

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; providing for the "911" fee to be
10 used by certain counties to fund a pilot
11 project for a nonemergency system; amending s.
12 365.173, F.S.; authorizing the State Treasurer
13 to invest moneys in the Wireless Emergency
14 Telephone System Fund; removing requirements
15 that funds be held in escrow; revising the date
16 for submission of the legislative budget
17 request; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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

24 365.171 Emergency telephone number "911."--

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

26 (a) "Office"~~"Department"~~ means the State Technology
27 Office ~~Department of Management Services~~.

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

30 (c) "Public agency" means the state and any city,
31 county, city and county, municipal corporation, chartered

1 organization, public district, or public authority located in
2 whole or in part within this state which provides, or has
3 authority to provide, firefighting, law enforcement,
4 ambulance, medical, or other emergency services.

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

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

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

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

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

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

23 (e) A firm implementation schedule which shall include
24 the installation of the "911" system in a local community
25 within 24 months after the designated agency of the local
26 government gives a firm order to the telephone utility for a
27 "911" system.

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29 The office ~~department~~ shall be responsible for the
30 implementation and coordination of such plan. The office
31 ~~department~~ shall adopt any necessary rules and schedules

1 related to public agencies for implementing and coordinating
2 such plan, pursuant to chapter 120. The public agency
3 designated in the plan shall order such system within 6 months
4 after publication date of the plan if the public agency is in
5 receipt of funds appropriated by the Legislature for the
6 implementation and maintenance of the "911" system. Any
7 jurisdiction which has utilized local funding as of July 1,
8 1976, to begin the implementation of the state plan as set
9 forth in this section shall be eligible for at least a partial
10 reimbursement of its direct cost when, and if, state funds are
11 available for such reimbursement.

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

25 (7) TELEPHONE INDUSTRY COORDINATION.--The office
26 ~~department~~ shall coordinate with the Florida Public Service
27 Commission which shall encourage the Florida telephone
28 industry to activate facility modification plans for a timely
29 "911" implementation.

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1 (9) SYSTEM APPROVAL.--No emergency telephone number
2 "911" system shall be established and no present system shall
3 be expanded without prior approval of the office ~~department~~.

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

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

13 (13) "911" FEE.--

14 (a) Following approval by referendum as set forth in
15 paragraph (b), or following approval by a majority vote of its
16 board of county commissioners, a county may impose a "911" fee
17 to be paid by the local exchange subscribers within its
18 boundaries served by the "911" service. Proceeds from the
19 "911" fee shall be used only for "911" expenditures as set
20 forth in subparagraph 6. The manner of imposing and
21 collecting said payment shall be as follows:

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

1 2. Fees collected by the telephone company pursuant to
2 subparagraph 1. shall be returned to the county, less the
3 costs of administration retained pursuant to paragraph (c).
4 The county shall provide a minimum of 90 days' written notice
5 to the telephone company prior to the collection of any "911"
6 fees.

7 3. Any county that currently has an operational "911"
8 system or that is actively pursuing the implementation of a
9 "911" system shall establish a fund to be used exclusively for
10 receipt and expenditure of "911" fee revenues collected
11 pursuant to this section. All fees placed in said fund, and
12 any interest accrued thereupon, shall be used solely for "911"
13 costs described in subparagraph 6. The money collected and
14 interest earned in this fund shall be appropriated for "911"
15 purposes by the county commissioners and incorporated into the
16 annual county budget. The county shall annually have a
17 financial audit performed on this fund, in accordance with s.
18 11.45. A report of the audit shall be forwarded to the office
19 ~~department~~ within 60 days of its completion. A county may
20 carry forward on an annual basis unspent moneys in the fund
21 for expenditures allowed by this section, or it may reduce its
22 fee. However, in no event shall a county carry forward more
23 than 10 percent of the "911" fee billed for the prior year.
24 The amount of moneys carried forward each year may be
25 accumulated in order to allow for capital improvements
26 described in this subsection. The carryover shall be
27 documented by resolution of the board of county commissioners
28 expressing the purpose of the carryover or by an adopted
29 capital improvement program identifying projected expansion or
30 replacement expenditures for "911" equipment and service
31 features, or both. In no event shall the "911" fee carryover

1 surplus moneys be used for any purpose other than for the
2 "911" equipment, service features, and installation charges
3 authorized in subparagraph 6. Nothing in this section shall
4 prohibit a county from using other sources of revenue for
5 improvements, replacements, or expansions of its "911" system.
6 A county may increase its fee for purposes authorized in this
7 section. However, in no case shall the fee exceed 50 cents per
8 month per line. All current "911" fees shall be reported to
9 the office ~~department~~ within 30 days of the start of each
10 county's fiscal period. Any fee adjustment made by a county
11 shall be reported to the office ~~department~~. A county shall
12 give the telephone company a 90-day written notice of such fee
13 adjustment.

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

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

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25 As used in this paragraph, "telephone company" means an
26 exchange telephone service provider of "911" service or
27 equipment to any county within its certificated area.

28 6. It is the intent of the Legislature that the "911"
29 fee authorized by this section to be imposed by counties will
30 not necessarily provide the total funding required for
31 establishing or providing the "911" service. For purposes of

1 this section, "911" service includes the functions of database
2 management, call taking, location verification, and call
3 transfer. The following costs directly attributable to the
4 establishment and/or provision of "911" service are eligible
5 for expenditure of moneys derived from imposition of the "911"
6 fee authorized by this section: the acquisition,
7 implementation, and maintenance of Public Safety Answering
8 Point (PSAP) equipment and "911" service features, as defined
9 in the Florida Public Service Commission's lawfully approved
10 "911" and related tariffs and/or the acquisition,
11 installation, and maintenance of other "911" equipment,
12 including call answering equipment, call transfer equipment,
13 ANI controllers, ALI controllers, ANI displays, ALI displays,
14 station instruments, "911" telecommunications systems,
15 teleprinters, logging recorders, instant playback recorders,
16 telephone devices for the deaf (TDD) used in the "911" system,
17 PSAP backup power systems, consoles, automatic call
18 distributors, and interfaces (hardware and software) for
19 computer-aided dispatch (CAD) systems; salary and associated
20 expenses for "911" call takers for that portion of their time
21 spent taking and transferring "911" calls; salary and
22 associated expenses for a county to employ a full-time
23 equivalent "911" coordinator position and a full-time
24 equivalent staff assistant position per county for the portion
25 of their time spent administrating the "911" system; training
26 costs for PSAP call takers in the proper methods and
27 techniques used in taking and transferring "911" calls; ~~and~~
28 expenses required to develop and maintain all information (ALI
29 and ANI databases and other information source repositories)
30 necessary to properly inform call takers as to location
31 address, type of emergency, and other information directly

1 relevant to the "911" call-taking and transferring function;
2 and, in a county defined in s. 125.011(1), such expenses
3 related to a nonemergency "311" system, or similar
4 nonemergency system, which improves the overall efficiency of
5 an existing "911" system or reduces "911" emergency response
6 time for a 2-year pilot project that ends June 30, 2003. The
7 "911" fee revenues shall not be used to pay for any item not
8 listed, including, but not limited to, any capital or
9 operational costs for emergency responses which occur after
10 the call transfer to the responding public safety entity and
11 the costs for constructing buildings, leasing buildings,
12 maintaining buildings, or renovating buildings, except for
13 those building modifications necessary to maintain the
14 security and environmental integrity of the PSAP and "911"
15 equipment rooms.

16 7. It is the goal of the Legislature that enhanced
17 "911" service be available throughout the state. Expenditure
18 by counties of the "911" fees authorized by this section
19 should support this goal to the greatest extent feasible
20 within the context of local service needs and fiscal
21 capability. Nothing in this section shall be construed to
22 prohibit two or more counties from establishing a combined
23 emergency "911" telephone service by interlocal agreement and
24 utilizing the "911" fees authorized by this section for such
25 combined "911" service.

26 (b) If a county elects to obtain approval of a "911"
27 fee by referendum, it shall arrange to place a question on the
28 ballot at the next regular or special election to be held
29 within the county, substantially as follows:
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31

1 I am in favor of the "911" emergency telephone
2 system fee.

3 I am against the "911" emergency telephone system
4 fee.

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6 If a majority of the electors voting on the question approve
7 the fee, it may be imposed by the county.

8 (c) Any county imposing a "911" fee in accordance with
9 the provisions of this subsection shall allow the telephone
10 company to retain as an administrative fee an amount equal to
11 1 percent of the total "911" fee collected by the telephone
12 company.

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

17 365.172 Wireless emergency telephone number "E911."--

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

20 (d) The revenues generated by the E911 fee imposed
21 under this section are required to fund the efforts of the
22 counties, the Wireless 911 Board under the State Technology
23 Office ~~Department of Management Services~~, and commercial
24 mobile radio service providers to improve the public health,
25 safety, and welfare and serve a public purpose by providing
26 emergency telephone assistance through wireless
27 communications.

28 (3) DEFINITIONS.--As used in this section and ss.
29 365.173 and 365.174, the term:

30 (e) "Office" ~~"Department"~~ means the State Technology
31 Office ~~Department of Management Services~~.

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

5 (5) THE WIRELESS 911 BOARD.--

6 (a) The Wireless 911 Board is established to
7 administer, with oversight by the office department, the fee
8 imposed under subsection (8), including receiving revenues
9 derived from the fee; distributing portions of such revenues
10 to providers, counties, and the office department; accounting
11 for receipts, distributions, and income derived by the funds
12 maintained in the fund; and providing annual reports to the
13 Governor and the Legislature for submission by the office
14 ~~department~~ on amounts collected and expended, the purposes for
15 which expenditures have been made, and the status of wireless
16 E911 service in this state. In order to advise and assist the
17 office department in carrying out the purposes of this
18 section, the board, which shall have the power of a body
19 corporate, shall have the powers enumerated in subsection (6).

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

21 (c) By February 28 of each year, the board shall
22 prepare a report for submission by the office department to
23 the Governor, the President of the Senate, and the Speaker of
24 the House of Representatives which reflects, for the
25 immediately preceding calendar year, the quarterly and annual
26 receipts and disbursements of moneys in the fund, the purposes
27 for which disbursements of moneys from the fund have been
28 made, and the availability and status of implementation of
29 E911 service in this state.

30 (d) By February 28, 2001, the board shall undertake
31 and complete a study for submission by the office department

1 to the Governor, the President of the Senate, and the Speaker
2 of the House of Representatives which addresses:

3 1. The total amount of E911 fee revenues collected by
4 each provider, the total amount of expenses incurred by each
5 provider to comply with the order, and the amount of moneys on
6 deposit in the fund, all as of December 1, 2000.

7 2. Whether the amount of the E911 fee and the
8 allocation percentages set forth in s. 365.173 should be
9 adjusted to comply with the requirements of the order, and, if
10 so, a recommended adjustment to the E911 fee.

11 3. Any other issues related to providing wireless E911
12 services.

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

15 365.173 Wireless Emergency Telephone System Fund.--

16 (1) All revenues derived from the E911 fee levied on
17 subscribers under s. 365.172 must be paid into the State
18 Treasury on or before the 15th day of each month. Such moneys
19 must be accounted for in a special fund to be designated as
20 the Wireless Emergency Telephone System Fund, a fund created
21 in the State Technology Office and must be invested by the
22 State Treasurer pursuant to s. 18.125 ~~Department of Management~~
23 ~~Services as an insured, interest-bearing account.~~ All moneys
24 in such fund are to be expended by the State Technology Office
25 ~~Department of Management Services~~ for the purposes provided in
26 this section and s. 365.172. These funds are not subject to s.
27 215.20.

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

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

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

7 2. Costs to comply with the requirements for E911
8 service contained in the order and any future rules related to
9 the order.

10
11 A county may carry forward, for up to 3 successive calendar
12 years, up to 30 percent of the total funds disbursed to the
13 county by the board during a calendar year for expenditures
14 for capital outlay, capital improvements, or equipment
15 replacement, if such expenditures are made for the purposes
16 specified in this paragraph.

17 (b) Fifty-four percent of the moneys shall be ~~held in~~
18 ~~escrow in an insured, interest-bearing account~~ and distributed
19 in response to sworn invoices submitted to the board by
20 providers to reimburse such providers for the actual costs
21 incurred to provide 911 or E911 service, including the costs
22 of complying with the order. Such costs include costs and
23 expenses incurred by providers to design, purchase, lease,
24 program, install, test, upgrade, operate, and maintain all
25 necessary data, hardware, and software required to provide
26 E911 service. Up to 2 percent of the funds allocated to
27 providers shall be retained by the board to be applied to
28 costs and expenses incurred for the purposes of managing,
29 administering, and overseeing the receipts and disbursements
30 from the fund. Any funds retained for such purposes in a
31 calendar year which are not applied to such costs and expenses

1 by March 31 of the following year shall be distributed to
2 providers pursuant to this paragraph. Beginning in state
3 fiscal year 2000-2001, each provider shall submit to the
4 board, by August 1 of each year, a detailed estimate of the
5 capital and operating expenses for which it anticipates that
6 it will seek reimbursement under this paragraph during the
7 ensuing state fiscal year. By September 15 ~~±~~ of each year, the
8 board shall submit to the Legislature its legislative budget
9 request for funds to be allocated to providers under this
10 paragraph during the ensuing state fiscal year. The budget
11 request shall be based on the information submitted by the
12 providers and estimated surcharge revenues. Distributions of
13 moneys in the fund by the board to providers must be fair and
14 nondiscriminatory. If the total amount of moneys requested by
15 providers pursuant to invoices submitted to the board and
16 approved for payment exceeds the amount in the fund in any
17 month, providers that have invoices approved for payment shall
18 receive a pro rata share of moneys in the fund and the balance
19 of the payments shall be carried over to the following month
20 or months until all of the approved payments are made. The
21 board may adopt rules necessary to address the manner in which
22 pro rata distributions are made when the total amount of funds
23 requested by providers pursuant to invoices submitted to the
24 board exceeds the total amount of moneys on deposit in the
25 fund.

26 (c) Two percent of the moneys shall be used to make
27 monthly distributions to rural counties for the purpose of
28 providing facilities and network and service enhancements and
29 assistance for the 911 or E911 systems operated by rural
30 counties and for the provision of reimbursable loans and
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1 grants by the office ~~department~~ to rural counties for
2 upgrading 911 systems.

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

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

11 365.174 Proprietary confidential business
12 information.--

13 (1) All proprietary confidential business information
14 submitted by a provider to the board or the office ~~department~~,
15 including the name and billing or service addresses of service
16 subscribers, and trade secrets as defined by s. 812.081, is
17 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
18 of the State Constitution. Statistical abstracts of
19 information collected by the board or the office ~~department~~
20 may be released or published, but only in a manner that does
21 not identify or allow identification of subscribers or their
22 service numbers or of revenues attributable to any provider.

23 Section 5. This act shall take effect upon becoming a
24 law.

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