

By Representative Bean

1                                   A bill to be entitled  
 2           An act relating to emergency telephone service;  
 3           amending s. 365.171, F.S.; providing for the  
 4           distribution of a fee collected by the  
 5           telephone company; amending s. 365.172, F.S.;  
 6           defining "statewide programs"; revising  
 7           functions of the Wireless 911 Board; revising  
 8           provisions for accounting services; revising  
 9           requirements for imposition of E911 fee;  
 10          providing application of the federal Mobile  
 11          Telecommunications Sourcing Act to provide for  
 12          administration of the fee and to incorporate  
 13          definitions of terms; revising purpose of the  
 14          fee; revising provider responsibilities  
 15          regarding the fees; amending s. 365.173, F.S.,  
 16          relating to the Wireless Emergency Telephone  
 17          System Fund; revising distribution of funds;  
 18          providing for distribution to the statewide 911  
 19          system director and statewide programs;  
 20          deleting provisions relating to distribution to  
 21          rural counties; providing an effective date.

22  
 23 Be It Enacted by the Legislature of the State of Florida:

24  
 25           Section 1. Paragraphs (a) and (c) of subsection (13)  
 26 of section 365.171, Florida Statutes, are amended to read:

27           365.171 Emergency telephone number "911."--

28           (13) "911" FEE.--

29           (a) Following approval by referendum as set forth in  
 30 paragraph (b), or following approval by a majority vote of its  
 31 board of county commissioners, a county may impose a "911" fee

1 to be paid by the local exchange subscribers within its  
2 boundaries served by the "911" service. Proceeds from the  
3 "911" fee shall be used only for "911" expenditures as set  
4 forth in subparagraph 6. The manner of imposing and collecting  
5 said payment shall be as follows:

6 1. At the request of the county subscribing to "911"  
7 service, the telephone company shall, insofar as is  
8 practicable, bill the "911" fee to the local exchange  
9 subscribers served by the "911" service, on an individual  
10 access line basis, at a rate not to exceed 50 cents per month  
11 per line (up to a maximum of 25 access lines per account bill  
12 rendered). However, the fee may not be assessed on any pay  
13 telephone in this state. A county collecting the fee for the  
14 first time may collect the fee for no longer than 36 months  
15 without initiating the acquisition of its "911" equipment.

16 2. Fees collected by the telephone company pursuant to  
17 subparagraph 1. shall be returned to the county, less the  
18 costs of administration retained by the company and the  
19 required distribution to the State Technology Office pursuant  
20 to paragraph (c). The county shall provide a minimum of 90  
21 days' written notice to the telephone company prior to the  
22 collection of any "911" fees.

23 3. Any county that currently has an operational "911"  
24 system or that is actively pursuing the implementation of a  
25 "911" system shall establish a fund to be used exclusively for  
26 receipt and expenditure of "911" fee revenues collected  
27 pursuant to this section. All fees placed in said fund, and  
28 any interest accrued thereupon, shall be used solely for "911"  
29 costs described in subparagraph 6. The money collected and  
30 interest earned in this fund shall be appropriated for "911"  
31 purposes by the county commissioners and incorporated into the

1 annual county budget. Such fund shall be included within the  
2 financial audit performed in accordance with s. 218.39. A  
3 report of the audit shall be forwarded to the office within 60  
4 days of its completion. A county may carry forward on an  
5 annual basis unspent moneys in the fund for expenditures  
6 allowed by this section, or it may reduce its fee. However, in  
7 no event shall a county carry forward more than 10 percent of  
8 the "911" fee billed for the prior year. The amount of moneys  
9 carried forward each year may be accumulated in order to allow  
10 for capital improvements described in this subsection. The  
11 carryover shall be documented by resolution of the board of  
12 county commissioners expressing the purpose of the carryover  
13 or by an adopted capital improvement program identifying  
14 projected expansion or replacement expenditures for "911"  
15 equipment and service features, or both. In no event shall the  
16 "911" fee carryover surplus moneys be used for any purpose  
17 other than for the "911" equipment, service features, and  
18 installation charges authorized in subparagraph 6. Nothing in  
19 this section shall prohibit a county from using other sources  
20 of revenue for improvements, replacements, or expansions of  
21 its "911" system. A county may increase its fee for purposes  
22 authorized in this section. However, in no case shall the fee  
23 exceed 50 cents per month per line. All current "911" fees  
24 shall be reported to the office within 30 days of the start of  
25 each county's fiscal period. Any fee adjustment made by a  
26 county shall be reported to the office. A county shall give  
27 the telephone company a 90-day written notice of such fee  
28 adjustment.

29           4. The telephone company shall have no obligation to  
30 take any legal action to enforce collection of the "911" fee.  
31 The telephone company shall provide quarterly to the county a

1 list of the names, addresses, and telephone numbers of any and  
2 all subscribers who have identified to the telephone company  
3 their refusal to pay the "911" fee.

4           5. The county subscribing to "911" service shall  
5 remain liable to the telephone company for any "911" service,  
6 equipment, operation, or maintenance charge owed by the county  
7 to the telephone company.

8  
9 As used in this paragraph, "telephone company" means an  
10 exchange telephone service provider of "911" service or  
11 equipment to any county within its certificated area.

12           6. It is the intent of the Legislature that the "911"  
13 fee authorized by this section to be imposed by counties will  
14 not necessarily provide the total funding required for  
15 establishing or providing the "911" service. For purposes of  
16 this section, "911" service includes the functions of database  
17 management, call taking, location verification, and call  
18 transfer. The following costs directly attributable to the  
19 establishment and/or provision of "911" service are eligible  
20 for expenditure of moneys derived from imposition of the "911"  
21 fee authorized by this section: the acquisition,  
22 implementation, and maintenance of Public Safety Answering  
23 Point (PSAP) equipment and "911" service features, as defined  
24 in the Florida Public Service Commission's lawfully approved  
25 "911" and related tariffs and/or the acquisition,  
26 installation, and maintenance of other "911" equipment,  
27 including call answering equipment, call transfer equipment,  
28 ANI controllers, ALI controllers, ANI displays, ALI displays,  
29 station instruments, "911" telecommunications systems,  
30 teleprinters, logging recorders, instant playback recorders,  
31 telephone devices for the deaf (TDD) used in the "911" system,

1 PSAP backup power systems, consoles, automatic call  
2 distributors, and interfaces (hardware and software) for  
3 computer-aided dispatch (CAD) systems; salary and associated  
4 expenses for "911" call takers for that portion of their time  
5 spent taking and transferring "911" calls; salary and  
6 associated expenses for a county to employ a full-time  
7 equivalent "911" coordinator position and a full-time  
8 equivalent staff assistant position per county for the portion  
9 of their time spent administrating the "911" system; training  
10 costs for PSAP call takers in the proper methods and  
11 techniques used in taking and transferring "911" calls;  
12 expenses required to develop and maintain all information (ALI  
13 and ANI databases and other information source repositories)  
14 necessary to properly inform call takers as to location  
15 address, type of emergency, and other information directly  
16 relevant to the "911" call-taking and transferring function;  
17 and, in a county defined in s. 125.011(1), such expenses  
18 related to a nonemergency "311" system, or similar  
19 nonemergency system, which improves the overall efficiency of  
20 an existing "911" system or reduces "911" emergency response  
21 time for a 2-year pilot project that ends June 30, 2003.  
22 However, no wireless telephone service provider shall be  
23 required to participate in this pilot project or to otherwise  
24 implement a nonemergency "311" system or similar nonemergency  
25 system. The "911" fee revenues shall not be used to pay for  
26 any item not listed, including, but not limited to, any  
27 capital or operational costs for emergency responses which  
28 occur after the call transfer to the responding public safety  
29 entity and the costs for constructing buildings, leasing  
30 buildings, maintaining buildings, or renovating buildings,  
31 except for those building modifications necessary to maintain

1 the security and environmental integrity of the PSAP and "911"  
2 equipment rooms.

3           7. It is the goal of the Legislature that enhanced  
4 "911" service be available throughout the state. Expenditure  
5 by counties of the "911" fees authorized by this section  
6 should support this goal to the greatest extent feasible  
7 within the context of local service needs and fiscal  
8 capability. Nothing in this section shall be construed to  
9 prohibit two or more counties from establishing a combined  
10 emergency "911" telephone service by interlocal agreement and  
11 utilizing the "911" fees authorized by this section for such  
12 combined "911" service.

13           (c) Any county imposing a "911" fee in accordance with  
14 the provisions of this subsection shall allow the telephone  
15 company to retain as an administrative fee an amount equal to  
16 1 percent of the total "911" fee collected by the telephone  
17 company and to distribute three-fourths of 1 percent of the  
18 total "911" fee collected by the telephone company to the  
19 office for funding the statewide 911 system director functions  
20 as defined in subsection (5).

21           Section 2. Paragraph (r) of subsection (3) of section  
22 365.172, Florida Statutes, is redesignated as paragraph (s)  
23 and a new paragraph (r) is added to said section, paragraph  
24 (a) of subsection (5), paragraph (a) of subsection (6),  
25 paragraphs (a) and (b) of subsection (8), paragraph (d) of  
26 subsection (9), and paragraph (b) of subsection (10) of said  
27 section are amended, and paragraph (c) is added to subsection  
28 (7) of said section, to read:

29           365.172 Wireless emergency telephone number "E911."--

30           (3) DEFINITIONS.--As used in this section and ss.  
31 365.173 and 365.174, the term:

1           (r) "Statewide programs" means and includes  
2 administration and operations of the board; the staff support  
3 for statewide E911 service from the office; providing  
4 assistance to rural counties for implementation or operating  
5 enhanced 911 service within the county; providing for research  
6 and development of issues related to defining the most  
7 cost-effective and efficient alternatives for implementation  
8 of enhancements to the 911 systems; providing for pilot  
9 projects, with statewide implications, to improve the accuracy  
10 of the information contained in the 911 ALI database, to  
11 reduce the cost of database maintenance, and to incorporate  
12 new application capability into the database, such as Local  
13 Number Portability (LPN); and providing a source of funds to  
14 encourage counties and providers to increase the deployment of  
15 advanced features into the 911 systems.

16           (s)~~(r)~~ "Wireless 911 system" or "wireless 911 service"  
17 means an emergency telephone system or service that provides a  
18 subscriber with the ability to reach an answering point by  
19 dialing the digits "911." A wireless 911 system is  
20 complementary to a wired 911 system as provided for in s.  
21 365.171.

22           (5) THE WIRELESS 911 BOARD.--

23           (a) The Wireless 911 Board is established to  
24 administer, with oversight by the office, the fee imposed  
25 under subsection (8), including receiving revenues derived  
26 from the fee; distributing portions of such revenues to  
27 providers, counties, and the office; accounting for receipts,  
28 distributions, and income derived by the funds maintained in  
29 the fund; develop, manage, and administer the statewide  
30 programs to promote the efficient, effective, and timely  
31 implementation of statewide enhanced 911 service;and

1 providing annual reports to the Governor and the Legislature  
2 for submission by the office on amounts collected and  
3 expended, the purposes for which expenditures have been made,  
4 and the status of wireless E911 service in this state. In  
5 order to advise and assist the office in carrying out the  
6 purposes of this section, the board, which shall have the  
7 power of a body corporate, shall have the powers enumerated in  
8 subsection (6).

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

10 (a) The board shall:

11 1. Administer the E911 fee.

12 2. Implement, maintain, and oversee the fund.

13 3. Review and oversee the disbursement of the revenues  
14 deposited into the fund as provided in s. 365.173. The board  
15 may establish a schedule for implementing wireless E911  
16 service by service area, and prioritize disbursements of  
17 revenues from the fund to providers and rural counties as  
18 provided in s. 365.173(2)(c)(~~b~~) and (d)(~~c~~) pursuant to the  
19 schedule, in order to implement E911 services in the most  
20 efficient and cost-effective manner.

21 4. Review documentation submitted by providers which  
22 reflects current and projected funds derived from the E911  
23 fee, and the expenses incurred and expected to be incurred, in  
24 order to comply with the E911 service requirements contained  
25 in the order for the purposes of:

26 a. Ensuring that providers receive fair and equitable  
27 distributions of funds from the fund.

28 b. Ensuring that providers are not provided  
29 disbursements from the fund which exceed the costs of  
30 providing E911 service, including the costs of complying with  
31 the order.



- 1           c. Ascertaining the projected costs of compliance with  
2 the requirements of the order and projected collections of the  
3 E911 fee.
- 4           d. Implementing changes to the allocation percentages  
5 or reducing the E911 fee under paragraph (8)(c).
- 6           5. Review and approve or reject, in whole or in part,  
7 applications submitted by providers for recovery of moneys  
8 deposited into the fund.
- 9           6. Hire and retain employees for the purposes of  
10 performing administrative functions for the board.
- 11           7. Make and enter into contracts, pursuant to chapter  
12 287, and execute other instruments necessary or convenient for  
13 the exercise of the powers and functions of the board.
- 14           8. Take all necessary and reasonable steps by July 1,  
15 2000, to secure appropriate information and reports from  
16 providers and otherwise perform all of the functions that  
17 would be performed by an independent accounting firm prior to  
18 completing the request-for-proposals process under subsection  
19 (7).
- 20           9. Sue and be sued, and appear and defend in all  
21 actions and proceedings, in its corporate name to the same  
22 extent as a natural person.
- 23           10. Adopt, use, and alter a common corporate seal.
- 24           11. Elect or appoint the officers and agents that are  
25 required by the affairs of the board.
- 26           12. The board may adopt rules under ss. 120.536(1) and  
27 120.54 to implement this section and ss. 365.173 and 365.174.
- 28           13. Do all acts and things necessary or convenient to  
29 carry out the powers granted in this section, including but  
30 not limited to, consideration of emerging technology and  
31 related cost savings.

1           (7) REQUEST FOR PROPOSALS FOR INDEPENDENT ACCOUNTING  
2 FIRM.--

3           (c) After July 1, 2003, the board may secure the  
4 services of an independent accounting firm via invitation to  
5 bid, request for proposals, invitation to negotiate, or  
6 professional contracts already established at the Division of  
7 Purchasing, Department of Management Services, for certified  
8 public accounting firms, or the board may hire and retain  
9 professional accounting staff to accomplish these functions.  
10 If the board retains staff, the board shall have an  
11 independent accounting firm conduct an audit of the board's  
12 annual financial status and provide a copy to the Auditor  
13 General of the state.

14           (8) WIRELESS E911 FEE.--

15           (a)1. Each provider shall collect a monthly fee  
16 imposed on each customer whose place of primary use is in  
17 ~~service subscriber who has a service number that has a billing~~  
18 ~~address within~~ this state. The rate of the fee shall be 50  
19 cents per month per each service number, beginning August 1,  
20 1999. The fee shall apply uniformly and be imposed throughout  
21 the state.

22           2. The wireless 911 fee imposed by this section shall  
23 be administered in accordance with the Mobile  
24 Telecommunications Sourcing Act, 4 U.S.C. ss. 116-126. For  
25 purposes of this section, each of the terms and corresponding  
26 definitions of such terms set forth in 4 U.S.C. s. 124 shall  
27 apply.

28           (b) The fee is established to ensure full recovery for  
29 providers and for counties, over a reasonable period, of the  
30 costs associated with developing and maintaining an E911  
31 system on a technologically and competitively neutral basis

1 and to provide support for the functions of the statewide 911  
2 system director as defined in s. 365.171(5).

3 (9) MANAGEMENT OF FUNDS.--

4 (d) Each provider shall deliver revenues from the fee  
5 to the board within 60 days after the end of the month in  
6 which the fee was billed and, at the board's request but not  
7 more than twice a year, deliver together with a monthly report  
8 of the number of ~~billing addresses~~ of wireless subscribers  
9 whose place of primary use is in each county. A provider may  
10 apply to the board for a refund of, or may take a credit for,  
11 any fees remitted to the board which are not collected by the  
12 provider within 6 months following the month in which the fees  
13 are charged off for federal income tax purposes as bad debt.  
14 The board may waive the requirement that the fees and number  
15 of wireless subscribers with a place of primary use in each  
16 county ~~billing addresses~~ be submitted to the board each month  
17 and authorize a provider to submit the fees and number of  
18 subscribers ~~billing addresses~~ quarterly if the provider  
19 demonstrates that such waiver is necessary and justified.

20 (10) PROVISION OF SERVICES.--In accordance with the  
21 order, a provider is not required to provide E911 service  
22 until:

23 (b) Funds are available under s. 365.173(2) (c) ~~(b)~~.

24 Section 3. Subsection (2) of section 365.173, Florida  
25 Statutes, is amended to read:

26 365.173 Wireless Emergency Telephone System Fund.--

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

30 (a) Forty-three and three-fourths ~~Forty-four~~ percent  
31 of the moneys shall be distributed each month to counties,

1 based on the population of ~~total number of wireless subscriber~~  
2 ~~billing addresses~~ in each county as reported no later than  
3 June 30, annually, by the Florida Association of Counties, for  
4 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) Three-fourths of 1 percent of the moneys shall be  
18 distributed each month to the office for support of the  
19 functions of the statewide 911 system director as defined in  
20 s. 365.171(5).

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

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

30 (d) ~~(c)~~ Two percent of the moneys shall be allocated  
31 for statewide programs as defined in s. 365.172 ~~used to make~~

1 ~~monthly distributions to rural counties for the purpose of~~  
2 ~~providing facilities and network and service enhancements and~~  
3 ~~assistance for the 911 or E911 systems operated by rural~~  
4 ~~counties and for the provision of reimbursable loans and~~  
5 ~~grants by the office to rural counties for upgrading 911~~  
6 ~~systems.~~

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

13 Section 4. This act shall take effect October 1, 2002.

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16 HOUSE SUMMARY

17 Revises provisions relating to state emergency  
18 communications service. Revises functions of the Wireless  
19 911 Board. Provides for statewide programs. Revises  
20 provisions for the E911 fee. Revises distribution of  
21 moneys in the Wireless Emergency Telephone System Fund.  
22 See bill for details.  
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