

By the Committee on Communication and Public Utilities; and  
Senator Bennett

319-1982-03

1                                   A bill to be entitled  
2           An act relating to emergency communications;  
3           amending s. 365.172, F.S.; defining the terms  
4           "active prepaid wireless telephone," "mobile  
5           telephone number," "prepaid wireless telephone  
6           service," and "sufficient positive balance" for  
7           purposes of wireless emergency communications;  
8           prescribing additional duties of the board of  
9           directors of the Wireless 911 Board with  
10          respect to 911 and E911 systems; prescribing a  
11          method of collecting the wireless E911 fee in  
12          instances in which the wireless telephone  
13          service to which the surcharge applies is  
14          prepaid; providing for colocation of wireless  
15          telecommunications facilities; providing for  
16          location of such facilities on government  
17          buildings; exempting such facilities from  
18          certain local government regulation; amending  
19          s. 365.173, F.S.; authorizing disbursements  
20          from the Wireless Emergency Telephone System  
21          Fund for activities of the board of directors  
22          of the Wireless 911 Board; creating s. 365.175,  
23          F.S.; requiring new private branch exchange  
24          telephone systems to have automatic location  
25          identification capabilities; providing an  
26          effective date.

27  
28   Be It Enacted by the Legislature of the State of Florida:

29  
30           Section 1.   Subsection (3), paragraph (a) of subsection  
31   (6), and subsections (7) and (9) of section 365.172, Florida

1 Statutes, are amended, present subsections (11) and (12) of  
2 that section are renumbered as subsections (12) and (13),  
3 respectively, and a new subsection (11) is added to that  
4 section to read:

5 365.172 Wireless emergency telephone number "E911."--

6 (3) DEFINITIONS.--As used in this section and ss.  
7 365.173 and 365.174, the term:

8 (a) "Active prepaid wireless telephone" means a  
9 prepaid wireless telephone that has been used by the customer  
10 during the month to complete a telephone call for which the  
11 customer's card or balance was decremented.

12 (b)~~(a)~~ "Answering point" means the public safety  
13 agency that receives incoming 911 calls and dispatches  
14 appropriate public safety agencies to respond to such calls.

15 (c)~~(b)~~ "Automatic location identification" means the  
16 capability of the E911 service which enables the automatic  
17 display of information that defines the approximate geographic  
18 location of the wireless telephone used to place a 911 call.

19 (d)~~(c)~~ "Automatic number identification" means the  
20 capability of the E911 service which enables the automatic  
21 display of the 10-digit service number used to place a 911  
22 call.

23 (e)~~(d)~~ "Board" means the board of directors of the  
24 Wireless 911 Board.

25 (f)~~(e)~~ "Office" means the State Technology Office.

26 (g)~~(f)~~ "E911" is the designation for a wireless  
27 enhanced 911 system or wireless enhanced 911 service that is  
28 an emergency telephone system or service that provides a  
29 subscriber with wireless 911 service and, in addition, directs  
30 911 calls to appropriate public safety answering points by  
31 selective routing based on the geographical location from

1 which the call originated, or as otherwise provided in the  
2 state plan under s. 365.171, and that provides for automatic  
3 number identification and automatic location-identification  
4 features in accordance with the requirements of the order.

5 (h)~~(g)~~ "Fee" means the E911 fee imposed under  
6 subsection (8).

7 (i)~~(h)~~ "Fund" means the Wireless Emergency Telephone  
8 System Fund established in s. 365.173 and maintained under  
9 this section for the purpose of recovering the costs  
10 associated with providing 911 service or E911 service,  
11 including the costs of implementing the order.

12 (j)~~(i)~~ "Local exchange carrier" means an "alternative  
13 local exchange telecommunications company" or a "local  
14 exchange telecommunications company" as defined in s. 364.02.

15 (k)~~(j)~~ "Local government" means any municipality,  
16 county, or political subdivision or agency of a municipality,  
17 county, or political subdivision.

18 (l) "Mobile telephone number" or "MTN" means the  
19 telephone number assigned to a wireless telephone at the time  
20 of initial activation.

21 (m)~~(k)~~ "Order" means:

22 1. The following orders and rules of the Federal  
23 Communications Commission issued in FCC Docket No. 94-102:

24 a. Order adopted on June 12, 1996, with an effective  
25 date of October 1, 1996, the amendments to s. 20.03 and the  
26 creation of s. 20.18 of Title 47 of the Code of Federal  
27 Regulations adopted by the Federal Communications Commission  
28 pursuant to such order.

29 b. Memorandum and Order No. FCC 97-402 adopted on  
30 December 23, 1997.

31

1 c. Order No. FCC DA 98-2323 adopted on November 13,  
2 1998.

3 d. Order No. FCC 98-345 adopted December 31, 1998.

4 2. Orders and rules subsequently adopted by the  
5 Federal Communications Commission relating to the provision of  
6 wireless 911 services.

7 (n)~~(i)~~ "Provider" means a person or entity who  
8 provides service and either:

9 1. Is subject to the requirements of the order; or

10 2. Elects to provide wireless 911 service or E911  
11 service in this state.

12 (o) "Prepaid wireless telephone service" means  
13 wireless telephone service that is activated in advance by  
14 payment for a finite dollar amount of service or for a finite  
15 set of minutes that terminate either upon use by a customer  
16 and delivery by the wireless provider of an agreed-upon amount  
17 of service corresponding to the total dollar amount paid in  
18 advance or within a certain period of time following the  
19 initial purchase or activation, unless additional payments are  
20 made.

21 (p)~~(m)~~ "Public agency" means the state and any  
22 municipality, county, municipal corporation, or other  
23 governmental entity, public district, or public authority  
24 located in whole or in part within this state which provides,  
25 or has authority to provide, firefighting, law enforcement,  
26 ambulance, medical, or other emergency services.

27 (q)~~(n)~~ "Public safety agency" means a functional  
28 division of a public agency which provides firefighting, law  
29 enforcement, medical, or other emergency services.

30 (r)~~(o)~~ "Rural county" means any county that has a  
31 population of fewer than 75,000.

1           ~~(s)(p)~~ "Service" means "commercial mobile radio  
2 service" as provided under ss. 3(27) and 332(d) of the Federal  
3 Telecommunications Act of 1996, 47 U.S.C., ss. 151 et seq.,  
4 and the Omnibus Budget Reconciliation Act of 1993, Pub. L. No.  
5 103-66, August 10, 1993, 107 Stat. 312. The term "service"  
6 includes the term "wireless" and service provided by any  
7 wireless real-time two-way wire communication device,  
8 including radio-telephone communications used in cellular  
9 telephone service; personal communications service; or the  
10 functional or competitive equivalent of a radio-telephone  
11 communications line used in cellular telephone service, a  
12 personal communications service, or a network radio access  
13 line. The term does not include wireless providers that offer  
14 mainly dispatch service in a more localized, noncellular  
15 configuration; providers offering only data, one-way, or  
16 stored-voice services on an interconnected basis; providers of  
17 air-to-ground services; or public coast stations.

18           ~~(t)(q)~~ "Service number" means the unique 10-digit  
19 wireless telephone number assigned to a service subscriber.

20           (u) "Sufficient positive balance" means a dollar  
21 amount greater than or equal to the monthly wireless surcharge  
22 amount.

23           ~~(v)(r)~~ "Wireless 911 system" or "wireless 911 service"  
24 means an emergency telephone system or service that provides a  
25 subscriber with the ability to reach an answering point by  
26 dialing the digits "911." A wireless 911 system is  
27 complementary to a wired 911 system as provided for in s.  
28 365.171.

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

30           (a) The board shall:

31           1. Administer the E911 fee.

- 1           2. Implement, maintain, and oversee the fund.
- 2           3. Review and oversee the disbursement of the revenues  
3 deposited into the fund as provided in s. 365.173. The board  
4 may establish a schedule for implementing wireless E911  
5 service by service area, and prioritize disbursements of  
6 revenues from the fund to providers and rural counties as  
7 provided in s. 365.173(2)(b) and (c) pursuant to the schedule,  
8 in order to implement E911 services in the most efficient and  
9 cost-effective manner.
- 10          4. Review documentation submitted by providers which  
11 reflects current and projected funds derived from the E911  
12 fee, and the expenses incurred and expected to be incurred, in  
13 order to comply with the E911 service requirements contained  
14 in the order for the purposes of:
- 15           a. Ensuring that providers receive fair and equitable  
16 distributions of funds from the fund.
- 17           b. Ensuring that providers are not provided  
18 disbursements from the fund which exceed the costs of  
19 providing E911 service, including the costs of complying with  
20 the order.
- 21           c. Ascertaining the projected costs of compliance with  
22 the requirements of the order and projected collections of the  
23 E911 fee.
- 24           d. Implementing changes to the allocation percentages  
25 or reducing the E911 fee under paragraph (8)(c).
- 26          5. Review and approve or reject, in whole or in part,  
27 applications submitted by providers for recovery of moneys  
28 deposited into the fund.
- 29          6. Hire and retain employees for the purposes of  
30 performing technical and administrative functions for the  
31 board.

1           7. Make and enter into contracts, pursuant to chapter  
2 287, and execute other instruments necessary or convenient for  
3 the exercise of the powers and functions of the board.

4           8. Take all necessary and reasonable steps by July 1,  
5 2000, to secure appropriate information and reports from  
6 providers and otherwise perform all of the functions that  
7 would be performed by an independent accounting firm prior to  
8 completing the request-for-proposals process under subsection  
9 (7).

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

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

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

16          12. The board may adopt rules under ss. 120.536(1) and  
17 120.54 to implement this section and ss. 365.173 and 365.174.

18          13. Provide coordination, support, and technical  
19 assistance to counties to promote the deployment of advanced  
20 911 and E911 systems in the state.

21          14. Provide coordination and support for educational  
22 opportunities related to 911 issues for the 911 community in  
23 this state.

24          15. Act as an advocate for issues related to 911  
25 system functions, features, and operations to improve the  
26 delivery of 911 services to the residents of and visitors to  
27 this state.

28          16. Coordinate input from this state at national  
29 forums and associations, to ensure that policies related to  
30 911 systems and services are consistent with the policies of  
31 the 911 community in this state.

1           17. Work cooperatively with the system director  
2 established in s. 365.171(5) to enhance the state of 911  
3 services in this state and to provide unified leadership for  
4 all 911 issues through planning and coordination.

5           ~~18.13.~~ Do all acts and things necessary or convenient  
6 to carry out the powers granted in this section, including but  
7 not limited to, consideration of emerging technology and  
8 related cost savings.

9           (7) REQUEST FOR PROPOSALS FOR INDEPENDENT ACCOUNTING  
10 FIRM.--

11           (a) The board shall issue a request for proposals as  
12 provided in chapter 287 for the purpose of retaining an  
13 independent accounting firm. The independent accounting firm  
14 shall perform all material administrative and accounting tasks  
15 and functions required for administering the E911 fee. The  
16 request for proposals must include, but need not be limited  
17 to:

18           1. A description of the scope and general requirements  
19 of the services requested.

20           2. A description of the specific accounting and  
21 reporting services required for administering the fund,  
22 including processing checks and distributing funds as directed  
23 by the board under s. 365.173.

24           3. A description of information to be provided by the  
25 proposer, including the proposer's background and  
26 qualifications and the proposed cost of the services to be  
27 provided.

28           (b) The board shall establish a committee to review  
29 requests for proposals which must include the statewide 911  
30 system director, or his or her designee, and two members of  
31 the board, one of whom is a county 911 coordinator and one of



1 whom represents the wireless telecommunications industry. The  
2 review committee shall review the proposals received by the  
3 board and recommend an independent accounting firm to the  
4 board for final selection. By agreeing to serve on the review  
5 committee, each member of the review committee shall verify  
6 that he or she does not have any interest or employment,  
7 directly or indirectly, with potential proposers which  
8 conflicts in any manner or degree with his or her performance  
9 on the committee.

10 (c) After July 1, 2004, the board may hire an  
11 independent accounting firm by invitation to bid, request for  
12 proposals, invitation to negotiate, or professional contracts  
13 previously established at the Division of Purchasing,  
14 Department of Management Services, for certified public  
15 accounting firms, or the board may hire and retain  
16 professional accounting staff to accomplish these functions.

17 (9) MANAGEMENT OF FUNDS.--

18 (a) Each provider, as a part of its monthly billing  
19 process, shall collect the fee imposed under subsection (8).  
20 The provider may list the fee as a separate entry on each  
21 bill, in which case the fee must be identified as a fee for  
22 E911 services. A provider shall remit the fee only if the fee  
23 is paid by the subscriber. If a provider receives a partial  
24 payment for a monthly bill from a subscriber, the amount  
25 received shall first be applied to the payment due the  
26 provider for the provision of telecommunications service.

27 (b) In the case of prepaid wireless telephone service,  
28 the monthly wireless 911 surcharge imposed by subsection (8)  
29 shall be remitted based upon each prepaid wireless telephone  
30 associated with this state, for each wireless service customer  
31 that has a sufficient positive balance as of the last day of

1 each month. The surcharge shall be remitted in any manner  
2 consistent with the wireless provider's existing operating or  
3 technological abilities, such as customer address, location  
4 associated with the MTN, or reasonable allocation method based  
5 upon other comparable relevant data. The surcharge amount or  
6 an equivalent number of minutes may be reduced from the  
7 prepaid subscriber's account since a direct billing may not be  
8 possible. However, collection of the wireless 911 surcharge in  
9 the manner of a reduction of value or minutes from the prepaid  
10 subscriber's account does not constitute a reduction in the  
11 sales price for purposes of taxes that are collected at the  
12 point of sale.

13 (c)~~(b)~~ A provider is not obligated to take any legal  
14 action to enforce collection of the fees for which any  
15 subscriber is billed. The provider shall provide to the board  
16 each quarter a list of the names, addresses, and service  
17 numbers of all subscribers who have indicated to the provider  
18 their refusal to pay the fee.

19 (d)~~(c)~~ Each provider may retain 1 percent of the  
20 amount of the fees collected as reimbursement for the  
21 administrative costs incurred by the provider to bill,  
22 collect, and remit the fee. The remainder shall be delivered  
23 to the board and deposited in the fund. The board shall  
24 distribute the remainder pursuant to s. 365.173.

25 (e)~~(d)~~ Each provider shall deliver revenues from the  
26 fee to the board within 60 days after the end of the month in  
27 which the fee was billed, together with a monthly report of  
28 the number of wireless customers whose place of primary use is  
29 in each county. A provider may apply to the board for a refund  
30 of, or may take a credit for, any fees remitted to the board  
31 which are not collected by the provider within 6 months

1 following the month in which the fees are charged off for  
2 federal income tax purposes as bad debt. The board may waive  
3 the requirement that the fees and number of customers whose  
4 place of primary use is in each county be submitted to the  
5 board each month and authorize a provider to submit the fees  
6 and number of customers quarterly if the provider demonstrates  
7 that such waiver is necessary and justified.

8 ~~(f)(e)~~ For purposes of this section, the definitions  
9 contained in s. 202.11 and the provisions of s. 202.155 apply  
10 in the same manner and to the same extent as such definitions  
11 and provisions apply to the taxes levied pursuant to chapter  
12 202 on mobile communications services.

13 ~~(g)(f)~~ As used in this subsection, the term "provider"  
14 includes any person or entity that resells wireless service  
15 and was not assessed the fee by its resale supplier.

16 (11) FACILITATING E911 SERVICE IMPLEMENTATION.--

17 (a) Colocation among wireless providers is encouraged.

18 To facilitate agreements among service providers for  
19 colocation of their facilities, any telecommunications  
20 facility that is being colocated on an existing facility is  
21 not subject to local zoning regulation if the height of the  
22 existing facility is not increased. However, construction of a  
23 facility is subject to local building regulations and  
24 generally accepted engineering standards, and any existing  
25 permits for such property, buildings, or structures.

26 (b) Local governments may not require wireless  
27 communications service providers to provide evidence of a  
28 wireless communications facility's compliance with federal  
29 regulations. However, local governments must be given evidence  
30 of proper federal licensure from any wireless communications  
31 service provider, upon request.

1           (c) Except for colocation as authorized in paragraph  
2 (a), a local government shall grant or deny a properly  
3 completed application for a permit for the colocation of a  
4 wireless communications facility on property, buildings, or  
5 structures within the local government's jurisdiction within  
6 30 business days after the date the application is submitted  
7 in accordance with the applicable local government application  
8 procedures, provided that such permit complies with applicable  
9 federal regulation and applicable local zoning regulations.  
10 Local building regulations shall apply. A local government  
11 shall grant or deny a properly completed application for a  
12 permit for the siting of a new wireless tower or antenna on  
13 property, buildings, or structures within 75 business days  
14 after the date the application is submitted if the permit  
15 complies with applicable federal regulations and applicable  
16 local zoning regulations. Local building regulations shall  
17 apply. The local government shall notify the applicant within  
18 15 business days after the date the application is submitted  
19 as to whether the application is, for administrative purposes  
20 only, properly completed and has been properly submitted;  
21 however, such determination may not be deemed as approval of  
22 the application. Such notification shall indicate, with  
23 specificity, any deficiencies which, if cured, shall make the  
24 application properly completed. If the local government does  
25 not grant or deny a properly completed application for a  
26 permit which has been timely submitted, the permit shall be  
27 deemed automatically approved and a service provider may  
28 proceed with placement of such facilities. To be effective, a  
29 waiver of the time limits must be voluntarily agreed to by all  
30 affected parties. A local government may not require or induce  
31 a waiver of the time limits by an entity seeking a permit,

1 except that a one-time waiver of no more than 15 business days  
2 may be required in the case of a declared state emergency.

3 (d) Any additional wireless communications facilities,  
4 such as cables, adjacent accessory structures, or adjacent  
5 accessory equipment used in cellular, enhanced specialized  
6 mobile radio or personal communications services required  
7 within the secured equipment compound at an existing site  
8 needed to comply with the federal Phase II E911 is not subject  
9 to local zoning regulation. Local building regulations shall  
10 apply.

11 (e)1. The Department of Management Services shall  
12 negotiate leases for wireless communications facilities that  
13 provide access to state government-owned property not acquired  
14 for transportation purposes. The Department of Transportation  
15 shall negotiate leases for wireless communications facilities  
16 that provide access to state rights-of-way. Leases shall be  
17 granted on a space available, first-come, first-served basis.  
18 Payments required by state government under a lease must be  
19 reasonable and must reflect the market rate for the use of the  
20 state government-owned property. The Department of Management  
21 Services and the Department of Transportation shall adopt  
22 rules for the terms and conditions and granting of any such  
23 leases.

24 2. Notwithstanding any local zoning regulation to the  
25 contrary, if a wireless provider leasing or seeking to lease  
26 state government-owned property demonstrates to the local  
27 zoning authority that the proposed construction of a wireless  
28 communications facility on state property is necessary for  
29 compliance with the federal Phase II E911 requirements using  
30 its own network and that colocation to meet such requirements  
31 on an existing facility not located on state property cannot

1 be made without increasing the height of the existing  
2 facility, construction of that wireless communications  
3 facility is not subject to local zoning regulation.  
4 Construction of the facility is subject to local building  
5 regulation and federal regulations.

6 3. Nothing herein precludes a wireless provider  
7 leasing or seeking to lease state property, that has not  
8 claimed or demonstrated a compliance necessity under  
9 subparagraph 2., from applying for a variance or other  
10 exception from local zoning regulations to construct the  
11 wireless communications facility on such state property if the  
12 proposed construction of a wireless communications facility on  
13 state property is inconsistent with applicable local zoning  
14 regulations.

15 Section 2. Paragraph (b) of subsection (2) of section  
16 365.173, Florida Statutes, is amended to read:

17 365.173 Wireless Emergency Telephone System Fund.--

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

21 (b) Fifty-four percent of the moneys shall be  
22 distributed in response to sworn invoices submitted to the  
23 board by providers to reimburse such providers for the actual  
24 costs incurred to provide 911 or E911 service, including the  
25 costs of complying with the order. Such costs include costs  
26 and 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 and other activities as defined in s.  
3 365.172(6). Any funds retained for such purposes in a calendar  
4 year which are not applied to such costs and expenses by March  
5 31 of the following year shall be distributed to providers  
6 pursuant to this paragraph. Beginning in state fiscal year  
7 2000-2001, each provider shall submit to the board, by August  
8 1 of each year, a detailed estimate of the capital and  
9 operating expenses for which it anticipates that it will seek  
10 reimbursement under this paragraph during the ensuing state  
11 fiscal year. By September 15 of each year, the board shall  
12 submit to the Legislature its legislative budget request for  
13 funds to be allocated to providers under this paragraph during  
14 the ensuing state fiscal year. The budget request shall be  
15 based on the information submitted by the providers and  
16 estimated surcharge revenues. Distributions of moneys in the  
17 fund by the board to providers must be fair and  
18 nondiscriminatory. If the total amount of moneys requested by  
19 providers pursuant to invoices submitted to the board and  
20 approved for payment exceeds the amount in the fund in any  
21 month, providers that have invoices approved for payment shall  
22 receive a pro rata share of moneys in the fund and the balance  
23 of the payments shall be carried over to the following month  
24 or months until all of the approved payments are made. The  
25 board may adopt rules necessary to address the manner in which  
26 pro rata 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  
31

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

6 Section 3. Section 365.175, Florida Statutes, is  
7 created to read:

8 365.175 Emergency Telephone Number 911 Private Branch  
9 Exchange/Private Switch Automatic Location Identification.--

10 (1) DEFINITIONS.--As used in this section, the term:

11 (a) "Automatic Location Identification" or "ALI" means  
12 the automatic display at the Public Safety Answering Point  
13 (PSAP) of the caller's telephone number, the address or  
14 location of the telephone, and supplementary emergency  
15 services information.

16 (b) "Automatic Location Identification (ALI)  
17 Retrieval" means the process of querying the 9-1-1 database  
18 for ALI records.

19 (c) "Automatic Number Identification (ANI)" means the  
20 telephone number associated with the access line from which a  
21 call originates.

22 (d) "Private Branch Exchange" or "PBX" means a private  
23 telephone system that is connected to the Public Switched  
24 Telephone Network (PSTN).

25 (e) "Private Switch ALI (PSA)" means a service option  
26 which provides enhanced 9-1-1 features for telephone stations  
27 behind private switches. E. g. PBXs.

28 (2) REQUIRED ALI CAPABILITY.--Each PBX system  
29 installed after January 1, 2004, must be capable of providing  
30 automatic location identification to the station level.

31 Section 4. This act shall take effect July 1, 2003.



1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                                           COMMITTEE SUBSTITUTE FOR  
3                                                 SB 1450

4   The committee substitute for Senate Bill 1450 deletes the  
5   proposed provisions on facilitating implementation of E911  
6   services and replaces them with provisions to:

7   -exempt collocation of a telecommunications facility on an  
8   existing facility from local zoning requirements, provided the  
9   height of the existing facility is not increased;

10   -prohibit local governments from requiring wireless companies  
11   to provide evidence of compliance with federal regulations;

12   -require a local government to act on an application for a  
13   permit for collocation of a wireless facility within 30  
14   business days and to act on an application for a permit for a  
15   new facility within 75 business days, provided that the permit  
16   complies with applicable zoning, with the permit deemed  
17   approved if not timely approved or denied;

18   -exempt any additional facilities needed at a secured  
19   equipment compound at an existing site to comply with federal  
20   Phase II E911 requirements from local zoning; and

21   -require the Department of Management Services and the  
22   Department of Transportation to negotiate leases of  
23   state-owned property for siting of wireless facilities on a  
24   space-available, first-come-first-served basis, with lease  
25   fees required to be reasonable and to reflect the market rate  
26   for use of state-owned property, and with siting of a facility  
27   on such property exempt from local zoning if the wireless  
28   provider demonstrates to the local government that the  
29   facility is necessary for federal Phase II E911 requirements  
30   and that it cannot be collocated on an existing facility on  
31   non-government property without increasing the height of the  
32   existing facility.

33   The committee substitute also changes the methods by which the  
34   Wireless 911 Board may secure services of an accounting firm,  
35   allows the Board to hire accounting staff to perform  
36   accounting functions, and grants general authority for the  
37   Board to hire staff to perform technical functions.