

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 Appropriations Subcommittee on General Government

BILL: PCS/SB 190 (889976)

INTRODUCER: Appropriations Subcommittee on General Government; Senators Steube and Young

SUBJECT: E911 Systems

DATE: February 12, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wiehle</u>	<u>Caldwell</u>	<u>CU</u>	Favorable
2.	<u>Davis</u>	<u>Betta</u>	<u>AGG</u>	Recommend: Fav/CS
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 190 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. 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 percent of the counties will have implemented or will be in the test phase of implementing Text-to-911.

The bill also requires the Technology Program (office) within the Department of Management Services to develop and implement a plan by January 1, 2019, to require a 911 public safety telecommunicator, when prudent and requested by a caller or when necessary, be able to transfer an emergency call from one local, multijurisdictional, or regional E911 system to another local, multijurisdictional, or regional E911 system in the state. In developing and implementing this plan, the office is required to:

- Coordinate with public agencies to identify and resolve any technological or logistical issues in implementing the plan.
- Identify or establish a system or clearinghouse for maintaining contact information for all E911 systems in the state.
- Establish a date, considering any technological, logistical, financial, or other identified issues, by which all E911 systems in the state must be able to transfer emergency calls as described above.

The bill provides a legislative determination that the act fulfills an important state interest.

The bill is expected to increase the costs incurred by state and local governments by significant but indeterminate amounts.

II. Present Situation:

The Technology Program (office) within the Department of Management Services (department) oversees the E911 system in Florida.¹ The office is required to develop, maintain, and implement appropriate modifications for a statewide emergency communications E911 system plan. The plan must provide for:

- The public agency emergency communications requirements for each entity of local government² in the state.
- A system to meet specific local government requirements. The system is required to 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.

The office is responsible for the implementation and coordination of the plan, and must adopt any necessary rules and schedules related to public agencies³ for implementing and coordinating the plan.

In 2007, the Florida Legislature established the E911 Board, which is composed of eleven members. The secretary of the department designates the chair of the E911 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 Wireless Emergency Telephone System Trust Fund to county governments and wireless providers in accordance with s. 365.173, F.S.⁴

The Secretary of the department, or his or her designee, is the director of the statewide emergency communications number E911 system and is authorized to coordinate the activities of the system with state, county, local, and private agencies. In implementing the system, the director must consult, cooperate, and coordinate with local law enforcement agencies.

Section 365.176(6), F.S., permits the formation of multijurisdictional or regional systems; and any system established pursuant to the section may include the jurisdiction, or any portion thereof, of more than one public agency.

¹ Section 365.171, F.S.

² The term "local government" means any city, county, or political subdivision of the state and its agencies. s. 365.171(3)(b), F.S.

³ 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. s. 365.171(3)(c), F.S.

⁴ Department of Management Services, *Analysis of Senate Bill 1026* (December 11, 2017) (on file with the Senate Subcommittee on General Government).

Within the E911 system, public safety answering points (PSAPs) are the public safety agencies⁵ that receive incoming 911 requests for assistance and dispatch appropriate public safety agencies to respond to the requests in accordance with the state E911 plan.⁶ There are 256 primary, secondary, and backup PSAPs in Florida.⁷ According to the department, some counties are currently able to implement call routing between PSAPs within their county jurisdiction, but most, if not all, cannot route calls outside of their county without using an Emergency Service Internet Protocol Network (ESInet).⁸ Currently, there is not a statewide ESInet established.⁹

In recognition that Next Generation 911 (NG-911)¹⁰ services are a few years away, the E911 Board and the department 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 department provide a planning resource to assist counties with their Text-to-911 implementation.¹¹

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.¹²

III. Effect of Proposed Changes:

The bill 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.

The bill creates s. 365.176, F.S., to require the office to develop and implement a plan by January 1, 2019, to require that a 911 public safety telecommunicator,¹³ when prudent and requested by a caller or when necessary, be able to transfer an emergency call from one local,

⁵ “Public safety agency” means a functional division of a public agency which provides firefighting, law enforcement, medical, or other emergency services. Section 365.172(3)(x), F.S.

⁶ Section 365.172(3)(y), F.S.

⁷ Department of Management Services, *Analysis of Senate Bill 190* (Jan. 23, 2018) (on file with the Senate Subcommittee on General Government).

⁸ *Id.*

⁹ *Id.*

¹⁰ 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.

¹¹ 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).

¹² *Id.*

¹³ The term “911 public safety telecommunicator” means 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. s. 401.465(1)(a), F.S.

multijurisdictional, or regional E911 system to another local, multijurisdictional, or regional E911 system in the state. In developing and implementing this plan, the office is required to:

- Coordinate with public agencies to identify and resolve any technological or logistical issues in implementing the plan.
- Identify or establish a system or clearinghouse for maintaining contact information for all E911 systems in the state.
- Establish a date, considering any technological, logistical, financial, or other identified issues, by when all E911 systems in the state must be able to transfer emergency calls as described above.

The bill amends s. 365.172, F.S., to add a cross-reference to the newly created statute.

The bill provides a legislative determination that the act fulfills an important state interest.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(a) of the State Constitution provides, in pertinent part, that “no county or municipality shall be bound by any general law requiring such county or municipality to spend funds or take an action requiring the expenditure of funds unless the Legislature has determined that such law fulfills an important state interest and the law requiring such expenditure is approved by two-thirds of the membership in each house of the Legislature.”

The bill requires the development and implementation of a plan requiring 911 public safety telecommunicators, under certain circumstances, to be able to transfer and receive transfers of emergency calls from other local, multijurisdictional, or regional E911 systems in the state. The bill also requires the development and implementation of a plan requiring a Text-to-911 service countywide.

Section 4 of the bill specifies that ensuring 911 telecommunications are routed to the most appropriate 911 systems in the most expeditious manner possible in order to protect public safety fulfills an important state interest; however no such legislative declaration related to the Text-to-911 service is included.

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 bill is expected to increase costs incurred by state and local governments by a significant but indeterminate amount. 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.¹⁴ Counties are able to request funding but disbursement is limited.¹⁵ In addition, the bill requires the department to develop and implement a plan that allows for the transfer of calls between E911 systems within Florida. Better coordination will allow local governments to continue improving and upgrading their E911 systems. The department indicates the costs to implement these requirements are unknown but are expected to be significant.¹⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

In 2009, the department submitted an application for an Enhanced 911 Act Grant Program that indicated total project costs would be \$5.4 million for developing four long range initiatives, which included Statewide E911 Routing, Regional E911 Mapping, Statewide E911 Call Taker and 911 Personnel E-Training and Regional Enhanced 911 Backup/Training Public Safety Answering Point.¹⁷

VIII. Statutes Affected:

This bill substantially amends section 365.172 of the Florida Statutes.

This bill creates section 365.176 of the Florida Statutes.

¹⁴ Department of Management Services, *Analysis of Senate Bill 1026* (December 11, 2017) (on file with the Senate Subcommittee on General Government).

¹⁵ *Id.*

¹⁶ Department of Management Services, *Analysis of Senate Bill 190* (Jan. 23, 2018) (on file with the Senate Subcommittee on General Government).

¹⁷ Enhanced 911 Act Grant Program, State of Florida Department of Management Services, Division of Telecommunications, E911 Plan Application/

https://www.dms.myflorida.com/content/download/63438/272174/Final_Federal_E911_Grant_Application_-_Florida.pdf

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by Appropriations Subcommittee on General Government on February 8, 2018:

The committee substitute:

- 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; and
 - Specifies that ensuring 911 telecommunications are routed to the most appropriate 911 systems in the most expeditious manner possible in order to protect public safety serves an important state interest.
- B. **Amendments:**
- None.

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