

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 Community Affairs

BILL: SB 1026

INTRODUCER: Senator Book and others

SUBJECT: Text-to-911 Service

DATE: January 22, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cochran	Yeatman	CA	Pre-meeting
2.			GO	
3.			RC	

I. Summary:

In Florida, Text-to-911 is currently available in 20 counties. Approximately 18 other counties are in the project planning stage to have this service implemented. By the end of 2018, more than 50% of the counties will have implemented or will be in the test phase of implementing Text-to-911.

SB 1026 requires all counties to develop a plan for implementing a Text-to-911 system, and to have a system in place to receive E911 text messages by January 1, 2021.

II. Present Situation:

E911 Board and System

In 2007, the Florida Legislature established the E911 Board, which is composed of eleven members. The secretary of the Department of Management Services (DMS) designates the chair of the board. The Governor appoints five members who are county 911 coordinators and five members from the telecommunications industry. The E911 Board's primary function is to administer the funds derived from a monthly fee on each subscriber with a Florida billing address (place of primary use). The E911 Board makes disbursements from the E911 Trust Fund to county governments and wireless providers in accordance with s. 365.173, F.S.¹

The Secretary of DMS, or his or her designee, is designated as the director of the statewide E911 system.² The Office of the Secretary has designated a statewide E911 coordinator to carry out day-to-day activities. Statewide coordination of 911 and E911 services, including the Emergency

¹ Florida Department of Management Services, Senate Bill 1026 Analysis (December 11, 2017).

² Section 365.171, F.S.

Communications Number E911 State Plan (State E911 Plan) is the responsibility of the DMS.³ The State E911 Plan is a statewide plan for implementing and maintaining E911 services, thereby establishing the framework for a statewide emergency E911 communications system. The State E911 Plan establishes the Board of County Commissioners in each county as the responsible fiscal agent. The county E911 systems are under the direct control of the 67 boards. Each county board designates a county 911 coordinator to act as the single point of contact for the DMS and Public Safety Answering Points (PSAPs), and to coordinate effective delivery of E911 services in the county.⁴

In recognition that Next Generation 911 (NG-911)⁵ services are a few years away, the E911 Board and the DMS have worked with the industry as part of a process to move forward on a critical short-term NG-911 component, the ability to provide text notifications to 911 PSAPs. To advance these efforts, the E911 Board and the DMS provide a planning resource to assist counties with their Text-to-911 implementation.⁶

Rule 60FF1-5, F.A.C., permits counties to request funding for Text-to-911 from the E911 Board. Counties whose request for funding is granted by the E911 Board shall not receive additional funding from the E911 Board for “Text-to-911” for 365 days from the date of the prior disbursement to the recipient.⁷

III. Effect of Proposed Changes:

Section 1 amends s. 365.172, F.S., to require counties to develop a plan for implementing a text-to-911 system, and to have a system in place to receive E911 text messages by January 1, 2021.

Section 2 provides an effective date of July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, Section 18, Florida Constitution, provides that cities and counties are not bound by general laws requiring them to spend funds or to take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. By requiring that all counties develop a Text-to-911 system by January 1, 2021, the bill requires the expenditure of money by some counties.

³ Florida Department of Management Services, *State of Florida Text to 911 Initiative*, https://www.dms.myflorida.com/content/download/112482/625449/Statewide_Text-to-911_Initiative_8-11-2016.pdf at 4-5 (last visited January 18, 2018).

⁴ Florida Department of Management Services, *State of Florida Text to 911 Initiative*, https://www.dms.myflorida.com/content/download/112482/625449/Statewide_Text-to-911_Initiative_8-11-2016.pdf at 6 (last visited January 18, 2018).

⁵ Next Generation 911 refers to an initiative aimed at updating the 911 service infrastructure in the United States and Canada to improve public emergency communications services in a growingly wireless mobile society.

⁶ Florida Department of Management Services, *State of Florida Text to 911 Initiative*, https://www.dms.myflorida.com/content/download/112482/625449/Statewide_Text-to-911_Initiative_8-11-2016.pdf at 3 (last visited January 18, 2018).

⁷ *Id.*

An exemption from the mandates provision may apply if the expected fiscal impact of the bill is less than \$2 million. If costs exceed \$2 million, none of the constitutional exceptions or exemptions apply, and if the bill becomes law, counties will not be bound by the law unless the legislature determines that the bill fulfills an important state interest and approves the bill by a two-thirds vote of the membership of each house.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The cost to implement a Text-to-911 service will vary by county. Local governments may have to increase local taxes or fees to create a source of revenue to implement this service.⁸ Counties are able to request funding but disbursement is limited.⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 365.172 of the Florida Statutes.

⁸ Florida Department of Management Services, *Senate Bill 1026 Analysis* (December 11, 2017).

⁹ *Id.*

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.
