

By the Committees on Appropriations; and Innovation, Industry, and Technology; and Senators Brandes, Perry, and Book

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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 creating s. 365.177, F.S.; requiring that the
5 Technology Program within the Department of Management
6 Services develop a plan to require that emergency
7 dispatchers be able to transfer an emergency call from
8 one E911 system to another E911 system in this state;
9 providing a declaration of important state interest;
10 creating s. 365.179, F.S.; defining the terms "first
11 responder agency" and "911 public safety answering
12 point"; requiring each sheriff, in collaboration with
13 certain first responder agencies, to enter into
14 specified written agreements; requiring each agreement
15 to require a PSAP to be able to directly communicate
16 with first responder agencies; requiring each PSAP to
17 be able to broadcast certain emergency communications
18 and public safety information; requiring law
19 enforcement agency heads to authorize the installation
20 of their agency's dispatch channels on certain other
21 law enforcement agency radios, upon request; providing
22 an exception; requiring each county sheriff to certify
23 compliance in writing with the Department of Law
24 Enforcement by a specified date; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Subsection (3) of section 365.172, Florida

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30 Statutes, is amended to read:

31 365.172 Emergency communications number "E911."—

32 (3) DEFINITIONS.—Only as used in this section and ss.

33 365.171, 365.173, ~~and~~ 365.174, and 365.177, the term:

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

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

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

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

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

50 (f) "Collocation" means the situation when a second or
51 subsequent wireless provider uses an existing structure to
52 locate a second or subsequent antennae. The term includes the
53 ground, platform, or roof installation of equipment enclosures,
54 cabinets, or buildings, and cables, brackets, and other
55 equipment associated with the location and operation of the
56 antennae.

57 (g) "Designed service" means the configuration and manner
58 of deployment of service the wireless provider has designed for

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59 an area as part of its network.

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

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

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

77 (k) "Fund" means the Emergency Communications Number E911
78 System Fund established in s. 365.173 and maintained under this
79 section for the purpose of recovering the costs associated with
80 providing 911 service or E911 service, including the costs of
81 implementing the order. The fund shall be segregated into
82 wireless, prepaid wireless, and nonwireless categories.

83 (l) "Historic building, structure, site, object, or
84 district" means any building, structure, site, object, or
85 district that has been officially designated as a historic
86 building, historic structure, historic site, historic object, or
87 historic district through a federal, state, or local designation

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88 program.

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

97 (n) "Local exchange carrier" means a "competitive local
98 exchange telecommunications company" or a "local exchange
99 telecommunications company" as defined in s. 364.02.

100 (o) "Local government" means any municipality, county, or
101 political subdivision or agency of a municipality, county, or
102 political subdivision.

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

105 (q) "Mobile telephone number" or "MTN" means the telephone
106 number assigned to a wireless telephone at the time of initial
107 activation.

108 (r) "Nonwireless category" means the revenues to the fund
109 received from voice communications services providers other than
110 wireless providers.

111 (s) "Office" means the Technology Program within the
112 Department of Management Services, as designated by the
113 secretary of the department.

114 (t) "Order" means:

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

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117 a. Order adopted on June 12, 1996, with an effective date
118 of October 1, 1996, the amendments to s. 20.03 and the creation
119 of s. 20.18 of Title 47 of the Code of Federal Regulations
120 adopted by the Federal Communications Commission pursuant to
121 such order.

122 b. Memorandum and Order No. FCC 97-402 adopted on December
123 23, 1997.

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

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

126 2. Orders and rules subsequently adopted by the Federal
127 Communications Commission relating to the provision of 911
128 services, including Order Number FCC-05-116, adopted May 19,
129 2005.

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

133 (v) "Prepaid wireless service" means a right to access
134 wireless service that allows a caller to contact and interact
135 with 911 to access the 911 system, which service must be paid
136 for in advance and is sold in predetermined units or dollars,
137 which units or dollars expire on a predetermined schedule or are
138 decremented on a predetermined basis in exchange for the right
139 to access wireless service.

140 (w) "Public agency" means the state and any municipality,
141 county, municipal corporation, or other governmental entity,
142 public district, or public authority located in whole or in part
143 within this state which provides, or has authority to provide,
144 firefighting, law enforcement, ambulance, medical, or other
145 emergency services.

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

149 (y) "Public safety answering point," "PSAP," or "answering
150 point" means the public safety agency that receives incoming 911
151 requests for assistance and dispatches appropriate public safety
152 agencies to respond to the requests in accordance with the state
153 E911 plan.

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

156 (aa) "Service identifier" means the service number, access
157 line, or other unique identifier assigned to a subscriber and
158 established by the Federal Communications Commission for
159 purposes of routing calls whereby the subscriber has access to
160 the E911 system.

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

163 (cc) "Voice communications services" means two-way voice
164 service, through the use of any technology, which actually
165 provides access to E911 services, and includes communications
166 services, as defined in s. 202.11, which actually provide access
167 to E911 services and which are required to be included in the
168 provision of E911 services pursuant to orders and rules adopted
169 by the Federal Communications Commission. The term includes
170 voice-over-Internet-protocol service. For the purposes of this
171 section, the term "voice-over-Internet-protocol service" or
172 "VoIP service" means interconnected VoIP services having the
173 following characteristics:

174 1. The service enables real-time, two-way voice

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175 communications;

176 2. The service requires a broadband connection from the
177 user's locations;

178 3. The service requires IP-compatible customer premises
179 equipment; and

180 4. The service offering allows users generally to receive
181 calls that originate on the public switched telephone network
182 and to terminate calls on the public switched telephone network.

183 (dd) "Voice communications services provider" or "provider"
184 means any person or entity providing voice communications
185 services, except that the term does not include any person or
186 entity that resells voice communications services and was
187 assessed the fee authorized and imposed under subsection (8) by
188 its resale supplier.

189 (ee) "Wireless 911 system" or "wireless 911 service" means
190 an emergency telephone system or service that provides a
191 subscriber with the ability to reach an answering point by
192 accessing the digits 911.

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

196 (gg) "Wireless communications facility" means any equipment
197 or facility used to provide service and may include, but is not
198 limited to, antennae, towers, equipment enclosures, cabling,
199 antenna brackets, and other such equipment. Placing a wireless
200 communications facility on an existing structure does not cause
201 the existing structure to become a wireless communications
202 facility.

203 (hh) "Wireless provider" means a person who provides

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204 wireless service and:

- 205 1. Is subject to the requirements of the order; or
206 2. Elects to provide wireless 911 service or E911 service
207 in this state.

208 (ii) "Wireless service" means "commercial mobile radio
209 service" as provided under ss. 3(27) and 332(d) of the Federal
210 Telecommunications Act of 1996, 47 U.S.C. ss. 151 et seq., and
211 the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-
212 66, August 10, 1993, 107 Stat. 312. The term includes service
213 provided by any wireless real-time two-way wire communication
214 device, including radio-telephone communications used in
215 cellular telephone service; personal communications service; or
216 the functional or competitive equivalent of a radio-telephone
217 communications line used in cellular telephone service, a
218 personal communications service, or a network radio access line.
219 The term does not include wireless providers that offer mainly
220 dispatch service in a more localized, noncellular configuration;
221 providers offering only data, one-way, or stored-voice services
222 on an interconnected basis; providers of air-to-ground services;
223 or public coast stations.

224 Section 2. Section 365.177, Florida Statutes, is created to
225 read:

226 365.177 Transfer of E911 calls between systems.-

227 (1) The office shall develop a plan by February 1, 2020, to
228 require that a 911 public safety telecommunicator, when deemed
229 prudent and requested by a caller or when deemed necessary, be
230 able to transfer an emergency call from one local,
231 multijurisdictional, or regional E911 system to another local,
232 multijurisdictional, or regional E911 system in this state.

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233 (2) In developing this plan, the office shall:

234 (a) Coordinate with public agencies to identify and resolve
235 any technological or logistical issues in implementing this
236 section.

237 (b) Identify or establish a system or clearinghouse for
238 maintaining contact information for all E911 systems in this
239 state.

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

244 Section 3. (1) The Legislature finds that an important
245 state interest is served in protecting the public safety by
246 ensuring that 911 telecommunications are routed to the most
247 appropriate 911 system in the most expeditious manner possible.
248 A proper and legitimate state purpose is achieved when local
249 government 911 public safety telecommunicators are able to
250 transfer, and receive transfers of, emergency calls to and from
251 other local, multijurisdictional, or regional E911 systems in
252 this state.

253 (2) The Legislature also finds that an important state
254 interest is served in protecting the public safety by ensuring
255 that each 911 public safety answering point is capable of direct
256 radio communications with first responder agency dispatchers
257 within the surrounding area for which the public safety
258 answering point would not otherwise provide dispatch. A proper
259 and legitimate state purpose is achieved when a public safety
260 answering point that receives an emergency communication is able
261 to save crucial time by immediately conveying critical emergency

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262 information to first responder agency dispatchers to dispatch
263 first responders.

264 (3) 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 responder agency" includes each law enforcement
272 agency and fire service agency, other than a state agency, and
273 each emergency medical services provider, that is designated as
274 a primary first responder for the service area in which a 911
275 public safety answering point receives 911 calls.

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

280 (2) Each sheriff, in collaboration with all first responder
281 agency heads in his or her county, shall facilitate the
282 development and execution of written interlocal agreements
283 between all primary first responder agencies within the county.
284 Each agreement must establish written protocols that outline
285 circumstances and public safety emergencies under which a PSAP
286 will directly provide by radio notice of an emergency to the on-
287 duty dispatcher of a first responder agency for which the PSAP
288 does not provide primary dispatch functions. Each agreement must
289 require the PSAP to have direct radio contact with primary first
290 responder agencies and their dispatchers, for which the PSAP may

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291 reasonably receive 911 communications, without having to
292 transfer a 911 communication to another PSAP or dispatch center
293 for dispatch. The method of complying with this requirement
294 shall be established by the first responder agency heads and set
295 forth in each interlocal agreement.

296 (3) Each PSAP must be capable of immediately broadcasting
297 911 communications or public safety information over the primary
298 radio dispatch channels of each first responder agency in the
299 county it serves where the PSAP may reasonably receive 911 calls
300 in the first responder's service area. If a county or
301 jurisdiction has multiple PSAPs, each PSAP must have this
302 capability.

303 (4) Unless technologically precluded due to radio
304 incompatibility, upon written request from a law enforcement
305 agency head, a law enforcement agency head in the same county or
306 in an adjacent jurisdiction in another county must authorize the
307 requesting agency to install the responding agency's primary
308 dispatch channel or channels in the requesting agency's PSAP,
309 dispatch center, or mobile or portable radios.

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

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

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

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320 primary first responder agencies within his or her county
321 pursuant to this section; and

322 (b) Written certification that all PSAPs in his or her
323 county are in compliance with this section.

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