

By Senator Mitchell

4-1562-02

1                                   A bill to be entitled  
2           An act relating to emergency telephone number  
3           "911"; amending s. 365.171, F.S.; revising the  
4           distribution of the "911" fee; amending s.  
5           365.172, F.S.; defining the term "statewide  
6           programs"; providing for the duties of the  
7           Wireless 911 Board; providing for accounting  
8           services; providing for the administration of  
9           the Wireless 911 Fee; amending s. 365.173,  
10          F.S.; revising the distribution of funds;  
11          providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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

17           365.171 Emergency telephone number "911."--  
18           (13) "911" FEE.--

19           (a) Following approval by referendum as set forth in  
20 paragraph (b), or following approval by a majority vote of its  
21 board of county commissioners, a county may impose a "911" fee  
22 to be paid by the local exchange subscribers within its  
23 boundaries served by the "911" service. Proceeds from the  
24 "911" fee shall be used only for "911" expenditures as set  
25 forth in subparagraph 6. The manner of imposing and  
26 collecting said payment shall be as follows:

27           1. At the request of the county subscribing to "911"  
28 service, the telephone company shall, insofar as is  
29 practicable, bill the "911" fee to the local exchange  
30 subscribers served by the "911" service, on an individual  
31 access line basis, at a rate not to exceed 50 cents per month

1 per line (up to a maximum of 25 access lines per account bill  
2 rendered). However, the fee may not be assessed on any pay  
3 telephone in this state. A county collecting the fee for the  
4 first time may collect the fee for no longer than 36 months  
5 without initiating the acquisition of its "911" equipment.

6 2. Fees collected by the telephone company pursuant to  
7 subparagraph 1. shall be returned to the county, less the  
8 costs of administration retained by the company and the  
9 required distribution to the State Technology Office pursuant  
10 to paragraph (c). The county shall provide a minimum of 90  
11 days' written notice to the telephone company prior to the  
12 collection of any "911" fees.

13 3. Any county that currently has an operational "911"  
14 system or that is actively pursuing the implementation of a  
15 "911" system shall establish a fund to be used exclusively for  
16 receipt and expenditure of "911" fee revenues collected  
17 pursuant to this section. All fees placed in said fund, and  
18 any interest accrued thereupon, shall be used solely for "911"  
19 costs described in subparagraph 6. The money collected and  
20 interest earned in this fund shall be appropriated for "911"  
21 purposes by the county commissioners and incorporated into the  
22 annual county budget. Such fund shall be included within the  
23 financial audit performed in accordance with s. 218.39. A  
24 report of the audit shall be forwarded to the office within 60  
25 days of its completion. A county may carry forward on an  
26 annual basis unspent moneys in the fund for expenditures  
27 allowed by this section, or it may reduce its fee. However, in  
28 no event shall a county carry forward more than 10 percent of  
29 the "911" fee billed for the prior year. The amount of moneys  
30 carried forward each year may be accumulated in order to allow  
31 for capital improvements described in this subsection. The

1 carryover shall be documented by resolution of the board of  
2 county commissioners expressing the purpose of the carryover  
3 or by an adopted capital improvement program identifying  
4 projected expansion or replacement expenditures for "911"  
5 equipment and service features, or both. In no event shall  
6 the "911" fee carryover surplus moneys be used for any purpose  
7 other than for the "911" equipment, service features, and  
8 installation charges authorized in subparagraph 6. Nothing in  
9 this section shall prohibit a county from using other sources  
10 of revenue for improvements, replacements, or expansions of  
11 its "911" system. A county may increase its fee for purposes  
12 authorized in this section. However, in no case shall the fee  
13 exceed 50 cents per month per line. All current "911" fees  
14 shall be reported to the office within 30 days of the start of  
15 each county's fiscal period. Any fee adjustment made by a  
16 county shall be reported to the office. A county shall give  
17 the telephone company a 90-day written notice of such fee  
18 adjustment.

19           4. The telephone company shall have no obligation to  
20 take any legal action to enforce collection of the "911" fee.  
21 The telephone company shall provide quarterly to the county a  
22 list of the names, addresses, and telephone numbers of any and  
23 all subscribers who have identified to the telephone company  
24 their refusal to pay the "911" fee.

25           5. The county subscribing to "911" service shall  
26 remain liable to the telephone company for any "911" service,  
27 equipment, operation, or maintenance charge owed by the county  
28 to the telephone company.

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

4         6. It is the intent of the Legislature that the "911"  
5 fee authorized by this section to be imposed by counties will  
6 not necessarily provide the total funding required for  
7 establishing or providing the "911" service. For purposes of  
8 this section, "911" service includes the functions of database  
9 management, call taking, location verification, and call  
10 transfer. The following costs directly attributable to the  
11 establishment and/or provision of "911" service are eligible  
12 for expenditure of moneys derived from imposition of the "911"  
13 fee authorized by this section: the acquisition,  
14 implementation, and maintenance of Public Safety Answering  
15 Point (PSAP) equipment and "911" service features, as defined  
16 in the Florida Public Service Commission's lawfully approved  
17 "911" and related tariffs and/or the acquisition,  
18 installation, and maintenance of other "911" equipment,  
19 including call answering equipment, call transfer equipment,  
20 ANI controllers, ALI controllers, ANI displays, ALI displays,  
21 station instruments, "911" telecommunications systems,  
22 teleprinters, logging recorders, instant playback recorders,  
23 telephone devices for the deaf (TDD) used in the "911" system,  
24 PSAP backup power systems, consoles, automatic call  
25 distributors, and interfaces (hardware and software) for  
26 computer-aided dispatch (CAD) systems; salary and associated  
27 expenses for "911" call takers for that portion of their time  
28 spent taking and transferring "911" calls; salary and  
29 associated expenses for a county to employ a full-time  
30 equivalent "911" coordinator position and a full-time  
31 equivalent staff assistant position per county for the portion

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

26           7. It is the goal of the Legislature that enhanced  
27 "911" service be available throughout the state. Expenditure  
28 by counties of the "911" fees authorized by this section  
29 should support this goal to the greatest extent feasible  
30 within the context of local service needs and fiscal  
31 capability. Nothing in this section shall be construed to

1 prohibit two or more counties from establishing a combined  
2 emergency "911" telephone service by interlocal agreement and  
3 utilizing the "911" fees authorized by this section for such  
4 combined "911" service.

5 (c) Any county imposing a "911" fee in accordance with  
6 the provisions of this subsection shall allow the telephone  
7 company to retain as an administrative fee an amount equal to  
8 1 percent of the total "911" fee collected by the telephone  
9 company and to distribute 0.75 percent of the total "911" fee  
10 collected by the telephone company to the office for funding  
11 the statewide "911" system director functions provided in  
12 subsection (5).

13 Section 2. Present paragraph (r) of subsection (3) of  
14 section 365.172, Florida Statutes, is redesignated as  
15 paragraph (s) and a new paragraph (r) is added to that  
16 subsection, and paragraph (a) of subsection (5), paragraph (a)  
17 of subsection (6), subsection (7), paragraphs (a) and (b) of  
18 subsection (8), paragraph (d) of subsection (9), and paragraph  
19 (b) of subsection (10) of that section are amended, to read:

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

21 (3) DEFINITIONS.--As used in this section and ss.  
22 365.173 and 365.174, the term:

23 (r) "Statewide programs" includes administration and  
24 operations of the board; providing staff support for statewide  
25 E911 service from the office; providing assistance to rural  
26 counties for implementation or operating enhanced 911 service  
27 within the county; providing for research and development of  
28 issues related to defining the most cost effective and  
29 efficient alternatives for implementation of enhancements to  
30 the Florida 911 systems; providing for pilot projects, with  
31 statewide implications, to improve the accuracy of the

1 information contained in the 911 ALI database, to reduce the  
2 cost of database maintenance and to incorporate new  
3 application capability into the data base (such as Local  
4 Number Portability-LNP); and providing a source of funds to  
5 encourage counties and providers to increase the deployment of  
6 advanced features into the 911 systems operated in the state.

7 (5) THE WIRELESS 911 BOARD.--

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

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

26 (a) The board shall:

- 27 1. Administer the E911 fee.
  - 28 2. Implement, maintain, and oversee the fund.
  - 29 3. Review and oversee the disbursement of the revenues
- 30 deposited into the fund as provided in s. 365.173. The board  
31 may establish a schedule for implementing wireless E911

1 service by service area, and prioritize disbursements of  
2 revenues from the fund to providers and rural counties as  
3 provided in s. 365.173(2)(c) and (d)~~s. 365.173(2)(b) and (c)~~  
4 pursuant to the schedule, in order to implement E911 services  
5 in the most efficient and cost-effective manner.

6 4. Review documentation submitted by providers which  
7 reflects current and projected funds derived from the E911  
8 fee, and the expenses incurred and expected to be incurred, in  
9 order to comply with the E911 service requirements contained  
10 in the order for the purposes of:

11 a. Ensuring that providers receive fair and equitable  
12 distributions of funds from the fund.

13 b. Ensuring that providers are not provided  
14 disbursements from the fund which exceed the costs of  
15 providing E911 service, including the costs of complying with  
16 the order.

17 c. Ascertaining the projected costs of compliance with  
18 the requirements of the order and projected collections of the  
19 E911 fee.

20 d. Implementing changes to the allocation percentages  
21 or reducing the E911 fee under paragraph (8)(c).

22 5. Review and approve or reject, in whole or in part,  
23 applications submitted by providers for recovery of moneys  
24 deposited into the fund.

25 6. Hire and retain employees for the purposes of  
26 performing administrative functions for the board.

27 7. Make and enter into contracts, pursuant to chapter  
28 287, and execute other instruments necessary or convenient for  
29 the exercise of the powers and functions of the board.

30 8. Take all necessary and reasonable steps by July 1,  
31 2000, to secure appropriate information and reports from



1 providers and otherwise perform all of the functions that  
2 would be performed by an independent accounting firm prior to  
3 completing the request-for-proposals process under subsection  
4 (7).

5 9. Sue and be sued, and appear and defend in all  
6 actions and proceedings, in its corporate name to the same  
7 extent as a natural person.

8 10. Adopt, use, and alter a common corporate seal.

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

11 12. The board may adopt rules under ss. 120.536(1) and  
12 120.54 to implement this section and ss. 365.173 and 365.174.

13 13. Do all acts and things necessary or convenient to  
14 carry out the powers granted in this section, including but  
15 not limited to, consideration of emerging technology and  
16 related cost savings.

17 (7) REQUEST FOR PROPOSALS FOR INDEPENDENT ACCOUNTING  
18 FIRM.--

19 (a) The board shall issue a request for proposals as  
20 provided in chapter 287 for the purpose of retaining an  
21 independent accounting firm. The independent accounting firm  
22 shall perform all material administrative and accounting tasks  
23 and functions required for administering the E911 fee. The  
24 request for proposals must include, but need not be limited  
25 to:

26 1. A description of the scope and general requirements  
27 of the services requested.

28 2. A description of the specific accounting and  
29 reporting services required for administering the fund,  
30 including processing checks and distributing funds as directed  
31 by the board under s. 365.173.

1           3. A description of information to be provided by the  
2 proposer, including the proposer's background and  
3 qualifications and the proposed cost of the services to be  
4 provided.

5           (b) The board shall establish a committee to review  
6 requests for proposals which must include the statewide 911  
7 system director, or his or her designee, and two members of  
8 the board, one of whom is a county 911 coordinator and one of  
9 whom represents the wireless telecommunications industry. The  
10 review committee shall review the proposals received by the  
11 board and recommend an independent accounting firm to the  
12 board for final selection. By agreeing to serve on the review  
13 committee, each member of the review committee shall verify  
14 that he or she does not have any interest or employment,  
15 directly or indirectly, with potential proposers which  
16 conflicts in any manner or degree with his or her performance  
17 on the committee.

18           (c) After July 1, 2003, the board may secure the  
19 services of an independent accounting firm by an invitation to  
20 bid, request for proposal, invitation to negotiate or  
21 professional contracts already established at the Division of  
22 Purchasing, Department of Management Services for certified  
23 public accounting firms or the board may hire and retain  
24 professional accounting staff to accomplish these functions.  
25 If the board retains staff, the board shall have an  
26 independent accounting firm conduct an audit of the board's  
27 annual financial status and provide a copy to the Auditor  
28 General.

29           (8) WIRELESS E911 FEE.--

30           (a)1. Each provider shall collect a monthly fee  
31 imposed on each customer whose place of primary use is service

1 ~~subscriber who has a service number that has a billing address~~  
2 within this state. The rate of the fee shall be 50 cents per  
3 month per each service number, beginning August 1, 1999. The  
4 fee shall apply uniformly and be imposed throughout the state.

5 2. The Wireless 911 Fee imposed by this section shall  
6 be administered in accordance with the Mobile  
7 Telecommunications Sourcing Act, 4 U.S.C. ss. 116-126. For  
8 purposes of this section, each of the terms and corresponding  
9 definitions of those terms set forth in 4 U.S.C. s. 124 apply.

10 (b) The fee is established to ensure full recovery for  
11 providers and for counties, over a reasonable period, of the  
12 costs associated with developing and maintaining an E911  
13 system on a technologically and competitively neutral basis.

14 (9) MANAGEMENT OF FUNDS.--

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

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

4           (b) Funds are available under s. 365.173(2)(c) ~~s.~~  
5 ~~365.173(2)(b)~~.

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

8           365.173 Wireless Emergency Telephone System Fund.--

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

12           (a) Forty-three and three-fourths ~~Forty-four~~ percent  
13 of the moneys shall be distributed each month to counties,  
14 based on the population of ~~total number of wireless subscriber~~  
15 ~~billing addresses in each county~~ as of June 30th of each year  
16 as reported by the Florida Association of Counties, for  
17 payment of:

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

20           2. Costs to comply with the requirements for E911  
21 service contained in the order and any future rules related to  
22 the order.

23

24 A county may carry forward, for up to 3 successive calendar  
25 years, up to 30 percent of the total funds disbursed to the  
26 county by the board during a calendar year for expenditures  
27 for capital outlay, capital improvements, or equipment  
28 replacement, if such expenditures are made for the purposes  
29 specified in this paragraph.

30           **(b) Three-fourths of one percent of the moneys shall**  
31 **be distributed each month to the office for support of the**

1 functions of the statewide 911 system director as provided in  
2 s. 365.171(5).

3 (c)(b) Fifty-three and one-half ~~Fifty-four~~ percent of  
4 the moneys shall be distributed in response to sworn invoices  
5 submitted to the board by providers to reimburse such  
6 providers for the actual costs incurred to provide 911 or E911  
7 service, including the costs of complying with the order. Such  
8 costs include costs and expenses incurred by providers to  
9 design, purchase, lease, program, install, test, upgrade,  
10 operate, and maintain all necessary data, hardware, and  
11 software required to provide E911 service. Two ~~Up to 2~~ percent  
12 of the funds allocated to providers shall be ~~retained by the~~  
13 ~~board to be~~ applied to costs and expenses incurred for the  
14 purposes of managing, administering, and overseeing the  
15 statewide programs. ~~receipts and disbursements from the fund.~~  
16 ~~Any funds retained for such purposes in a calendar year which~~  
17 ~~are not applied to such costs and expenses by March 31 of the~~  
18 ~~following year shall be distributed to providers pursuant to~~  
19 ~~this paragraph.~~ Beginning in state fiscal year 2000-2001, each  
20 provider shall submit to the board, by August 1 of each year,  
21 a detailed estimate of the capital and operating expenses for  
22 which it anticipates that it will seek reimbursement under  
23 this paragraph during the ensuing state fiscal year. By  
24 September 15 of each year, the board shall submit to the  
25 Legislature its legislative budget request for funds to be  
26 allocated to providers under this paragraph during the ensuing  
27 state fiscal year. The budget request shall be based on the  
28 information submitted by the providers and estimated surcharge  
29 revenues. Distributions of moneys in the fund by the board to  
30 providers must be fair and nondiscriminatory. If the total  
31 amount of moneys requested by providers pursuant to invoices

1 submitted to the board and approved for payment exceeds the  
2 amount in the fund in any month, providers that have invoices  
3 approved for payment shall receive a pro rata share of moneys  
4 in the fund and the balance of the payments shall be carried  
5 over to the following month or months until all of the  
6 approved payments are made. The board may adopt rules  
7 necessary to address the manner in which pro rata  
8 distributions are made when the total amount of funds  
9 requested by providers pursuant to invoices submitted to the  
10 board exceeds the total amount of moneys on deposit in the  
11 fund.

12 (d)(e) Two percent of the moneys shall be allocated  
13 for statewide programs as defined in s. 365.172 used to make  
14 monthly distributions to rural counties for the purpose of  
15 providing facilities and network and service enhancements and  
16 assistance for the 911 or E911 systems operated by rural  
17 counties and for the provision of reimbursable loans and  
18 grants by the office to rural counties for upgrading 911  
19 systems.

20  
21 The Legislature recognizes that the wireless E911 fee  
22 authorized under s. 365.172 will not necessarily provide the  
23 total funding required for establishing or providing the 911  
24 service. It is the intent of the Legislature that all revenue  
25 from the fee be used as specified in s. 365.171(13)(a)6.

26 Section 4. This act shall take effect October 1, 2002.  
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SENATE SUMMARY

Revises the distribution of the "911" fee paid to counties by local exchange subscribers. Revises the duties of the Wireless 911 Board and the distribution of the Wireless 911 Fee. Provides for the distribution of funds from the Wireless Emergency Telephone System Fund.