

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 Criminal Justice Committee

BILL: CS/SB 890

INTRODUCER: Community Affairs Committee and Senator Dean

SUBJECT: Public Safety Telecommunicators

DATE: April 6, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wood	Yeatman	CA	Fav/CS
2.	Erickson	Cannon	CJ	Pre-Meeting
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

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

I. Summary:

The bill authorizes public safety agencies to use sworn law enforcement officers as temporary 911 public safety telecommunicators. The bill requires such officers to complete a supplementary training program within 12 months after first serving as a temporary public safety telecommunicator.

This bill substantially amends section 401.465, Florida Statutes.

II. Present Situation:

Public safety telecommunicators, also known as 911 operators or emergency dispatchers, are often 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 then determine the nature, location, and priority of the emergency, and communicate this information 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. If equipped, they may also use Emergency Medical Dispatch (EMD), a program that tells them how to help people treat themselves over the phone, while sending the appropriate EMS or fire units to the scene.

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."

All 67 Florida counties have enhanced 911 (E911) equipment, 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 emergency medical services (EMS) agencies. The state E911 board is working to move towards Next Generation 911 (NG911) equipment which includes video and data transmission capability.¹

There are 258 Public Safety Answering Points (PSAPs) statewide, with each county having between one and forty of these. There is no standard procedure defining which local agency operates these call centers, but many are operated by Sheriff's Offices, Police Departments, Fire Rescue, or a variety of local administrative agencies.²

Department of Education Curriculum Framework and Standards

The Division of Workforce Education at the Department of Education publishes curriculum frameworks and standards for both Public Safety Telecommunication and Law Enforcement.

The Public Safety Telecommunication framework is designed to prepare students for employment as police, fire, and ambulance dispatchers. The intended outcomes for the Public Safety Telecommunication course include the ability of the dispatcher to do all of the following:

- Describe and demonstrate professional ethics and the role of telecommunicator.
- Describe Guidelines and Operational Standards of call classification and prioritization.
- Identify and explain communication equipment and resources.
- Demonstrate communication and interpersonal skills.
- Perform operational skills.
- Demonstrate understanding of fire department role and responses as well as hazardous materials awareness.
- Demonstrate understanding of emergency medical services role and responses.
- Demonstrate understanding of law enforcement role and responses.
- Understand the duties of a public safety telecommunicator.

¹ State of Florida E911 Board 2010 Annual Report, *available at* http://dms.myflorida.com/suncom/public_safety_bureau/florida_e911/e911_board (last visited Mar. 30, 2011).

² David Gulliver, Ed., *Florida 911: The State of Emergency*, Gulf Coast Community Foundation of Venice, <http://www.a911.org/sites/default/files/Florida-911-Report.pdf> (last visited Mar. 30, 2011).

- Comprehend stress management techniques.
- Demonstrate an understanding of Emergency Management practices.
- Demonstrate CPR proficiency.³

The Public Safety Telecommunication program curriculum is currently taught at various community colleges and vocational/technical centers across the state. Thirty public safety agencies have been certified to teach the curriculum since 2008, including twenty-two local law enforcement agencies.⁴

The Florida DOE curriculum framework for Law Enforcement Officers includes its own set of intended outcomes, overlapping with seven of the twelve Public Safety Telecommunication outcomes. The five Public Safety Telecommunication outcomes which are not covered by the Law Enforcement Officer curriculum are the first three, relating to the role of telecommunicator, call classification and prioritization, and E911 equipment; the fifth, relating to operational skills; and the tenth, relating to understanding the duties of a public safety telecommunicator. No specific, formal public safety telecommunication training is presently known to be provided to law enforcement officers.⁵

Although the total number of 911 call center staff statewide cannot be identified, it was estimated in 2010 that the state's 235 call centers employ 6,000 staff.⁶ The Gulf Coast Community Foundation of Venice had previously commissioned an independent consultant in 2009 to analyze Florida's 911 system, and found 5,498 staff in 258 public safety answering points. That report cited Liberty County as an example of a need for more staff in public safety answering points; only one call-taker is available to take calls at any time of day, with the responsibility of answering four lines. They also found a difficulty statewide in maintaining personnel long-term because of the stress and low pay associated with the work, leading to high turnover and a lack of experienced personnel.⁷

Section 401.465, F.S.

The Florida Legislature made several changes to this section in 2010,⁸ including introducing the term "public safety telecommunicator" to replace "911 emergency dispatcher" throughout Florida law and introducing a definition for "public safety telecommunication training program" which includes any program certified by the Department of Health to meet the curriculum framework established by the Department of Education, which must be a minimum of 232 hours of training.

³ See Florida Department of Education, "Curriculum Framework, Public Safety Telecommunication," July 2010, http://www.fldoe.org/workforce/dwdframe/law_cluster_frame10.asp (last visited Mar. 31, 2011).

⁴ Florida Department of Health "911 Public Safety Telecommunicator Program: Overview", available at <http://www.doh.state.fl.us/DEMO/EMS/dispatchers.html> (last visited Mar. 31, 2011).

⁵ See Florida Department of Education, "Curriculum Framework, Law Enforcement Officer," July 2010, http://www.fldoe.org/workforce/dwdframe/law_cluster_frame10.asp (last visited Mar. 31, 2011).

⁶ Office of Program Policy Analysis and Gov't Accountability, Florida Legislature, *911 Call Center Training in Florida Varies; Options Exist for Creating Minimum Standards*, Report No. 10-12, (Jan. 2010) <http://www.oppaga.state.fl.us/Summary.aspx?reportNum=10-12> (last visited Mar. 31, 2011).

⁷ David Gulliver, Ed., *Florida 911: The State of Emergency*, Gulf Coast Community Foundation of Venice, <http://www.a911.org/sites/default/files/Florida-911-Report.pdf> (last visited Mar. 31, 2011).

⁸ Section 3, ch. 2010-188, L.O.F.

The most significant change to this section in 2010 was the transition of certification from a voluntary to a mandatory procedure. Effective October 1, 2012, all public safety telecommunicators must be certified by the DOH if they are employed at an “answering point,” defined as a “public safety agency that receives incoming 911 calls and dispatches appropriate public safety agencies to respond to the calls”⁹ unless they are enrolled in a training program and have been employed less than 12 months.

Also effective October 1, 2012, all public safety telecommunicators will be required to pass an exam administered by the DOH in order to receive certification; an alternative process for initial certification of public safety telecommunicators already employed as such for 3 years since January 1, 2002, will expire on the same date.

The requirements for the mandatory certification of 911 public safety telecommunicators may be temporarily waived by the DOH in a geographic area of Florida where a state of emergency has been declared by the Governor.

Section 401.465(2)(j), F.S., includes a requirement that persons “employed as a 911 public safety telecommunicator, a sworn state-certified law enforcement officer, or a state-certified firefighter before April 1, 2012,” pass the examination, at which point completion of the training program would be waived and they would be certified.

In a 2010 Advisory Legal Opinion, Florida Attorney General Bill McCollum addressed a question posed by Springfield, FL, Chief of Police as to whether the law now required “all law enforcement officers who are likely to work in the city’s dispatch center and serve as a call-taker and dispatcher of 911 calls to be trained and certified?” The Attorney General clarified that certification is the only requirement. Currently law enforcement officers employed prior to April 1, 2012, are only required to pass the exam in order to be certified. McCollum stated, “it is my opinion that pursuant to section 401.465(2)(a), Florida Statutes, any public agency employee whose duties and responsibilities include answering, receiving, transferring, and dispatching functions related to 911 calls or supervising or serving as the command officer to a person or persons having these duties and responsibilities at a public safety answering point is required to be certified by the Department of Health by October 1, 2012.”¹⁰

Newly employed sworn state-certified law enforcement officers who begin their employment on or after April 1, 2012, will be required to be certified by both taking a training course and passing the exam.

III. Effect of Proposed Changes:

Section 1 authorizes public safety agencies to use sworn law enforcement officers as temporary 911 public safety telecommunicators. The section also requires officers who work as a temporary 911 public safety telecommunicator to successfully complete a supplementary training program for temporary 911 public safety telecommunicators. This supplementary program would be

⁹ Section 365.172(3)(a), F.S.

¹⁰ Op. Atty Gen. Fla. 10-27 (2010).

distributed by the Criminal Justice Standards and Training Commission and would provide a maximum of 40 hours of training.

Section 2 provides that the bill takes effect on July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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 may reduce the cost for local governments who use sworn state-certified law enforcement officers in their answering points. The number of the estimated 6,000 call-takers and dispatchers currently employed statewide who would qualify is unknown.¹¹ The Department of Highway Safety and Motor Vehicles states: “This bill will have a positive future fiscal impact for state and local governments by eliminating the costs of certification for sworn state-certified law enforcement officers that would have been required beginning October 1, 2012.”¹² There are 50,936 sworn state-certified law enforcement officers in Florida; the Florida Department of Law Enforcement employs 418 of these, and eight of those are employed as public safety telecommunicators.¹³

¹¹ Office of Program Policy Analysis and Gov’t Accountability, Florida Legislature, *911 Call Center Training in Florida Varies; Options Exist for Creating Minimum Standards*, Report No. 10-12, (Jan. 2010) <http://www.oppaga.state.fl.us/Summary.aspx?reportNum=10-12> (last visited Mar. 31, 2011).

¹² Department of Highway Safety and Motor Vehicles, *Senate Bill 890 Agency Bill Analysis* (Feb. 11, 2011) (on file with the Senate Committee on Community Affairs).

¹³ E-mail from Rachel Truxell, Government Analyst II, Florida Department of Law Enforcement, to Galen Wood, Intern, Florida Senate (Mar. 3, 2011) (on file with the Senate Committee on Community Affairs).

An unknown number of local governments use sworn law enforcement officers to supplement or substitute for permanent public safety telecommunicators.

VI. Technical Deficiencies:

Line 14: The title of subsection 401.465(5) currently reads “temporary public safety communicators.” Throughout the section, the term used is “telecommunicators” rather than “communicators.”¹⁴

Lines 14, 17, 18, 20: The term “temporary public safety telecommunicators” is used without a definition being provided. Without a definition, it is unclear what is meant by “temporary” and under what circumstances officers would qualify. Some local law enforcement agencies reportedly assign officers to fill in certain shifts on a weekly basis. When a court must determine the meaning of a term used but undefined in a statute, “resort may be had to case law or related statutory provisions which define the term, and where a statute does not specifically define words of common usage, such words are construed in their plain and ordinary sense.”¹⁵

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.)

CS by Community Affairs on March 28, 2011:

The committee substitute completely replaces the original language exempting law enforcement officers from certification. The new language provides an exception for law enforcement officers serving as temporary public safety telecommunicators, and requires that they complete a shorter, alternative training program within 12 months after first serving as such.

- B. **Amendments:**

None.

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

¹⁴ A section heading or caption has no legal significance. *Agner v. Smith*, 167 So.2d 86 (Fla. 1st DCA 1964), *cert. dismissed*, 172 So.2d 598 (Fla.1965). By implication, a subsection heading or caption should not have any legal significance.

¹⁵ *State v. Hagan*, 387 So.2d 943, 945 (Fla.1980) (citations omitted).