

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 Appropriations

BILL: CS/SB 536

INTRODUCER: Innovation, Industry, and Technology Committee; and Senators Brandes, Perry, and Book

SUBJECT: 911 Services

DATE: April 17, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wiehle</u>	<u>Imhof</u>	<u>IT</u>	<u>Fav/CS</u>
2.	<u>Proctor</u>	<u>Miller</u>	<u>IS</u>	<u>Favorable</u>
3.	<u>Davis</u>	<u>Kynoch</u>	<u>AP</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 536 requires each county to develop a countywide implementation plan for text-to-911 services and, by January 1, 2022, to have a system in place to receive Enhanced 911 (E911) text messages from providers.

The bill requires the Technology Program (Office) within the Department of Management Services (DMS) to develop and implement, by January 1, 2020, a plan to require that a call to 911 can be transferred from one local, multijurisdictional, or regional E911 system to another within this state when deemed prudent and requested by a caller or necessary. In developing and implementing this plan, the Office is required to:

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

The bill addresses the Marjory Stoneman Douglas High School Public Safety Commission's recommendations by requiring that all local governments and first responders develop and implement communications systems allowing direct radio communication between 911 public safety answering points (PSAPs) and first responders.

The bill provides a legislative determination that the act fulfills an important state interest regarding the ability to transfer emergency calls from one 911 system to another.

The bill may increase the costs incurred by state and local governments by significant but indeterminate amounts. The local government cost increases may trigger the mandates provision of the State Constitution, requiring a legislative determination that the law fulfills an important state interest and approval by two-thirds of the membership in each house of the Legislature.

The bill takes effect July 1, 2019.

II. Present Situation:

The Office within the DMS oversees the E911 system in Florida,¹ and 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 DMS 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 Emergency Communications Number E911 System Trust Fund to county governments and wireless providers in accordance with s. 365.173, F.S.

The secretary of the DMS, 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

¹ Section 365.171, F.S.

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

with state, county, local, and private agencies.⁴ 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.

Within the E911 system, 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 As of January 2018, there were 256 primary, secondary, and backup PSAPs in Florida.⁷

According to the DMS, counties have limited capabilities to transfer 911 calls to other counties and, where this capability exists, it is mostly limited to the transfer of caller identification information to adjacent counties.⁸ Multimedia (text, images, and video) cannot be transferred. Some counties have developed an IP network within their county and can transfer calls to other 911 answering points within their counties.⁹

In recognition that Next Generation 911 (NG-911)¹⁰ 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 provided a planning resource to assist counties with their Text-to-911 implementation.¹¹

Rule 60FF1-5.011, 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

Currently, 36 counties in Florida provide fully active and operational text-to-911 service. By the end of calendar year 2019, an additional 26 counties are expected to implement text-to-911 service. The remaining five counties have indicated an estimated completion date for text-to-911 service by the end of 2021.¹³

⁴ Section 365.171(5), F.S.

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

⁶ Section 365.172(3)(y), F.S.

⁷ Department of Management Services, *SB 190 Agency Fiscal Analysis* (Jan. 23, 2018) (on file with the Senate Committee on Appropriations).

⁸ Department of Management Services, *CS/SB 536 Agency Fiscal Analysis* (Mar. 14, 2019) (on file with the Senate Committee on Appropriations).

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 Apr. 12, 2019).

¹² *Id.*

¹³ Department of Management Services, *Florida Text-to-911 County Information Listing* (Updated Apr. 3, 2019) available at

The Marjory Stoneman Douglas High School Public Safety Commission (commission) reviewed 911 and first responder dispatch communications related to the shootings at the high school on February 14, 2018.¹⁴ The commission found the City of Parkland's public safety services were provided through contracts with two separate agencies, the Broward County Sheriff's Office and Coral Springs/Parkland Fire Rescue, and Parkland's decision to contract with both agencies for its police and fire/EMS services caused issues with inter-agency communications interoperability and 911 call routing. The commission made the following recommendations to address these issues:

- Law enforcement agencies should be required to have communications interoperability with all other law enforcement agencies in their county. The methodology for accomplishing this is immaterial, but interoperability is essential.
- If a law enforcement agency asks another law enforcement agency for access to its primary dispatch radio channels, honoring the request should be mandatory.
- Law enforcement agencies should tactically train their personnel so they are familiar with all radio functionality.
- Florida law should require that all primary 911 call centers have the ability to directly communicate via radio with the first responder units for which they are receiving 911 calls without having to transfer calls.
- All public safety agencies should work toward consolidation of 911 call centers and eliminate the 911 call transfer process.
- School districts and law enforcement agencies should strive for radio interoperability.

III. Effect of Proposed Changes:

The bill amends s. 365.172, F.S., to require each county to develop a countywide implementation plan for text-to-911 services and, by January 1, 2022, have in place a system to receive E911 text messages from providers. As stated above, 36 counties currently provide fully active and operational text-to-911 service, 26 counties are expected to implement the service by the end of 2019, and the remaining five counties have indicated an estimated completion date for the service by the end of 2021.

The bill creates s. 365.177, F.S., to require the Office to develop and implement a plan by January 1, 2020, to require that a 911 public safety telecommunicator¹⁵ be able to transfer an

https://www.dms.myflorida.com/content/download/117846/647568/Text-to-911_List_April_3_2019_.pdf (last visited Apr. 12, 2019).

¹⁴ Marjory Stoneman Douglas High School Public Safety Commission, *Initial Report Submitted to the Governor, Speaker of the House of Representatives, and Senate President*, (January 2, 2019), available at:

<http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf> (last accessed March 12, 2019). This subject is addressed in Chapter 7 on incident communications, interoperability and 911, radio, and computer-aided dispatch (CAD) systems, pages 215-230.

¹⁵ 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. See s. 401.465(1)(a), F.S.

emergency call from one local, multijurisdictional, or regional E911 system to another local, multijurisdictional, or regional E911 system in this state, when deemed prudent and requested by a caller or when deemed necessary. 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 this requirement;
- Identify or establish a system or clearinghouse for maintaining contact information for all E911 systems in this state; and
- Establish a date, considering any technological, logistical, financial, or other identified issues, by which all E911 systems in this state must be able to transfer emergency calls as required.

The bill sets out legislative findings that appear to relate to only the call-transfer portion of the bill. There is an important state interest in ensuring that 911 telecommunications are routed to the most appropriate 911 system in the most expeditious manner possible in order to protect public safety. A proper and legitimate state purpose is served when local government 911 public safety telecommunicators are able to transfer and receive transfers of emergency calls from other local, multijurisdictional, or regional E911 systems in this state. Therefore, the Legislature finds and declares that this act fulfills an important state interest.

The bill creates s. 365.179, F.S., to address the Marjory Stoneman Douglas High School Public Safety Commission's recommendations and provide for direct radio communication between 911 public safety answering points and first responders. It creates the following definitions:

- "911 public safety answering point" or "PSAP" means a municipal or county emergency communications call center in this state which receives cellular, landline, or text 911 communications; and
- "First responders" includes the law enforcement agencies, fire service agencies, and emergency management services providers that are designated as first responders for the service area in which a PSAP receives 911 calls.

The bill establishes the following requirements.

- Each PSAP must be able to directly communicate by radio with first responders.
- Each sheriff must enter into a written agreement with each first responder in his or her county to establish protocols under which a PSAP that does not dispatch calls for a first responder agency will directly notify the first responder agency's on-duty personnel of an emergency by radio.
- Each PSAP must install, in at least one dispatch console within its emergency communications center, the primary radio dispatch channels of each first responder in the county it serves. If there are multiple PSAPs in a county, each PSAP must have this capability.
- Each law enforcement agency head must, upon the written request of another law enforcement agency head in the same county or an adjoining jurisdiction in another county, authorize the requesting agency to install the other agency's primary dispatch channel or channels in the requesting agency's mobile or portable radios.
- Each sheriff must, by January 1, 2020, certify in writing to the Department of Law Enforcement that all PSAPs in his or her county are in compliance with these requirements.

The bill takes effect July 1, 2019.

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 to be able to transfer and receive transfers of emergency calls from other local, multijurisdictional, or regional E911 systems in the state under certain circumstances;
- The development and implementation of a plan requiring a text-to-911 service countywide; and
- The development and implementation of communication systems that allow direct radio communication between 911 public safety answering points and first responders.

The bill states 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. No such legislative declaration related to the text-to-911 service is included or the direct radio communication between 911 public safety answering points and first responders.

If the Legislature does not authorize adequate funding, it appears a two-thirds vote of the membership of each house may be required for the provisions in the bill to be binding upon local governments.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill's requirements are expected to increase costs incurred by state and local governments by a significant but indeterminate amount. The E911 Board may see an increase in requests from counties for funds to implement text-to-911 services by the deadline specified in the bill. According to the DMS, a request for an increase in the E911 Board's spending authority may be needed to accommodate the increased funding requests. 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 bill requires the DMS to establish a system or clearinghouse to maintain contact information for all E911 systems in the state.¹⁶ The department indicates the costs to implement these requirements are unknown but are expected to be significant.¹⁷

The cost for counties to implement text-to-911 service will vary by county. However, all Florida counties have either fully implemented text-to-911 service or expect to implement text-to-911 service by the January 1, 2022, deadline established in the bill. It is not clear if the bill will require any county to incur expenses beyond those that the county has already planned to incur. In addition, the cost for local governments, through their local first responder agencies, to develop and implement communications systems that allow direct radio communication between each PSAP and first responders outside the PSAP's normal service area is unknown and will vary by county. According to the DMS, costs could include radio system upgrades, new dispatch consoles, and new mobile and/or portable radios.¹⁸

As the Florida Highway Patrol (FHP) does not operate 911 systems, it would not be required to develop an implementation plan for text-to-911 services or create a system to receive E911 text messages from providers. However, according to the Florida Department of Highway Safety and Motor Vehicles (DHSMV), county 911 dispatch

¹⁶ See Department of Management Services, *CS/SB 536 Bill Analysis*, p. 4 (Mar. 14, 2019) (on file with the Senate Committee on Appropriations).

¹⁷ *Id.*

¹⁸ *Id.*

centers will likely have the need to transfer E911 or text-to-911 messages to FHP Regional Communications Centers.¹⁹ Therefore, it may be beneficial to the DHSMV to implement the necessary systematic changes to support this function. The costs are indeterminate, but will likely have a significant, negative fiscal impact on state expenditures.²⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

Section 4 requires each county sheriff to certify in writing to the FDLE that all PSAPs in his or her county are in compliance with the bill. The bill does not address the FDLE's responsibilities pursuant to the compliance requirement. There is no indication of what the FDLE should do with the information received or direction to verify if each system meets the requirements of the bill. The FDLE requests clarification on its obligations.²¹

VIII. Statutes Affected:

This bill substantially amends section 365.172 of the Florida Statutes.

This bill creates the following sections of the Florida Statutes: 365.177 and 365.179.

IX. Additional Information:

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

CS by Innovation, Industry, and Technology on March 12, 2019:

- The committee substitute addresses the Marjory Stoneman Douglas High School Public Safety Commission's recommendations by requiring that all local governments and first responders develop and implement communications systems allowing direct radio communication between 911 public safety answering points and first responders.

- B. Amendments:

None.

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

¹⁹ See Department of Highway Safety and Motor Vehicles, *SB 536 Bill Analysis*, p. 3 (Feb. 14, 2019) (on file with the Senate Committee on Appropriations).

²⁰ *Id.*

²¹ See Florida Department of Law Enforcement, *CS/SB 536 Bill Analysis*, p. 4 (Mar. 18, 2019) (on file with the Senate Committee on Appropriations).