

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1307 Emergency Communications
SPONSOR(S): Mayfield
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 1450

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Telecommunications (Sub)		Holt	Liepshutz
2) Business Regulation			
3) Appropriations			
4)			
5)			

SUMMARY ANALYSIS

The bill provides for facilitation of E911 service implementation. It creates a methodology for collecting the monthly 911 surcharge from prepaid wireless customers. The bill grants new authority to the Wireless 911 Board, and authorizes current funding to pay the costs associated with the new authority. Under certain circumstances, wireless telecommunications providers are exempt from local zoning requirements in regard to siting wireless facilities. These providers are, however, required to comply with local building regulation when constructing a facility. Further the bill requires that all private branch exchanges (PBX) constructed after January 1, 2004, must be capable of providing automatic location identification.

The bill appears to have no fiscal impact.

The act takes effect July 1, 2003.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Federal law requires the Federal Communications Commission (FCC) to encourage and support efforts by the states to deploy emergency communications infrastructure and programs. 47 U.S.C. s. 615. The FCC's 911 rules require, in part, that when a county requests enhanced 911 service (E911), the wireless provider must provide enhanced service within six months of the request to 50 percent of its coverage area. 47 C.F.R. s. 18.

Pursuant to s. 365.172(8), F.S., a fee of 50 cents per month on each telephone service number is used to fund the wireless 911 emergency telephone system. Each provider as a part of its monthly billing process collects the fee. The collected fees, minus one percent retained as reimbursement for administrative costs, are delivered to the Wireless 911 Board (Board). s. 365.172(9), F.S.

Section 365.172(5), F.S., provides in part that the Board is established to administer, with oversight by the State Technology Office, the fee. s. 365.172(5), F.S. Collected fees are deposited into the Wireless Emergency Telephone System Fund (Fund). Forty-four percent of the fees is distributed each month to counties for payment of their 911 service costs, fifty-four percent is distributed to 911 providers, and two percent is distributed to rural counties to provide facilities and network and service enhancements and assistance for their 911 or E911 systems. s. 365.173, F.S. The Board receives its funding by retaining up to two percent of the funds allocated to 911 service providers. s. 365.173, F.S. These funds are to be used for costs and expenses incurred for the purposes of managing, administering, and overseeing the receipts and disbursements from the Fund. s. 365.173, F.S.

The bill amends s. 365.172(3) and (9), F.S., to provide for collecting the monthly 911 surcharge from prepaid wireless customers and defines related terms. For prepaid wireless telephone service, the 50 cent monthly wireless 911 surcharge is collected only from each wireless service customer that has a sufficient positive balance as of the last day of each month. As direct billing may not be possible, the surcharge amount, or an equivalent number of minutes, may be reduced from the prepaid subscriber's account.

The bill amends s. 365.172(6), F.S., to grant new authority to the board of directors of the Wireless 911 Board. The Board would be authorized to:

- Provide coordination, support, and technical assistance to counties to promote the deployment of advanced 911 and E911 systems in the state.
- Provide coordination and support for educational opportunities related to 911 issues for the 911 community in this state.
- Act as an advocate for issues related to 911 system functions, features, and operations to improve the delivery of 911 services to the residents of and visitors to this state.

- Coordinate input from this state at national forums and associations, to ensure that policies related to 911 systems and services are consistent with the policies of the 911 community in this state.
- Work cooperatively with the system director to enhance the state of 911 services in this state and to provide unified leadership for all 911 issues through planning and coordination.

The bill creates s. 365.172(11), F.S., for facilitating E911 service implementation. The subsection provides that, notwithstanding any other law or local ordinance to the contrary, the following provisions will apply to siting of wireless facilities:

- A wireless telecommunications facility pursuant to a lease that is located on any state or local government owned real property, building or structure, or the collocation of a facility on a state or local government building is exempt from local zoning requirements. However, construction of the facility is subject to local building regulation.
- Co-location of a wireless telecommunication facility on an existing facility is exempt from local zoning requirement. However construction of the facility is subject to local building regulation.
- Any additional wireless telecommunication facility required at an existing site needed to comply with E911 is not subject to local zoning regulation.
- An existing wireless telecommunications facility may increase its height by 10% from the original permitted height without the increase being subject to local zoning regulation. However, the increase is subject to applicable federal regulation.
- The Department of Management Services shall negotiate, in the name of the state, leases for wireless telecommunications facilities that provide access to state-owned property not acquired for transportation purposes. The Department of Transportation shall negotiate, in the name of the state, leases for wireless telecommunications facilities that provide access to property acquired for state rights-of-way.

The bill further amends s. 365.173(2), F.S. to authorize the Board to use its funding for activities as defined in s. 365.172(6), which would allow use of funds to cover costs and expenses of exercise its new authority provided in the bill.

The bill also creates s. 365.175, F.S. The new section requires that all PBXs constructed after January 1, 2004, be capable of providing automatic location identification. A PBX is a private telephone system that is connected to the public switched telephone system. Automatic locations identification means the automatic display at the public safety answering point of the 911 caller's telephone number, the address or location of the telephone, and supplementary emergency services information.

C. SECTION DIRECTORY:

Section 1. Provides related definitions for the collection of the monthly wireless surcharge amount from prepaid wireless telephone service. Creates new authority for the Wireless 911 Board. Establishes a methodology for collecting the monthly 911 surcharge from prepaid wireless customers. Creates a new subsection for the facilitation of implementation of E911 service.

Section 2. Authorizes the Board to use its current funding for costs and expenses in the exercise of its new authority.

Section 3. Creates a new subsection to require that all PBXs constructed after January 1, 2004, be capable of providing automatic location identification.

Section 4. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

If state and local governments enter into leases to site wireless facilities, they will have lease revenues.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Wireless companies will be able to site facilities quicker, easier, and, in some cases, in places that are not currently available. This will improve service in those areas where new facilities are sited, including E911 location services.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES