

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Regulatory Affairs
 2 Committee

3 Representative Steube offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (3) through (9) of section 365.172,
 8 Florida Statutes, are amended, present subsections (9) through
 9 (14) of that section are renumbered as subsections (10) through
 10 (15), respectively, and a new subsection (9) is added to that
 11 section, to read:

12 365.172 Emergency communications number "E911."~~—~~

13 (3) DEFINITIONS.—Only as used in this section and ss.
 14 365.171, 365.173, and 365.174, the term:

15 ~~(a) "Answering point" means the public safety agency that~~
 16 ~~receives incoming 911 calls and dispatches appropriate public~~
 17 ~~safety agencies to respond to the calls.~~

Amendment No. 1

18 (a)~~(b)~~ "Authorized expenditures" means expenditures of the
19 fee, as specified in subsection (10) ~~(9)~~.

20 (b)~~(e)~~ "Automatic location identification" means the
21 capability of the E911 service which enables the automatic
22 display of information that defines the approximate geographic
23 location of the wireless telephone, or the location of the
24 address of the wireline telephone, used to place a 911 call.

25 (c)~~(d)~~ "Automatic number identification" means the
26 capability of the E911 service which enables the automatic
27 display of the service number used to place a 911 call.

28 (d)~~(e)~~ "Board" or "E911 Board" means the board of
29 directors of the E911 Board established in subsection (5).

30 (e)~~(f)~~ "Building permit review" means a review for
31 compliance with building construction standards adopted by the
32 local government under chapter 553 and does not include a review
33 for compliance with land development regulations.

34 (f)~~(g)~~ "Collocation" means the situation when a second or
35 subsequent wireless provider uses an existing structure to
36 locate a second or subsequent antennae. The term includes the
37 ground, platform, or roof installation of equipment enclosures,
38 cabinets, or buildings, and cables, brackets, and other
39 equipment associated with the location and operation of the
40 antennae.

41 (g)~~(h)~~ "Designed service" means the configuration and
42 manner of deployment of service the wireless provider has
43 designed for an area as part of its network.

Amendment No. 1

44 (h)-(i) "Enhanced 911" or "E911" means ~~is the designation~~
45 ~~for~~ an enhanced 911 system or enhanced 911 service that is an
46 emergency telephone system or service that provides a subscriber
47 with 911 service and, in addition, directs 911 calls to
48 appropriate public safety answering points by selective routing
49 based on the geographical location from which the call
50 originated, or as otherwise provided in the state plan under s.
51 365.171, and that provides for automatic number identification
52 and automatic location-identification features. E911 service
53 provided by a wireless provider means E911 as defined in the
54 order.

55 (i)-(j) "Existing structure" means a structure that exists
56 at the time an application for permission to place antennae on a
57 structure is filed with a local government. The term includes
58 any structure that can structurally support the attachment of
59 antennae in compliance with applicable codes.

60 (j)-(k) "Fee" means the E911 fee authorized and imposed
61 under subsections ~~subsection~~ (8) and (9).

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

68 (l)-(m) "Historic building, structure, site, object, or
69 district" means any building, structure, site, object, or

Amendment No. 1

70 district that has been officially designated as a historic
71 building, historic structure, historic site, historic object, or
72 historic district through a federal, state, or local designation
73 program.

74 (m)~~(n)~~ "Land development regulations" means any ordinance
75 enacted by a local government for the regulation of any aspect
76 of development, including an ordinance governing zoning,
77 subdivisions, landscaping, tree protection, or signs, the local
78 government's comprehensive plan, or any other ordinance
79 concerning any aspect of the development of land. The term does
80 not include any building construction standard adopted under and
81 in compliance with chapter 553.

82 (n)~~(o)~~ "Local exchange carrier" means a "competitive local
83 exchange telecommunications company" or a "local exchange
84 telecommunications company" as defined in s. 364.02.

85 (o)~~(p)~~ "Local government" means any municipality, county,
86 or political subdivision or agency of a municipality, county, or
87 political subdivision.

88 (p)~~(q)~~ "Medium county" means any county that has a
89 population of 75,000 or more but less than 750,000.

90 (q)~~(r)~~ "Mobile telephone number" or "MTN" means the
91 telephone number assigned to a wireless telephone at the time of
92 initial activation.

93 (r)~~(s)~~ "Nonwireless category" means the revenues to the
94 fund received from voice communications services providers other
95 than wireless providers.

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Published On: 3/19/2014 9:23:53 PM

Amendment No. 1

96 (s)~~(t)~~ "Office" means the Technology Program within the
97 Department of Management Services, as designated by the
98 secretary of the department.

99 (t)~~(u)~~ "Order" means:

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

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

107 b. Memorandum and Order No. FCC 97-402 adopted on December
108 23, 1997.

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

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

111 2. Orders and rules subsequently adopted by the Federal
112 Communications Commission relating to the provision of 911
113 services, including Order Number FCC-05-116, adopted May 19,
114 2005.

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

118 (v) "Prepaid wireless service" means a right to access
119 wireless service that allows a caller to contact and interact
120 with 911 to access the 911 system, which service must be paid
121 for in advance and is sold in predetermined units or dollars,

Amendment No. 1

122 which units or dollars expire on a predetermined schedule or are
123 decremented on a predetermined basis in exchange for the right
124 to access wireless service.

125 ~~(v) "Prepaid calling arrangements" has the same meaning as~~
126 ~~defined in s. 212.05(1)(e).~~

127 (w) "Public agency" means the state and any municipality,
128 county, municipal corporation, or other governmental entity,
129 public district, or public authority located in whole or in part
130 within this state which provides, or has authority to provide,
131 firefighting, law enforcement, ambulance, medical, or other
132 emergency services.

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

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

141 ~~(z)(y)~~ "Rural county" means any county that has a
142 population of fewer than 75,000.

143 ~~(aa)(z)~~ "Service identifier" means the service number,
144 access line, or other unique ~~subscriber~~ identifier assigned to a
145 subscriber and established by the Federal Communications
146 Commission for purposes of routing calls whereby the subscriber
147 has access to the E911 system.

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Published On: 3/19/2014 9:23:53 PM

Amendment No. 1

148 ~~(bb)-(aa)~~ "Tower" means any structure designed primarily to
149 support a wireless provider's antennae.

150 ~~(cc)-(bb)~~ "Voice communications services" means two-way
151 voice service, through the use of any technology, which actually
152 provides access to E911 services, and includes communications
153 services, as defined in s. 202.11, which actually provide access
154 to E911 services and which are required to be included in the
155 provision of E911 services pursuant to orders and rules adopted
156 by the Federal Communications Commission. The term includes
157 voice-over-Internet-protocol service. For the purposes of this
158 section, the term "voice-over-Internet-protocol service" or
159 "VoIP service" means interconnected VoIP services having the
160 following characteristics:

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

170 ~~(dd)-(ee)~~ "Voice communications services provider" or
171 "provider" means any person or entity providing voice
172 communications services, except that the term does not include
173 any person or entity that resells voice communications services

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Published On: 3/19/2014 9:23:53 PM

Amendment No. 1

174 and was assessed the fee authorized and imposed under subsection
175 (8) by its resale supplier.

176 ~~(ee)~~ "Wireless 911 system" or "wireless 911 service"
177 means an emergency telephone system or service that provides a
178 subscriber with the ability to reach an answering point by
179 accessing the digits "911."

180 ~~(ff)~~ "Wireless category" means the revenues to the
181 fund received from a wireless provider from the fee authorized
182 and imposed under subsection (8).

183 ~~(gg)~~ "Wireless communications facility" means any
184 equipment or facility used to provide service and may include,
185 but is not limited to, antennae, towers, equipment enclosures,
186 cabling, antenna brackets, and other such equipment. Placing a
187 wireless communications facility on an existing structure does
188 not cause the existing structure to become a wireless
189 communications facility.

190 ~~(hh)~~ "Wireless provider" means a person who provides
191 wireless service and:

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

195 ~~(ii)~~ "Wireless service" means "commercial mobile radio
196 service" as provided under ss. 3(27) and 332(d) of the Federal
197 Telecommunications Act of 1996, 47 U.S.C. ss. 151 et seq., and
198 the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-
199 66, August 10, 1993, 107 Stat. 312. The term includes service

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Published On: 3/19/2014 9:23:53 PM

Amendment No. 1

200 provided by any wireless real-time two-way wire communication
201 device, including radio-telephone communications used in
202 cellular telephone service; personal communications service; or
203 the functional or competitive equivalent of a radio-telephone
204 communications line used in cellular telephone service, a
205 personal communications service, or a network radio access line.
206 The term does not include wireless providers that offer mainly
207 dispatch service in a more localized, noncellular configuration;
208 providers offering only data, one-way, or stored-voice services
209 on an interconnected basis; providers of air-to-ground services;
210 or public coast stations.

211 (4) POWERS AND DUTIES OF THE OFFICE.—The office shall
212 oversee the administration of the fee authorized and imposed ~~on~~
213 ~~subscribers of voice communications services~~ under subsections
214 ~~subsection~~ (8) and (9).

215 (5) THE E911 BOARD.—

216 (a) The E911 Board is established to administer, with
217 oversight by the office, the fee imposed under subsections
218 ~~subsection~~ (8) and (9), including receiving revenues derived
219 from the fee; distributing portions of the revenues to wireless
220 providers, counties, and the office; accounting for receipts,
221 distributions, and income derived by the funds maintained in the
222 fund; and providing annual reports to the Governor and the
223 Legislature for submission by the office on amounts collected
224 and expended, the purposes for which expenditures have been
225 made, and the status of E911 service in this state. In order to

Amendment No. 1

226 advise and assist the office in implementing the purposes of
227 this section, the board, which has the power of a body
228 corporate, has the powers enumerated in subsection (6).

229 (b) The board shall consist of 11 members, one of whom
230 must be the system director designated under s. 365.171(5), or
231 his or her designee, who shall serve as the chair of the board.
232 The remaining 10 members of the board shall be appointed by the
233 Governor and must be composed of 5 county 911 coordinators,
234 consisting of a representative from a rural county, a
235 representative from a medium county, a representative from a
236 large county, and 2 at-large representatives recommended by the
237 Florida Association of Counties in consultation with the county
238 911 coordinators; 3 local exchange carrier member
239 representatives, one of whom must be a representative of the
240 local exchange carrier having the greatest number of access
241 lines in the state and one of whom must be a representative of a
242 certificated competitive local exchange telecommunications
243 company; and 2 member representatives from the wireless
244 telecommunications industry, with consideration given to
245 wireless providers that are not affiliated with local exchange
246 carriers. Not more than one member may be appointed to represent
247 any single provider on the board.

248 (c) The system director, designated under s. 365.171(5),
249 or his or her designee, must be a permanent member of the board.
250 Each of the remaining 10 ~~eight~~ members of the board shall be
251 appointed to a 4-year term and may not be appointed to more than

Amendment No. 1

252 two successive terms. However, for the purpose of staggering
253 terms, two of the original board members shall be appointed to
254 terms of 4 years, two shall be appointed to terms of 3 years,
255 and four shall be appointed to terms of 2 years, as designated
256 by the Governor. A vacancy on the board shall be filled in the
257 same manner as the original appointment.

258 ~~(d) The first vacancy in a wireless provider~~
259 ~~representative position occurring after July 1, 2007, must be~~
260 ~~filled by appointment of a local exchange company~~
261 ~~representative. Until the appointment is made, there shall be~~
262 ~~only one local exchange company representative serving on the~~
263 ~~board, notwithstanding any other provision to the contrary.~~

264 (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.-

265 (a) The board shall:

- 266 1. Administer the E911 fee.
- 267 2. Implement, maintain, and oversee the fund.
- 268 3. Review and oversee the disbursement of the revenues
269 deposited into the fund as provided in s. 365.173.

270 a. The board may establish a schedule for implementing
271 wireless E911 service by service area, and prioritize
272 disbursements of revenues from the fund to providers and rural
273 counties as provided in s. 365.173(2)(e) ~~s. 365.173(2)(d)~~ and
274 (g) pursuant to the schedule, in order to implement E911
275 services in the most efficient and cost-effective manner.

276 b. Revenues in the fund which have not been disbursed
277 because sworn invoices as required by s. 365.173(2)(e) ~~s.~~

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Published On: 3/19/2014 9:23:53 PM

Amendment No. 1

278 ~~365.173(2)(d)~~ have not been submitted to the board may be used
279 by the board as needed to provide grants to counties for the
280 purpose of upgrading E911 systems. The counties must use the
281 funds only for capital expenditures or remotely provided hosted
282 911 answering point call-taking equipment and network services
283 directly attributable to establishing and provisioning E911
284 services, which may include next-generation deployment. Prior to
285 the distribution of grants, the board shall provide 90 days'
286 written notice to all counties and publish electronically an
287 approved application process. County grant applications shall be
288 prioritized based on the availability of funds, current system
289 life expectancy, system replacement needs, and Phase II
290 compliance per the Federal Communications Commission. No grants
291 will be available to any county for next-generation deployment
292 until all counties are Phase II complete. The board shall take
293 all actions within its authority to ensure that county
294 recipients of such grants use these funds only for the purpose
295 under which they have been provided and may take any actions
296 within its authority to secure county repayment of grant
297 revenues upon determination that the funds were not used for the
298 purpose under which they were provided.

299 c. When determining the funding provided in a state 911
300 grant application request, the board shall take into account
301 information on the amount of carryforward funds retained by the
302 counties. The information will be based on the amount of county
303 carryforward funds reported in the financial audit required in

533871 - h0175-strike.docx

Published On: 3/19/2014 9:23:53 PM

Amendment No. 1

304 s. 365.173(2)(d). E911 State Grant Program funding requests will
305 be limited by any county carryforward funds in excess of the
306 allowable 30 percent amount of fee revenue calculated on a 2-
307 year basis.

308 ~~d.e.~~ The board shall reimburse all costs of a wireless
309 provider in accordance with s. 365.173(2)(e) ~~s. 365.173(2)(d)~~
310 before taking any action to transfer additional funds.

311 ~~d. By September 1, 2007, the board shall authorize the~~
312 ~~transfer of up to \$15 million to the counties from existing~~
313 ~~money within the fund established under s. 365.173(1). The money~~
314 ~~shall be disbursed equitably to all of the counties using a~~
315 ~~timeframe and distribution methodology established by the board~~
316 ~~before September 1, 2007, in order to prevent a loss to the~~
317 ~~counties in the ordinary and expected time value of money caused~~
318 ~~by any timing delay in remittance to the counties of wireline~~
319 ~~fees caused by the one-time transfer of collecting wireline fees~~
320 ~~by the counties to the board. All disbursements for this purpose~~
321 ~~must be returned to the fund from future remittances by the~~
322 ~~nonwireless category.~~

323 e. After taking the action required in sub-subparagraphs
324 a.-d., the board may review and, with all members participating
325 in the vote, adjust the percentage allocations or adjust the
326 amount of the fee as provided, ~~or both~~, under paragraph (8)(g)
327 ~~(8)(h)~~, and, if the board determines that the revenues in the
328 wireless category exceed the amount needed to reimburse wireless
329 providers for the cost to implement E911 services, the board may

533871 - h0175-strike.docx

Published On: 3/19/2014 9:23:53 PM

Amendment No. 1

330 transfer revenue to the counties from the existing funds within
331 the wireless category. The board shall disburse the funds
332 equitably to all counties using a timeframe and distribution
333 methodology established by the board.

334 4. Review documentation submitted by wireless providers
335 which reflects current and projected funds derived from the fee,
336 and the expenses incurred and expected to be incurred in order
337 to comply with the E911 service requirements contained in the
338 order for the purposes of:

339 a. Ensuring that wireless providers receive fair and
340 equitable distributions of funds from the fund.

341 b. Ensuring that wireless providers are not provided
342 disbursements from the fund which exceed the costs of providing
343 E911 service, including the costs of complying with the order.

344 c. Ascertaining the projected costs of compliance with the
345 requirements of the order and projected collections of the fee.

346 d. Implementing changes to the allocation percentages or
347 adjusting the fee under paragraph (8) (h) ~~(8) (i)~~.

348 5. Meet monthly in the most efficient and cost-effective
349 manner, including telephonically when practical, for the
350 business to be conducted, to review and approve or reject, in
351 whole or in part, applications submitted by wireless providers
352 for recovery of moneys deposited into the wireless category, and
353 to authorize the transfer of, and distribute, the fee allocation
354 to the counties.

355 6. Hire and retain employees, which may include an

Amendment No. 1

356 independent executive director who shall possess experience in
357 the area of telecommunications and emergency 911 issues, for the
358 purposes of performing the technical and administrative
359 functions for the board.

360 7. Make and enter into contracts, pursuant to chapter 287,
361 and execute other instruments necessary or convenient for the
362 exercise of the powers and functions of the board.

363 8. Sue and be sued, and appear and defend in all actions
364 and proceedings, in its corporate name to the same extent as a
365 natural person.

366 9. Adopt, use, and alter a common corporate seal.

367 10. Elect or appoint the officers and agents that are
368 required by the affairs of the board.

369 11. The board may adopt rules under ss. 120.536(1) and
370 120.54 to implement this section and ss. 365.173 and 365.174.

371 12. Provide coordination, support, and technical
372 assistance to counties to promote the deployment of advanced 911
373 and E911 systems in the state.

374 13. Provide coordination and support for educational
375 opportunities related to E911 issues for the E911 community in
376 this state.

377 14. Act as an advocate for issues related to E911 system
378 functions, features, and operations to improve the delivery of
379 E911 services to the residents of and visitors to this state.

380 15. Coordinate input from this state at national forums
381 and associations, to ensure that policies related to E911

533871 - h0175-strike.docx

Published On: 3/19/2014 9:23:53 PM

Amendment No. 1

382 systems and services are consistent with the policies of the
383 E911 community in this state.

384 16. Work cooperatively with the system director
385 established in s. 365.171(5) to enhance the state of E911
386 services in this state and to provide unified leadership for all
387 E911 issues through planning and coordination.

388 17. Do all acts and things necessary or convenient to
389 carry out the powers granted in this section in a manner that is
390 competitively and technologically neutral as to all voice
391 communications services providers, including, but not limited
392 to, consideration of emerging technology and related cost
393 savings, while taking into account embedded costs in current
394 systems.

395 18. Have the authority to secure the services of an
396 independent, private attorney via invitation to bid, request for
397 proposals, invitation to negotiate, or professional contracts
398 for legal services already established at the Division of
399 Purchasing of the Department of Management Services.

400 (b) Board members shall serve without compensation;
401 however, members are entitled to per diem and travel expenses as
402 provided in s. 112.061.

403 (c) By February 28 of each year, the board shall prepare a
404 report for submission by the office to the Governor, the
405 President of the Senate, and the Speaker of the House of
406 Representatives which addresses for the immediately preceding
407 state fiscal year and county fiscal ~~calendar~~ year:

533871 - h0175-strike.docx

Published On: 3/19/2014 9:23:53 PM

Amendment No. 1

408 1. The annual receipts, including the total amount of fee
409 revenues collected by each provider, the total disbursements of
410 money in the fund, including the amount of fund-reimbursed
411 expenses incurred by each wireless provider to comply with the
412 order, and the amount of moneys on deposit in the fund.

413 2. Whether the amount of the fee and the allocation
414 percentages set forth in s. 365.173 have been or should be
415 adjusted to comply with the requirements of the order or other
416 provisions of this chapter, and the reasons for making or not
417 making a recommended adjustment to the fee.

418 3. Any other issues related to providing E911 services.

419 4. The status of E911 services in this state.

420 (7) REQUEST FOR PROPOSALS FOR INDEPENDENT ACCOUNTING
421 FIRM.—

422 (a) The board shall issue a request for proposals as
423 provided in chapter 287 for the purpose of retaining an
424 independent accounting firm. The independent accounting firm
425 shall perform all material administrative and accounting tasks
426 and functions required for administering the fee. The request
427 for proposals must include, but need not be limited to:

428 1. A description of the scope and general requirements of
429 the services requested.

430 2. A description of the specific accounting and reporting
431 services required for administering the fund, including
432 processing checks and distributing funds as directed by the
433 board under s. 365.173.

Amendment No. 1

434 3. A description of information to be provided by the
435 proposer, including the proposer's background and qualifications
436 and the proposed cost of the services to be provided.

437 (b) The board shall establish a committee to review
438 requests for proposals which must include the statewide E911
439 system director designated under s. 365.171(5), or his or her
440 designee, and two members of the board, one of whom is a county
441 911 coordinator and one of whom represents a voice
442 communications services provider. The review committee shall
443 review the proposals received by the board and recommend an
444 independent accounting firm to the board for final selection. By
445 agreeing to serve on the review committee, each member of the
446 review committee shall verify that he or she does not have any
447 interest or employment, directly or indirectly, with potential
448 proposers which conflicts in any manner or degree with his or
449 her performance on the committee.

450 (c) ~~After July 1, 2004,~~ The board may secure the services
451 of an independent accounting firm via invitation to bid, request
452 for proposals, invitation to negotiate, or professional
453 contracts already established at the Division of Purchasing,
454 Department of Management Services, for certified public
455 accounting firms, or the board may hire and retain professional
456 accounting staff to accomplish these functions.

457 (8) E911 FEE.—

458 (a) Each voice communications services provider shall
459 collect the fee described in this subsection, except that the

Amendment No. 1

460 fee for prepaid wireless service shall be collected in the
461 manner set forth in subsection (9). Each provider, as part of
462 its monthly billing process, shall bill the fee as follows. The
463 fee shall not be assessed on any pay telephone in the state.

464 1. Each voice communications service provider other than a
465 wireless provider shall bill the fee to a subscriber based on
466 the number of access lines having access to the E911 system, on
467 a service-identifier basis, up to a maximum of 25 access lines
468 per account bill rendered.

469 2. Each voice communications service provider other than a
470 wireless provider shall bill the fee to a subscriber on a basis
471 of five service-identified access lines for each digital
472 transmission link, including primary rate interface service or
473 equivalent Digital-Signal-1-level service, which can be
474 channelized and split into 23 or 24 voice-grade or data-grade
475 channels for communications, up to a maximum of 25 access lines
476 per account bill rendered.

477 3. Except in the case of prepaid wireless service, each
478 wireless provider shall bill the fee to a subscriber on a per-
479 service-identifier basis for service identifiers whose primary
480 place of use is within this state. ~~Before July 1, 2013,~~ The fee
481 shall not be assessed on or collected from a provider with
482 respect to an end user's service if that end user's service is a
483 prepaid wireless service sold before January 1, 2015~~calling~~
484 ~~arrangement that is subject to s. 212.05(1)(e).~~

485 a. ~~An E911 fee shall not be collected from the sale of~~

Amendment No. 1

486 ~~prepaid wireless service before July 1, 2013.~~

487 ~~b. For purposes of this section, the term:~~

488 ~~(I) "Prepaid wireless service" means the right to access~~
489 ~~telecommunications services, which must be paid for in advance~~
490 ~~and sold in predetermined units or dollars enabling the~~
491 ~~originator to make calls such that the number of units or~~
492 ~~dollars declines with use in a known amount.~~

493 ~~(II) "Prepaid wireless service providers" includes those~~
494 ~~persons who sell prepaid wireless service regardless of its~~
495 ~~form, as a retailer or reseller.~~

496 4. Except in the case of prepaid wireless service, each
497 ~~The voice communications services provider providers not~~
498 ~~addressed under subparagraphs 1., 2., and 3. shall bill the fee~~
499 ~~on a per-service-identifier basis for service identifiers whose~~
500 ~~primary place of use is within the state up to a maximum of 25~~
501 ~~service identifiers for each account bill rendered.~~

502
503 ~~The provider may list the fee as a separate entry on each bill,~~
504 ~~in which case the fee must be identified as a fee for E911~~
505 ~~services. A provider shall remit the fee to the board only if~~
506 ~~the fee is paid by the subscriber. If a provider receives a~~
507 ~~partial payment for a monthly bill from a subscriber, the amount~~
508 ~~received shall first be applied to the payment due the provider~~
509 ~~for providing voice communications service.~~

510 ~~(b) A provider is not obligated to take any legal action~~
511 ~~to enforce collection of the fees for which any subscriber is~~

533871 - h0175-strike.docx

Published On: 3/19/2014 9:23:53 PM

Amendment No. 1

512 billed. A county subscribing to 911 service remains liable to
513 the provider delivering the 911 service or equipment for any 911
514 service, equipment, operation, or maintenance charge owed by the
515 county to the provider.

516 (c) For purposes of this subsection ~~section~~, the state and
517 local governments are not subscribers.

518 (d) Each provider may retain 1 percent of the amount of
519 the fees collected as reimbursement for the administrative costs
520 incurred by the provider to bill, collect, and remit the fee.
521 The remainder shall be delivered to the board and deposited by
522 the board into the fund. The board shall distribute the
523 remainder pursuant to s. 365.173.

524 (e) ~~Effective September 1, 2007,~~ Voice communications
525 services providers billing the fee to subscribers shall deliver
526 revenues from the fee to the board within 60 days after the end
527 of the month in which the fee was billed, together with a
528 monthly report of the number of service identifiers in each
529 county. Each wireless provider and other applicable provider
530 identified in subparagraph (a)4. shall report the number of
531 service identifiers for subscribers whose place of primary use
532 is in each county. All provider subscriber information provided
533 to the board is subject to s. 365.174. If a provider chooses to
534 remit any fee amounts to the board before they are paid by the
535 subscribers, a provider may apply to the board for a refund of,
536 or may take a credit for, any such fees remitted to the board
537 which are not collected by the provider within 6 months

Amendment No. 1

538 following the month in which the fees are charged off for
539 federal income tax purposes as bad debt.

540 (f) The rate of the fee ~~shall be set by the board after~~
541 ~~considering the factors set forth in paragraphs (h) and (i), but~~
542 may not exceed 50 cents per month for ~~per~~ each service
543 identifier. Effective January 1, 2015, the fee shall be 40 cents
544 per month for each service identifier. The fee shall apply
545 uniformly and be imposed throughout the state, except for those
546 counties that, before July 1, 2007, had adopted an ordinance or
547 resolution establishing a fee less than 50 cents per month per
548 access line. In those counties the fee established by ordinance
549 may be changed only to the uniform statewide rate no sooner than
550 30 days after notification is made by the county's board of
551 county commissioners to the board.

552 ~~(g) It is the intent of the Legislature that all revenue~~
553 ~~from the fee be used as specified in s. 365.173(2)(a)-(i).~~

554 ~~(g)(h) No later than November 1, 2007,~~ The board may
555 adjust the allocation percentages for distribution of the fund
556 as provided in s. 365.173. No sooner than June 1, 2015, the
557 board may adjust the rate of the fee under paragraph (f) based
558 on the criteria in this paragraph and paragraph (h). Any
559 adjustment in the rate must be approved by a two-thirds vote of
560 the total number of E911 board members. When setting the
561 percentages or ~~and~~ contemplating any adjustments to the fee, the
562 board shall consider the following:

563 1. The revenues currently allocated for wireless service

Amendment No. 1

564 provider costs for implementing E911 service and projected costs
565 for implementing E911 service, including recurring costs for
566 Phase I and Phase II and the effect of new technologies;

567 2. The appropriate level of funding needed to fund the
568 rural grant program provided for in s. 365.173(2)(g); and

569 3. The need to fund statewide, regional, and county grants
570 in accordance with sub-subparagraph (6)(a)3.b. and s.
571 365.173(2)(h).

572 (h)-(i) The board may adjust the allocation percentages or
573 adjust the amount of the fee as provided in paragraph (g), ~~or~~
574 ~~both,~~ if necessary to ensure full cost recovery or prevent
575 overrecovery of costs incurred in the provision of E911 service,
576 including costs incurred or projected to be incurred to comply
577 with the order. Any new allocation percentages or reduced or
578 increased fee may not be adjusted for 1 year. In no event shall
579 the fee may not exceed 50 cents per month for ~~per~~ each service
580 identifier. The ~~board-established~~ fee, and any board adjustment
581 of the fee, shall be uniform throughout the state, except for
582 the counties identified in paragraph (f). No less than 90 days
583 before the effective date of any adjustment to the fee, the
584 board shall provide written notice of the adjusted fee amount
585 and effective date to each voice communications services
586 provider from which the board is then receiving the fee.

587 (i) It is the intent of the Legislature that all revenue
588 from the fee be used as specified in s. 365.173(2)(a)-(i).

589 (j) State and local taxes do not apply to the fee. The

Amendment No. 1

590 amount of the E911 fee collected by a provider may not be
591 included in the base for imposition of any tax, fee, surcharge,
592 or other charge imposed by this state, any political subdivision
593 of this state, or any intergovernmental agency.

594 (k) A local government may not levy the fee or any
595 additional fee on providers or subscribers for the provision of
596 E911 service.

597 (l) For purposes of this section, the definitions
598 contained in s. 202.11 and the provisions of s. 202.155 apply in
599 the same manner and to the same extent as the definitions and
600 provisions apply to the taxes levied under chapter 202 on mobile
601 communications services.

602 (9) PREPAID WIRELESS E911 FEE.-

603 (a) Effective January 1, 2015, a prepaid wireless E911 fee
604 is imposed per retail transaction at the rate established in
605 paragraph (8)(f). In order to allow sellers of all sizes and
606 technological capabilities adequate time to comply with this
607 subsection, a seller of prepaid wireless service operating in
608 this state before the prepaid wireless E911 fee is imposed shall
609 retain 100 percent of the fee collected under this paragraph for
610 the first 2 months to offset the cost of setup.

611 (b) Effective March 1, 2015, the prepaid wireless E911 fee
612 imposed under paragraph (a) shall be subject to remittance in
613 accordance with paragraph (g). In no event shall the fee exceed
614 50 cents for each retail transaction. At least 90 days before
615 the effective date of any adjustment to the fee under paragraph

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Amendment No. 1

616 (8)(g), the Department of Revenue shall provide written notice
617 of the adjusted fee amount and its effective date to each seller
618 from which the department is then receiving the fee. At least
619 120 days before the effective date of any adjustment to the fee
620 imposed under this subsection, the board shall provide notice to
621 the Department of Revenue of the adjusted fee amount and
622 effective date of the adjustment.

623 (c) The prepaid wireless E911 fee shall be collected by
624 the seller from the consumer with respect to each retail
625 transaction occurring in this state. The amount of the prepaid
626 wireless E911 fee shall be separately stated on an invoice,
627 receipt, or other similar document that is provided to the
628 consumer by the seller or otherwise disclosed to the consumer.

629 (d) For purposes of paragraph (c), a retail transaction
630 that takes place in person by a consumer at a business location
631 of the seller shall be treated as occurring in this state if
632 that business location is in this state. Such transaction is
633 deemed to have occurred in the county of the business location.
634 When a retail transaction does not take place at the seller's
635 business location, the transaction shall be treated as taking
636 place at the consumer's shipping address or, if no item is
637 shipped, at the consumer's address or the location associated
638 with the consumer's mobile telephone number. Such transaction is
639 deemed to have occurred in the county of the consumer's shipping
640 address when items are shipped to the consumer or, when no items
641 are shipped, the county of the consumer's address or the

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Published On: 3/19/2014 9:23:53 PM

Amendment No. 1

642 location associated with the consumer's mobile telephone number.
643 A transaction for which the specific Florida county cannot be
644 determined shall be treated as nonspecific.

645 (e) If a prepaid wireless device is sold for a single,
646 nonitemized price with a prepaid wireless service of 10 minutes
647 or less or \$5 or less, the seller may elect not to apply the
648 prepaid wireless E911 fee to the transaction.

649 (f) The amount of the prepaid wireless E911 fee that is
650 collected by a seller from a consumer and that is separately
651 stated on an invoice, receipt, or similar document provided to
652 the consumer by the seller, may not be included in the base for
653 imposition of any tax, fee, surcharge, or other charge that is
654 imposed by this state, any political subdivision of this state,
655 or any intergovernmental agency.

656 (g) Beginning April 1, 2015, each seller shall file a
657 return and remit the prepaid wireless E911 fees collected in the
658 previous month to the Department of Revenue on or before the
659 20th day of the month. If the 20th day falls on a Saturday,
660 Sunday, or legal holiday, payments accompanied by returns are
661 due on the next succeeding day that is not a Saturday, Sunday,
662 or legal holiday observed by federal or state agencies as
663 defined in chapter 683 and s. 7503 of the Internal Revenue Code
664 of 1986, as amended. A seller may remit the prepaid wireless
665 E911 fee by electronic funds transfer and file a fee return with
666 the Department of Revenue that is initiated through an
667 electronic data interchange.

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Published On: 3/19/2014 9:23:53 PM

Amendment No. 1

668 1. When a seller is authorized by the Department of
669 Revenue pursuant to s. 212.11(1)(c) or (d) to file a sales and
670 use tax return on a quarterly, semiannual, or annual reporting
671 basis, the seller may file a return and remit the prepaid
672 wireless E911 fees on or before the 20th day of the month
673 following the authorized reporting period for sales and use tax.

674 2. A seller collecting less than \$50 per month of prepaid
675 wireless E911 fees may file a quarterly return for the calendar
676 quarters ending in March, June, September, and December. The
677 seller must file a return and remit the prepaid wireless E911
678 fees collected during each calendar quarter on or before the
679 20th day of the month following that calendar quarter.

680 3. A seller must provide the following information on each
681 prepaid wireless E911 fee return filed with the Department of
682 Revenue:

683 a. The seller's name, federal identification number,
684 taxpayer identification number issued by the Department of
685 Revenue, business location address and mailing address, and
686 county of the business location in accordance with paragraph
687 (d);

688 b. The reporting period;

689 c. The number of prepaid wireless services sold during the
690 reporting period;

691 d. The amount of prepaid wireless E911 fees collected and
692 the amount of any adjustments to the fees collected;

693 e. The amount of any retailer collection allowance

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Published On: 3/19/2014 9:23:53 PM

Amendment No. 1

694 deducted from the amount of prepaid wireless E911 fees

695 collected; and

696 f. The amount to be remitted to the Department of Revenue.

697 4. A seller who operates two or more business locations
698 for which returns are required to be filed with the Department
699 of Revenue may file a consolidated return reporting and
700 remitting the prepaid wireless E911 fee for all business
701 locations. Such sellers must report the prepaid wireless E911
702 fees collected in each county, in accordance with paragraph (d),
703 on a reporting schedule filed with the fee return.

704 5. A return is not required for a reporting period when no
705 prepaid wireless E911 fee is to be remitted for that period.

706 6. The Department of Revenue shall administer, collect and
707 enforce the fee under this subsection pursuant to the same
708 procedures used in the administration, collection, and
709 enforcement of the general state sales tax imposed under chapter
710 212, except as provided in this section. The provisions of
711 chapter 212, regarding authority to audit and make assessments,
712 keeping of books and records, and interest and penalties on
713 delinquent fees shall apply. The provision of estimated tax
714 liability in s. 212.11(1)(a) shall not apply to the prepaid
715 wireless E911 fee.

716 (h) A seller of prepaid wireless services in this state
717 must register with the Department of Revenue for each place of
718 business as required by s. 212.18(3) and the Department of
719 Revenue's administrative rule regarding registration as a sales

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Published On: 3/19/2014 9:23:53 PM

Amendment No. 1

720 and use tax dealer. A separate application is required for each
721 place of business. A valid certificate of registration issued by
722 the Department of Revenue to a seller for sales and use tax
723 purposes is sufficient for purposes of the registration
724 requirement of this subsection. There is no fee for registration
725 for remittance of the prepaid wireless E911 fee.

726 (i) The Department of Revenue shall deposit the funds
727 remitted under this subsection into the Audit and Warrant
728 Clearing Trust Fund established in s. 215.199 and retain up to
729 3.2 percent of the funds remitted under this subsection to
730 reimburse its direct costs of administering the collection and
731 remittance of prepaid wireless E911 fees. Thereafter, the
732 Department of Revenue shall transfer all remaining funds
733 remitted under this subsection to the Emergency Communications
734 Number E911 System Fund monthly for use as provided in s.
735 365.173.

736 (j) Beginning March 1, 2015, a seller may retain 5 percent
737 of the prepaid wireless E911 fees that are collected by the
738 seller from consumers as a retailer collection allowance.

739 (k) A provider or seller of prepaid wireless service is
740 not liable for damages to any person resulting from or incurred
741 in connection with providing or failing to provide 911 or E911
742 service or for identifying or failing to identify the telephone
743 number, address, location, or name associated with any person or
744 device that is accessing or attempting to access 911 or E911
745 service.

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Published On: 3/19/2014 9:23:53 PM

Amendment No. 1

746 (l) A provider or seller of prepaid wireless service is
747 not liable for damages to any person resulting from or incurred
748 in connection with providing any lawful assistance to any
749 investigative or law enforcement officer of the United States,
750 any state, or any political subdivision of any state in
751 connection with any lawful investigation or other law
752 enforcement activity by such law enforcement officer.

753 (m) The limitations of liability under this subsection for
754 providers and sellers are in addition to any other limitation of
755 liability provided for under this section.

756 (n) A local government may not levy the fee or any
757 additional fee on providers or sellers of prepaid wireless
758 service for the provision of E911 service.

759 (o) For purposes of this section, the state and local
760 governments are not consumers.

761 (p) For purposes of this subsection, the term:

762 1. "Consumer" means a person who purchases prepaid
763 wireless service in a retail sale.

764 2. "Prepaid wireless E911 fee" means the fee that is
765 required to be collected by a seller from a consumer as provided
766 in this subsection.

767 3. "Provider" means a person that provides prepaid
768 wireless service pursuant to a license issued by the Federal
769 Communications Commission.

770 4. "Retail transaction" means the purchase by a consumer
771 from a seller of prepaid wireless service that may be applied to

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Published On: 3/19/2014 9:23:53 PM

Amendment No. 1

772 a single service identifier for use by the consumer. If a
773 consumer makes a purchase of multiple prepaid wireless services
774 in a single transaction, each individual prepaid wireless
775 service shall be considered a separate retail transaction for
776 purposes of calculating the prepaid wireless E911 fee.

777 5. "Seller" means a person who makes retail sales of
778 prepaid wireless services to a consumer.

779 (10)(9) AUTHORIZED EXPENDITURES OF E911 FEE.—

780 (a) For purposes of this section, E911 service includes
781 the functions of database management, call taking, ~~dispatching,~~
782 location verification, and call transfer. Department of Health
783 certification and recertification and training costs for 911
784 public safety telecommunications, including dispatching, are
785 functions of 911 services.

786 (b) All costs directly attributable to the establishment
787 or provision of E911 service and contracting for E911 services
788 are eligible for expenditure of moneys derived from imposition
789 of the fee authorized by subsections (8) and (9) this section.
790 These costs include the acquisition, implementation, and
791 maintenance of Public Safety Answering Point (PSAP) equipment
792 and E911 service features, as defined in the providers'
793 published schedules ~~Public Service Commission's lawfully~~
794 ~~approved 911 and E911 and related tariffs~~ or the acquisition,
795 installation, and maintenance of other E911 equipment,
796 including: circuits; call answering equipment;; call transfer
797 equipment;; ANI or ALI controllers;; ~~ALI controllers,~~ ANI or ALI

533871 - h0175-strike.docx

Published On: 3/19/2014 9:23:53 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 175 (2014)

Amendment No. 1

798 displays;~~ALI displays~~, station instruments; ~~E911~~
799 telecommunications systems; ~~visual call information and storage~~
800 devices; ~~recording equipment~~; telephone devices and other
801 equipment for the hearing impaired used in the E911 system; ~~PSAP~~
802 PSAP backup power systems; ~~consoles~~; automatic call
803 distributors, and interfaces, including hardware and software,
804 for computer-aided dispatch (CAD) systems; ~~integrated CAD~~
805 systems for that portion of the systems used for E911 call
806 taking; GIS system and software equipment and information
807 displays; network clocks; ~~salary and associated expenses for~~
808 E911 call takers for that portion of their time spent taking and
809 transferring E911 calls, salary, and associated expenses for a
810 county to employ a full-time equivalent E911 coordinator
811 position and a full-time equivalent mapping or geographical data
812 position, and technical system maintenance, database, and
813 administration personnel ~~and a staff assistant position per~~
814 ~~county~~ for the portion of their time spent administrating the
815 E911 system; emergency medical, fire, and law enforcement
816 prearrival instruction software; charts and training costs; ~~training~~
817 training costs for PSAP call takers, supervisors, and managers
818 in the proper methods and techniques used in taking and
819 transferring E911 calls; ~~costs to train and educate PSAP~~
820 employees regarding E911 service or E911 equipment, including
821 fees collected by the Department of Health for the certification
822 and recertification of 911 public safety telecommunicators as
823 required under s. 401.465; ~~and expenses required to develop and~~

533871 - h0175-strike.docx

Published On: 3/19/2014 9:23:53 PM

Amendment No. 1

824 maintain all information, including ALI and ANI databases and
825 other information source repositories, necessary to properly
826 inform call takers as to location address, type of emergency,
827 and other information directly relevant to the E911 call-taking
828 and transferring function. Moneys derived from the fee may also
829 be used for next-generation E911 network services, next-
830 generation E911 database services, next-generation E911
831 equipment, and wireless E911 routing systems.

832 (c) The moneys may not be used to pay for any item not
833 listed in this subsection, including, but not limited to, any
834 capital or operational costs for emergency responses which occur
835 after the call transfer to the responding public safety entity
836 and the costs for constructing, leasing, maintaining, or
837 renovating buildings, except for those building modifications
838 necessary to maintain the security and environmental integrity
839 of the PSAP and E911 equipment rooms.

840 Section 2. Effective on March 1, 2015, section 365.173,
841 Florida Statutes, is amended to read:

842 365.173 Emergency Communications Number E911 System Fund.—

843 (1) REVENUES.—

844 (a) ~~All~~ Revenues derived from the fee levied on
845 subscribers under s. 365.172(8) must be paid by the board into
846 the State Treasury on or before the 15th day of each month. Such
847 moneys must be accounted for in a special fund to be designated
848 as the Emergency Communications Number E911 System Fund, a fund
849 created in the Technology Program, or other office as designated

Amendment No. 1

850 by the Secretary of Management Services.7

851 (b) Revenues derived from the fee levied on prepaid
852 wireless service under s. 365.172(9), less the costs of
853 administering collection of the fee, must be transferred by the
854 Department of Revenue to the Emergency Communications Number
855 E911 System Fund on or before the 25th day of each month
856 following the month of receipt. and,

857 (c) For accounting purposes, the Emergency Communications
858 Number E911 System Fund must be segregated into three two
859 separate categories:

- 860 1.(a) The wireless category; and
861 2.(b) The nonwireless category; and
862 3. The prepaid wireless category.

863 (d) All moneys must be invested by the Chief Financial
864 Officer pursuant to s. 17.61. All moneys in such fund are to be
865 expended by the office for the purposes provided in this section
866 and s. 365.172. These funds are not subject to s. 215.20.

867 (2) DISTRIBUTION AND USE OF FUNDS.—As determined by the
868 board pursuant to s. 365.172(8)(g) ~~s. 365.172(8)(h)~~, and subject
869 to any modifications approved by the board pursuant to s.
870 365.172(6)(a)3. or (8)(h) ~~(8)(i)~~, the moneys in the fund shall
871 be distributed and used only as follows:

872 (a) ~~Seventy-six~~ ~~Sixty-seven~~ percent of the moneys in the
873 wireless category shall be distributed each month to counties,
874 based on the total number of service identifiers in each county,
875 and shall be used exclusively for payment of:

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Published On: 3/19/2014 9:23:53 PM

Amendment No. 1

876 1. Authorized expenditures, as specified in s. 365.172(10)
877 ~~s. 365.172(9)~~.

878 2. Costs to comply with the requirements for E911 service
879 contained in the order and any future rules related to the
880 order.

881 (b) Ninety-six ~~Ninety-seven~~ percent of the moneys in the
882 nonwireless category shall be distributed each month to counties
883 based on the total number of service identifiers in each county
884 and shall be used exclusively for payment of authorized
885 expenditures, as specified in s. 365.172(10) ~~s. 365.172(9)~~.

886 (c) Sixty-one percent of the moneys in the prepaid
887 wireless category shall be distributed each month to counties
888 based on the total amount of fees reported and paid in each
889 county and shall be used exclusively for payment of authorized
890 expenditures, as specified in s. 365.172(10). The moneys from
891 prepaid wireless E911 fees identified as nonspecific in
892 accordance with s. 365.172(9) shall be distributed as determined
893 by the E911 Board.

894 (d) ~~(e)~~ Any county that receives funds under paragraphs
895 (a), ~~and~~ (b), and (c) shall establish a fund to be used
896 exclusively for the receipt and expenditure of the revenues
897 collected under paragraphs (a), ~~and~~ (b), and (c). All fees
898 placed in the fund and any interest accrued shall be used solely
899 for costs described in subparagraphs (a)1. and 2. and may not be
900 reduced, withheld, or allocated for other purposes. The money
901 collected and interest earned in this fund shall be appropriated

Amendment No. 1

902 for these purposes by the county commissioners and incorporated
903 into the annual county budget. The fund shall be included within
904 the financial audit performed in accordance with s. 218.39. The
905 financial audit shall assure that all E911 fee revenues,
906 interest, and E911 grant funding are used for payment of
907 authorized expenditures, as specified in s. 365.172(10) and as
908 specified in the E911 Board grant and special disbursement
909 programs. The county is responsible for all expenditures of
910 revenues distributed from the county E911 fund and shall submit
911 the financial audit reports to the board for review. A county
912 may carry forward up to 30 percent of the total funds disbursed
913 to the county by the board during a county fiscal calendar year
914 for expenditures for capital outlay, capital improvements, ~~or~~
915 equipment replacement, or implementation of a hosted system if
916 such expenditures are made for the purposes specified in
917 subparagraphs (a)1. and 2.; however, the 30-percent limitation
918 does not apply to funds disbursed to a county under s.
919 365.172(6)(a)3., and a county may carry forward any percentage
920 of the funds, except that any grant provided shall continue to
921 be subject to any condition imposed by the board. In order to
922 prevent an excess recovery of costs incurred in providing E911
923 service, a county that receives funds greater than the
924 permissible E911 costs described in s. 365.172(10) ~~s.~~
925 ~~365.172(9)~~, including the 30-percent carryforward allowance,
926 must return the excess funds to the E911 board to be allocated
927 under s. 365.172(6)(a).

533871 - h0175-strike.docx

Published On: 3/19/2014 9:23:53 PM

Amendment No. 1

928 ~~(e)~~ (d) ~~Twenty~~ Thirty percent of the moneys in the wireless
929 category shall be distributed to wireless providers in response
930 to sworn invoices submitted to the board by wireless providers
931 to reimburse such wireless providers for the actual costs
932 incurred to provide 911 or E911 service, including the costs of
933 complying with the order. Such costs include costs and expenses
934 incurred by wireless providers to design, purchase, lease,
935 program, install, test, upgrade, operate, and maintain all
936 necessary data, hardware, and software required to provide E911
937 service. Each wireless provider shall submit to the board, by
938 August 1 of each year, a detailed estimate of the capital and
939 operating expenses for which it anticipates that it will seek
940 reimbursement under this paragraph during the ensuing state
941 fiscal year. In order to be eligible for recovery during any
942 ensuing state fiscal year, a wireless provider must submit all
943 sworn invoices for allowable purchases made within the previous
944 calendar year no later than March 31 of the fiscal year. By
945 September 15 of each year, the board shall submit to the
946 Legislature its legislative budget request for funds to be
947 allocated to wireless providers under this paragraph during the
948 ensuing state fiscal year. The budget request shall be based on
949 the information submitted by the wireless providers and
950 estimated surcharge revenues. Distributions of moneys in the
951 fund by the board to wireless providers must be fair and
952 nondiscriminatory. If the total amount of moneys requested by
953 wireless providers pursuant to invoices submitted to the board

533871 - h0175-strike.docx

Published On: 3/19/2014 9:23:53 PM

Amendment No. 1

954 and approved for payment exceeds the amount in the fund in any
955 month, wireless providers that have invoices approved for
956 payment shall receive a pro rata share of moneys in the fund and
957 the balance of the payments shall be carried over to the
958 following month or months until all of the approved payments are
959 made. The board may adopt rules necessary to address the manner
960 in which pro rata distributions are made when the total amount
961 of funds requested by wireless providers pursuant to invoices
962 submitted to the board exceeds the total amount of moneys on
963 deposit in the fund.

964 ~~(e) Notwithstanding paragraphs (a) and (d), the amount of~~
965 ~~money that remained in the wireless 911 system fund on December~~
966 ~~31, 2006, must be disbursed to wireless providers for the~~
967 ~~recovery of allowable costs incurred in previous years ending~~
968 ~~December 31, 2006, and in accordance with paragraph (d). In~~
969 ~~order to be eligible for recovered costs incurred under~~
970 ~~paragraph (d), a wireless provider must submit sworn invoices to~~
971 ~~the board by December 31, 2007. The board must disburse the~~
972 ~~designated funds in the wireless 911 system fund on or after~~
973 ~~January 1, 2008.~~

974 (f) One percent of the moneys in each category of the fund
975 shall be retained by the board to be applied to costs and
976 expenses incurred for the purposes of managing, administering,
977 and overseeing the receipts and disbursements from the fund and
978 other activities as defined in s. 365.172(6). Any funds retained
979 for such purposes in a calendar year which are not applied to

Amendment No. 1

980 such costs and expenses by March 31 of the following year shall
981 be redistributed as determined by the board.

982 (g) Three ~~Two~~ percent of the moneys in each category of
983 the fund shall be used to make monthly distributions to rural
984 counties for the purpose of providing facilities and network and
985 service enhancements and assistance for the 911 or E911 systems
986 operated by rural counties and for the provision of grants by
987 the office to rural counties for upgrading and replacing E911
988 systems.

989 (h) Thirty-five percent of the moneys in the prepaid
990 wireless category shall be retained by the board to provide
991 state E911 grants to be awarded in accordance with the following
992 order of priority:

993 1. For all large, medium, and rural counties to upgrade or
994 replace E911 systems.

995 2. For all large, medium, and rural counties to develop
996 and maintain statewide 911 routing, geographic, and management
997 information systems.

998 3. For all large, medium, and rural counties to develop
999 and maintain next-generation 911 services and equipment. ~~By~~
1000 ~~September 1, 2007, up to \$15 million of the existing 911 system~~
1001 ~~fund shall be available for distribution by the board to the~~
1002 ~~counties in order to prevent a loss in the ordinary and expected~~
1003 ~~time value of money caused by any timing delay in remittance to~~
1004 ~~the counties of wireline fees caused by the one-time transfer of~~
1005 ~~collecting wireline fees by the counties to the board. All~~

533871 - h0175-strike.docx

Published On: 3/19/2014 9:23:53 PM

Amendment No. 1

1006 ~~disbursements for this purpose must be returned to the fund from~~
1007 ~~the future remittance by the nonwireless category.~~

1008 (i) If the wireless category has funds remaining in it on
1009 December 31 after disbursements have been made during the
1010 calendar year immediately prior to December 31, the board may
1011 disburse the excess funds in the wireless category in accordance
1012 with s. 365.172(6)(a)3.b.

1013 (3) The Legislature recognizes that the fee authorized
1014 under s. 365.172 may not necessarily provide the total funding
1015 required for establishing or providing the E911 service. It is
1016 the intent of the Legislature that all revenue from the fee be
1017 used as specified in ~~this~~ subsection (2).

1018 Section 3. Paragraph (a) of subsection (2) of section
1019 401.465, Florida Statutes, is amended to read:

1020 401.465 911 public safety telecommunicator certification.—

1021 (2) PERSONNEL; STANDARDS AND CERTIFICATION.—

1022 (a) Effective October 1, 2012, any person employed as a
1023 911 public safety telecommunicator at a public safety answering
1024 point, as defined in s. 365.172(3) ~~s. 365.172(3)(a)~~, must be
1025 certified by the department.

1026 Section 4. For the 2014-2015 fiscal year, the nonrecurring
1027 sum of \$250,000 is appropriated from the General Revenue Fund,
1028 and the recurring sum of \$190,713 is appropriated from the
1029 Operating Trust Fund, to the Department of Revenue for the
1030 purposes of administering this act.

Amendment No. 1

1031 Section 5. Except as otherwise expressly provided in this
1032 act, this act shall take effect July 1, 2014.

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1036 **T I T L E A M E N D M E N T**

1037 Remove lines 28-49 and insert:

1038 Revenue; directing the Department of Revenue to administer,
1039 collect and enforce the fee pursuant to the same procedures used
1040 in the administration, collection, and enforcement of the
1041 general state sales tax imposed under chapter 212; providing
1042 that the provisions of chapter 212 apply to the Department of
1043 Revenue's administration of the Act regarding authority to audit
1044 and make assessments, keep books and records, and apply interest
1045 and penalties on delinquent fees; providing that estimated tax
1046 liability under s. 212.11(1)(a) shall not apply to the prepaid
1047 wireless E911 fee; requiring sellers of prepaid wireless
1048 services to register with the department; providing for
1049 distribution of funds remitted; limiting liability of provider
1050 or seller of prepaid wireless service; prohibiting a local
1051 government from imposing a fee on sellers of prepaid wireless
1052 services; providing that the state and local governments are not
1053 consumers for certain purposes; providing definitions for
1054 specified purposes; revising provisions for authorized
1055 expenditures of the E911 fee; providing that certain costs of
1056 the Department of Health are functions of 911 services; amending

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 175 (2014)

Amendment No. 1

1057 | s. 365.173, F.S.; revising provisions for accounting,
1058 | distribution, use, and auditing of the Emergency Communications
1059 | Number E911 System Fund; providing for a prepaid wireless
1060 | category in such fund; amending s. 401.465, F.S.; conforming a
1061 | cross-reference; providing appropriations; providing effective
1062 | dates.