

By Senator Constantine

9-669-01

1 A bill to be entitled
 2 An act relating to the emergency telephone
 3 system; amending ss. 365.171, 365.172, 365.174,
 4 F.S.; transferring state control over the
 5 Florida Emergency Telephone Act and the
 6 Wireless Emergency Communications Act from the
 7 Department of Management Services to the Office
 8 of State Technology; conforming statutory
 9 references; amending s. 365.173, F.S.;
 10 authorizing the State Treasurer to invest
 11 moneys in the Wireless Emergency Telephone
 12 System Fund; removing requirements that funds
 13 be held in escrow; revising the date for
 14 submission of the legislative budget request;
 15 providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Subsections (3), (4), (5), (7), (9), (10),
 20 (12), and (13) of section 365.171, Florida Statutes, are
 21 amended to read:

22 365.171 Emergency telephone number "911."--

23 (3) DEFINITIONS.--As used in this section:

24 (a) "Office"~~"Department"~~ means the State Technology
 25 Office ~~Department of Management Services~~.

26 (b) "Local government" means any city, county, or
 27 political subdivision of the state and its agencies.

28 (c) "Public agency" means the state and any city,
 29 county, city and county, municipal corporation, chartered
 30 organization, public district, or public authority located in
 31 whole or in part within this state which provides, or has

1 authority to provide, firefighting, law enforcement,
2 ambulance, medical, or other emergency services.

3 (d) "Public safety agency" means a functional division
4 of a public agency which provides firefighting, law
5 enforcement, medical, or other emergency services.

6 (4) STATE PLAN.--The office ~~department~~ shall develop a
7 statewide emergency telephone number "911" system plan. The
8 plan shall provide for:

9 (a) The establishment of the public agency emergency
10 telephone communications requirements for each entity of local
11 government in the state.

12 (b) A system to meet specific local government
13 requirements. Such system shall include law enforcement,
14 firefighting, and emergency medical services and may include
15 other emergency services such as poison control, suicide
16 prevention, and emergency management services.

17 (c) Identification of the mutual aid agreements
18 necessary to obtain an effective "911" system.

19 (d) A funding provision which shall identify the cost
20 necessary to implement the "911" system.

21 (e) A firm implementation schedule which shall include
22 the installation of the "911" system in a local community
23 within 24 months after the designated agency of the local
24 government gives a firm order to the telephone utility for a
25 "911" system.

26
27 The office ~~department~~ shall be responsible for the
28 implementation and coordination of such plan. The office
29 ~~department~~ shall adopt any necessary rules and schedules
30 related to public agencies for implementing and coordinating
31 such plan, pursuant to chapter 120. The public agency

1 designated in the plan shall order such system within 6 months
2 after publication date of the plan if the public agency is in
3 receipt of funds appropriated by the Legislature for the
4 implementation and maintenance of the "911" system. Any
5 jurisdiction which has utilized local funding as of July 1,
6 1976, to begin the implementation of the state plan as set
7 forth in this section shall be eligible for at least a partial
8 reimbursement of its direct cost when, and if, state funds are
9 available for such reimbursement.

10 (5) SYSTEM DIRECTOR.--The director ~~secretary~~ of the
11 office ~~department~~ or his or her designee is designated as the
12 director of the statewide emergency telephone number "911"
13 system and, for the purpose of carrying out the provisions of
14 this section, is authorized to coordinate the activities of
15 the system with state, county, local, and private agencies.
16 The director is authorized to employ not less than five
17 persons, three of whom will be at the professional level, one
18 at the secretarial level, and one to fill a fiscal position,
19 for the purpose of carrying out the provisions of this
20 section. The director in implementing the system shall
21 consult, cooperate, and coordinate with local law enforcement
22 agencies.

23 (7) TELEPHONE INDUSTRY COORDINATION.--The office
24 ~~department~~ shall coordinate with the Florida Public Service
25 Commission which shall encourage the Florida telephone
26 industry to activate facility modification plans for a timely
27 "911" implementation.

28 (9) SYSTEM APPROVAL.--No emergency telephone number
29 "911" system shall be established and no present system shall
30 be expanded without prior approval of the office ~~department~~.

31

1 (10) COMPLIANCE.--All public agencies shall assist the
2 office ~~department~~ in their efforts to carry out the intent of
3 this section, and such agencies shall comply with the
4 developed plan.

5 (12) FEDERAL ASSISTANCE.--The secretary of the office
6 ~~department~~ or his or her designee may apply for and accept
7 federal funding assistance in the development and
8 implementation of a statewide emergency telephone number "911"
9 system.

10 (13) "911" FEE.--

11 (a) Following approval by referendum as set forth in
12 paragraph (b), or following approval by a majority vote of its
13 board of county commissioners, a county may impose a "911" fee
14 to be paid by the local exchange subscribers within its
15 boundaries served by the "911" service. Proceeds from the
16 "911" fee shall be used only for "911" expenditures as set
17 forth in subparagraph 6. The manner of imposing and
18 collecting said payment shall be as follows:

19 1. At the request of the county subscribing to "911"
20 service, the telephone company shall, insofar as is
21 practicable, bill the "911" fee to the local exchange
22 subscribers served by the "911" service, on an individual
23 access line basis, at a rate not to exceed 50 cents per month
24 per line (up to a maximum of 25 access lines per account bill
25 rendered). However, the fee may not be assessed on any pay
26 telephone in this state. A county collecting the fee for the
27 first time may collect the fee for no longer than 36 months
28 without initiating the acquisition of its "911" equipment.

29 2. Fees collected by the telephone company pursuant to
30 subparagraph 1. shall be returned to the county, less the
31 costs of administration retained pursuant to paragraph (c).

1 The county shall provide a minimum of 90 days' written notice
2 to the telephone company prior to the collection of any "911"
3 fees.

4 3. Any county that currently has an operational "911"
5 system or that is actively pursuing the implementation of a
6 "911" system shall establish a fund to be used exclusively for
7 receipt and expenditure of "911" fee revenues collected
8 pursuant to this section. All fees placed in said fund, and
9 any interest accrued thereupon, shall be used solely for "911"
10 costs described in subparagraph 6. The money collected and
11 interest earned in this fund shall be appropriated for "911"
12 purposes by the county commissioners and incorporated into the
13 annual county budget. The county shall annually have a
14 financial audit performed on this fund, in accordance with s.
15 11.45. A report of the audit shall be forwarded to the office
16 ~~department~~ within 60 days of its completion. A county may
17 carry forward on an annual basis unspent moneys in the fund
18 for expenditures allowed by this section, or it may reduce its
19 fee. However, in no event shall a county carry forward more
20 than 10 percent of the "911" fee billed for the prior year.
21 The amount of moneys carried forward each year may be
22 accumulated in order to allow for capital improvements
23 described in this subsection. The carryover shall be
24 documented by resolution of the board of county commissioners
25 expressing the purpose of the carryover or by an adopted
26 capital improvement program identifying projected expansion or
27 replacement expenditures for "911" equipment and service
28 features, or both. In no event shall the "911" fee carryover
29 surplus moneys be used for any purpose other than for the
30 "911" equipment, service features, and installation charges
31 authorized in subparagraph 6. Nothing in this section shall

1 prohibit a county from using other sources of revenue for
2 improvements, replacements, or expansions of its "911" system.
3 A county may increase its fee for purposes authorized in this
4 section. However, in no case shall the fee exceed 50 cents per
5 month per line. All current "911" fees shall be reported to
6 the office ~~department~~ within 30 days of the start of each
7 county's fiscal period. Any fee adjustment made by a county
8 shall be reported to the office ~~department~~. A county shall
9 give the telephone company a 90-day written notice of such fee
10 adjustment.

11 4. The telephone company shall have no obligation to
12 take any legal action to enforce collection of the "911" fee.
13 The telephone company shall provide quarterly to the county a
14 list of the names, addresses, and telephone numbers of any and
15 all subscribers who have identified to the telephone company
16 their refusal to pay the "911" fee.

17 5. The county subscribing to "911" service shall
18 remain liable to the telephone company for any "911" service,
19 equipment, operation, or maintenance charge owed by the county
20 to the telephone company.

21
22 As used in this paragraph, "telephone company" means an
23 exchange telephone service provider of "911" service or
24 equipment to any county within its certificated area.

25 6. It is the intent of the Legislature that the "911"
26 fee authorized by this section to be imposed by counties will
27 not necessarily provide the total funding required for
28 establishing or providing the "911" service. For purposes of
29 this section, "911" service includes the functions of database
30 management, call taking, location verification, and call
31 transfer. The following costs directly attributable to the

1 establishment and/or provision of "911" service are eligible
2 for expenditure of moneys derived from imposition of the "911"
3 fee authorized by this section: the acquisition,
4 implementation, and maintenance of Public Safety Answering
5 Point (PSAP) equipment and "911" service features, as defined
6 in the Florida Public Service Commission's lawfully approved
7 "911" and related tariffs and/or the acquisition,
8 installation, and maintenance of other "911" equipment,
9 including call answering equipment, call transfer equipment,
10 ANI controllers, ALI controllers, ANI displays, ALI displays,
11 station instruments, "911" telecommunications systems,
12 teleprinters, logging recorders, instant playback recorders,
13 telephone devices for the deaf (TDD) used in the "911" system,
14 PSAP backup power systems, consoles, automatic call
15 distributors, and interfaces (hardware and software) for
16 computer-aided dispatch (CAD) systems; salary and associated
17 expenses for "911" call takers for that portion of their time
18 spent taking and transferring "911" calls; salary and
19 associated expenses for a county to employ a full-time
20 equivalent "911" coordinator position and a full-time
21 equivalent staff assistant position per county for the portion
22 of their time spent administrating the "911" system; training
23 costs for PSAP call takers in the proper methods and
24 techniques used in taking and transferring "911" calls; and
25 expenses required to develop and maintain all information (ALI
26 and ANI databases and other information source repositories)
27 necessary to properly inform call takers as to location
28 address, type of emergency, and other information directly
29 relevant to the "911" call-taking and transferring function.
30 The "911" fee revenues shall not be used to pay for any item
31 not listed, including, but not limited to, any capital or

1 operational costs for emergency responses which occur after
2 the call transfer to the responding public safety entity and
3 the costs for constructing buildings, leasing buildings,
4 maintaining buildings, or renovating buildings, except for
5 those building modifications necessary to maintain the
6 security and environmental integrity of the PSAP and "911"
7 equipment rooms.

8 7. It is the goal of the Legislature that enhanced
9 "911" service be available throughout the state. Expenditure
10 by counties of the "911" fees authorized by this section
11 should support this goal to the greatest extent feasible
12 within the context of local service needs and fiscal
13 capability. Nothing in this section shall be construed to
14 prohibit two or more counties from establishing a combined
15 emergency "911" telephone service by interlocal agreement and
16 utilizing the "911" fees authorized by this section for such
17 combined "911" service.

18 (b) If a county elects to obtain approval of a "911"
19 fee by referendum, it shall arrange to place a question on the
20 ballot at the next regular or special election to be held
21 within the county, substantially as follows:

22
23 I am in favor of the "911" emergency telephone
24 system fee.

25 I am against the "911" emergency telephone system
26 fee.

27
28 If a majority of the electors voting on the question approve
29 the fee, it may be imposed by the county.

30 (c) Any county imposing a "911" fee in accordance with
31 the provisions of this subsection shall allow the telephone

1 company to retain as an administrative fee an amount equal to
2 1 percent of the total "911" fee collected by the telephone
3 company.

4 Section 2. Paragraph (d) of subsection (2), paragraph
5 (e) of subsection (3), subsection (4), paragraph (a) of
6 subsection (5), and paragraphs (c) and (d) of subsection (6)
7 of section 365.172, Florida Statutes, are amended to read:

8 365.172 Wireless emergency telephone number "E911."--

9 (2) FINDINGS, PURPOSE, AND LEGISLATIVE INTENT.--The
10 Legislature finds and declares that:

11 (d) The revenues generated by the E911 fee imposed
12 under this section are required to fund the efforts of the
13 counties, the Wireless 911 Board under the State Technology
14 Office ~~Department of Management Services~~, and commercial
15 mobile radio service providers to improve the public health,
16 safety, and welfare and serve a public purpose by providing
17 emergency telephone assistance through wireless
18 communications.

19 (3) DEFINITIONS.--As used in this section and ss.
20 365.173 and 365.174, the term:

21 (e) "Office"~~"Department"~~ means the State Technology
22 Office ~~Department of Management Services~~.

23 (4) POWERS AND DUTIES OF THE OFFICE ~~DEPARTMENT~~.--The
24 office ~~department~~ shall oversee the administration of the fee
25 imposed on subscribers of statewide E911 service under
26 subsection (8).

27 (5) THE WIRELESS 911 BOARD.--

28 (a) The Wireless 911 Board is established to
29 administer, with oversight by the office ~~department~~, the fee
30 imposed under subsection (8), including receiving revenues
31 derived from the fee; distributing portions of such revenues

1 to providers, counties, and the office ~~department~~; accounting
2 for receipts, distributions, and income derived by the funds
3 maintained in the fund; and providing annual reports to the
4 Governor and the Legislature for submission by the office
5 ~~department~~ on amounts collected and expended, the purposes for
6 which expenditures have been made, and the status of wireless
7 E911 service in this state. In order to advise and assist the
8 office ~~department~~ in carrying out the purposes of this
9 section, the board, which shall have the power of a body
10 corporate, shall have the powers enumerated in subsection (6).

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

12 (c) By February 28 of each year, the board shall
13 prepare a report for submission by the office ~~department~~ to
14 the Governor, the President of the Senate, and the Speaker of
15 the House of Representatives which reflects, for the
16 immediately preceding calendar year, the quarterly and annual
17 receipts and disbursements of moneys in the fund, the purposes
18 for which disbursements of moneys from the fund have been
19 made, and the availability and status of implementation of
20 E911 service in this state.

21 (d) By February 28, 2001, the board shall undertake
22 and complete a study for submission by the office ~~department~~
23 to the Governor, the President of the Senate, and the Speaker
24 of the House of Representatives which addresses:

25 1. The total amount of E911 fee revenues collected by
26 each provider, the total amount of expenses incurred by each
27 provider to comply with the order, and the amount of moneys on
28 deposit in the fund, all as of December 1, 2000.

29 2. Whether the amount of the E911 fee and the
30 allocation percentages set forth in s. 365.173 should be

31

1 adjusted to comply with the requirements of the order, and, if
2 so, a recommended adjustment to the E911 fee.

3 3. Any other issues related to providing wireless E911
4 services.

5 Section 3. Subsections (1) and (2) of section 365.173,
6 Florida Statutes, are amended to read:

7 365.173 Wireless Emergency Telephone System Fund.--

8 (1) All revenues derived from the E911 fee levied on
9 subscribers under s. 365.172 must be paid into the State
10 Treasury on or before the 15th day of each month. Such moneys
11 must be accounted for in a special fund to be designated as
12 the Wireless Emergency Telephone System Fund, a fund created
13 in the State Technology Office and must be invested by the
14 State Treasurer pursuant to s. 18.125 ~~Department of Management~~
15 ~~Services as an insured, interest-bearing account~~. All moneys
16 in such fund are to be expended by the State Technology Office
17 ~~Department of Management Services~~ for the purposes provided in
18 this section and s. 365.172. These funds are not subject to s.
19 215.20.

20 (2) Subject to any modifications approved by the board
21 pursuant to s. 365.172(8)(c), the moneys in the fund shall be
22 distributed and used only as follows:

23 (a) Forty-four percent of the moneys shall be ~~held in~~
24 ~~escrow in an insured, interest-bearing account and~~ distributed
25 each month to counties, based on the total number of wireless
26 subscriber billing addresses in each county, for payment of:

27 1. Recurring costs of providing 911 or E911 service,
28 as provided by s. 365.171(13)(a)6.

29 2. Costs to comply with the requirements for E911
30 service contained in the order and any future rules related to
31 the order.

1
2 A county may carry forward, for up to 3 successive calendar
3 years, up to 30 percent of the total funds disbursed to the
4 county by the board during a calendar year for expenditures
5 for capital outlay, capital improvements, or equipment
6 replacement, if such expenditures are made for the purposes
7 specified in this paragraph.

8 (b) Fifty-four percent of the moneys shall be ~~held in~~
9 ~~escrow in an insured, interest-bearing account and~~ distributed
10 in response to sworn invoices submitted to the board by
11 providers to reimburse such providers for the actual costs
12 incurred to provide 911 or E911 service, including the costs
13 of complying with the order. Such costs include costs and
14 expenses incurred by providers to design, purchase, lease,
15 program, install, test, upgrade, operate, and maintain all
16 necessary data, hardware, and software required to provide
17 E911 service. Up to 2 percent of the funds allocated to
18 providers shall be retained by the board to be applied to
19 costs and expenses incurred for the purposes of managing,
20 administering, and overseeing the receipts and disbursements
21 from the fund. Any funds retained for such purposes in a
22 calendar year which are not applied to such costs and expenses
23 by March 31 of the following year shall be distributed to
24 providers pursuant to this paragraph. Beginning in state
25 fiscal year 2000-2001, each provider shall submit to the
26 board, by August 1 of each year, a detailed estimate of the
27 capital and operating expenses for which it anticipates that
28 it will seek reimbursement under this paragraph during the
29 ensuing state fiscal year. By September 15 ~~±~~ of each year, the
30 board shall submit to the Legislature its legislative budget
31 request for funds to be allocated to providers under this

1 paragraph during the ensuing state fiscal year. The budget
2 request shall be based on the information submitted by the
3 providers and estimated surcharge revenues. Distributions of
4 moneys in the fund by the board to providers must be fair and
5 nondiscriminatory. If the total amount of moneys requested by
6 providers pursuant to invoices submitted to the board and
7 approved for payment exceeds the amount in the fund in any
8 month, providers that have invoices approved for payment shall
9 receive a pro rata share of moneys in the fund and the balance
10 of the payments shall be carried over to the following month
11 or months until all of the approved payments are made. The
12 board may adopt rules necessary to address the manner in which
13 pro rata distributions are made when the total amount of funds
14 requested by providers pursuant to invoices submitted to the
15 board exceeds the total amount of moneys on deposit in the
16 fund.

17 (c) Two percent of the moneys shall be used to make
18 monthly distributions to rural counties for the purpose of
19 providing facilities and network and service enhancements and
20 assistance for the 911 or E911 systems operated by rural
21 counties and for the provision of reimbursable loans and
22 grants by the office ~~department~~ to rural counties for
23 upgrading 911 systems.

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25 The Legislature recognizes that the wireless E911 fee
26 authorized under s. 365.172 will not necessarily provide the
27 total funding required for establishing or providing the 911
28 service. It is the intent of the Legislature that all revenue
29 from the fee be used as specified in s. 365.171(13)(a)6.

30 Section 4. Subsection (1) of section 365.174, Florida
31 Statutes, is amended to read:

