

1  
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.

28  
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.

30  
31

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.

24  
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.  
7 However, no wireless telephone service provider shall be  
8 required to participate in this pilot project or to otherwise  
9 implement a nonemergency "311" system or similar nonemergency  
10 system.The "911" fee revenues shall not be used to pay for  
11 any item not listed, including, but not limited to, any  
12 capital or operational costs for emergency responses which  
13 occur after the call transfer to the responding public safety  
14 entity and the costs for constructing buildings, leasing  
15 buildings, maintaining buildings, or renovating buildings,  
16 except for those building modifications necessary to maintain  
17 the security and environmental integrity of the PSAP and "911"  
18 equipment rooms.

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

29           (b) If a county elects to obtain approval of a "911"  
30 fee by referendum, it shall arrange to place a question on the  
31



1 ballot at the next regular or special election to be held  
2 within the county, substantially as follows:

3  
4       .... I am in favor of the "911" emergency telephone  
5 system fee.

6       .... I am against the "911" emergency telephone system  
7 fee.

8  
9 If a majority of the electors voting on the question approve  
10 the fee, it may be imposed by the county.

11       (c) Any county imposing a "911" fee in accordance with  
12 the provisions of this subsection shall allow the telephone  
13 company to retain as an administrative fee an amount equal to  
14 1 percent of the total "911" fee collected by the telephone  
15 company.

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

20       365.172 Wireless emergency telephone number "E911."--

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

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

31

1           (3) DEFINITIONS.--As used in this section and ss.  
2 365.173 and 365.174, the term:

3           (e) "Office"~~"Department"~~ means the State Technology  
4 Office ~~Department of Management Services~~.

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

9           (5) THE WIRELESS 911 BOARD.--

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

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

25           (c) By February 28 of each year, the board shall  
26 prepare a report for submission by the office ~~department~~ to  
27 the Governor, the President of the Senate, and the Speaker of  
28 the House of Representatives which reflects, for the  
29 immediately preceding calendar year, the quarterly and annual  
30 receipts and disbursements of moneys in the fund, the purposes  
31 for which disbursements of moneys from the fund have been

1 made, and the availability and status of implementation of  
2 E911 service in this state.

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

7 1. The total amount of E911 fee revenues collected by  
8 each provider, the total amount of expenses incurred by each  
9 provider to comply with the order, and the amount of moneys on  
10 deposit in the fund, all as of December 1, 2000.

11 2. Whether the amount of the E911 fee and the  
12 allocation percentages set forth in s. 365.173 should be  
13 adjusted to comply with the requirements of the order, and, if  
14 so, a recommended adjustment to the E911 fee.

15 3. Any other issues related to providing wireless E911  
16 services.

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

19 365.173 Wireless Emergency Telephone System Fund.--

20 (1) All revenues derived from the E911 fee levied on  
21 subscribers under s. 365.172 must be paid into the State  
22 Treasury on or before the 15th day of each month. Such moneys  
23 must be accounted for in a special fund to be designated as  
24 the Wireless Emergency Telephone System Fund, a fund created  
25 in the State Technology Office and must be invested by the  
26 State Treasurer pursuant to s. 18.125 ~~Department of Management~~  
27 ~~Services as an insured, interest-bearing account~~. All moneys  
28 in such fund are to be expended by the State Technology Office  
29 ~~Department of Management Services~~ for the purposes provided in  
30 this section and s. 365.172. These funds are not subject to s.  
31 215.20.

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

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

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

10           2. Costs to comply with the requirements for E911  
11 service contained in the order and any future rules related to  
12 the order.

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

20           (b) Fifty-four percent of the moneys shall be ~~held in~~  
21 ~~escrow in an insured, interest-bearing account and~~ distributed  
22 in response to sworn invoices submitted to the board by  
23 providers to reimburse such providers for the actual costs  
24 incurred to provide 911 or E911 service, including the costs  
25 of complying with the order. Such costs include costs and  
26 expenses incurred by providers to design, purchase, lease,  
27 program, install, test, upgrade, operate, and maintain all  
28 necessary data, hardware, and software required to provide  
29 E911 service. Up to 2 percent of the funds allocated to  
30 providers shall be retained by the board to be applied to  
31 costs and expenses incurred for the purposes of managing,

1 administering, and overseeing the receipts and disbursements  
2 from the fund. Any funds retained for such purposes in a  
3 calendar year which are not applied to such costs and expenses  
4 by March 31 of the following year shall be distributed to  
5 providers pursuant to this paragraph. Beginning in state  
6 fiscal year 2000-2001, each provider shall submit to the  
7 board, by August 1 of each year, a detailed estimate of the  
8 capital and operating expenses for which it anticipates that  
9 it will seek reimbursement under this paragraph during the  
10 ensuing state fiscal year. By September 15 ~~±~~ of each year, the  
11 board shall submit to the Legislature its legislative budget  
12 request for funds to be allocated to providers under this  
13 paragraph during the ensuing state fiscal year. The budget  
14 request shall be based on the information submitted by the  
15 providers and estimated surcharge revenues. Distributions of  
16 moneys in the fund by the board to providers must be fair and  
17 nondiscriminatory. If the total amount of moneys requested by  
18 providers pursuant to invoices submitted to the board and  
19 approved for payment exceeds the amount in the fund in any  
20 month, providers that have invoices approved for payment shall  
21 receive a pro rata share of moneys in the fund and the balance  
22 of the payments shall be carried over to the following month  
23 or months until all of the approved payments are made. The  
24 board may adopt rules necessary to address the manner in which  
25 pro rata distributions are made when the total amount of funds  
26 requested by providers pursuant to invoices submitted to the  
27 board exceeds the total amount of moneys on deposit in the  
28 fund.

29 (c) Two percent of the moneys shall be used to make  
30 monthly distributions to rural counties for the purpose of  
31 providing facilities and network and service enhancements and

1 assistance for the 911 or E911 systems operated by rural  
2 counties and for the provision of reimbursable loans and  
3 grants by the office ~~department~~ to rural counties for  
4 upgrading 911 systems.

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

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

13 365.174 Proprietary confidential business  
14 information.--

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

25 Section 5. This act shall take effect upon becoming a  
26 law.

27  
28  
29  
30  
31