



## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background:

##### **Florida's Public Policy on 911 Services**

Section 365.171, F.S., sets forth the provisions which govern Florida's public policy on the emergency telephone number "911." The provision 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."

##### **911 Emergency Dispatchers**

According to the United States Department of Labor, emergency dispatchers monitor the location of emergency services personnel from one or all of the jurisdiction's emergency services departments. These workers dispatch the appropriate type and number of units in response to calls for assistance. Dispatchers are often the first point of contact for the public when emergency assistance is required. If trained for emergency medical services, the dispatcher may provide medical instruction to those on the scene of the emergency until the medical staff arrives.<sup>1</sup>

When handling calls, dispatchers question each caller carefully to determine the type, seriousness, and location of the emergency. The information obtained is generally posted electronically by computer. The dispatcher then quickly decides the priority of the incident, the kind and number of units needed, and the location of the closest and most suitable units available. When appropriate, dispatchers stay in close contact with other service providers. In a medical emergency, dispatchers keep in close touch not only with the dispatched units, but also with the caller. They may give extensive first-aid instructions before the emergency personnel arrive. Dispatchers continuously give updates on the patient's condition to the ambulance personnel and often serve as a link between the medical staff in a hospital and the emergency medical technicians in the ambulance.<sup>2</sup>

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<sup>1</sup> United States Department of Labor, Bureau of Labor Statistics, "Occupational Outlook Handbook- Dispatchers," <http://www.bls.gov/oco/ocos138.htm> (last visited March 22, 2009).

<sup>2</sup> *Ibid.*

## Department of Education Curriculum Framework and Standards

The Division of Workforce Education at the Department of Education (DOE) publishes curriculum frameworks and standards aligned to the sixteen 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.<sup>3</sup>

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.<sup>4</sup>

### Voluntary 911 Emergency Dispatcher Certification Program

In 2008, the Legislature established a voluntary certification program for 911 emergency dispatchers that is regulated by the Department of Health ("department").<sup>5</sup> Current law states that a "911 emergency dispatcher" is a person who is employed by a state agency or local government as a public safety dispatcher or 911 operator whose duties and responsibilities include:<sup>6</sup>

- 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.

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.

Applicants for certification must submit specified forms, pay a certification fee<sup>7</sup>, and meet the educational and training requirements for certification and recertification as a 911 emergency dispatcher.<sup>8</sup>

The department determines whether the applicant meets the requirements for certification and issues a certificate to any person who meets the requirements. The requirements are:<sup>9</sup>

- Completion of an appropriate 911 emergency dispatcher training program that is equivalent to the most recently approved emergency dispatcher course of the Department of Education and consists of not less than 208 hours;
- Completion and documentation of at least 2 years of supervised full-time employment as a 911 emergency dispatcher since January 1, 2002;
- 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 application fee prescribed in subsection (3); and
- Submission of a completed application to the department indicates compliance with the requirements for certification.<sup>10</sup>

<sup>3</sup> Florida Department of Education, "Curriculum Framework, Public Safety Telecommunication," July 2008, [http://www.fldoe.org/workforce/dwdframe/ps\\_cluster\\_frame08.asp](http://www.fldoe.org/workforce/dwdframe/ps_cluster_frame08.asp) (last visited March 13, 2008).

<sup>4</sup> Ibid.

<sup>5</sup> Chapter 2008-51, L.O.F.

<sup>6</sup> Section 401.465(1), F.S.

<sup>7</sup> The fee for initial certification is \$75 and biannual renewal is \$100.

<sup>8</sup> Section 401.465(2)(a), F.S.

<sup>9</sup> Section 401.465(2)(b), F.S.

<sup>10</sup> Application is done through DH Form 5066. (64J-3.001, F.A.C.)

Each 911 emergency dispatcher certificate expires automatically if not renewed at the end of the 2-year period. A certificate that is not renewed at the end of the 2-year period automatically reverts to an inactive status for a period that may not exceed 180 days and may be reactivated and renewed within the 180-day period if the certificateholder meets the qualifications for renewal and pays a \$50 late fee.<sup>11</sup> The department may suspend or revoke a certificate at any time if it determines that the certificateholder does not meet the applicable qualifications.<sup>12</sup>

Section 401.411, F.S., provides for the disciplinary action, such that the department may deny, suspend, or revoke a license, certificate, or permit or may reprimand or fine a 911 emergency dispatcher certificateholder on any of the following grounds:

- Addiction to alcohol or any controlled substance;
- Engaging in or attempting to engage in the possession, except in legitimate duties under the supervision of a licensed physician, or the sale or distribution of any controlled substance as set forth in chapter 893;
- A conviction in any court in any state or in any federal court of a felony, unless the person's civil rights have been restored;
- Knowingly making false or fraudulent claims; procuring, attempting to procure, or renewing a certificate, license, or permit by fakery, fraudulent action, or misrepresentation;
- Unprofessional conduct, including, but not limited to, any departure from or failure to conform to the minimal prevailing standards of acceptable practice as an emergency medical technician or paramedic, including undertaking activities that the emergency medical technician or paramedic is not qualified by training or experience to perform;
- Sexual misconduct with a patient, including inducing or attempting to induce the patient to engage, or engaging or attempting to engage the patient, in sexual activity;
- Failure to give to the department true information upon request regarding an alleged or confirmed violation;
- Fraudulent or misleading advertising or advertising in an unauthorized category;
- Practicing as an emergency medical technician, paramedic, or other health care professional operating under this part without reasonable skill and safety to patients by reason of illness, drunkenness, or the use of drugs, narcotics, or chemicals or any other substance or as a result of any mental or physical condition; and
- The failure to report to the department any person known to be in violation of s. 401.411, F.S.

### **The Effects of the Bill**

The bill makes the voluntary 911 emergency dispatcher certification program mandatory. Effective October 1, 2012, any person serving as a 911 emergency dispatcher must be certified; unless they are a trainee employed by a public safety agency<sup>13</sup> for a period not to exceed 6 months and the trainee must be under the direct supervision of a certified dispatcher who has at least 2 years experience.

The bill defines “certified dispatch training center” as any public safety agency, that employs 911 dispatchers whose training program is equivalent to the most recently approved emergency dispatch course in public safety telecommunications of the Department of Education and consists of not less than 208 hours.

The bill defines “certified dispatch training program” as a 911 dispatch training program offered by an educational institution approved by the Department of Education to offer such program that is

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<sup>11</sup> Section 401.465(2)(d), F.S.

<sup>12</sup> Section 401.465(2)(e), F.S.

<sup>13</sup> “Public safety agency” means a functional division of a public agency which provides firefighting, law enforcement, medical, or other emergency services. (s. 365.171(3)(d), F.S.)

equivalent to the most recently approved emergency dispatch course in public safety telecommunications of the Department of Education and consists not less than 208 hours.

The bill requires that all programs that offer a certified 911 dispatch training program or a certified 911 dispatch center must apply to the department on approved forms and obtain approval from the department prior to being eligible to provide 911 emergency dispatcher training to applicants. Certified training centers and certified training programs are required to notify the department within 2 weeks after the individual's course completion date and certify that each individual has successfully completed a 911 emergency dispatch course in public safety telecommunications.

The bill provides the department authority to promulgate rules establishing a procedure for the quadrennial renewal and approval of certified dispatch training centers and certified dispatch training programs to verify compliance with the required training standards.

The bill authorizes the department to charge a fee not exceed \$100 for the initial review and approval of either the 911 emergency dispatch training program or the 911 emergency dispatch training program offered by a certified dispatch training center. The department is authorized to charge a fee not to exceed \$75 for the quadrennial review and approval of the either type of 911 emergency dispatch training program. The bill exempts employees of certified dispatch training centers from having to remit any fees.

The bill authorizes the department to promulgate rules requiring any category of application or certification to be applied for or renewed online using an online application and certification renewal system. The bill authorizes the department to charge a fee not to exceed \$25 to applicants who elect to use paper application or certificate renewal instead of the online system. The bill amends the provisions for disciplinary actions of professions regulated under chapter 401, F.S., to apply to certified 911 emergency dispatchers.

#### B. SECTION DIRECTORY:

Section 1. Amends s. 401.465, F.S., relating to 911 emergency dispatcher certification.

Section 2. Amends s. 401.411, F.S., relating to disciplinary action and penalties.

Section 3. Provides an effective date of October 1, 2009.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

The initial certification fee is \$75 and renewal certification is \$100. The bill authorizes the department to charge a fee not more than \$100 for the initial review and approval of training programs to ensure they meet the educational requirements. The bill authorizes the department charge a fee not more than \$75 for the quadrennial review and approval of the training programs. *However, the bill exempts employees of certified dispatch training centers from all fees.*

The actually number of dispatchers in the state is unknown. The department's fiscal estimates are based on information gathered from each county's State of Florida Emergency Telephone Number 911 Plan. Based on the plans the estimated number of dispatchers within the state is 6,033. Additionally, based on the 2005 U.S. census the population grew by 2.3% annually from 2005 to 2008 and will continue to grow at this rate. Furthermore, the department has estimated that there is currently 1 emergency dispatcher per every 3,299 Floridians. Based on these assumptions the department projects that by 2010 there will be 6,171 individuals seeking dispatcher certification in the first year and approximately 142, 145, and 149 individuals will seek certification respectively thereafter.

Based on information gathered from each county's State of Florida Emergency Telephone Number 911 Plan from the Department of Management Services, it is estimated that there are at least 251 public safety answering points (PSAP) which are potential training centers (it would be highly likely

that they would want to become certified training centers so that their employees could be exempt from fees). Currently, the 251 PSAPs employ approximately 6,033 or all of the dispatchers within the state. According to information staff was able to collect 4 educational institutions offer 911 emergency dispatch programs: Palm Beach Community College, Tallahassee Community College, Indian River Community College, and Seminole Community College.<sup>14</sup> Valencia Community College offers a partial course that does not meet the 208 hour requirements of the bill.<sup>15</sup>

<b>Estimated Revenue</b>	<b>1st Year (2010)</b>	<b>2nd Year (2011)</b>	<b>3rd Year (2012)</b>	<b>4th Year (2011)</b>
Initial Registration Fee @ \$75 for 6,033 dispatchers	\$ 0	\$ 0	\$ 0	\$ 0
Registration Renewal Fee @ \$100	\$ 0	\$ 0	\$ 0	\$ 0
Initial Review and Approval of Training Program Fee @ \$100 per 4 educational institutions	\$400			
Initial Review and Approval of Training Center Fee @ \$100 per 251 PSAPs	\$25,100			
Renewal of Training Program Fee @ \$75 per 4 educational institutions		\$ 0	\$ 0	\$300
Renewal of Training Center Fee @ \$75 per 251 PSAPs		\$ 0	\$ 0	\$18,825
<b>Total Estimated Revenues</b>	<b>\$ 25,500</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 19,125</b>

2. Expenditures:

For the purposes of this analysis, the Department of Health estimates that there are 6,033 dispatchers in the state based on information gathered from each county's State of Florida Emergency Telephone Number 911 Plan from the Department of Management Services and the Florida Highway Patrol. Based on several years of U.S. Census data, the state's population has grown about 2.3%. In addition if there's currently 1 emergency dispatcher per 3,229 Florida residents. Thus, there will be approximately 6,171 emergency dispatchers by 2010 with a projected increase of emergency dispatchers of 142 in 2011, 145 in 2012, and 149 in 2013 that will seek certification.

The department has projected that the increase in workload to: issue and process certification applications, review and approve training programs to ensure they meet educational standards, and provide regulatory functions for 911 dispatchers requires a 1.0 full-time equivalent position. The position is allocated limited travel so they may perform periodic site visits of training programs.

<b>Estimated Expenditures</b>	<b>1st Year (2010)</b>	<b>2nd Year (2011)</b>	<b>3rd Year (2012)</b>	<b>4th Year (2013)</b>
<b>Salaries</b>				
1.0 - Reg Spec II, PG 17	\$ 27,926	\$ 27,926	\$27,926	\$27,926
<i>Fringe Benefits @29%</i>	\$ 8,099	\$ 8,099	\$ 8,099	\$ 8,099
<b>Expense</b>				
Limited Travel package allowed	\$ 15,680	\$ 12,268	\$ 12,268	\$ 12,268

<sup>14</sup> Telephone interview with staff at the Department of Management Services (April 7, 2009).

<sup>15</sup> Id.

**Operating Capital Outlay**

Standard package allowed \$ 1,000

**Total Estimated Expenditures** \$ 52,708 \$ 44,125 \$ 44,125 \$44,125**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

## 1. Revenues:

None.

## 2. Expenditures:

The bill may necessitate local governments to cover the cost of training and certification fees of current personnel employed as 911 dispatchers if they are not a certified training center. If they have a certified training center, then they would have to pay \$100 to have the training program curriculum approved by the department. In addition, counties may pay the salaries or hourly rate for individuals while they complete the 208 hours of initial training and 24 hours of renewal training every four years.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

There may be an increase in enrollment at facilities at educational institutions that offer a 911 emergency dispatcher training program.

**D. FISCAL COMMENTS:**

According to the Division of Emergency Medical Operations within the Department of Health, the voluntary certification program is currently handled in house. The current fiscal analysis is based on the mandatory certification program being kept in house and not transferred to the Division of Medical Quality Assurance (MQA) within the Department of Health. Currently, the licensure process for EMTs and paramedics is conducted by MQA via an interagency agreement/contract.

**III. COMMENTS****A. CONSTITUTIONAL ISSUES:**

## 1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax sharing with counties or municipalities.

## 2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill provides the department authority to establish a procedure for the quadrennial review and approval of certified dispatch training centers and certified dispatch training programs to verify compliance with training standards.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**

On March 25, 2009, the Health Regulation Policy Committee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment:

- Provides definitions for “certified dispatch training center” and “certified dispatch training program”;
- Makes licensure renewal quadrennial instead of biannual;
- Repeals a grandfather clause, effective October 1, 2012, allowing 911 dispatchers with 5 years supervised full-time employment to fulfill the educational requirement for initial licensure;
- Deletes “more stringent than” language relating to training programs;
- Provides standards and certification requirements for training courses provided by certified training dispatch centers and certified dispatch training programs;
- Exempts employees of certified dispatch training centers from having to pay any fees;
- Authorizes the department to provide online certification renewals and to charge a fee of up to \$25 for individuals who elect to renew on paper forms instead utilizing the online system;
- Authorizes certified dispatch training centers to electronically certify employees who have completed the required training;
- Amends the provisions for disciplinary actions of professions regulated under chapter 401, F.S., to apply to certified 911 emergency dispatchers.

The analysis is drafted to the committee substitute.