

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 Fiscal Policy

BILL: CS/CS/CS/SB 1418

INTRODUCER: Fiscal Policy Committee; Appropriations Committee on Agriculture, Environment, and General Government; Regulated Industries Committee; and Senator Bradley

SUBJECT: Emergency Communications

DATE: April 26, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Schrader</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Fav/CS</u>
3.	<u>Schrader</u>	<u>Yeatman</u>	<u>FP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 1418 revises Florida law to support and reflect the transition from enhanced 911 (E911) to Next Generation 911 (NG911) and to revise the composition, name, and duties of the current E911 Board. The bill also revises the distribution of revenue collected from a monthly fee to fund 911 services assessed on voice communications services in the state, removes county exceptions to the state's uniform rate for this fee, and revises the expenditures that are eligible to be paid by revenue collected from this fee. The bill also requires the Division of Telecommunications to develop a plan by December 30, 2023, to upgrade all 911 public safety answering points within the state to allow for inter-jurisdictional transfers of emergency calls by December 30, 2033, and provides requirements for the plan.

The bill may have an indeterminate positive fiscal impact on state revenues. See Section V. Fiscal Impact Statement.

The bill takes effect of July 1, 2023.

II. Present Situation:

Division of Telecommunications

The Division of Telecommunications (division) is created by s. 20.22, F.S., within Florida's Department of Management Services (DMS). The division is responsible for providing contracts for voice and data services to agency customers while also managing the state's public safety communications. As part of its voice and data contract duties, the division oversees master contracts to provide telecommunications and technology service offerings. The division also, as part of these duties, handles invoicing and billing, streamlining processes.¹

In managing the state's public safety communications, the division manages the Statewide Law Enforcement Radio System (SLERS), provides operational assistance to the State E911 Board, and supports Florida's Next Generation 911 efforts in partnership with local government entities.²

Florida E911 System

Since 1973, the state of Florida, in conjunction with Florida's counties, has funded technological advancements in statewide emergency number systems (i.e. 911 systems) for emergency communications between citizens and visitors and emergency services. Basic 911 service was established statewide in 1997. In 2005, wireline enhanced E911 service was implemented in all of Florida's 67 counties to obtain a 911 caller's telephone number and address. In 2007, Florida's wireless 911 board transitioned to the E911 Board with the intent of implementing enhanced 911 services. Phase I of the enhanced services provided call back numbers and the location of cell sites utilized for making the call into 911, Phase II provided location information for the actual cellular caller. These enhancements were completed March 31, 2008. Currently, Florida's counties are working on technical, funding, and deployment issues in an effort to provide statewide text-to-911 services.³ As of February 2023, 60 of Florida's 67 counties offer text-to-911 service.⁴

Division Management of the E911 System

The division oversees the E911 system in Florida, and is required to develop, maintain, and implement appropriate modifications for a statewide emergency communications E911 system plan (plan). The plan must provide for:

- The public agency emergency communications requirements for each entity of local government⁵ in the state.

¹ Department of Management Services, *Telecommunications*, https://www.dms.myflorida.com/business_operations/telecommunications (last visited: Mar 29, 2023).

² *Id.*

³ Department of Management Services, *Florida 911*, https://www.dms.myflorida.com/business_operations/telecommunications/public_safety_communications/florida_911 (last visited: Mar. 29, 2023).

⁴ Florida E911 Board, *2022 Annual Report*, at 10, February 28, 2023 (available at: <https://www.dms.myflorida.com/content/download/155677/1033501/20212022E911BoardAnnualReportVersionFINAL.pdf>) (last visited Apr. 10, 2023).

⁵ The term "local government" means any city, county, or political subdivision of the state and its agencies. Section 365.171(3)(b), F.S.

- A system to meet specific local government requirements. Such system shall 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.⁶
- The division is responsible for the implementation and coordination of the plan, and must adopt any necessary rules and schedules related to public agencies⁷ for implementing and coordinating the plan, under the provisions of ch. 120, F.S.⁸

E911 Board

In 2007, the Florida Legislature established the E911 Board, which is composed of eleven members. The secretary of the DMS designates the chair of the E911 Board. The Governor appoints five members who are county 911 coordinators and five members from the telecommunications industry.⁹ The E911 Board provides coordination, support, and technical assistance to counties to promote the deployment of advanced 911 and E911 systems.¹⁰ The E911 Board also “provides coordination, technical and financial support for educational opportunities related to Florida’s E911 issues for the 911 public safety communities.”¹¹

In addition to the above, one of the E911 Board’s primary functions is to administer funds generated from a monthly fee for voice communications services within the state (fee).¹² Under s. 365.172(3)(cc), F.S., “voice communications services” means:

Two-way voice service, through the use of any technology, which actually provides access to E911 services, and includes communications services, as defined in s. 202.11,¹³ which actually provide access to E911 services and which are required to be included in the provision of E911 services pursuant to orders and rules adopted by the Federal Communications Commission. The term includes voice-over-Internet-protocol service [(VoIP)]...

⁶ Section 365.171(4), F.S.

⁷ 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.

⁸ Section 365.171(4), F.S.

⁹ Section 365.172(5)(b), F.S., and Department of Management Services, *E911 Board*,

https://www.dms.myflorida.com/business_operations/telecommunications/public_safety_communications/florida_911/e911_board (last visited Mar. 29, 2023).

¹⁰ Department of Management Services, *E911 Board*, *supra* note 9.

¹¹ *Id.*

¹² Regarding this fee, the E911 Board must also provide an annual report to the Governor and Legislature regarding the amounts collected and expended, the purposes for which expenditures have been made, and the status of Florida E911 service. Section 365.172(5)(a), F.S.

¹³ Section 202.11, F.S., defines communications services, in part, as “the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including video services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance.”

Funding

To fund Florida's E911 system, voice communications services providers (providers) collect a fee from their customers on a service identifier basis (e.g., from each active phone line or number with access to the E911 system). The fee is imposed upon local exchange services, prepaid and billed wireless services, and other voice communications services that have access to E911 service, such as Voice over Internet Protocol.¹⁴ Sellers of prepaid wireless service must collect this fee from customers with each retail transaction in the state.¹⁵

Section 365.172(8)(f), F.S., provides that, effective January 1, 2015, the fee is set uniformly across the state at 40 cents per month for each service identifier. However, in counties that, before July 1, 2007, had adopted an ordinance or resolution establishing a fee less than 50 cents per month per access line may maintain such rate. For such counties, any future changes to the rate may only be to the uniform 40-cent rate. Three counties have this higher rate for local exchange carriers (LECs): Duval (44 cents per month), Lee (44 cents per month), and Volusia (41 cents per month).¹⁶ The E911 Board is authorized to adjust the fee as necessary to ensure full recovery of the costs incurred by counties and wireless service providers to provide E911 service and to prevent over-recovery of those costs, subject to a cap of 50 cents per month for each service identifier.^{17,18}

All collected fees are deposited into the Emergency Communications Number E911 System Fund, which is segregated into three categories: wireless, prepaid wireless, and non-wireless.¹⁹ At least three percent of the funds in each category is distributed by the E911 Board to rural counties to provide facilities and network and service enhancements and assistance for their 911 or E911 systems and for grants to rural counties to upgrade and replace E911 systems. Further, the E911 Board may retain no more than one percent of the funds from each category to cover its administrative costs. For Fiscal Year 2021-2022, the E911 Board distributed the remaining 96 percent of funds to counties and wireless providers as follows:²⁰

- Wireless Category
 - 94.75 percent to counties for authorized expenditures and costs to comply with FCC requirements for E911 service (funds allocated by county based on total number of service identifiers in each county).
 - An additional four percent to rural county grants.

¹⁴ Section 365.172(8), F.S.

¹⁵ Section 365.172(9), F.S. For prepaid wireless transactions which involve a "single, nonitemized price with a prepaid wireless service of 10 minutes or less or \$5 or less," the seller may choose not to collect the fee.

¹⁶ See Florida E911 Board, *supra* note 4, at 8, and *infra* Table 1.

¹⁷ Section 365.172(8), F.S.

¹⁸ The statutory fee cap of 50 cents per month has remained unchanged since its adoption in 1985. See Ch. 85-317, L.O.F.

¹⁹ Section 365.172(3)(k), (8)(d), and (9)(i); s. 365.173(1)(c), F.S. Each provider may retain one percent of collected fees as reimbursement for its administrative costs to bill, collect, and remit the fee. Each seller of prepaid wireless service may retain five percent of collected fees as a collection allowance. Fees collected from prepaid wireless service are remitted to the Department of Revenue, which may retain up to 3.2 percent of remitted fees to reimburse its direct costs to administer collection and remittance of the fees.

²⁰ Section 365.173 (2), F.S., specifies the allocation of these funds but authorizes the E911 Board to modify allocations if necessary to ensure full cost recovery or prevent over-recovery of costs incurred in the provision of E911 service. The allocations presented above are based on the E911 Board's 2022 *Annual Report*, *supra* note 4.

- 0.25 percent to wireless service providers for reimbursement of actual costs to provide 911 or E911 service and costs to comply with FCC requirements for E911 service.²¹
- Prepaid Wireless Category
 - 61 percent to counties for authorized expenditures (funds allocated by county based on total amount of fees reported and paid in each county).
 - 35 percent for statewide grants awarded by the E911 Board.²²
- Non-Wireless Category
 - 96 percent to counties for authorized expenditures (funds allocated by county based on total number of service identifiers in each county

Specifically, Table 1 below shows the most recent published E911 fee revenue allocation percentages breakdown from the E911 Board’s 2022 annual report:²³

Table 1. E911 Breakdown of Fee Revenue Allocation Percentages Breakdown.

Non-wireless E911 Fee				
Based on a \$0.40 Fee Rate				
<small>(includes LEC & VoIP. Three counties have a higher fee on LEC, Duval (\$0.44), Lee (\$0.44) & Volusia (\$0.41)</small>				
Fee Collected	County Monthly Share 96%	Rural County Grant Program 3%	Board Administration 1%	
\$0.40	\$0.3840	\$0.0120	\$0.0040	

Wireless E911 Fee				
Based on a \$0.40 Fee Rate				
Fee Collected	County Monthly Share 94.75%	Wireless Service Providers Reimbursements .25%	Rural County Grant Program 4%	Board Administration 1%
\$0.40	\$0.3790	\$0.0010	\$0.0160	\$0.0040

Prepaid E911 Fee				
Based on a \$0.40 Fee Rate				
Fee Collected	County Monthly Share 61%	Statewide Next Generation & Services Grant Program 35%	Rural County Grant Program 3%	Board Administration 1%
\$0.40	\$0.2440	\$0.1400	\$0.0120	\$0.0040

Wireless allocation effective Oct 12, 2021

²¹ The E911 Board may use, as needed, undisbursed funds from the allotment to wireless service providers to provide grants to counties for purposes of upgrading E911 systems. S. 365.172(6)(a)3.b., F.S.

²² Grants awarded with these funds are prioritized as follows: first, for counties to upgrade or replace E911 systems; next, for counties to develop and maintain statewide 911 routing, geographic, and management information systems; last, for counties to develop and maintain next-generation 911 services and equipment. Section 365.173(h), F.S.

²³ Source: Florida E911 Board, 2022 Annual Report, at 8, February 28, 2023 (available at: <https://www.dms.myflorida.com/content/download/155677/1033501/20212022E911BoardAnnualReportVersionFINAL.pdf>).

The E911 Board makes disbursements from the Emergency Communications Number E911 System Fund to county governments and wireless providers in accordance with s. 365.173, F.S.

Current Authorized Expenditures for E911 Funds

Section 365.172, F.S., specifies the expenditures that may be made with E911 funds. Generally, all costs directly attributable to the establishment or provision of E911 service and contracting for E911 services are eligible. Specifically, these costs may include the acquisition, implementation, and maintenance of Public Safety Answering Point (PSAP) equipment and E911 service features, as defined in the providers' published schedules, or the acquisition, installation, and maintenance of other E911 equipment, including:

- Circuits;
- Call answering equipment;
- Call transfer equipment;
- Automatic Number Identification (ANI) or Automatic Location Identification (ALI) controllers;
- ANI or ALI displays;
- Station instruments;
- E911 telecommunications systems;
- Visual call information and storage devices;
- Recording equipment;
- Telephone devices and other equipment for the hearing impaired used in the E911 system;
- PSAP backup power systems;
- Consoles;
- Automatic call distributors, and interfaces, including hardware and software, for computer-aided dispatch (CAD) systems;
- Integrated CAD systems for that portion of the systems used for E911 call taking;
- GIS system and software equipment and information displays; network clocks;
- Salary and associated expenses for E911 call takers for that portion of their time spent taking and transferring E911 calls, salary, and associated expenses for a county to employ a full-time equivalent E911 coordinator position and a full-time equivalent mapping or geographical data position, and technical system maintenance, database, and administration personnel for the portion of their time spent administrating the E911 system;
- Emergency medical, fire, and law enforcement prearrival instruction software;
- Charts and training costs;
- Training costs for PSAP call takers, supervisors, and managers in the proper methods and techniques used in taking and transferring E911 calls;
- Costs to train and educate PSAP employees regarding E911 service or E911 equipment, including fees collected by the Department of Health for the certification and recertification of 911 public safety telecommunicators as required under s. 401.465, F.S.;
- Expenses required to develop and maintain all information, including ALI and ANI databases and other information source repositories, necessary to properly inform call takers as to location address, type of emergency, and other information directly relevant to the E911 call-taking and transferring function; and

- Next-generation E911 network services, next-generation E911 database services, next-generation E911 equipment, and wireless E911 routing systems.

For FY 2021-2022, the E911 Board disbursed a total of \$131.8 million. Of that amount, \$114.6 million was disbursed to counties, \$0.6 million was disbursed to service providers, and \$2 million was retained to cover the operation and administration of the E911 Board. The remaining \$15.5 million was disbursed to counties as grants and supplemental disbursements.²⁴

Next Generation 911

Currently, the E911 Board's mission statement is to:

Promote and support the development, coordination, and integration for an evolved, fully-functional, seamless [NG-911] system that is accessible anytime, anywhere, from any device in order to realize the full potential for 911 to provide emergency services, enable interoperability between systems, protect human life, preserve property, and maintain public safety for the residents, visitors, and first responders in the State of Florida.

NG911 is a digital, internet protocol (IP)-based system that is intended to replace the nation's analog 911 infrastructure that has been in place for decades.²⁵ The National Telecommunications and Information Administration (NTIA), part of the United States Department of Commerce, states that fully-deploying NG911, "will enhance emergency number services by creating a faster, more resilient system that allows digital information (e.g., voice, photos, videos, text messages) to flow seamlessly from the public, through the 911 network and eventually, directly to first responders." The technology will also, enable 911 call centers to transfer 911 calls to other call centers, and help them deal with call overload, disasters, and day-to-day transfer of 911 calls to other jurisdictions.²⁶

Most 911 systems were originally built with analog instead of digital technologies. The transition from older, analog 911 technologies, to digital technologies requires new computer hardware and software, and the coordination of a variety of emergency communication, public safety, legislative and governing entities.²⁷

Many states and localities are in the process of making the transition to NG911. The National 911 Program keeps a database of state self-reported NG911 data on NG911 progress. The National 911 Program provides that "the collection and use of data helps 911 systems plan for the future, benchmark against other states, and measure progress on enhancing 911, and share important information with non-911 stakeholders such as legislators and [other] elected officials."²⁸

²⁴ Source: Florida E911 Board, 2022 Annual Report, at 6 and 9, February 28, 2023 (available at: <https://www.dms.myflorida.com/content/download/155677/1033501/20212022E911BoardAnnualReportVersionFINAL.pdf>) (last visited Apr. 10, 2023).

²⁵ 911.gov, *Next Generation 911*, <https://www.911.gov/issues/ng911/> (last visited Mar. 29, 2023).

²⁶ National Telecommunications and Information Administration, *Next Generation 911*, <https://ntia.gov/category/next-generation-911> (last visited Mar. 29, 2023).

²⁷ 911.gov, *Next Generation*, *supra* note 255.

²⁸ 911.gov, 911 Profile Database, <https://www.911.gov/projects/911-profile-database/>. This page provides links to the database, along with a summarized version of the data in the National 911 Annual Report.

Current Next Generation 911 Progress in Florida

Florida's counties continue to maintain their E911 systems; however, some counties have taken steps to transition to NG911 equipment and services. The E911 Board states that, "E911 monthly fee revenue disbursements to the counties support routine service and maintenance costs of E911 equipment and networks, but often fall short of upgrading systems and implementing advanced [NG911] technologies, requiring additional financial assistance."²⁹

Transitioning to NG911 in Florida requires the complete replacement of legacy 911 systems with IP networks and core services that will allow for geospatial 911 call routing. Counties in Florida have taken a regional approach to NG911 transition, which offers longer-term grant program assistance. Counties that have more financial resources have been starting the NG911 transition without grant or other supplemental funding sources and are also joining regional solutions. The E911 Board and the DMS have been encouraging this regional solutions process and have been working closely with counties on how best to achieve NG911 through such regional solutions. The E911 Board has expressed some concern, however, that while regionalization provides some cost savings and flexibility, potential challenges to this regionalization may include procurement and reaching agreement on jurisdictional control across boundaries. The E911 Board also expressed a number of additional challenges in progressing to NG911, including data readiness, cybersecurity, and funding.³⁰

Progress towards NG911 varies widely from county-to-county, with some Florida counties having taken no progressive action at all and others in differing stages of planning and transition. The E911 Board states that, in order to achieve NG911 on a statewide basis, they expect a comprehensive and flexible plan, with a detailed timeline, is need. Such a plan, "would accommodate potential changes in revenue sources, 911 fee adjustments, changes in the language of Florida legislation that reflect new technologies, changes in E911 Board composition and authority, and support of the Florida Legislature as it pertains to budget authority."³¹

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 365.172, F.S., to reflect a move away from using the term "Enhanced 911" (or "E911") in statute. The section is renamed the "Emergency Communications Act" (act) and the bill removes most references to Enhanced 911 and E911. Similar revisions are also made to ss. 365.171 through 365.174, 365.177, and 212.05965, F.S. in the bill.

The definitions provided in s. 365.172(3), F.S., which are also utilized in ss. 365.171, 365.173, 365.174, and 365.177, F.S., are updated by the bill with conforming and technical changes. In addition, the bill makes the following revisions:

²⁹ Florida E911 Board, *supra* note 4, at 10.

³⁰ *Id.* at 11.

³¹ *Id.* at 12.

- Provides a definition for “computer-aided dispatch” or “CAD” to mean a computerized system within a public safety answering point for entering, tracking, dispatching, and resolving requests for public safety services.
- Re-names “fee” to “public safety emergency communications systems fee (PSECS Fee).”
- Re-names “fund” to mean the Emergency Communications Trust Fund.
- Defines “Next Generation 911” or “NG911” to mean an Internet protocol (IP)-based system composed of managed emergency services IP networks (ESInets), functional elements (applications), and databases that replicate traditional E911 features and functions and provide additional capabilities. The definition also provides that the NG911 system is designed to provide access to emergency services from all connected communications sources and provide multimedia data capabilities for public safety access points [(PSAPs)] and other emergency service organizations.

The bill modifies the statement of legislative intent in s. 365.172(2), F.S., to state that the act is intended to:

- Establish and implement a comprehensive statewide emergency communications and response capability using modern technologies and methods.
- Provide funds to counties to pay costs associated with such counties’ public safety emergency response capabilities and costs incurred to purchase, upgrade, and maintain 911 systems, computer-aided dispatch, and systems to create interoperable radio communications systems.
- Levy a reasonable fee on users of voice communications services, unless otherwise provided in this section, to accomplish these purposes.
- Provide for an Emergency Communications Board (EC Board)³² to administer the fee, with oversight by the Division of Telecommunications (division), in a manner that is competitively and technologically neutral as to all communications services providers.
- Ensure that the fee established for emergency communications systems is used exclusively by counties for costs associated with developing and maintaining emergency communications systems and networks in a manner that is competitively and technologically neutral as to all communications services providers.
- It is further the intent of the Legislature that the fee authorized or imposed by this section not necessarily provide the total funding required for establishing or providing emergency communications systems and services.

The bill establishes new duties for the EC Board, with oversight by the division, to:

- Promote interoperability between PSAPs by providing guidance and direction to counties and state agencies that operate 911 centers for the deployment of emergency communications infrastructure and the handling of emergency communications information, such as voice, text, data, and images, from receipt at a PSAP to dispatching to first responders;
- Establish and administer allocations from the fund dedicated to investing in public safety communications and technology for 911; and
- Provide technical assistance and guidance to rural counties as needed.

³² The bill renames the “E911 Board” to be the “Emergency Communications Board.”

The bill specifies the public safety funding administered by the EC Board must focus on, but is not limited to:

- NG911;
- ESInet;
- Computer-aided dispatch;
- PSAP technology to interface with: Land mobile radio; smart city technology data; and in-building coverage;
- Emergency communications broadband networks; and
- Cybersecurity.

The EC Board is also restructured by the bill to have nine members (from previously having 11), all of which must be Florida residents. The secretary of the DMS continues to designate the chair of the EC Board and the Governor appoints the remaining eight members. In making selections for the EC Board, four of those members must be county 911 coordinators, with consideration given to rural, medium, and large counties. The remaining four members must represent fields including, but not limited to, law enforcement, fire response, emergency medical services, public safety dispatch, and telecommunications. The Florida Sheriffs Association, the Florida Police Chiefs Associations, and the Florida Association of Counties, in consultation with the county 911 coordinators, may provide recommendations to the Governor for the appointment of EC Board members. The bill also updates how the Governor may initially appoint EC Board members, by staggering the terms for which the initial EC Board members may be appointed and provides that current 911 coordinators on the EC Board will complete their terms.

Under the bill, the EC Board is given the additional responsibility of advocating and developing policy recommendations to ensure interoperability and connectivity between public safety communication systems within the state, including, but not limited to, recommendations related to:

- Call routing accuracy and timeliness of response;
- Improved interagency communication and situational awareness;
- Improved interagency system connectivity;
- Improved response times;
- Maximized use of emerging technologies;
- Improved lifecycle management of the systems, equipment, and services that enable responders and public safety officials to share information securely;
- Governance, policy, and procedure across public safety agencies; and
- Establishment of resilient and secure emergency communications systems to reduce cybersecurity threats and vulnerabilities.

The bill also authorizes the EC Board to create subcommittees to advise the EC Board as needed.

Under the bill, the EC Board is authorized to establish a schedule for implementing NG911 systems, public safety radio communications systems, and other public safety communications improvements. The bill authorizes the EC Board to prioritize disbursement of revenues pursuant to this schedule to implement 911 services in the most efficient and cost-effective manner.

Current law requires that the EC Board establish a committee to review requests for proposals (RFPs). The bill removes the requirement that the committee include two members of the EC Board, one of which is a county 911 coordinator and one of which represents a voice communications services provider.

Per the bill, the EC Board is also responsible for administering the PSECS Fee—formerly known as the E911 fee. These responsibilities include receiving revenues; distributing portions of the revenues, accounting for the moneys maintained in the fund; and providing annual reports for review and submission to the Governor and the Legislature.

Revenues from the PSECS Fee are deposited into the Emergency Communications Trust Fund (EC Trust Fund). The EC Trust Fund disbursements are significantly modified under the bill. The revised process provided in the bill requires that, for statewide grants made available by the EC Board, the EC Board must provide 90 days' written notice to all counties and publish electronically an approved application process. Priority is based on grant funding availability, current system life expectancy, and system replacement needs. The EC Board must ensure that county recipients of funds only use such funds for under which they have been provided. If the EC Board determines the funds were not used for the purpose for which they were provided, The EC Board may, within its authority, secure county repayment of improperly used funds.

Under the bill, the division will administer the disbursement of funds to counties and provide a monthly report to the Board. Accordingly, the bill eliminates the current requirement that the Board meet monthly and replaces it with a requirement that the Board meet in the most efficient and cost-effective manner.

The bill strikes the following provisions under current law related to the PSECS Fee:

- A county that before July 1, 2007, had adopted an ordinance or resolution establishing a fee of less than 50 cents per month per access line is an exception to the requirement that the fee of 40 cents per month be applied uniformly and throughout the state. (This provision allows Duval (44 cents per month), Lee (44 cents per month), and Volusia (41 cents per month) counties to charge a PSECS Fee rate higher than the state uniform 40 cents per month PSECS Fee); and
- The requirement that when the Board sets percentages or contemplates any adjustments to the fee, that the Board consider revenues currently allocated for wireless service provider costs for implementing E911 service and projected costs for implementing E911 service, including recurring costs for Phase I and Phase II and the effect of new technologies.

In regards to the eligible expenditure of moneys derived from the PSECS Fee, the bill provides that emergency communications and 911 service includes the functions relating to the receipt and transfer of requests for emergency assistance, of database management, call taking, and location verification. The bill also revises s. 365.172(10), F.S., which provides the eligible expenditures for moneys derived from the PSECS Fee, and requires that these costs be attributable to emergency communications equipment and services related to a primary or secondary PSAP. These costs now include:

- NG911 telecommunications systems;
- ESInet;

- Interfaces, including hardware and software, for CAD systems, for public safety land mobile radio systems and radio consoles that provide two-way radio communication with responders, and for in-building coverage;
- Cybersecurity, including hardware, software, and services;
- Salary and associated expenses for emergency dispatchers;
- Training costs for dispatchers in the proper methods and techniques used in taking and transferring 911 calls;
- Costs to educate employees regarding 911 and radio service or NG911 equipment; and
- Expenses required to develop and maintain all information, including call taker access to smart city technology data, emergency communications broadband network information, and other information directly relevant to the processing of a request for emergency assistance.

The bill clarifies that PSECS Fee revenues may not be used to cover any capital or operational costs related to responders dispatched to an emergency or to cover costs for utilities. In addition, the bill specifies that expenditures for large-scale projects may only be made if the EC Board has made the decision supporting the expenditure in cooperation with the head of each law enforcement agency served by the primary PSAP in each county

The bill makes additional conforming and technical revisions, and deletes obsolete provisions.

Section 2 of the bill makes technical and conforming changes. This section of the bill also modifies the statutory allocation of the fee revenues in the wireless category to provide that:

- Ninety-five percent of the funds be distributed each month to counties (increased from seventy-six in current law), based on the total number of service identifiers in each county;
- An additional one percent of the funds shall be used to make monthly distributions to rural counties for certain purposes for grants to rural counties to upgrade and replace emergency communications systems; and
- The EC Board will no longer transfer twenty percent of the funds to wireless providers for the cost of operating 911 or E911 services.

The bill authorizes the EC Board, in accordance with its rules, to withhold future distribution of grant funds or request a return of all or a portion of funds previously awarded based on findings from financial audits conducted under current law³³ that address, among other things, the use of the EC Trust Fund.

The bill also removes an authorization that such moneys may be used for compliance with certain 911-service related rules and orders from the Federal Communications Commission (FCC).³⁴ The bill maintains the provision in current law that such moneys may exclusively be used for the expenditures authorized in s. 365.172(10), F.S., (as that subsection was amended by Section 1 of the bill).

³³ Section 218.39, F.S., requires annual financial audits of counties and other local government entities.

³⁴ Specifically, pursuant to s. 365.172(3)(t), F.S., the rules and orders are those issued by the FCC in FCC Docket No. 94-102: (1) Order adopted on June 12, 1996, with an effective date of October 1, 1996, the amendments to s. 47 CFR s. 20.03 and the creation of 47 CFR s. 20.18 adopted by the FCC pursuant to such order; (2) Memorandum and Order No. FCC 97-402 adopted on December 23, 1997; (3) Order No. FCC DA 98-2323 adopted on November 13, 1998; (4) Order No. FCC 98-345 adopted December 31, 1998. Also included are the orders and rules subsequently adopted by the FCC relating to the provision of 911 services, including Order Number FCC-05-116, adopted May 19, 2005.

- **Section 3** of the bill extends the date, from February 1, 2020, to December 30, 2023, by which the division is required to develop a plan to upgrade 911 public safety answering points within the state to allow the transfer of an emergency call from one local, multijurisdictional, or regional E911 system to another local, multijurisdictional, or regional E911 system in the state by December 30, 2033. The bill provides the plan must:
 - Prioritize the upgrade of PSAPs based on the population served by each PSAP, the capability of a jurisdiction or region to modernize PSAPs beyond legacy 911 infrastructure, and the ability of a jurisdiction or region to address interoperability between PSAPs; and
 - Identify and address the projected costs of providing these transfer capabilities and project the ability of each county to meet operational costs based on disbursement of non-grant funds.

Sections 4, 5, and 6 make technical and conforming changes.

Section 7 provides the bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The Revenue Estimating Conference has not yet conducted an analysis of the bill.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

Under the bill, Duval and Lee counties (from 44 cents down to 40 cents per service identifier), and Volusia County (from 41 cents down to 40 cents per service identifier), will see a reduction in monthly public safety emergency communications systems fee (PSECS Fee) revenues from local exchange carriers (LECs). This will bring their PSECS fee rate amounts into alignment with the statewide 40-cent uniform rate. In its analysis of

the bill, the Department of Management Services stated that the decrease in revenue for these counties will be mitigated by the increase of wireless and VoIP subscribers as LEC subscribers upgrade to newer technology.³⁵

B. Private Sector Impact:

CS/CS/SB 1418 eliminates the distribution of twenty percent of the moneys in the wireless category in the Emergency Communications Trust Fund (EC Trust Fund) to wireless providers for the cost of operating 911 or E911 services. Thus, the bill may have a negative financial impact on such wireless providers.

C. Government Sector Impact:

The bill may increase revenues to local governments by increasing the allocation of funds from the wireless category of the EC Trust Fund to counties from 76 percent to 94 percent.

VI. Technical Deficiencies:

The bill uses the term “smart city technology data,” but does not provide a definition for this term. The sponsor may want to include a definition for this term as this may not be a commonly used phrase and may be open to multiple interpretations.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 365.172, 365.173, 365.177, 212.05965, 365.171, and 365.174.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS/CS/CS by Fiscal Policy on April 25, 2023:

The committee substitute:

- Makes a technical correction to a provision that revises the authorization for the Emergency Communications Board (EC Board) to implement public safety communications improvements.
- Requires that for large-scale project expenditures, the EC Board decision supporting that expenditure must be made in cooperation with the head of each law enforcement agency served by the primary Public Safety Answering Point in each county.

³⁵ Florida Department of Management Services, *Bill Analysis for SB 1418* (Mar. 17, 2023) (on file with the Senate Regulated Industries Committee).

CS/CS by Appropriations Committee on Agriculture, Environment, and General Government on April 18, 2023:

The committee substitute:

- Revises legislative intent to remove references to providing funding to state agencies operating 911 centers;
- Revises the definitions of “computer-aided dispatch,” “E911,” “fund,” and “NG911;”
- Renames the “Emergency Communications Fund” to be the “Emergency Communications Trust Fund” (trust fund);
- Revises the duties and makeup of the EC Board;
- Specifies that current EC Board members must complete their terms—other positions created by the provisions of the bill must be filled immediately;
- Removes a requirement that the EC Board meet quarterly. Instead, the EC Board is to meet most efficient and cost-effective manner, without a particular timeframe requirement;
- Requires the Division of Telecommunications (division) to administer the disbursement of trust fund funds and provide a monthly report to the board of such disbursements;
- Restores a provision in existing law authorizing prepaid wireless sellers adequate time to comply with a subsection relating to the collection public safety emergency fee and allowing such sellers to retain the first two months of such payment to offset the cost of setup;
- Revises the expenditures that that may be made with the funds derived from the Public Safety Communications Fee (fee);
- Revises the distribution of the trust fund to eliminate funding of state agencies that operate 911 centers;
- Authorizes the EC Board to withhold future distribution of emergency communications grant funds or request a return of all or a portion of funds previously awarded based on findings from the financial audit;
- Establishes a deadline for the division to implement a plan to upgrade all 911 public safety answering points within the state to allow the transfer of an emergency call from one local, multijurisdictional, or regional E911 system to another local, multijurisdictional, or regional E911 system in the state (plan);
- Revises the requirements of the plan; and
- Makes technical and conforming revisions.

CS by Regulated Industries on March 4, 2023:

The committee substitute makes a technical revision to SB1418 to remove an erroneous cross-reference change in the bill.

B. Amendments:

None.