

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 Health Regulation Committee

BILL: SB 1694

INTRODUCER: Senator Aronberg and others

SUBJECT: Emergency Dispatcher Certification

DATE: March 26, 2008 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Munroe	Wilson	HR	Fav/1 amendment
2.			CA	
3.			GO	
4.			HA	
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input checked="" type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The bill creates a voluntary certification of 911 emergency dispatchers. The bill requires the Department of Health (DOH) to establish, by rule, educational and training criteria for certification and requirements for certificate renewal. The DOH is authorized to suspend or revoke a certificate at any time if it is determined that the certificate holder does not meet the qualifications. A certificate holder is allowed to request inactivation of his or her certification and may renew the inactive certification for a fee.

This bill creates section 401.465, Florida Statutes.

II. Present Situation:

Emergency dispatchers may often be the initial point of contact for the public when emergency assistance is required. Emergency dispatchers receive emergency calls from the public requesting police, fire, medical or other emergency services. These personnel determine the nature and location of the emergency, determine the priority of the emergency, and communicate the nature of the call to police, fire, ambulance, or other emergency units as necessary and in accordance with established procedures. Emergency dispatchers receive and process 911 emergency calls,

maintain contact with all units on assignment, and maintain status and location of police, fire, and other emergency units, as necessary. Emergency dispatchers may be trained to enter, update, and retrieve information from a variety of computer systems to assist callers.

Many local agencies offer in-house training programs to their employees. Certification courses from private vendors are available to emergency dispatchers who may wish to show their proficiency in specified skills needed for emergency dispatch. The National Academies of Emergency Dispatch offers certification for emergency medical dispatchers, emergency fire dispatchers, emergency police dispatchers, and emergency telecommunicators. They provide a certification credential for medical, fire, and police functions in one comprehensive training program. The registration fee for these certification courses range between \$295 and \$500.¹

Emergency Dispatch In Florida

Section 365.171, F.S., governs Florida's public policy on the emergency telephone number "911." This statute specifies that it is the intent of the Legislature to "establish and implement a cohesive statewide emergency telephone number '911' plan which will provide citizens with rapid direct access to public safety agencies by dialing the telephone number '911' with the objective of reducing response time to situations requiring law enforcement, fire, medical, rescue, and other emergency services."

In Florida, local governments handle emergency dispatching in a variety of ways to accommodate local needs and budgeting priorities. The curriculum content and length of training programs varies by agency. According to the DOH, all 67 Florida counties have enhanced 911 dispatch which allows an emergency dispatch center's computers to automatically provide the caller's name, address and mapped location. The map also identifies the closest police, fire, and EMS agencies. Emergency dispatch may be handled through one or more of the agencies that handle police, fire, and emergency medical services.

With some variation, emergency calls in some counties go to a central dispatch - the dispatcher verifies the caller's location and nature of call, the call is then transferred to the appropriate dispatcher who dispatches the appropriate agency (law enforcement, emergency medical services, fire) and Emergency Medical Dispatch (EMD) is utilized to provide the caller with instructions to treat the emergency while EMS is enroute.²

In some counties when a caller dials 911, the call is directed to the Sheriff's Office. The dispatcher will determine the nature of the call and location and then decide if the call is for emergency medical services or fire. At this point, the call may then be transferred to the appropriate agency to handle the emergency or the call may be forwarded to a public safety dispatch center. If equipped, the public safety dispatch center will then provide EMD and send the appropriate emergency medical service or fire units to the scene or the appropriate fire units to a fire emergency.³

¹ National Academies of Emergency Dispatch, "Certification Course Overview," <http://www.emergencydispatch.org/cert_home.php?a=certHome&b=certOverview> (Last visited March 25, 2008).

² Source: Florida Department of Health (Leon, Pinellas, Okaloosa Counties).

³ Source: Florida Department of Health. (Seminole and Miami-Dade Counties).

Department of Education Curriculum Framework and Standards

The Division of Workforce Education at the Florida Department of Education (DOE) publishes curriculum frameworks and standards aligned to the 16 Career Clusters delineated by the United States Department of Education. Each program's course standards are composed of two parts: a curriculum framework and the student performance standards. The curriculum framework includes four major sections: major concepts/content, laboratory activities, special notes, and intended outcomes. Student performance standards are listed for each intended outcome.

The Public Safety Telecommunication program is designed to prepare students for employment as a police, fire, ambulance, or emergency medical dispatcher. The program is divided into two levels. The first level, "Occupational Completion Point A," is a 208 hour curriculum designed for police, fire, and ambulance dispatchers. The second level, "Occupational Completion Point B", is to be completed after the first level through an additional 24 hour curriculum designed for emergency medical dispatchers.

The intended outcomes for the police, fire, and ambulance dispatcher curriculum include:⁴

- Describe and demonstrate professional ethics and the role of telecommunicator;
- Describe Florida law and its application to telecommunication operation;
- Identify and define terminology pertinent to public safety telecommunication;
- Identify and explain communication equipment and resources;
- Demonstrate communication and interpersonal skills;
- Perform operational skills;
- Demonstrate understanding of hazardous materials awareness;
- Demonstrate proficiency in first responder to medical emergencies techniques and provide emergency medical care;
- Demonstrate knowledge of sexually transmitted diseases, including AIDS;
- Comprehend stress management techniques; and
- Demonstrate employability skills.

The Public Safety Telecommunication program curriculum is currently taught at various community colleges and vocational/technical centers across the state.

Sunrise Act

The Sunrise Act, codified in s. 11.62, F.S., requires the Legislature to consider specific factors in determining whether to regulate a new profession or occupation. The act requires that all legislation proposing regulation of a previously unregulated profession or occupation be reviewed by the Legislature based on a showing of the following: that substantial risk of harm to the public is a risk of no regulation which is recognizable and not remote; that the skills the profession requires are specialized and readily measurable; that other forms of regulation do not or cannot adequately protect the public; and that the overall cost-effectiveness and economic impact of the proposed regulation is favorable.

⁴ See Florida Department of Education, "Curriculum Framework, Public Safety Telecommunication," July 2008, <http://www.fldoe.org/workforce/dwdframe/ps_cluster_frame08.asp> (Last visited March 25, 2008).

The act requires proponents of regulation of a previously unregulated profession to provide the agency that is proposed to have jurisdiction over the regulation and the legislative committees of reference information concerning the effect of proposed legislation to initially regulate a previously unregulated profession on the agency's resources to implement and enforce the regulation. Proponents of the voluntary certification of emergency dispatchers did not provide any documentation of the nature and extent of harm to the public caused by the unregulated practice of the occupation. It is unclear, however, whether the requirements of the Sunrise Act apply to a profession or occupation seeking voluntary certification by a state agency.

A study conducted by the Florida Chapter of the Association of Public-Safety Communications Officials Standards and Certification Task Force in 2007 found that 28 states have mandatory training standards for emergency dispatchers, three states have voluntary training standards, and 20 states have no training standards. The task force also found that training programs across the country range from 40 hours to 640 hours.

III. Effect of Proposed Changes:

Senate Bill 1694 creates s. 401.465, F.S., to establish a voluntary certification of 911 emergency dispatchers. The bill defines a "911 emergency dispatcher" as a person employed by a state agency or local government as a public safety dispatcher or 911 operator whose duties and responsibilities include:

- Answering 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 administrative support personnel, including those whose responsibilities are in accounting, purchasing, legal, and personnel.

The bill requires any person who desires to be certified or recertified as a 911 emergency dispatcher to apply, under oath, to the DOH. The certification is voluntary, not mandatory.

The DOH is required to establish, by rule, educational and training criteria for the certification and recertification of 911 emergency dispatchers and is authorized to determine whether the applicant meets the requirements. The DOH must issue a certificate to any person who meets the requirements.

An applicant for certification or recertification as a 911 emergency dispatcher must:

- Complete an appropriate 911 emergency dispatcher training program that is equivalent to the most recently approved Department of Education emergency dispatcher course and that consists of not less than 208 hours;
- Certify under oath that he or she is not addicted to alcohol or any controlled substance;

- Certify under oath that he or she is free from any physical or mental defect or disease that might impair his or her ability to perform his or her duties;
- Submit the application fee; and
- Submit a completed application to the DOH which indicates compliance with the first three items of this list.

The bill authorizes the DOH to establish, by rule, a procedure for the biennial renewal certification of 911 emergency dispatchers.

Each certificate expires automatically at the end of the 2-year period, if not renewed, and reverts to an inactive status for a period that may not exceed 180 days. The inactive certificate may be reactivated and renewed within the 180-day period if the certificate holder meets all other qualifications for renewal and pays a \$50 late fee. The DOH is granted rulemaking authority to establish the reactivation requirements and forms.

The certificate holder may request that his or her certificate be placed on inactive status by applying to the DOH before the certificate expires and paying a fee set by the DOH, not to exceed \$100.

- To renew a certificate that has been voluntarily inactive for one year or less, a person must meet the requirements established by the DOH and pay a renewal fee set by the DOH, which may not exceed \$100.
- To renew a certificate that has been voluntarily inactive for more than one year, a person must meet the requirements established by the DOH.
- A certificate that has been voluntarily inactive for more than six years expires and may not be renewed.

The DOH may suspend or revoke a certificate at any time if it determines the certificate holder does not meet the applicable qualifications.

The application fee for an original certificate is \$75. The application fee for a biennial renewal certificate is \$100. If a certificate is lost or destroyed, a duplicate or substitute certificate may be obtained for a fee set by the DOH, not to exceed \$25. If a certificate holder's name changes, a replacement certificate may be obtained if he or she surrenders the original certificate and pays a fee set by the DOH, not to exceed \$25. All fees collected under this act must be deposited into the Emergency Medical Services Trust Fund and used solely for salaries and expenses the DOH incurs in administering the act.

The effective date of the bill is October 1, 2008.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

D. Other Constitutional Issues:

The bill requires the DOH to establish educational and training criteria by rule for the certification and recertification of 911 emergency dispatchers. Although the bill specifies some requirements that the rules must include it appears to leave fundamental policy decisions to the DOH regarding what standards its staff will use to voluntarily certify emergency dispatchers. Under its rulemaking authority delegated by the Legislature, the DOH is authorized to define terms for which it is implementing duties conferred upon it. To the extent that the bill does not provide sufficient guidelines to the DOH, it raises the question of whether the bill provides adequate limitations and safeguards so that the Legislature's delegation to the DOH is not a violation of Section 3, Article II of the Florida Constitution.

Under the nondelegation doctrine, the Florida Supreme Court struck down a former section of law respecting the power of the Board of Psychological Examiners to grant certificates with the title "psychologist" and to determine the qualifications of applicants as unconstitutional in that it failed sufficiently to fix the standards to be applied and in effect delegated the application of the statute without sufficient limitations on the board's discretion.⁵

Section 3, Article II of the Florida Constitution provides that the powers of the state government shall be divided into legislative, executive, and judicial branches. No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein. The Florida Supreme Court recently reiterated the requirements of the nondelegation doctrine:

[U]nder article II, section 3 of the constitution the Legislature "may not delegate the power to enact a law or the right to exercise unrestricted discretion in applying the law."⁶ This prohibition, known as the nondelegation doctrine, requires that "fundamental and primary policy decisions . . . be made by members of the [L]egislature who are elected to perform those tasks, and [that the] administration of legislative programs must be pursuant to some minimal standards and guidelines ascertainable by reference to the enactment establishing the program."⁷

⁵ See *Husband v. Cassel*, 130 So.2d 69 (1961).

⁶ See *Bush v. Schiavo*, 885 So.2d 321 at 331 citing *Sims v. State*, 754 So.2d 657, 668 (Fla.2000).

⁷ See *Bush v. Schiavo*, 885 So.2d 321 at 331 citing *Askew v. Cross Key Waterways*, 372 So.2d 913, 925 (Fla.1978).

The Florida Supreme Court has acknowledged that “[w]here the Legislature makes the fundamental policy decision and delegates to some other body the task of implementing that policy under adequate safeguards, there is no violation of the [Delegation of Powers] doctrine.”⁸ “In other words, statutes granting power to the executive branch must clearly announce adequate standards to guide . . . in the execution of the powers delegated. The statute must so clearly define the power delegated that the [executive branch] is precluded from acting from whim, showing favoritism, or exercising unbridled discretion.”⁹

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill requires an application fee of \$75 for an original 911 emergency dispatcher certificate, an application fee of \$100 for the biennial renewal certificate, a duplicate certificate fee of up to \$25 for a lost or destroyed certificate, and a replacement certificate fee of up to \$25 for a change in name. The fees collected are to be deposited in the Emergency Medical Services Trust Fund and used solely for salaries and expenses the DOH incurs administering the act.

B. Private Sector Impact:

There will be a cost incurred by private sector EMS providers that decide to pay for the 911 dispatcher training and certification.

C. Government Sector Impact:

The bill specifies the assessment of a \$75 fee for initial certification and \$100 for certification renewal. The DOH estimates revenues of \$182,475 from initial certification fees in the first year and \$4,200 in the second year (assuming all current dispatchers will seek certification in year 1). In years three and four registration renewal fees will generate \$236,575 and \$5,600, in addition to initial registration fees of \$4,275 and \$4,425 respectively. The DOH estimates that expenditures will amount to \$56,064 in year 1, \$32,922 in year 2, \$52,126 in year 3, and \$33,387 in year 4. The DOH also projects that there will be a cash balance of \$126,411 in year 1, \$97,689 in year 2, \$293,138 in year 3, and \$269,776 in year 4.

The fiscal impact of this bill depends on the number of dispatchers currently working in the state. Although the number of dispatchers is unknown, estimates are based on information gathered from the Miami-Dade county Fire & Rescue and Police Departments and data from the 2005 U.S. Census. Miami-Dade County reported a total of 310 dispatchers (237 Police Department and 73 Fire & Rescue) currently working in the county. Miami-Dade county reported, that there is approximately one dispatcher for every 7,829 residents of Miami Dade county (2,426,975/310). Applying this rate to the entire state, it is estimated that the number of dispatchers in the state in 2008 is 2,433

⁸ See *Askew v. Cross Key Waterways*, 372 So.2d 913 at 921. (Fla.1978).

⁹ See *Bush v. Schiavo*, 885 So.2d 321 at 331 citing *Lewis v. Bank of Pasco County*, 346 So.2d 53, 55-56 (Fla.1976).

(19,045,814/7,928). For the purposes of this analysis, it is assumed that 2,433 dispatchers will apply for certification in 2008 and approximately 56 annually thereafter.

Currently, the DOH has an outside vendor that processes initial and renewal applications and related fees. The contract is based on a \$7.89 per application rate. However, the contract will most likely increase with the additional number of applications processed under the contract.

The DOH has projected that the increase in workload to issue and process certification applications for 911 dispatchers requires a 0.5 full-time equivalent position. In addition, the department believes it can handle the additional enforcement workload required in the bill within existing resources.

Consistent with adding any new profession, the DOH would be required to update the COMPAS licensure system to accommodate an additional category known as the 911 Emergency Dispatcher Certification. Modifications to the COMPAS system usually has a fiscal impact to the DOH, but is most likely insignificant, but indeterminate at this time. The bill requires the assessed fees to be deposited into the Emergency Medical Services Trust Fund. However, the regulatory duties of processing, monitoring, and enforcement are handled by the Division of Medical Quality Assurance (MQA). In order for the MQA to be reimbursed for the expenses associated with these regulatory duties an interagency agreement and non-operating transfer of monies is required.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

None.

B. Amendments:

Barcode 620736 by Health Regulation on March 26, 2008

Modifies the qualifications for an emergency dispatcher to receive certification to include a requirement that the applicant have completed at least 2 years of supervised full-time employment as a 911 emergency dispatcher since January 1, 2002.