

## CHAPTER 2019-146

### Committee Substitute for Committee Substitute for House Bill No. 441

An act relating to E911 systems; amending s. 365.172, F.S.; revising applicability of definitions; requiring counties to develop a plan for implementing a text-to-911 system and implement a system by a specified date; creating s. 365.177, F.S.; requiring the Technology Program within the Department of Management Services to develop a plan to upgrade 911 public safety answer points to allow the transfer of emergency calls from one E911 system to another one in the state; providing duties relating to the development of such plan; creating s. 365.179, F.S.; defining the terms “first responder agency” and “911 public safety answering point”; requiring each sheriff, in collaboration with certain first responder agencies, to enter into specified written agreements; requiring each agreement to require a PSAP to be able to directly communicate with first responder agencies; requiring each PSAP to be able to broadcast certain emergency communications and public safety information; requiring law enforcement agency heads to authorize the installation of its dispatch channels on certain other law enforcement agency radios, upon request; providing an exception; requiring each county sheriff to certify compliance in writing with the Department of Law Enforcement by a specified date; providing a declaration of important state interest; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (15) section 365.172, Florida Statutes, is renumbered as subsection (16), subsection (3) is amended, and a new subsection (15) is added to that section, to read:

365.172 Emergency communications number “E911.”—

(3) DEFINITIONS.—Only as used in this section and ss. 365.171, 365.173, ~~and 365.174~~, and 365.176, the term:

(a) “Authorized expenditures” means expenditures of the fee, as specified in subsection (10).

(b) “Automatic location identification” means the capability of the E911 service which enables the automatic display of information that defines the approximate geographic location of the wireless telephone, or the location of the address of the wireline telephone, used to place a 911 call.

(c) “Automatic number identification” means the capability of the E911 service which enables the automatic display of the service number used to place a 911 call.

(d) “Board” or “E911 Board” means the board of directors of the E911 Board established in subsection (5).

(e) “Building permit review” means a review for compliance with building construction standards adopted by the local government under chapter 553 and does not include a review for compliance with land development regulations.

(f) “Collocation” means the situation when a second or subsequent wireless provider uses an existing structure to locate a second or subsequent antennae. The term includes the ground, platform, or roof installation of equipment enclosures, cabinets, or buildings, and cables, brackets, and other equipment associated with the location and operation of the antennae.

(g) “Designed service” means the configuration and manner of deployment of service the wireless provider has designed for an area as part of its network.

(h) “Enhanced 911” or “E911” means an enhanced 911 system or enhanced 911 service that is an emergency telephone system or service that provides a subscriber with 911 service and, in addition, directs 911 calls to appropriate public safety answering points by selective routing based on the geographical location from which the call originated, or as otherwise provided in the state plan under s. 365.171, and that provides for automatic number identification and automatic location-identification features. E911 service provided by a wireless provider means E911 as defined in the order.

(i) “Existing structure” means a structure that exists at the time an application for permission to place antennae on a structure is filed with a local government. The term includes any structure that can structurally support the attachment of antennae in compliance with applicable codes.

(j) “Fee” means the E911 fee authorized and imposed under subsections (8) and (9).

(k) “Fund” means the Emergency Communications Number E911 System Fund established in s. 365.173 and maintained under this section for the purpose of recovering the costs associated with providing 911 service or E911 service, including the costs of implementing the order. The fund shall be segregated into wireless, prepaid wireless, and nonwireless categories.

(l) “Historic building, structure, site, object, or district” means any building, structure, site, object, or district that has been officially designated as a historic building, historic structure, historic site, historic object, or historic district through a federal, state, or local designation program.

(m) “Land development regulations” means any ordinance enacted by a local government for the regulation of any aspect of development, including an ordinance governing zoning, subdivisions, landscaping, tree protection, or signs, the local government’s comprehensive plan, or any other ordinance

concerning any aspect of the development of land. The term does not include any building construction standard adopted under and in compliance with chapter 553.

(n) “Local exchange carrier” means a “competitive local exchange telecommunications company” or a “local exchange telecommunications company” as defined in s. 364.02.

(o) “Local government” means any municipality, county, or political subdivision or agency of a municipality, county, or political subdivision.

(p) “Medium county” means any county that has a population of 75,000 or more but less than 750,000.

(q) “Mobile telephone number” or “MTN” means the telephone number assigned to a wireless telephone at the time of initial activation.

(r) “Nonwireless category” means the revenues to the fund received from voice communications services providers other than wireless providers.

(s) “Office” means the Technology Program within the Department of Management Services, as designated by the secretary of the department.

(t) “Order” means:

1. The following orders and rules of the Federal Communications Commission issued in FCC Docket No. 94-102:

a. Order adopted on June 12, 1996, with an effective date of October 1, 1996, the amendments to s. 20.03 and the creation of s. 20.18 of Title 47 of the Code of Federal Regulations adopted by the Federal Communications Commission pursuant to such order.

b. Memorandum and Order No. FCC 97-402 adopted on December 23, 1997.

c. Order No. FCC DA 98-2323 adopted on November 13, 1998.

d. Order No. FCC 98-345 adopted December 31, 1998.

2. Orders and rules subsequently adopted by the Federal Communications Commission relating to the provision of 911 services, including Order Number FCC-05-116, adopted May 19, 2005.

(u) “Prepaid wireless category” means all revenues in the fund received through the Department of Revenue from the fee authorized and imposed under subsection (9).

(v) “Prepaid wireless service” means a right to access wireless service that allows a caller to contact and interact with 911 to access the 911 system, which service must be paid for in advance and is sold in predetermined units or dollars, which units or dollars expire on a predetermined schedule or are

decremented on a predetermined basis in exchange for the right to access wireless service.

(w) “Public agency” means the state and any municipality, county, municipal corporation, or other governmental entity, 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.

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

(y) “Public safety answering point,” “PSAP,” or “answering point” means the public safety agency that receives incoming 911 requests for assistance and dispatches appropriate public safety agencies to respond to the requests in accordance with the state E911 plan.

(z) “Rural county” means any county that has a population of fewer than 75,000.

(aa) “Service identifier” means the service number, access line, or other unique identifier assigned to a subscriber and established by the Federal Communications Commission for purposes of routing calls whereby the subscriber has access to the E911 system.

(bb) “Tower” means any structure designed primarily to support a wireless provider’s antennae.

(cc) “Voice communications services” means two-way voice service, through the use of any technology, which actually provides access to E911 services, and includes communications services, as defined in s. 202.11, which actually provide access to E911 services and which are required to be included in the provision of E911 services pursuant to orders and rules adopted by the Federal Communications Commission. The term includes voice-over-Internet-protocol service. For the purposes of this section, the term “voice-over-Internet-protocol service” or “VoIP service” means interconnected VoIP services having the following characteristics:

1. The service enables real-time, two-way voice communications;
2. The service requires a broadband connection from the user’s locations;
3. The service requires IP-compatible customer premises equipment; and
4. The service offering allows users generally to receive calls that originate on the public switched telephone network and to terminate calls on the public switched telephone network.

(dd) “Voice communications services provider” or “provider” means any person or entity providing voice communications services, except that the term does not include any person or entity that resells voice communications services and was assessed the fee authorized and imposed under subsection (8) by its resale supplier.

(ee) “Wireless 911 system” or “wireless 911 service” means an emergency telephone system or service that provides a subscriber with the ability to reach an answering point by accessing the digits 911.

(ff) “Wireless category” means the revenues to the fund received from a wireless provider from the fee authorized and imposed under subsection (8).

(gg) “Wireless communications facility” means any equipment or facility used to provide service and may include, but is not limited to, antennae, towers, equipment enclosures, cabling, antenna brackets, and other such equipment. Placing a wireless communications facility on an existing structure does not cause the existing structure to become a wireless communications facility.

(hh) “Wireless provider” means a person who provides wireless service and:

1. Is subject to the requirements of the order; or
2. Elects to provide wireless 911 service or E911 service in this state.

(ii) “Wireless service” means “commercial mobile radio service” as provided under ss. 3(27) and 332(d) of the Federal Telecommunications Act of 1996, 47 U.S.C. ss. 151 et seq., and the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, August 10, 1993, 107 Stat. 312. The term includes service provided by any wireless real-time two-way wire communication device, including radio-telephone communications used in cellular telephone service; personal communications service; or the functional or competitive equivalent of a radio-telephone communications line used in cellular telephone service, a personal communications service, or a network radio access line. The term does not include wireless providers that offer mainly dispatch service in a more localized, noncellular configuration; providers offering only data, one-way, or stored-voice services on an interconnected basis; providers of air-to-ground services; or public coast stations.

(15) TEXT-TO-911 SERVICE.—Each county shall develop a countywide implementation plan addressing text-to-911 services and, by January 1, 2022, enact a system to allow text-to-911 services.

Section 2. Section 365.177, Florida Statutes, is created to read:

365.177 Transfer of E911 calls between systems.—

(1) The office shall develop a plan by February 1, 2020, to upgrade 911 public safety answering points within the state to allow the transfer of an emergency call from one local, multijurisdictional, or regional E911 system to another local, multijurisdictional, or regional E911 system in the state. Such transfer should include, voice, text message, image, video, caller identification information, location information, and additional standards-based 911 call information.

(2) In developing the plan, the office shall:

(a) Coordinate with public agencies to identify and resolve any technological or logistical issues.

(b) Identify or establish a system or clearinghouse for maintaining contact information for all E911 systems in the state.

(c) For both a regionally phased and statewide approach, 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 pursuant to subsection (1).

Section 3. Section 365.179, Florida Statutes, is created to read:

365.179 Direct radio communication between 911 public safety answering points and first responders.—

(1) As used in this section, the term:

(a) “First responder agency” includes each law enforcement agency and fire service agency, other than a state agency, and each emergency medical services provider, that is designated as a primary first responder for the service area in which a 911 public safety answering point receives 911 calls.

(b) “911 public safety answering point” or “PSAP” means a municipal or county emergency communications or 911 call center in this state that receives cellular, landline, or text-to-911 communications.

(2) Each sheriff, in collaboration with all first responder agency heads in his or her county, shall facilitate the development and execution of written interlocal agreements between all primary first responder agencies within the county. Each agreement must establish written protocols that outline circumstances and public safety emergencies under which a PSAP will directly provide notice by radio of an emergency to the on-duty personnel of a first responder agency for which the PSAP does not provide primary dispatch functions. Each agreement must require the PSAP to have direct radio contact with primary first responder agencies and their dispatchers, for whom the PSAP can reasonably receive 911 communications, without having to transfer a 911 communication to another PSAP or dispatch center for dispatch. The method of complying with this requirement shall be established by the first responder agency heads and set forth in each interlocal agreement.

(3) Each PSAP must be capable of immediately broadcasting 911 communications or public safety information over the primary radio dispatch channels of each first responder agency in the county it serves, except in those first responders service areas where the PSAP cannot reasonably receive 911 calls. If a county or jurisdiction has multiple PSAPs, each PSAP must have this capability.

(4) Unless technologically precluded due to radio incompatibility, upon written request from a law enforcement agency head, a law enforcement agency head in the same county or in an adjacent jurisdiction in another county must authorize the requesting agency to install the responding agency’s primary dispatch channel or channels in the requesting agency’s PSAP, dispatch center, or mobile or portable radios.

(5) Each primary first responder agency, PSAP, and dispatch center within each county shall train all applicable personnel regarding the procedures and protocols specified in the interlocal agreements made pursuant to this section. This training shall also include radio functionality and how to readily access the necessary dispatch channels in accordance with the interlocal agreements.

(6) By January 1, 2020, each sheriff shall provide to the Department of Law Enforcement:

(a) A copy of each interlocal agreement made between the primary first responder agencies within his or her county pursuant to this section; and

(b) Written certification that all PSAPs in his or her county are in compliance with this section.

Section 4. (1) The Legislature finds that an important state interest is served in protecting the public safety by ensuring that 911 telecommunications are routed to the most appropriate 911 system in the most expeditious manner possible. A proper and legitimate state purpose is achieved when local government 911 public safety telecommunicators are able to transfer and receive transfers of emergency calls to and from other local, multi-jurisdictional, or regional E911 systems in the state.

(2) The Legislature also finds that an important state interest is served in protecting the public safety by ensuring that text-to-911 service is available in all counties of the state. A proper and legitimate state purpose is achieved when text-to-911 service is made available statewide to ensure that persons who cannot speak or whose safety may be compromised by speaking in emergency situations will have access to the 911 system. Provision of this service statewide will prevent confusion about the availability of the service in particular areas.

(3) The Legislature also finds that an important state interest is served in protecting the public safety by ensuring that each 911 public safety answering point is capable of direct radio communications with first

responders and dispatchers within the surrounding area for which the public safety answering point would not otherwise provide dispatch. A proper and legitimate state purpose is achieved when a public safety answering point that receives an emergency communication is able to save crucial time by avoiding the need to transfer that communication to a second public safety answering point to dispatch first responders.

(4) Therefore, the Legislature finds and declares that this act fulfills an important state interest.

Section 5. This act shall take effect July 1, 2019.

Approved by the Governor June 26, 2019.

Filed in Office Secretary of State June 26, 2019.