automatic number identification" means the capability of the E911 service which enables the automatic display of the service number used to place a 911 call.

(d) "Board" or "E911 Board" means the board of directors of the E911 Board established in subsection (5).

(e) "Building permit review" means a review for compliance with building construction standards adopted by the local government under chapter 553 and does not include a review for compliance with land development regulations.

(f) "Collocation" means the situation when a second or subsequent wireless provider uses an existing structure to locate a second or subsequent antennae. The term includes the

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59 ground, platform, or roof installation of equipment enclosures,
60 cabinets, or buildings, and cables, brackets, and other
61 equipment associated with the location and operation of the
62 antennae.

63 (g) "Designed service" means the configuration and manner
64 of deployment of service the wireless provider has designed for
65 an area as part of its network.

66 (h) "Enhanced 911" or "E911" means an enhanced 911 system
67 or enhanced 911 service that is an emergency telephone system or
68 service that provides a subscriber with 911 service and, in
69 addition, directs 911 calls to appropriate public safety
70 answering points by selective routing based on the geographical
71 location from which the call originated, or as otherwise
72 provided in the state plan under s. 365.171, and that provides
73 for automatic number identification and automatic location-
74 identification features. E911 service provided by a wireless
75 provider means E911 as defined in the order.

76 (i) "Existing structure" means a structure that exists at
77 the time an application for permission to place antennae on a
78 structure is filed with a local government. The term includes
79 any structure that can structurally support the attachment of
80 antennae in compliance with applicable codes.

81 (j) "Fee" means the E911 fee authorized and imposed under
82 subsections (8) and (9).

83 (k) "Fund" means the Emergency Communications Number E911
84 System Fund established in s. 365.173 and maintained under this
85 section for the purpose of recovering the costs associated with
86 providing 911 service or E911 service, including the costs of
87 implementing the order. The fund shall be segregated into

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88 wireless, prepaid wireless, and nonwireless categories.

89 (l) "Historic building, structure, site, object, or
90 district" means any building, structure, site, object, or
91 district that has been officially designated as a historic
92 building, historic structure, historic site, historic object, or
93 historic district through a federal, state, or local designation
94 program.

95 (m) "Land development regulations" means any ordinance
96 enacted by a local government for the regulation of any aspect
97 of development, including an ordinance governing zoning,
98 subdivisions, landscaping, tree protection, or signs, the local
99 government's comprehensive plan, or any other ordinance
100 concerning any aspect of the development of land. The term does
101 not include any building construction standard adopted under and
102 in compliance with chapter 553.

103 (n) "Local exchange carrier" means a "competitive local
104 exchange telecommunications company" or a "local exchange
105 telecommunications company" as defined in s. 364.02.

106 (o) "Local government" means any municipality, county, or
107 political subdivision or agency of a municipality, county, or
108 political subdivision.

109 (p) "Medium county" means any county that has a population
110 of 75,000 or more but less than 750,000.

111 (q) "Mobile telephone number" or "MTN" means the telephone
112 number assigned to a wireless telephone at the time of initial
113 activation.

114 (r) "Nonwireless category" means the revenues to the fund
115 received from voice communications services providers other than
116 wireless providers.

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117 (s) "Office" means the Technology Program within the
118 Department of Management Services, as designated by the
119 secretary of the department.

120 (t) "Order" means:

121 1. The following orders and rules of the Federal
122 Communications Commission issued in FCC Docket No. 94-102:

123 a. Order adopted on June 12, 1996, with an effective date
124 of October 1, 1996, the amendments to s. 20.03 and the creation
125 of s. 20.18 of Title 47 of the Code of Federal Regulations
126 adopted by the Federal Communications Commission pursuant to
127 such order.

128 b. Memorandum and Order No. FCC 97-402 adopted on December
129 23, 1997.

130 c. Order No. FCC DA 98-2323 adopted on November 13, 1998.

131 d. Order No. FCC 98-345 adopted December 31, 1998.

132 2. Orders and rules subsequently adopted by the Federal
133 Communications Commission relating to the provision of 911
134 services, including Order Number FCC-05-116, adopted May 19,
135 2005.

136 (u) "Prepaid wireless category" means all revenues in the
137 fund received through the Department of Revenue from the fee
138 authorized and imposed under subsection (9).

139 (v) "Prepaid wireless service" means a right to access
140 wireless service that allows a caller to contact and interact
141 with 911 to access the 911 system, which service must be paid
142 for in advance and is sold in predetermined units or dollars,
143 which units or dollars expire on a predetermined schedule or are
144 decremented on a predetermined basis in exchange for the right
145 to access wireless service.

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146 (w) "Public agency" means the state and any municipality,
147 county, municipal corporation, or other governmental entity,
148 public district, or public authority located in whole or in part
149 within this state which provides, or has authority to provide,
150 firefighting, law enforcement, ambulance, medical, or other
151 emergency services.

152 (x) "Public safety agency" means a functional division of a
153 public agency which provides firefighting, law enforcement,
154 medical, or other emergency services.

155 (y) "Public safety answering point," "PSAP," or "answering
156 point" means the public safety agency that receives incoming 911
157 requests for assistance and dispatches appropriate public safety
158 agencies to respond to the requests in accordance with the state
159 E911 plan.

160 (z) "Rural county" means any county that has a population
161 of fewer than 75,000.

162 (aa) "Service identifier" means the service number, access
163 line, or other unique identifier assigned to a subscriber and
164 established by the Federal Communications Commission for
165 purposes of routing calls whereby the subscriber has access to
166 the E911 system.

167 (bb) "Tower" means any structure designed primarily to
168 support a wireless provider's antennae.

169 (cc) "Voice communications services" means two-way voice
170 service, through the use of any technology, which actually
171 provides access to E911 services, and includes communications
172 services, as defined in s. 202.11, which actually provide access
173 to E911 services and which are required to be included in the
174 provision of E911 services pursuant to orders and rules adopted

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175 by the Federal Communications Commission. The term includes
176 voice-over-Internet-protocol service. For the purposes of this
177 section, the term "voice-over-Internet-protocol service" or
178 "VoIP service" means interconnected VoIP services having the
179 following characteristics:

180 1. The service enables real-time, two-way voice
181 communications;

182 2. The service requires a broadband connection from the
183 user's locations;

184 3. The service requires IP-compatible customer premises
185 equipment; and

186 4. The service offering allows users generally to receive
187 calls that originate on the public switched telephone network
188 and to terminate calls on the public switched telephone network.

189 (dd) "Voice communications services provider" or "provider"
190 means any person or entity providing voice communications
191 services, except that the term does not include any person or
192 entity that resells voice communications services and was
193 assessed the fee authorized and imposed under subsection (8) by
194 its resale supplier.

195 (ee) "Wireless 911 system" or "wireless 911 service" means
196 an emergency telephone system or service that provides a
197 subscriber with the ability to reach an answering point by
198 accessing the digits 911.

199 (ff) "Wireless category" means the revenues to the fund
200 received from a wireless provider from the fee authorized and
201 imposed under subsection (8).

202 (gg) "Wireless communications facility" means any equipment
203 or facility used to provide service and may include, but is not

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204 limited to, antennae, towers, equipment enclosures, cabling,
205 antenna brackets, and other such equipment. Placing a wireless
206 communications facility on an existing structure does not cause
207 the existing structure to become a wireless communications
208 facility.

209 (hh) "Wireless provider" means a person who provides
210 wireless service and:

- 211 1. Is subject to the requirements of the order; or
- 212 2. Elects to provide wireless 911 service or E911 service
213 in this state.

214 (ii) "Wireless service" means "commercial mobile radio
215 service" as provided under ss. 3(27) and 332(d) of the Federal
216 Telecommunications Act of 1996, 47 U.S.C. ss. 151 et seq., and
217 the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-
218 66, August 10, 1993, 107 Stat. 312. The term includes service
219 provided by any wireless real-time two-way wire communication
220 device, including radio-telephone communications used in
221 cellular telephone service; personal communications service; or
222 the functional or competitive equivalent of a radio-telephone
223 communications line used in cellular telephone service, a
224 personal communications service, or a network radio access line.
225 The term does not include wireless providers that offer mainly
226 dispatch service in a more localized, noncellular configuration;
227 providers offering only data, one-way, or stored-voice services
228 on an interconnected basis; providers of air-to-ground services;
229 or public coast stations.

230 (15) TEXT-TO-911 SERVICE.—Each county shall develop a
231 countywide implementation plan for text-to-911 services and, by
232 January 1, 2022, have in place a system to receive E911 text

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233 messages from providers.

234 Section 2. Section 365.177, Florida Statutes, is created to
235 read:

236 365.177 Transfer of E911 calls between systems.-

237 (1) The office shall develop and implement a plan by
238 January 1, 2020, to require that a 911 public safety
239 telecommunicator, when deemed prudent and requested by a caller
240 or when deemed necessary, be able to transfer an emergency call
241 from one local, multijurisdictional, or regional E911 system to
242 another local, multijurisdictional, or regional E911 system in
243 this state.

244 (2) In developing and implementing this plan, the office
245 shall:

246 (a) Coordinate with public agencies to identify and resolve
247 any technological or logistical issues in implementing this
248 section.

249 (b) Identify or establish a system or clearinghouse for
250 maintaining contact information for all E911 systems in this
251 state.

252 (c) Establish a date, considering any technological,
253 logistical, financial, or other identified issues, by which all
254 E911 systems in this state must be able to transfer emergency
255 calls pursuant to subsection (1).

256 Section 3. The Legislature finds that there is an important
257 state interest in ensuring that 911 telecommunications are
258 routed to the most appropriate 911 system in the most
259 expeditious manner possible in order to protect public safety.
260 Thus, a proper and legitimate state purpose is served when local
261 government 911 public safety telecommunicators are able to

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262 transfer and receive transfers of emergency calls from other
263 local, multijurisdictional, or regional E911 systems in this
264 state. Therefore, the Legislature finds and declares that this
265 act fulfills an important state interest.

266 Section 4. Section 365.179, Florida Statutes, is created to
267 read:

268 365.179 Direct radio communication between 911 public
269 safety answering points and first responders.—

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

271 (a) "First responders" includes the law enforcement
272 agencies, fire service agencies, and emergency management
273 services providers that are designated as first responders for
274 the service area in which a PSAP receives 911 calls.

275 (b) "911 public safety answering point" or "PSAP" means a
276 municipal or county emergency communications call center in this
277 state which receives cellular, landline, or text 911
278 communications.

279 (2) A PSAP must be able to directly communicate by radio
280 with first responders. The PSAP must be able to make such
281 communication without having to transfer a 911 call or having to
282 relay information received during a 911 call to another PSAP or
283 emergency communications center for dispatch.

284 (3) In collaboration with all first responders in his or
285 her county, each sheriff shall enter into a written agreement
286 with each first responder to establish protocols under which a
287 PSAP that does not dispatch calls for a first responder agency
288 will directly notify the first responder agency's on-duty
289 personnel of an emergency by radio. The agreement must require
290 the PSAP to be able to communicate with the personnel without

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291 having to transfer the 911 call for dispatch to that agency or
292 having to relay the information received during a 911 call by
293 telephone or other indirect means.

294 (4) Each PSAP shall install, in at least one dispatch
295 console within its emergency communications center, the primary
296 radio dispatch channels of each first responder in the county it
297 serves. If there are multiple PSAPs in a county, each PSAP must
298 have this capability.

299 (5) Upon the written request of a law enforcement agency
300 head, any other law enforcement agency head in the same county
301 or an adjoining jurisdiction in another county shall authorize
302 the requesting agency to install the other agency's primary
303 dispatch channel or channels in the requesting agency's mobile
304 or portable radios.

305 (6) By January 1, 2020, each county sheriff shall certify
306 in writing to the Department of Law Enforcement that all PSAPs
307 in his or her county are in compliance with this section.

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