

By Senator Margolis

35-308-05

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A bill to be entitled  
An act relating to nonemergency  
telecommunications systems; amending s.  
365.171, F.S.; continuing the authorization for  
certain counties to expend moneys derived from  
the "911" fee for nonemergency  
telecommunications; deleting the limitation  
imposed under a pilot project; providing an  
effective date.

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

Section 1. Paragraph (a) of subsection (13) of section  
365.171, Florida Statutes, is amended to read:

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

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

1. At the request of the county subscribing to "911"  
service, the telephone company shall, insofar as is  
practicable, bill the "911" fee to the local exchange  
subscribers served by the "911" service, on an individual  
access line basis, at a rate not to exceed 50 cents per month  
per line (up to a maximum of 25 access lines per account bill  
rendered). However, the fee may not be assessed on any pay

1 | telephone in this state. A county collecting the fee for the  
2 | first time may collect the fee for no longer than 36 months  
3 | without initiating the acquisition of its "911" equipment.

4 |         2. Fees collected by the telephone company under  
5 | ~~pursuant to~~ subparagraph 1. shall be returned to the county,  
6 | less the costs of administration retained under ~~pursuant to~~  
7 | paragraph (c). The county shall provide a minimum of 90 days'  
8 | written notice to the telephone company prior to the  
9 | collection of any "911" fees.

10 |         3. Any county that currently has an operational "911"  
11 | system or that is actively pursuing the implementation of a  
12 | "911" system shall establish a fund to be used exclusively for  
13 | receipt and expenditure of "911" fee revenues collected under  
14 | ~~pursuant to~~ this section. All fees placed in the said fund,  
15 | and any interest accrued thereupon, shall be used solely for  
16 | "911" costs described in subparagraph 6. The money collected  
17 | and interest earned in this fund shall be appropriated for  
18 | "911" purposes by the county commissioners and incorporated  
19 | into the annual county budget. The ~~Such~~ fund shall be included  
20 | within the financial audit performed in accordance with s.  
21 | 218.39. A report of the audit shall be forwarded to the office  
22 | within 60 days of its completion. A county may carry forward  
23 | on an annual basis unspent moneys in the fund for expenditures  
24 | allowed by this section, or it may reduce its fee. However, in  
25 | no event shall a county carry forward more than 10 percent of  
26 | the "911" fee billed for the prior year. The amount of moneys  
27 | carried forward each year may be accumulated in order to allow  
28 | for capital improvements described in this subsection. The  
29 | carryover shall be documented by resolution of the board of  
30 | county commissioners expressing the purpose of the carryover  
31 | or by an adopted capital improvement program identifying

1 | projected expansion or replacement expenditures for "911"  
2 | equipment and service features, or both. ~~In no event shall~~  
3 | The "911" fee carryover surplus moneys may not be used for any  
4 | purpose other than for the "911" equipment, service features,  
5 | and installation charges authorized in subparagraph 6. Nothing  
6 | in this section shall prohibit a county from using other  
7 | sources of revenue for improvements, replacements, or  
8 | expansions of its "911" system. A county may increase its fee  
9 | for purposes authorized in this section. However, ~~in no case~~  
10 | ~~shall~~ the fee may not exceed 50 cents per month per line. All  
11 | current "911" fees shall be reported to the office within 30  
12 | days of the start of each county's fiscal period. Any fee  
13 | adjustment made by a county shall be reported to the office. A  
14 | county shall give the telephone company a 90-day written  
15 | notice of a ~~such~~ fee adjustment.

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

22 |         5. The county subscribing to "911" service shall  
23 | remain liable to the telephone company for any "911" service,  
24 | equipment, operation, or maintenance charge owed by the county  
25 | to the telephone company.

26 |  
27 | As used in this paragraph, "telephone company" means an  
28 | exchange telephone service provider of "911" service or  
29 | equipment to any county within its certificated area.

30 |         6. It is the intent of the Legislature that the "911"  
31 | fee authorized by this section to be imposed by counties will

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

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

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

31           Section 2. This act shall take effect July 1, 2005.

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SENATE SUMMARY

Deletes a 2-year limitation on nonemergency telecommunication expenses that may be charged to the "911" fee imposed by counties.