

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 Rules

BILL: CS/SB 980

INTRODUCER: Regulated Industries Committee and Senator Brodeur and others

SUBJECT: 911 Public Safety Telecommunicator Certifications

DATE: April 10, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Schrader</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Hunter</u>	<u>Ryon</u>	<u>CA</u>	<u>Favorable</u>
3.	<u>Schrader</u>	<u>Twogood</u>	<u>RC</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 980 increases the timeframe, from 180 days to six years, within which a 911 public safety telecommunicator (PST) certificateholder may renew an involuntarily inactive PST certificate before said certificate permanently expires.

The bill has an effective date of July 1, 2023.

II. Present Situation:

911 Public Safety Telecommunicator Certification

Chapter 401, F.S., relates to medical telecommunications and transportation. Part I of ch. 401, F.S., is specific to the state's emergency telecommunication systems, administered by the Department of Management Services. Part II of ch. 401, F.S., is specific to the emergency medical services (EMS) grants program administered by the Department of Health (DOH). Part III of ch. 401, F.S., consisting of ss. 401.2101 through 401.465, F.S., is specific to medical transportation services and provides for the regulation of EMS by the DOH, including the licensure of EMS service entities, the certification of staff employed by those services, and the permitting of vehicles used by such staff—whether for basic life support (BLS), advanced life support (ALS), or air ambulance services (AAS).

Section 401.465, F.S., is specific to PST certification, administered as part of the EMS program, and defines:

- “911 public safety telecommunicator” as a public safety dispatcher or 911 operator whose duties and responsibilities include the answering, receiving, transferring, and dispatching functions related to 911 calls; dispatching law enforcement officers, fire rescue services, emergency medical services, and other public safety services to the scene of an emergency; providing real-time information from federal, state, and local crime databases; or supervising or serving as the command officer to a person or persons having such duties and responsibilities. The term does not include, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel.
- “Public safety telecommunication training program” as a 911 emergency public safety telecommunication training program that the DOH determines to be equivalent to the public safety telecommunication training program curriculum framework developed by the DOE and consists of at least 232 hours.¹

Any person employed as a PST at a public safety answering point² must be certified by the DOH. A public safety agency,³ may employ a PST for a period not to exceed 12 months if the trainee works under the direct supervision of a certified PST, as determined by rule of the DOH, and is enrolled in a PST training program.

An applicant for certification or recertification as a PST must apply to the DOH under oath on the DOH-provided forms. The DOH, under the rules set forth in Fla. Admin. Code Ch. 64J-3, has established educational and training criteria for the certification and recertification of PSTs, determines whether the applicant meets the statutory and rule requirements, and issues certificates to persons meeting those requirements. Section 401.465(2)(d), F.S., specifies that, at minimum, the requirements must include all of the following:

- Completion of an appropriate 911 PST training program.
- Certification, under oath, that the applicant is not addicted to alcohol or any controlled substance.
- Certification, under oath, that the applicant is free from any physical or mental defect or disease that might impair the applicant’s ability to perform his or her duties.
- Submission of the appropriate application fee.
- Submission of a completed DOH-approved application to the DOH which indicates compliance with PST certificate application requirements.
- Passage of a DOH-approved examination that measures the applicant’s competency and proficiency in the subject material of the PST training program.

A person who was previously employed as a PST or a state-certified firefighter before April 1, 2012, must pass the examination approved by the DOH, which measures the competency and

¹ Section 401.465(1), F.S.

² Section 365.172 (3)(y), F.S., defines a “public safety answering point” as the public safety agency that receives incoming 911 requests for assistance and dispatches appropriate public safety agencies to respond to the requests in accordance with the state E911 plan.

³ Section 365.171(3)(d), F.S., defines a “public safety agency” as a functional division of a public agency which provides firefighting, law enforcement, medical, or other emergency services.

proficiency in the subject material of the PST program, and, upon passage of the examination, the completion of the PST training program is waived.⁴ In addition, the requirement for certification as a PST is waived for a person employed as a sworn, state-certified law enforcement officer, provided that the officer:

- Is selected by his or her chief executive to perform as a PST;
- Performs as a PST on an occasional or limited basis; and
- Passes the DOH-approved examination that measures the competency and proficiency of an applicant in the subject material comprising the public safety telecommunication program.⁵

An initial PST application requires a fee of \$50. In addition, statutes allows the DOH to assess the following fees (currently, the DOH charges these fees at the statutory maximum):

- Examination fee, set by the DOH, not to exceed \$75;
- Biennial renewal certificate, set by the DOH, not to exceed \$50;
- Training program fee, set by the DOH, not to exceed \$50; and
- Duplicate, substitute, or replacement certificate fee, set by the DOH, not to exceed \$25.⁶

Fees collected are deposited into the EMS Trust Fund within DOH, and used solely for administering this program.⁷

The DOH has adopted three rules specific to its PST program responsibilities. These rules, which address PST certification, PST course equivalency, and certification renewal were adopted in 2012.⁸

The DOH website provides extensive details specific to the PST program and includes links to all applicable forms for individuals who are seeking to become certified or re-certified as a PST, including PST examination details, training program requirements, and fees. Training programs must follow the DOE Public Safety Telecommunication Curriculum Framework and consist of not less than 232 hours in order to be approved as a PST training program. The DOH uses a vendor, Prometric,⁹ to administer the testing for PST candidates.¹⁰

The DOH develops the learning objectives for the PST program, and these are reflected in the 142-page program study guide.¹¹ Until Fiscal Year 2014-2015, the DOH learning objectives and the DOE curriculum framework included a requirement that PST training must include CPR training. In conjunction with the DOE and other stakeholders, the CPR element of this required

⁴ Section 401.465(2)(i), F.S.

⁵ *Id.*

⁶ Section 401.465(4), F.S.

⁷ Section 401.465(3), F.S.

⁸ Fla. Admin. Code R. 64J-3.001, 64J-3.001, and 64J-3.001

⁹ Prometric is a provider of technology-enabled testing and assessment solutions to many licensing and certification organizations, academic institutions, and government agencies. Prometric, *About Us*, available at <https://www.prometric.com/about-us/about-prometric> (last visited Mar. 25, 2023).

¹⁰ Department of Health, *911 Public Safety Telecommunicator Program*, available at <http://www.floridahealth.gov/licensing-and-regulation/911-public-safety-telecommunicator-program/index.html> (last visited Mar. 25, 2022)

¹¹ See the Department of Health, *Florida 911 Public Safety Telecommunicator Study Guide*, 2019, available at: <https://www.floridahealth.gov/licensing-and-regulation/911-public-safety-telecommunicator-program/documents/911-pst-studyguide.pdf> (last visited Mar. 25, 2023).

training was discontinued.¹² However, in 2022, HB 593, was passed by the Legislature and enacted as Chapter 2022-51, Laws of Florida. This law amended s. 401.465, F.S., to require certain PST practitioners to again complete CPR training.¹³ PSTs who answer telephone calls and provide dispatch functions for emergency medical conditions must complete telecommunicator CPR training every two years.

Renewal of 911 Public Safety Telecommunicator Certification

PST certificates are renewed biennially, in odd numbered years, with a due date of February 1 in those years, and requires that, as part of the filing of the renewal, the certificateholder must complete 20 hours of training for each biennial PST certification renewal.¹⁴ Though s. 401.465, F.S., provides for a biennial renewal period, under DOH may suspend or revoke a certificate at any time if it determines that the certificateholder does not meet the applicable qualifications.¹⁵

911 Public Safety Telecommunicator Involuntary versus Voluntary Inactive Status

Statutes delineate two types of inactive status. The first is involuntary, as inherently created by the renewal requirements and procedures.¹⁶ The second is voluntary inactive status, as created by the procedure in s. 401.465(2)(h), F.S.

Involuntary inactive status specifies that a PST certificate expires automatically if not renewed at the end of its two-year certification period.¹⁷ For 180 days thereafter, such an expired certificate may be reactivated and renewed by the certificateholder by paying a \$50 late fee, in addition to the required \$50 renewal fee, and submitting the required renewal form to the DOH (as long as such certificateholder meets all other qualifications for renewal).¹⁸ A certificate so made involuntarily inactive, and not renewed within 180 days, expires and may no longer be renewed.

Section 401.465(2)(h), F.S., allows a certificateholder to place their certificate in voluntary inactive status. To do so, the certificateholder must pay a \$50 fee and apply with the DOH prior to the expiration of their PST certificate pursuant to s. 401.465(2)(f), F.S. Once a certificate is voluntarily inactive, statutes provide that:

- A certificateholder whose certificate has been on inactive status for one year or less may renew his or her certificate pursuant to the rules adopted by the DOH and upon payment of a renewal fee set by the department, which may not exceed \$50.
- A certificateholder whose certificate has been on inactive status for more than one year may renew his or her certificate pursuant to rules adopted by the department.
- A certificate that has been inactive for more than six years automatically expires and may not be renewed.¹⁹

¹² E-mail from Department of Education to staff of the Senate Committee on Health Policy (January 30, 2020) (on file with the Senate Committee on Regulated Industries).

¹³ Section 401.465(3)(a), F.S.

¹⁴ Fla. Admin. Code R. 64J-3.003 (2012) implements Section 401.465, F.S.

¹⁵ Section 401.465(2)(g), F.S.,

¹⁶ Section 401.465(2)(f), F.S.

¹⁷ Section 401.465(2)(f), F.S.

¹⁸ See Fla. Admin. Code R. 64J-3.003 (2012), which incorporates by reference DOH form 5068, 01/12, *Renewal/Change of Status 911 Public Safety Telecommunicator Certification Form*, available at:

<https://www.flrules.org/Gateway/reference.asp?No=Ref-01490> (last visited Mar. 25, 2023).

¹⁹ Section 401.465(2)(f), F.S.

Though statutes identify two types of certificateholders who have unexpired, but voluntarily inactive licenses, (i.e. a person who has their PST certificate on voluntary inactive status for one year or less versus a certificateholder who has been on such status for at least one but less than six years), current DOH rules treat them the same. Under either circumstance, a person must have completed all renewal requirements and pay a \$50 renewal fee.²⁰

For both involuntary and voluntary inactive status, once a certificate expires (after 180 days of involuntary inactive status or six years of voluntary inactive status) it may not be renewed and an applicant must meet all of the application and training requirements of a new PST certificate in order to regain PST certification.²¹

911 Public Safety Telecommunicator Shortage

According to the National Emergency Number Association (NENA), there is no national database that tracks turnover in dispatch department units (which would include PSTs).²² As of January 2023, NENA states that it is seeing, anecdotally, an approximate 30 percent staffing shortage on average at 911 centers across the nation.²³ A June 2022 survey of Florida counties by the Florida Telecommunicator Emergency Response found that, of the 39 Florida counties responding:

- All but one had unfilled PST positions;
- Eighteen had a PST position vacancy rate of 25 percent or more; and
- Overall, 831 of 3,889 authorized PST positions were vacant at that time in those counties (for an overall vacancy rate of 21 percent).²⁴

Current Public Safety Telecommunicator Certificateholders in Florida

Currently, according to the DOH, there are 6,081 PST certificateholders in Florida. During the past three renewal cycles—February 2017, 2019, and 2021—the number of persons whose licenses expired after 180 days of involuntary inactive status were 1,965, 1,887, and 1,840, respectively.²⁵

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 401.465(2)(f), F.S., to allow that for all 911 public safety telecommunicator certificates not renewed at the end of the 2-year certificate period, the

²⁰ *Id.*

²¹ Section 401.465(2)(f) and (h)3., F.S.

²² Malique Rankin, *911 dispatchers facing staffing shortages as calls increase*, CBS 10 TAMPA BAY WTSP.COM, (Aug. 8, 2021), available at <https://www.wtsp.com/article/news/local/911-dispatchers-staffing-shortages/67-a17c5a42-92f4-462f-8c61-eaf1b1885255> (last visited: Mar. 25, 2023).

²³ Chris Nussman, *NENA Launches Workforce-Recruitment Resources to Help Combat the 9-1-1 Staffing Crisis*, National Emergency Number Association (Jan. 27, 2023), available at <https://www.nena.org/news/news.asp?id=629650&hhSearchTerms=%22shortage%22> (last visited: Mar 25, 2023).

²⁴ Florida Telecommunicator Emergency Response Taskforce, *911 Public Safety Telecommunicator Certificates* (on file with Senate Regulated Industries Committee).

²⁵ E-mail from Charles Smith, Legislative Planning Director, Florida Department of Health, to Senate Regulated Industries Committee staff (Mar. 13, 2023)(on file with the Senate Regulated Industries Committee).

certificate would enter inactive status for a period not to exceed six years. Such a certificate may be renewed by the certificateholder within this six year period by meeting all other qualifications for renewal and paying a \$50 late fee.

Under current s. 401.465, F.S., such a six-year inactive period and renewal window is limited only to certificateholders electing to place their certificate in voluntary inactive status and paying a \$50 fee to the Department of Health (DOH), prior to the certificate expiring 180 days after the renewal was due. In extending the 6-year renewal period to all inactive certificates, the bill eliminates all statutory distinctions between involuntarily or voluntarily inactive public safety telecommunicator certificates and allows up to six years for any certificateholder to renew a certificate before the certificate irrevocably expires.

The bill also:

- Prohibits the DOH from requiring the certificateholder to pay a fee or make an election before placing a certificate in inactive status.
- Provides that for any fee paid by a certificateholder to place their certificate in inactive status in the past six years, the DOH shall apply that fee paid to the cost of renewing the certificateholder's certificate.
- Provides that the bill is remedial in nature and applies retroactively to any public safety telecommunicator certificate that has expired pursuant to s. 401.465(2)(f), F.S., during the 6-year period before the effective date of the act.

The DOH expects that the revisions to s. 401.465(2)(f), F.S., would potentially impact 5,692 former certificateholders whose certificates are currently expired pursuant to the 180-day renewal limitation for certificates on involuntary inactive status under current s. 401.465(2)(f), F.S.²⁶

Section 2 of the bill provides that it is effective upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

²⁶ *Id.*

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Under the bill, the number of persons who are eligible to apply for a renewal of 911 public safety telecommunicator (PST) certification will likely increase. In addition, the number of persons applying for new PST certifications may be reduced, as those whose certifications may have previously been expired are now eligible for renewal instead. The exact impact at this time is unknown, however the DOH did indicate via email that the proposed changes in CS/SB 980 could impact up to 5,692 former certificateholders whose certificates are currently expired and not renewable.²⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 401.465 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 Regulated Industries on March 14, 2023:

The committee substitute:

- Eliminates a distinction in current s. 401.465, F.S., distinguishing between public safety telecommunicator certificates that become involuntarily or voluntarily inactive and allows up to six years for any certificateholder to renew a certificate before it irrevocably expires. Under current law, the 6-year renewal period is only available by

²⁷ *Id.*

applying with the Department of Health for voluntary inactive status and paying a \$50 fee (otherwise, the renewal period is 180 days—i.e. involuntary inactive status).

- Prohibits the Department of Health from requiring the payment of a fee or making of an election before placing a certificate in inactive status.
- Provides that for any fee paid by a certificateholder to place their certificate in inactive status in the past six years, the Department of Health shall apply that fee paid to the cost of renewing the certificateholder's certificate.
- Provides for retroactive application.

B. Amendments:

None.