

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 Regulated Industries

BILL: SB 1682

INTRODUCER: Senator Grall

SUBJECT: First Responders

DATE: March 24, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schrader	Imhof	RI	Pre-meeting
2.			AEG	
3.			RC	

I. Summary:

SB 1682 amends s. 365.171, F.S., that establishes the Florida Emergency Communications State Plan to define “first responders” to mean any full-time or part-time paid employee or unpaid volunteer who is a 911 public safety telecommunicator, correctional officer, emergency medical technician or paramedic, federal law enforcement officer, firefighter or law enforcement officer.

It revises the definition of “public agency” and “public safety agency” to delete the terms “firefighting, law enforcement, ambulance, medical, or other” emergency services and insert “first responder.”

The bill has an effective date of July 1, 2025.

II. Present Situation:

Florida 911 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, 2008.¹ Currently, Florida's counties are working on technical, funding, and deployment issues in an effort to provide statewide text-to-911 services. As of February 2025, 64 of Florida's 67 counties offer text-to-911 service.²

2023 Revisions to Florida's Emergency Communications Law

In 2023, Florida passed SB 1418 which made several changes to Florida's emergency communications law support to reflect the transition from enhanced 911 (E911) to Next Generation 911 (NG911), to revise legislative intent regarding such services, and to revise the composition, name, duties, and meeting frequency of the current E911 Board (renamed in the bill to be the Emergency Communications Board [EC Board]).³ Under the bill, the EC Board was given the additional responsibility of advocating and developing policy recommendations to ensure interoperability and connectivity between public safety communication systems within the state. The EC Board was also authorized, under the bill, to establish a schedule for implementing NG911 systems, public safety radio communications systems, and other public safety communications improvements. The EC Board may prioritize disbursement of revenues pursuant to this schedule to implement 911 services in the most efficient and cost-effective manner.

The bill also revised the distribution of revenue collected from a monthly fee to fund 911 services assessed on voice communications services in the state, removed county exceptions to the state's uniform rate for this fee, and revised the expenditures that are eligible to be paid by revenue collected from this fee. The EC Board was directed to ensure that county recipients of funds only use such funds for the purposes for which they have been provided. If the EC Board determines such funds were not used for the purposes for which they were provided, the EC Board was authorized to secure county repayment of improperly used funds. Changes, modifications, or upgrades to the emergency communications systems or services must be made in cooperation with the head of each law enforcement agency served by the primary Public Safety Answering Point (PSAP) in each county.⁴

The bill also required the Department of Management Services Division of Telecommunications to develop a plan by December 30, 2023, to upgrade 911 PSAPs 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.

Florida Emergency Communications State Plan Act

Section 365.171, F.S., is the Florida Emergency Communications State Plan Act. That section establishes 911 as the designated emergency communications number for the state and that

¹ Department of Management Services, *Florida 911*, https://www.dms.myflorida.com/business_operations/telecommunications/public_safety_communications/florida_911 (last visited: Mar. 20, 2025).

² Department of Management Services, *Florida Text-to-911 Status (by county)*, <https://www.arcgis.com/apps/dashboards/3a78afa830ca4b40bb8adb6ac0c45b25> (last visited Mar. 20, 2025).

³ Chapter 2023-55, Laws of Fla.

⁴ Section 365.172 (3)(y), F.S., defines a "public safety answering point" "PSAP," or "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 statewide emergency communications plan.

public safety agencies may not advertise or otherwise promote the use of any communications number for emergency response services other than 911. The section also provides that it is the intent of the legislature “to implement and continually update a cohesive statewide emergency communications plan for enhanced 911 services which will provide citizens with rapid direct access to public safety agencies by accessing “911” with the objective of reducing the response time to situations requiring law enforcement, fire, medical, rescue, and other emergency services.”⁵

As used in s. 365.171, F.S.:

- A “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;” and
- A “public safety agency” means “a functional division of a public agency which provides firefighting, law enforcement, medical, or other emergency services.”

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, advanced life support, or air ambulance services.

Section 401.465, F.S., is specific to public safety telecommunicator (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, EMS, 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 Department of Education and consists of at least 232 hours.⁶

⁵ Section 365.171(2).

⁶ Section 401.465(1), F.S.

Any person employed as a PST at a public safety answering point must be certified by the DOH. A public safety agency 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.

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.⁷ This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.⁸ In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.⁹ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.¹⁰ The Public Records Act states that:

[i]t is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.¹¹

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.¹² The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”¹³ A violation of the Public Records Act may result in civil or criminal liability.¹⁴

The Legislature may create an exemption to public records requirements by passing a general law by a two-thirds vote of each of the House and the Senate.¹⁵ The exemption must explicitly lay out the public necessity justifying the exemption and must be no broader than necessary to

⁷ FLA. CONST. art. I, s. 24(a).

⁸ *Id.*

⁹ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S., and FLA. CONST. art. I, s. 24(b). Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.

¹⁰ Public records laws are found throughout the Florida Statutes.

¹¹ Section 119.01(1), F.S.

¹² Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

¹³ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

¹⁴ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁵ FLA. CONST. art. I, s. 24(c).

accomplish the stated purpose of the exemption.¹⁶ A statutory exemption, which does not meet these two criteria, may be unconstitutional and may not be judicially saved.¹⁷

When creating a public records exemption, the Legislature may provide that a record is “confidential and exempt” or “exempt.”¹⁸ Records designated “confidential and exempt” may be released by the records custodian only under the circumstances defined by statutory exemptions. Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁹

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 365.171, F.S., to create the following definitions for the Florida Emergency Communications State Plan Act:

- “First responder” to mean any of the following persons who are either a full-time paid employee, a part-time paid employee, or an unpaid volunteer:
 - A 911 public safety telecommunicator, as defined in s. 401.465, F.S.;²⁰
 - A correctional officer, as defined in s. 943.10(2), F.S.;²¹
 - An emergency medical technician²² or paramedic,²³ as those terms are defined in s. 401.23, F.S.;
 - A federal law enforcement officer, as defined in s. 901.1505(1), F.S.;²⁴

¹⁶ *Id.*

¹⁷ *Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a public records statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

¹⁸ If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

¹⁹ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

²⁰ Section 401.465, F.S., defines “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. However, the term does not include administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel.”

²¹ Section 943.10(2), F.S., defines “correctional officer” as “any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution; however, the term ‘correctional officer’ does not include any secretarial, clerical, or professionally trained personnel.”

²² Section 401.23, F.S., defines “emergency medical technician” as a person who is certified by the Department of Health to perform basic life support pursuant to ss. 401.2101-465, F.S.

²³ Section 401.23, F.S., defines “paramedic” as a person who is certified by the Department of Health to perform basic and advanced life support pursuant to ss. 401.2101-465, F.S.

²⁴ Section 901.1505(1), F.S., defines “federal law enforcement officer” as “a person who is employed by the Federal Government as a full-time law enforcement officer as defined by the applicable provisions of the United States Code, who is

- A firefighter, as defined in s. 633.102, F.S.; and²⁵
- A law enforcement officer, as defined in s. 943.10(1), F.S.²⁶

The bill revises the definition of “public agency” to delete the terms “firefighting, law enforcement, ambulance, medical, or other” emergency services and insert “first responder.”

It revises the definition of “public safety agency” to delete the terms “firefighting, law enforcement, medical, or other” emergency services and insert “first responder.”

Section 2 conforms a cross-reference in s. 401.465, F.S., to amendments made by the bill.

Section 3 of the bill provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote and Single Subject Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. Such a bill may only relate to one subject.

Under current law, s. 365.171(12)(a), F.S., provides that certain records, recordings, and information obtained by a “public agency” or “public safety agency” be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that such record or information may be disclosed to a public safety agency.²⁷ This bill revises, and potentially expands, the definition of “public agency” and “public safety agency,” by including 911 public safety communicators and correctional officers in the definition of those agencies. Such an expansion would have the effect of also expanding

empowered to effect an arrest for violations of the United States Code, who is authorized to carry firearms in the performance of her or his duties, and who has received law enforcement training equivalent to that prescribed in s. 943.13[F.S].”

²⁵ Section 633.102, F.S., defines “firefighter” as a person “who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the [Division of State Fire Marshal within the Department of Financial Services] under s. 633.408[F.S].”

²⁶ Section 943.10(1), F.S., defines “law enforcement officer” as “any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.”

²⁷ Specifically, the record or information is protected if it is obtained for the purpose of providing services in an emergency and it “reveals the name, address, telephone number, or personal information about, or information which may identify any person requesting emergency service or reporting an emergency by accessing an emergency communications system.”

the public records exemption provided in s. 365.171(12)(a), F.S., and thus, making the bill subject to the vote and the single subject requirements of Article I, s. 24(c) of the State Constitution.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. If this bill does expand an exemption, a statement of public necessity would be required. Presently, the bill does not provide such a statement.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law.

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:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill does not appear to provide a definition for what “first responder emergency services” would be. The bill does provide a definition for “first responder,” however, this definition is comprised of persons with certain certifications, requirements, and duties. Thus, it is unclear what services provided by (or potentially for) such persons would be contemplated under the bill in order to qualify an entity as a “public agency” or “public safety agency.”

The bill also revises the definition of “public agency” and “public safety agency” for s. 365.171, F.S. Section 365.172, F.S., also provides a definition for “public agency” and “public safety agency” that applies to s. 365.171, F.S. Presently, the definition for “public agency” is very similar between ss. 365.171 and 365.172, F.S.,²⁸ and the definition for “public safety agency” is identical. Thus, though there are overlapping definitions between these two sections in current law, the definitions are similar enough to potentially not raise any significant conflict. However, with the revisions in the bill to these definitions in s. 365.171, F.S., that would no longer be the case.

VIII. Statutes Affected:

This bill substantially amends the following section 365.171 of the Florida Statutes.

The bill amends s. 401.465 of the Florida Statutes to correct a cross-reference.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

²⁸ The definition for “public agency” in s. 365.171, F.S., is “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.” For 365.172, F.S., the definition is the state and any municipality, county, municipal corporation, or other governmental entity, 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.