

CHAPTER 2010-188

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 742

An act relating to public safety telecommunicators; amending s. 365.172, F.S.; including dispatching as a function of E911 service; including fees for certification and recertification collected by the Department of Health in authorized expenditures for E911 services; amending s. 401.411, F.S.; revising applicability of certain disciplinary actions and penalties; amending s. 401.465, F.S.; redefining the term “emergency dispatcher” as “public safety telecommunicator”; defining the term “public safety telecommunication training program”; providing requirements for training and certification of a public safety telecommunicator, including fees; requiring certain 911 public safety telecommunicators, sworn state-certified law enforcement officers, or state-certified firefighters to pass an examination administered by the department; requiring the department to establish a procedure for the approval of public safety telecommunication training programs; providing for temporary waiver of certification requirements in an area of the state for which the Governor has declared a state of emergency; providing a declaration of important state interest; providing an effective date.

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

Section 1. Paragraphs (a) and (b) of subsection (9) of section 365.172, Florida Statutes, are amended to read:

365.172 Emergency communications number “E911.”—

(9) AUTHORIZED EXPENDITURES OF E911 FEE.—

(a) For purposes of this section, E911 service includes the functions of database management, call taking, dispatching, location verification, and call transfer.

(b) All costs directly attributable to the establishment or provision of E911 service and contracting for E911 services are eligible for expenditure of moneys derived from imposition of the fee authorized by this section. These costs include the acquisition, implementation, and maintenance of Public Safety Answering Point (PSAP) equipment and E911 service features, as defined in the Public Service Commission’s lawfully approved 911 and E911 and related tariffs or the acquisition, installation, and maintenance of other E911 equipment, including call answering equipment, call transfer equipment, ANI controllers, ALI controllers, ANI displays, ALI displays, station instruments, E911 telecommunications systems, visual call information and storage devices, recording equipment, telephone devices and other equipment for the hearing impaired used in the E911 system, PSAP backup power systems, consoles, automatic call distributors, and interfaces, including

hardware and software, for computer-aided dispatch (CAD) systems, integrated CAD systems for that portion of the systems used for E911 call taking, network clocks, salary and associated expenses for E911 call takers for that portion of their time spent taking and transferring E911 calls, salary and associated expenses for a county to employ a full-time equivalent E911 coordinator position and a full-time equivalent mapping or geographical data position and a staff assistant position per county for the portion of their time spent administrating the E911 system, training costs for PSAP call takers, supervisors, and managers in the proper methods and techniques used in taking and transferring E911 calls, costs to train and educate PSAP employees regarding E911 service or E911 equipment, including fees collected by the Department of Health for the certification and recertification of 911 public safety telecommunicators as required under s. 401.465, and expenses required to develop and maintain all information, including ALI and ANI databases and other information source repositories, necessary to properly inform call takers as to location address, type of emergency, and other information directly relevant to the E911 call-taking and transferring function. Moneys derived from the fee may also be used for next-generation E911 network services, next-generation E911 database services, next-generation E911 equipment, and wireless E911 routing systems.

Section 2. Paragraphs (g) and (k) of subsection (1) of section 401.411, Florida Statutes, are amended to read:

401.411 Disciplinary action; penalties.—

(1) The department may deny, suspend, or revoke a license, certificate, or permit or may reprimand or fine any licensee, certificateholder, or other person operating under this part for any of the following grounds:

(g) Unprofessional conduct, including, but not limited to, any departure from or failure to conform to the minimal prevailing standards of acceptable practice under this part as an emergency medical technician or paramedic, including undertaking activities that the emergency medical technician, ~~or paramedic~~, health care professional, or other professional is not qualified by training or experience to perform.

(k) Practicing as an emergency medical technician, paramedic, ~~or other health care professional, or other professional~~ operating under this part without reasonable skill and without regard for the safety of the public 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.

Section 3. Section 401.465, Florida Statutes, is amended to read:

401.465 911 public safety telecommunicator emergency dispatcher certification.—

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

(a) ~~“911 public safety telecommunicator emergency dispatcher” means a person employed by a state agency or local government as 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.~~

(b) ~~“Department” means the Department of Health.~~

~~(c) “Public safety telecommunication training program” means a 911 emergency public safety telecommunications training program that the department determines to be equivalent to the public safety telecommunication training program curriculum framework developed by the Department of Education and consists of not less than 232 hours.~~

(2) PERSONNEL; STANDARDS AND CERTIFICATION.—

~~(a) Effective October 1, 2012, any person employed as a 911 public safety telecommunicator at a public safety answering point, as defined s. 365.172(3)(a), must be certified by the department.~~

~~(b) A public safety agency, as defined s. 365.171(3)(d), may employ a 911 public safety telecommunicator trainee for a period not to exceed 12 months if the trainee works under the direct supervision of a certified 911 public safety telecommunicator, as determined by rule of the department, and is enrolled in a public safety telecommunication training program.~~

~~(c)(a) An applicant for certification or recertification Any person who desires to be certified or recertified as a 911 public safety telecommunicator must emergency dispatcher may apply to the department under oath on forms provided by the department. The department shall establish by rule educational and training criteria for the certification and recertification of 911 public safety telecommunicators emergency dispatchers.~~

~~(d)(b) The department shall determine whether the applicant meets the requirements specified in this section and in rules of the department and shall issue a certificate to any person who meets such requirements. Such requirements must include, but need not be limited to, the following:~~

- ~~1. Completion of an appropriate 911 public safety telecommunication 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;~~

~~2.— Completion and documentation of at least 2 years of supervised full-time employment as a 911 emergency dispatcher since January 1, 2002;~~

~~2.3.~~ Certification under oath that the applicant is not addicted to alcohol or any controlled substance;

~~3.4.~~ 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;

~~4.5.~~ Submission of the application fee prescribed in subsection (3); ~~and~~

~~5.6.~~ Submission of a completed application to the department which indicates compliance with subparagraphs 1., 2., ~~and~~ 3.;, and 4.

6. Effective October 1, 2012, passage of an examination administered by the department which measures the applicant's competency and proficiency in the subject material of the public safety telecommunication training program.

~~(e)(e)~~ The department shall establish by rule a procedure that requires 20 hours of training for the biennial renewal certification of 911 public safety telecommunicators emergency dispatchers.

~~(f)(d)~~ A Each 911 public safety telecommunicator emergency dispatcher certificate expires automatically if not renewed at the end of the 2-year period and may be renewed if the holder meets the qualifications for renewal as established by the department. 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. Such certificate may be reactivated and renewed within the 180-day period if the certificateholder meets all other qualifications for renewal and pays a \$50 late fee. Reactivation shall be in a manner and on forms prescribed by department rule.

~~(g)(e)~~ The department may suspend or revoke a certificate at any time if it determines that the certificateholder does not meet the applicable qualifications.

~~(h)(f)~~ A certificateholder may request that his or her 911 public safety telecommunicator emergency dispatcher certificate be placed on inactive status by applying to the department before his or her current certification expires and paying a fee set by the department, which may not exceed \$50 \$100.

1. A certificateholder whose certificate has been on inactive status for 1 year or less may renew his or her certificate pursuant to the rules adopted by the department and upon payment of a renewal fee set by the department, which may not exceed ~~\$50~~ \$100.

2. A certificateholder whose certificate has been on inactive status for more than 1 year may renew his or her certificate pursuant to rules adopted by the department.

3. A certificate that has been inactive for more than 6 years automatically expires and may not be renewed.

~~(i)(g)~~ The department shall establish by rule a procedure for the initial certification of 911 public safety telecommunicators emergency dispatchers as defined in this section who have documentation of at least ~~3~~ 5 years of supervised full-time employment as a 911 public safety telecommunicator or an emergency dispatcher since January 1, 2002. This paragraph expires October 1, 2012.

~~(j)~~ If a person was employed as a 911 public safety telecommunicator, a sworn state-certified law enforcement officer, or a state-certified firefighter before April 1, 2012, he or she must pass the examination administered by the department which measures the competency and proficiency in the subject material of the public safety telecommunication program, as defined paragraph (1)(c). Upon passage of the examination, the completion of the public safety telecommunication training program shall be waived.

~~(k)~~ The department shall establish by rule a procedure for the approval of public safety telecommunication training programs required by this section.

(3) FEES.—

~~(a)~~ The initial application fee for application for the 911 public safety telecommunicator emergency dispatcher original certificate is \$50 \$75.

~~(b)~~ The examination fee for the 911 public safety telecommunicator shall be set by the department and may not exceed \$75.

~~(c)(b)~~ The application fee for the 911 public safety telecommunicator emergency dispatcher biennial renewal certificate shall be set by the department and may not exceed \$50 is \$100.

~~(d)~~ The application fee for department approval of a public safety telecommunication training program shall be set by the department and may not exceed \$50.

~~(e)(e)~~ Fees collected under this section shall be deposited into the Emergency Medical Services Trust Fund and used solely for salaries and expenses of the department incurred in administering this section.

~~(f)(d)~~ If a certificate issued under this section is lost or destroyed, the person to whom the certificate was issued may, upon payment of a fee set by the department, which may not exceed \$25, obtain a duplicate or substitute certificate.

(g)(e) Upon surrender of the original 911 public safety telecommunicator or emergency dispatcher certificate and receipt of a replacement fee set by the department, which may not exceed \$25, the department shall issue a replacement certificate to make a change in name.

(4) STATE-OF-EMERGENCY WAIVER.—The provisions of this section may be temporarily waived by the department in a geographic area of the state where a state of emergency has been declared by the Governor pursuant to s. 252.36.

Section 4. The Legislature finds that this act fulfills an important state interest.

Section 5. This act shall take effect July 1, 2010.

Approved by the Governor June 3, 2010.

Filed in Office Secretary of State June 3, 2010.