

By Senator Bennett

21-911-07

1 A bill to be entitled

2 An act relating to emergency communications

3 systems; amending s. 365.171, F.S.;

4 redesignating the emergency telephone system as

5 the "Florida Emergency Communications Number

6 E911 System"; providing legislative intent;

7 removing provisions relating to the collection

8 of the "911" fee and to the indemnification of

9 local telephone companies; amending s. 365.172,

10 F.S.; providing legislative intent; revising

11 definitions; providing for the Voice

12 Communications Services Board; providing for

13 membership, duties, and responsibilities of the

14 board; providing for a voice communication

15 services fee; providing for rates and

16 collection from consumers; providing for the

17 authorized use of the fees collected; providing

18 for indemnification and limitation of liability

19 for local exchange carriers; providing

20 penalties for the misuse of the E911 system;

21 providing an effective date.

22

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

24

25 Section 1. Section 365.171, Florida Statutes, is

26 amended to read:

27 365.171 Emergency communications ~~telephone~~ number E911

28 state plan. ~~"911."~~

29 (1) SHORT TITLE.--This section may be ~~shall be known~~

30 ~~and~~ cited as the "Florida Emergency Communications Number E911

31 State Plan Telephone Act."

1 (2) LEGISLATIVE INTENT.--It is the intent of the
2 Legislature that the communications number "911" be the
3 designated emergency communications number. A public safety
4 agency may not advertise or otherwise promote the use of any
5 communications number for emergency response services other
6 than "911." It is further the intent of the Legislature to
7 ~~establish and~~ implement and continually update a cohesive
8 statewide emergency communications ~~telephone~~ number "911" plan
9 that which will provide residents ~~citizens~~ with rapid direct
10 access to public safety agencies by accessing ~~dialing the~~
11 ~~telephone number~~ "911" with the objective of reducing the
12 response time to situations requiring law enforcement, fire,
13 medical, rescue, and other emergency services.

14 (3) DEFINITIONS.--As used in this section, the term:

15 (a) "Office" means the Florida Enterprise Information
16 Technology Services Office or other office within the
17 Department of Management Services, as designated by the
18 secretary of the department ~~State Technology Office~~.

19 (b) "Local government" means any city, county, or
20 political subdivision of the state and its agencies.

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

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

30 (4) STATE PLAN.--The office shall develop, maintain,
31 and implement appropriate modifications for a statewide

1 emergency communications E911 ~~telephone number "911"~~ system
2 plan. The plan shall provide for:

3 (a) The ~~establishment of the~~ public agency emergency
4 ~~telephone~~ communications requirements for each entity of local
5 government in the state.

6 (b) A system to meet specific local government
7 requirements. Such system shall include law enforcement,
8 firefighting, and emergency medical services and may include
9 other emergency services such as poison control, suicide
10 prevention, and emergency management services.

11 (c) Identification of the mutual aid agreements
12 necessary to obtain an effective E911"911" system.

13 (d) A funding provision that identifies which shall
14 ~~identify~~ the cost necessary to implement the E911"911"
15 system.

16 ~~(e) A firm implementation schedule which shall include~~
17 ~~the installation of the "911" system in a local community~~
18 ~~within 24 months after the designated agency of the local~~
19 ~~government gives a firm order to the telephone utility for a~~
20 ~~"911" system.~~

21
22 The office shall be responsible for the implementation and
23 coordination of such plan. The office shall adopt any
24 necessary rules and schedules related to public agencies for
25 implementing and coordinating the such plan, pursuant to
26 chapter 120. ~~The public agency designated in the plan shall~~
27 ~~order such system within 6 months after publication date of~~
28 ~~the plan if the public agency is in receipt of funds~~
29 ~~appropriated by the Legislature for the implementation and~~
30 ~~maintenance of the "911" system. Any jurisdiction which has~~
31 ~~utilized local funding as of July 1, 1976, to begin the~~

1 ~~implementation of the state plan as set forth in this section~~
2 ~~shall be eligible for at least a partial reimbursement of its~~
3 ~~direct cost when, and if, state funds are available for such~~
4 ~~reimbursement.~~

5 (5) SYSTEM DIRECTOR.--The director of the office or
6 his or her designee is designated as the director of the
7 statewide emergency communications ~~telephone~~ number E911 ~~"911"~~
8 system and, for the purpose of carrying out the provisions of
9 this section, is authorized to coordinate the activities of
10 the system with state, county, local, and private agencies.
11 The director is authorized to employ no fewer ~~not less~~ than
12 five persons, three of whom shall ~~will~~ be at the professional
13 level, one at the secretarial level, and one to fill a fiscal
14 position, for the purpose of carrying out the provisions of
15 this section. The director in implementing the system shall
16 consult, cooperate, and coordinate with local law enforcement
17 agencies.

18 (6) REGIONAL SYSTEMS.--~~Nothing in~~ This section does
19 not shall be construed to prohibit or discourage the formation
20 of multijurisdictional or regional systems; and any system
21 established pursuant to this section may include the
22 jurisdiction, or any portion thereof, of more than one public
23 agency. It is the intent of the Legislature that E911 service
24 be available throughout the state. Expenditure by counties of
25 the E911 fee authorized and imposed under s. 365.172, should
26 support this intent to the greatest extent feasible within the
27 context of local service needs and fiscal capability. This
28 section does not prohibit two or more counties from
29 establishing a combined emergency E911 communications service
30 by an interlocal agreement and using the fees authorized and
31 imposed by s. 365.172 for such combined E911 service.

1 (7) TELECOMMUNICATIONS ~~TELEPHONE~~ INDUSTRY
2 COORDINATION.--The office shall coordinate with the Florida
3 Public Service Commission which shall encourage the Florida
4 telecommunications ~~telephone~~ industry to activate facility
5 modification plans for a timely E911~~"911"~~ implementation.

6 (8) COIN TELEPHONES.--The Florida Public Service
7 Commission shall establish rules to be followed by the
8 telecommunications companies ~~telephone utilities~~ in this state
9 designed toward encouraging the provision of coin-free dialing
10 of E911~~"911"~~ calls wherever economically practicable and in
11 the public interest.

12 (9) SYSTEM APPROVAL.--No emergency communications
13 ~~telephone~~ number E911~~"911"~~ system shall be established and no
14 present system shall be expanded without prior approval of the
15 office.

16 (10) COMPLIANCE.--All public agencies shall assist the
17 office in their efforts to carry out the intent of this
18 section, and such agencies shall comply with the developed
19 plan.

20 ~~(11) EXISTING EMERGENCY TELEPHONE SERVICE. Any~~
21 ~~emergency telephone number established by any local government~~
22 ~~or state agency prior to July 1, 1974, using a number other~~
23 ~~than "911" shall be changed to "911" on the same~~
24 ~~implementation schedule provided in paragraph (4)(c).~~

25 ~~(11)(12)~~ FEDERAL ASSISTANCE.--The secretary of the
26 office or his or her designee may apply for and accept federal
27 funding assistance in the development and implementation of a
28 statewide emergency communications ~~telephone~~ number E911~~"911"~~
29 system.

30 ~~(13) "911" FEE.~~

31

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

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

19 ~~2. Fees collected by the telephone company pursuant to~~
20 ~~subparagraph 1. shall be returned to the county, less the~~
21 ~~costs of administration retained pursuant to paragraph (c).~~
22 ~~The county shall provide a minimum of 90 days' written notice~~
23 ~~to the telephone company prior to the collection of any "911"~~
24 ~~fees.~~

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

1 | ~~interest earned in this fund shall be appropriated for "911"~~
2 | ~~purposes by the county commissioners and incorporated into the~~
3 | ~~annual county budget. Such fund shall be included within the~~
4 | ~~financial audit performed in accordance with s. 218.39. A~~
5 | ~~report of the audit shall be forwarded to the office within 60~~
6 | ~~days of its completion. A county may carry forward on an~~
7 | ~~annual basis unspent moneys in the fund for expenditures~~
8 | ~~allowed by this section, or it may reduce its fee. However, in~~
9 | ~~no event shall a county carry forward more than 10 percent of~~
10 | ~~the "911" fee billed for the prior year. The amount of moneys~~
11 | ~~carried forward each year may be accumulated in order to allow~~
12 | ~~for capital improvements described in this subsection. The~~
13 | ~~carryover shall be documented by resolution of the board of~~
14 | ~~county commissioners expressing the purpose of the carryover~~
15 | ~~or by an adopted capital improvement program identifying~~
16 | ~~projected expansion or replacement expenditures for "911"~~
17 | ~~equipment and service features, or both. In no event shall the~~
18 | ~~"911" fee carryover surplus moneys be used for any purpose~~
19 | ~~other than for the "911" equipment, service features, and~~
20 | ~~installation charges authorized in subparagraph 6. Nothing in~~
21 | ~~this section shall prohibit a county from using other sources~~
22 | ~~of revenue for improvements, replacements, or expansions of~~
23 | ~~its "911" system. A county may increase its fee for purposes~~
24 | ~~authorized in this section. However, in no case shall the fee~~
25 | ~~exceed 50 cents per month per line. All current "911" fees~~
26 | ~~shall be reported to the office within 30 days of the start of~~
27 | ~~each county's fiscal period. Any fee adjustment made by a~~
28 | ~~county shall be reported to the office. A county shall give~~
29 | ~~the telephone company a 90 day written notice of such fee~~
30 | ~~adjustment.~~
31 |

1 ~~4. The telephone company shall have no obligation to~~
2 ~~take any legal action to enforce collection of the "911" fee.~~
3 ~~The telephone company shall provide quarterly to the county a~~
4 ~~list of the names, addresses, and telephone numbers of any and~~
5 ~~all subscribers who have identified to the telephone company~~
6 ~~their refusal to pay the "911" fee.~~

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

11
12 ~~As used in this paragraph, "telephone company" means an~~
13 ~~exchange telephone service provider of "911" service or~~
14 ~~equipment to any county within its certificated area.~~

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

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

1 7. ~~It is the goal of the Legislature that enhanced~~
2 ~~"911" service be available throughout the state. Expenditure~~
3 ~~by counties of the "911" fees authorized by this section~~
4 ~~should support this goal to the greatest extent feasible~~
5 ~~within the context of local service needs and fiscal~~
6 ~~capability. Nothing in this section shall be construed to~~
7 ~~prohibit two or more counties from establishing a combined~~
8 ~~emergency "911" telephone service by interlocal agreement and~~
9 ~~utilizing the "911" fees authorized by this section for such~~
10 ~~combined "911" service.~~

11 ~~(b) If a county elects to obtain approval of a "911"~~
12 ~~fee by referendum, it shall arrange to place a question on the~~
13 ~~ballot at the next regular or special election to be held~~
14 ~~within the county, substantially as follows:~~

15
16 ~~.... I am in favor of the "911" emergency telephone~~
17 ~~system fee.~~

18 ~~.... I am against the "911" emergency telephone system~~
19 ~~fee.~~

20
21 ~~If a majority of the electors voting on the question approve~~
22 ~~the fee, it may be imposed by the county.~~

23 ~~(c) Any county imposing a "911" fee in accordance with~~
24 ~~the provisions of this subsection shall allow the telephone~~
25 ~~company to retain as an administrative fee an amount equal to~~
26 ~~1 percent of the total "911" fee collected by the telephone~~
27 ~~company.~~

28 ~~(14) INDEMNIFICATION AND LIMITATION OF LIABILITY. All~~
29 ~~local governments are authorized to undertake to indemnify the~~
30 ~~telephone company against liability in accordance with the~~
31 ~~telephone company's lawfully filed tariffs. Regardless of any~~

1 ~~indemnification agreement, a telephone company or commercial~~
2 ~~mobile radio service provider as defined in s. 364.02 shall~~
3 ~~not be liable for damages resulting from or in connection with~~
4 ~~"911" service or identification of the telephone number,~~
5 ~~address, or name associated with any person accessing "911"~~
6 ~~service, unless the telephone company or commercial radio~~
7 ~~service provider acted with malicious purpose or in a manner~~
8 ~~exhibiting wanton and willful disregard of human rights,~~
9 ~~safety, or property in providing such services.~~

10 ~~(12)(15)~~ CONFIDENTIALITY OF RECORDS.--Any record,
11 recording, or information, or portions thereof, obtained by a
12 public agency or a public safety agency for the purpose of
13 providing services in an emergency and which reveals the name,
14 address, telephone number, or personal information about, or
15 information which may identify any person requesting emergency
16 service or reporting an emergency by accessing an emergency
17 communications E911 ~~telephone number "911"~~ system is
18 confidential and exempt from the provisions of s. 119.07(1)
19 and s. 24(a), Art. I of the State Constitution, except that
20 such record or information may be disclosed to a public safety
21 agency. The exemption applies only to the name, address,
22 telephone number or personal information about, or information
23 which may identify any person requesting emergency services or
24 reporting an emergency while such information is in the
25 custody of the public agency or public safety agency providing
26 emergency services. A telephone company or commercial mobile
27 radio service provider shall not be liable for damages to any
28 person resulting from or in connection with such telephone
29 company's or commercial mobile radio service provider's
30 provision of any lawful assistance to any investigative or law
31 enforcement officer of the State of Florida or political

1 subdivisions thereof, of the United States, or of any other
2 state or political subdivision thereof, in connection with any
3 lawful investigation or other law enforcement activity by such
4 law enforcement officer unless the telephone company or
5 commercial mobile radio service provider acted in a wanton and
6 willful manner.

7 ~~(16) FALSE "911" CALLS. Whoever accesses the number~~
8 ~~"911" for the purpose of making a false alarm or complaint or~~
9 ~~reporting false information which could result in the~~
10 ~~emergency response of any public safety agency is guilty of a~~
11 ~~misdemeanor of the first degree, punishable as provided in s.~~
12 ~~775.082 or s. 775.083.~~

13 Section 2. Section 365.172, Florida Statutes, is
14 amended to read:

15 365.172 ~~Wireless~~ Emergency communications telephone
16 number "E911."--

17 (1) SHORT TITLE.--This section may be cited as the
18 "~~Wireless~~ Emergency Communications Number E911 Act."

19 (2) ~~FINDINGS, PURPOSE, AND LEGISLATIVE INTENT.--The~~
20 ~~Legislature finds and declares that:~~

21 ~~(a) The mobile nature of wireless communications~~
22 ~~service creates complexities for providing 911 emergency~~
23 ~~services.~~

24 ~~(b) Wireless telephone service providers are required~~
25 ~~by the Federal Communications Commission to provide wireless~~
26 ~~enhanced 911 (E911) service in the form of automatic location~~
27 ~~identification and automatic number identification pursuant to~~
28 ~~the terms and conditions set forth in an order issued by the~~
29 ~~Federal Communications Commission.~~

30 ~~(c) Wireless telephone service providers and counties~~
31 ~~that operate 911 and E911 systems require adequate funding to~~

1 ~~recover the costs of designing, purchasing, installing,~~
2 ~~testing, and operating enhanced facilities, systems, and~~
3 ~~services necessary to comply with the requirements for E911~~
4 ~~services mandated by the Federal Communications Commission and~~
5 ~~to maximize the availability of E911 services throughout this~~
6 ~~state.~~

7 ~~(d) The revenues generated by the E911 fee imposed~~
8 ~~under this section are required to fund the efforts of the~~
9 ~~counties, the Wireless 911 Board under the State Technology~~
10 ~~Office, and commercial mobile radio service providers to~~
11 ~~improve the public health, safety, and welfare and serve a~~
12 ~~public purpose by providing emergency telephone assistance~~
13 ~~through wireless communications.~~

14 ~~(e) It is necessary and beneficial to levy a fee on~~
15 ~~wireless services and to create the Wireless 911 Board to~~
16 ~~administer fee proceeds as provided in this section.~~

17 ~~(f) It is the intent of the Legislature to:~~

18 ~~(a)1. Establish and implement a comprehensive~~
19 ~~statewide emergency telephone number system that will provide~~
20 ~~users of voice communications services within the state~~
21 ~~wireless telephone users with rapid direct access to public~~
22 ~~safety agencies by dialing the telephone number "911."~~

23 ~~(b)2. Provide funds to counties local governments to~~
24 ~~pay certain costs associated with their E911 or the cost of~~
25 ~~installing and operating wireless 911 systems and to reimburse~~
26 ~~wireless telephone service providers for costs incurred to~~
27 ~~provide 911 or E911 enhanced 911 services.~~

28 ~~(c)3. Levy a reasonable fee on users of voice~~
29 ~~communications services, unless otherwise provided in this~~
30 ~~section, subscribers of wireless telephone service to~~
31 ~~accomplish these purposes.~~

1 (d) Provide for an E911 board to administer the fee,
2 with oversight by the office, in a manner that is
3 competitively and technologically neutral as to all voice
4 communications services providers.

5 (e) Ensure that the fee established is used
6 exclusively for recovery by wireless providers and by counties
7 of the costs associated with developing and maintaining E911
8 systems and networks in a manner that is competitively and
9 technologically neutral as to all voice communications
10 services providers.

11
12 It is further the intent of the Legislature that the fee
13 authorized or imposed by this section not necessarily provide
14 the total funding required for establishing or providing E911
15 service.

16 (3) DEFINITIONS.--Only as used in this section and ss.
17 365.171, 365.173, and 365.174, the term:

18 ~~(a) "Active prepaid wireless telephone" means a~~
19 ~~prepaid wireless telephone that has been used by the customer~~
20 ~~during the month to complete a telephone call for which the~~
21 ~~customer's card or balance was decremented.~~

22 ~~(a)(b)~~ "Answering point" means the public safety
23 agency that receives incoming 911 calls and dispatches
24 appropriate public safety agencies to respond to the calls.

25 (b) "Authorized expenditures" means expenditures of
26 the fee, as specified in subsection (9).

27 (c) "Automatic location identification" means the
28 capability of the E911 service which enables the automatic
29 display of information that defines the approximate geographic
30 location of the wireless telephone used to place a 911 call.

31

1 (d) "Automatic number identification" means the
2 capability of the E911 service which enables the automatic
3 display of the 10-digit service number used to place a 911
4 call.

5 (e) "Board" or E911 Board means the board of directors
6 of the E911 ~~Wireless 911~~ Board established in subsection (5).

7 (f) "Building permit review" means a review for
8 compliance with building construction standards adopted by the
9 local government under chapter 553 and does not include a
10 review for compliance with land development regulations.

11 (g) "Collocation" means the situation when a second or
12 subsequent wireless provider uses an existing structure to
13 locate a second or subsequent antennae. The term includes the
14 ground, platform, or roof installation of equipment
15 enclosures, cabinets, or buildings, and cables, brackets, and
16 other equipment associated with the location and operation of
17 the antennae.

18 (h) "Designed service" means the configuration and
19 manner of deployment of service the wireless provider has
20 designed for an area as part of its network.

21 (i) "E911" is the designation for an ~~a wireless~~
22 enhanced 911 system or ~~wireless~~ enhanced 911 service that is
23 an emergency telephone system or service that provides a
24 subscriber with ~~wireless~~ 911 service and, in addition, directs
25 911 calls to appropriate public safety answering points by
26 selective routing based on the geographical location from
27 which the call originated, or as otherwise provided in the
28 state plan under s. 365.171, and that provides for automatic
29 number identification and automatic location-identification
30 features. E911 service provided by a wireless provider means
31

1 ~~E911 as defined in the order in accordance with the~~
2 ~~requirements of the order.~~

3 (j) "Existing structure" means a structure that exists
4 at the time an application for permission to place antennae on
5 a structure is filed with a local government. The term
6 includes any structure that can structurally support the
7 attachment of antennae in compliance with applicable codes.

8 (k) "Fee" means the E911 fee authorized and imposed
9 under subsection (8).

10 (l) "Fund" means the ~~Wireless~~ Emergency Communications
11 Number E911 Telephone System Fund established in s. 365.173
12 and maintained under this section for the purpose of
13 recovering the costs associated with providing 911 service or
14 E911 service, including the costs of implementing the order.
15 The fund shall be segregated into wireless and nonwireless
16 accounts.

17 (m) "Historic building, structure, site, object, or
18 district" means any building, structure, site, object, or
19 district that has been officially designated as a historic
20 building, historic structure, historic site, historic object,
21 or historic district through a federal, state, or local
22 designation program.

23 (n) "Land development regulations" means any ordinance
24 enacted by a local government for the regulation of any aspect
25 of development, including an ordinance governing zoning,
26 subdivisions, landscaping, tree protection, or signs, the
27 local government's comprehensive plan, or any other ordinance
28 concerning any aspect of the development of land. The term
29 does not include any building construction standard adopted
30 under and in compliance with chapter 553.

31

1 (o) "Local exchange carrier" means a "competitive
2 local exchange telecommunications company" or a "local
3 exchange telecommunications company" as defined in s. 364.02.

4 (p) "Local government" means any municipality, county,
5 or political subdivision or agency of a municipality, county,
6 or political subdivision.

7 (q) "Medium county" means any county that has a
8 population of 75,000 or more but less than 750,000.

9 (r) "Mobile telephone number" or "MTN" means the
10 telephone number assigned to a wireless telephone at the time
11 of initial activation.

12 (s) "Nonwireless account" means the revenues to the
13 fund received from voice communications services providers
14 other than wireless providers.

15 (t)(s) "Office" means the Florida Enterprise
16 Information Technology Services Office or other office within
17 the Department of Management Services, as designated by the
18 secretary of the department ~~State Technology Office.~~

19 (u)(t) "Order" means:

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

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

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

29 c. Order No. FCC DA 98-2323 adopted on November 13,
30 1998.

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

1 2. Orders and rules subsequently adopted by the
2 Federal Communications Commission relating to the provision of
3 wireless E911 or 911 services, including Order Number
4 FCC-05-116, adopted May 19, 2005.

5 ~~(v)(u)~~ "Prepaid calling arrangements" has the same
6 meaning as defined in s. 212.05(1)(e) wireless telephone
7 ~~service" means wireless telephone service that is activated in~~
8 ~~advance by payment for a finite dollar amount of service or~~
9 ~~for a finite set of minutes that terminate either upon use by~~
10 ~~a customer and delivery by the wireless provider of an~~
11 ~~agreed upon amount of service corresponding to the total~~
12 ~~dollar amount paid in advance or within a certain period of~~
13 ~~time following the initial purchase or activation, unless~~
14 ~~additional payments are made.~~

15 ~~(v)~~ ~~"Provider" or "wireless provider" means a person~~
16 ~~or entity who provides service and either:~~

- 17 1. ~~Is subject to the requirements of the order; or~~
18 2. ~~Elects to provide wireless 911 service or E911~~
19 ~~service in this state.~~

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

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

29 (y) "Rural county" means any county that has a
30 population of fewer than 75,000.

31

1 (z) "Service identifier" means the service number,
2 access line, or other unique subscriber identifier assigned to
3 a subscriber and established by the Federal Communications
4 Commission for purposes of routing calls.

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

22 ~~(aa) "Service number" means the unique 10 digit~~
23 ~~wireless telephone number assigned to a service subscriber.~~

24 ~~(bb) "Sufficient positive balance" means a dollar~~
25 ~~amount greater than or equal to the monthly wireless surcharge~~
26 ~~amount.~~

27 ~~(aa)~~(cc) "Tower" means any structure designed
28 primarily to support a wireless provider's antennae.

29 (bb) "Voice communications services" means a service
30 that includes the transmission, conveyance, or routing of
31 real-time, two-way voice communications, to a point, or

1 between or among points, by or through any electronic, radio,
2 satellite, cable, optical, microwave, wireline, wireless, or
3 other medium or method now in existence or hereafter devised,
4 regardless of the protocol used for such transmission or
5 conveyance, and that includes the ability to receive and
6 terminate voice calls to and from the public switched
7 telephone network. The term includes such transmission,
8 conveyance, or routing of voice communications services in
9 which computer processing applications are used to act on the
10 form, code, or protocol of the content for purposes of
11 transmission, conveyance, or routing without regard to whether
12 such service is referred to as voice-over-Internet-protocol
13 service or is classified by the Federal Communications
14 Commission as enhanced or value-added.

15 (cc) "Voice communications services provider" or
16 "provider" means any person or entity providing voice
17 communications services, except that the term does not include
18 any person or entity that resells voice communications service
19 and was assessed the fee by its resale supplier.

20 (dd) "Wireless 911 system" or "wireless 911 service"
21 means an emergency telephone system or service that provides a
22 subscriber with the ability to reach an answering point by
23 dialing the digits "911."

24 (ee) "Wireless account" means the revenues to the fund
25 received from a wireless provider.

26 (ff)~~(dd)~~ "Wireless communications facility" means any
27 equipment or facility used to provide service and may include,
28 but is not limited to, antennae, towers, equipment enclosures,
29 cabling, antenna brackets, and other such equipment. Placing a
30 wireless communications facility on an existing structure does
31

1 not cause the existing structure to become a wireless
2 communications facility.

3 (gg) "Wireless provider" means a person who provides
4 wireless service and:

- 5 1. Is subject to the requirements of the order; or
6 2. Elects to provide wireless 911 service or E911
7 service in this state.

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

24 ~~(cc) "Wireless 911 system" or "wireless 911 service"~~
25 ~~means an emergency telephone system or service that provides a~~
26 ~~subscriber with the ability to reach an answering point by~~
27 ~~dialing the digits "911." A wireless 911 system is~~
28 ~~complementary to a wired 911 system as provided for in s.~~
29 ~~365.171.~~

30 (4) POWERS AND DUTIES OF THE OFFICE.--The office shall
31 oversee the administration of the fee authorized and imposed

1 on subscribers of voice communications services ~~statewide E911~~
2 ~~service~~ under subsection (8).

3 (5) THE E911 ~~WIRELESS~~ 911 BOARD.--

4 (a) The E911 ~~Wireless~~ 911 Board is established to
5 administer, with oversight by the office, the fee imposed
6 under subsection (8), including receiving revenues derived
7 from the fee; distributing portions of the such revenues to
8 wireless providers, counties, and the office; accounting for
9 receipts, distributions, and income derived by the funds
10 maintained in the fund; and providing annual reports to the
11 Governor and the Legislature for submission by the office on
12 amounts collected and expended, the purposes for which
13 expenditures have been made, and the status of wireless E911
14 service in this state. In order to advise and assist the
15 office in carrying out the purposes of this section, the
16 board, which shall have the power of a body corporate, has
17 ~~shall have~~ the powers enumerated in subsection (6).

18 (b) The board shall consist of nine ~~seven~~ members, one
19 of whom must be the system director designated under s.
20 365.171(5), or his or her designee, who shall serve as the
21 chair of the board. The remaining eight ~~six~~ members of the
22 board shall be appointed by the Governor and must be composed
23 of four ~~three~~ county 911 coordinators recommended by the
24 Florida Association of Counties, two local exchange carrier
25 members, one of which must be the local exchange carrier
26 having the greatest number of access lines in the state, and
27 two ~~three~~ members from the wireless telecommunications
28 industry recommended by the Florida Telecommunications
29 Industry Association in consultation with the wireless
30 telecommunications industry. In recommending members from the
31 wireless telecommunications industry, consideration must be

1 given to wireless providers who are not affiliated with local
2 exchange carriers. Not more than one member may be appointed
3 to represent any single provider on the board.

4 (c) The system director, designated under s.
5 365.171(5), or his or her designee, must be a permanent member
6 of the board. Each of the remaining eight ~~six~~ members of the
7 board shall be appointed to a 4-year term and may not be
8 appointed to more than two successive terms. However, for the
9 purpose of staggering terms, two of the original board members
10 shall be appointed to terms of 4 years, two shall be appointed
11 to terms of 3 years, and four ~~two~~ shall be appointed to terms
12 of 2 years, as designated by the Governor. A vacancy on the
13 board shall be filled in the same manner as the original
14 appointment.

15 (d) The first vacancy in a wireless provider
16 representative position occurring after July 1, 2007, must be
17 filled by appointment of a local exchange company
18 representative. Until the appointment is made, there shall be
19 only one local exchange company representative serving on the
20 board, notwithstanding any other provision to the contrary.

21 365.172 Wireless emergency telephone number "E911."--

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

23 (a) The board shall:

- 24 1. Administer the E911 fee.
- 25 2. Implement, maintain, and oversee the fund.
- 26 3. Review and oversee the disbursement of the revenues
27 deposited into the fund as provided in s. 365.173.

28 a. The board may establish a schedule for implementing
29 wireless E911 service by service area, and prioritize
30 disbursements of revenues from the fund to providers and rural
31 counties as provided in s. 365.173(2)(c) ~~s. 365.173(2)(b)~~ and

1 ~~(e)(c)~~ pursuant to the schedule, in order to implement E911
2 services in the most efficient and cost-effective manner.

3 b. Revenues in the wireless account collected and
4 ~~deposited into the fund for distribution as provided in s.~~
5 ~~365.173(2)(b), but~~ which have not been disbursed because sworn
6 invoices as required by s. 365.173(2)(c) ~~s. 365.173(2)(b)~~ have
7 not been submitted to the board, may be utilized by the board
8 as needed to provide grants to rural counties and loans to
9 medium and large counties for the purpose of upgrading E911
10 systems. The counties must use the funds only for capital
11 expenditures directly attributable to establishing and
12 provisioning an E911 service, which may include next
13 generation deployment. Grants provided to rural counties would
14 ~~be in addition to disbursements provided under s.~~
15 ~~365.173(2)(c). Loans provided to medium counties shall be~~
16 ~~based on county hardship criteria as determined and approved~~
17 ~~by the board. Revenues utilized for this purpose shall be~~
18 ~~fully repaid to the fund in a manner and under a timeframe as~~
19 ~~determined and approved by the board.~~ The board shall take all
20 actions within its authority to ensure that county recipients
21 of such grants and loans use ~~utilize~~ these funds only for the
22 purpose under which they have been provided and may take any
23 actions within its authority to secure county repayment of
24 grant and loan revenues upon determination that the funds were
25 not utilized for the purpose under which they were provided.

26 c. The board shall reimburse all costs of a wireless
27 provider before taking any action to transfer additional
28 funds.

29 d. After taking the action required in this
30 subparagraph, and in the event the board determines that the
31 revenues in the wireless account exceeds the amount needed to

1 reimburse wireless providers for costs to implement E911
2 services, the board may authorize the transfer to the counties
3 of funds from the existing funds within the wireless account.
4 The board shall disburse the funds equitably to all counties
5 pursuant to a timeframe and distribution methodology as
6 established by the board.

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

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

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

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

21 d. Implementing changes to the allocation percentages
22 or adjusting ~~reducing~~ the ~~E911~~ fee under paragraph (8)(i)
23 ~~(8)(c)~~.

24 5. Meet monthly in the most efficient and
25 cost-effective manner, including telephonically when
26 practical, for the business to be conducted, to review and
27 approve or reject, in whole or in part, applications submitted
28 by wireless providers for recovery of moneys deposited into
29 the wireless account, and to authorize the transfer of, and
30 distribute, the fee allocation to the counties fund.
31

1 6. Hire and retain employees, which may include an
2 independent executive director who shall possess experience in
3 the area of telecommunications and emergency 911 issues, for
4 the purposes of performing the technical and administrative
5 functions for the board.

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

9 ~~8. Take all necessary and reasonable steps by July 1,~~
10 ~~2000, to secure appropriate information and reports from~~
11 ~~providers and otherwise perform all of the functions that~~
12 ~~would be performed by an independent accounting firm prior to~~
13 ~~completing the request for proposals process under subsection~~
14 ~~(7).~~

15 ~~8.9.~~ Sue and be sued, and appear and defend in all
16 actions and proceedings, in its corporate name to the same
17 extent as a natural person.

18 ~~9.10.~~ Adopt, use, and alter a common corporate seal.

19 ~~10.11.~~ Elect or appoint the officers and agents that
20 are required by the affairs of the board.

21 ~~11.12.~~ The board may adopt rules under ss. 120.536(1)
22 and 120.54 to implement this section and ss. 365.173 and
23 365.174.

24 ~~12.13.~~ Provide coordination, support, and technical
25 assistance to counties to promote the deployment of advanced
26 911 and E911 systems in the state.

27 ~~13.14.~~ Provide coordination and support for
28 educational opportunities related to E911 ~~911~~ issues for the
29 E911 ~~911~~ community in this state.

30 ~~14.15.~~ Act as an advocate for issues related to E911
31 ~~911~~ system functions, features, and operations to improve the

1 delivery of E911 ~~911~~ services to the residents of and visitors
2 to this state.

3 ~~15.16.~~ Coordinate input from this state at national
4 forums and associations, to ensure that policies related to
5 E911 ~~911~~ systems and services are consistent with the policies
6 of the E911 ~~911~~ community in this state.

7 ~~16.17.~~ Work cooperatively with the system director
8 established in s. 365.171(5) to enhance the state of E911 ~~911~~
9 services in this state and to provide unified leadership for
10 all E911 ~~911~~ issues through planning and coordination.

11 ~~17.18.~~ Do all acts and things necessary or convenient
12 to carry out the powers granted in this section in a manner
13 that is competitively and technologically neutral as to all
14 voice communications service providers, including but not
15 limited to, consideration of emerging technology and related
16 cost savings, while taking into account embedded costs in
17 current systems.

18 ~~18.19.~~ Have the authority to secure the services of an
19 independent, private attorney via invitation to bid, request
20 for proposals, invitation to negotiate, or professional
21 contracts for legal services already established at the
22 Division of Purchasing of the Department of Management
23 Services.

24 (b) Board members shall serve without compensation;
25 however, members are entitled to per diem and travel expenses
26 as provided in s. 112.061.

27 (c) By February 28 of each year, the board shall
28 prepare a report for submission by the office to the Governor,
29 the President of the Senate, and the Speaker of the House of
30 Representatives which addresses for the immediately preceding
31 calendar year: reflects, for the immediately preceding

1 ~~calendar year, the quarterly and annual receipts and~~
2 ~~disbursements of moneys in the fund, the purposes for which~~
3 ~~disbursements of moneys from the fund have been made, and the~~
4 ~~availability and status of implementation of E911 service in~~
5 ~~this state.~~

6 ~~(d) By February 28, 2001, the board shall undertake~~
7 ~~and complete a study for submission by the office to the~~
8 ~~Governor, the President of the Senate, and the Speaker of the~~
9 ~~House of Representatives which addresses:~~

10 1. The annual receipts including the total amount of
11 ~~E911~~ fee revenues collected by each provider, the total
12 disbursements of money in the fund, including the amount of
13 fund-reimbursed expenses incurred by each wireless provider to
14 comply with the order, and the amount of moneys on deposit in
15 the fund, ~~all as of December 1, 2000.~~

16 2. Whether the amount of the ~~E911~~ fee and the
17 allocation percentages set forth in s. 365.173 have been or
18 should be adjusted to comply with the requirements of the
19 order, other provisions of this chapter, and, ~~if so,~~ a
20 recommended adjustment to the ~~E911~~ fee.

21 3. Any other issues related to providing ~~wireless~~ E911
22 services.

23 4. The status of E911 services in this state.

24 (7) REQUEST FOR PROPOSALS FOR INDEPENDENT ACCOUNTING
25 FIRM.--

26 (a) The board shall issue a request for proposals as
27 provided in chapter 287 for the purpose of retaining an
28 independent accounting firm. The independent accounting firm
29 shall perform all material administrative and accounting tasks
30 and functions required for administering the ~~E911~~ fee. The
31

1 request for proposals must include, but need not be limited
2 to:

3 1. A description of the scope and general requirements
4 of the services requested.

5 2. A description of the specific accounting and
6 reporting services required for administering the fund,
7 including processing checks and distributing funds as directed
8 by the board under s. 365.173.

9 3. A description of information to be provided by the
10 proposer, including the proposer's background and
11 qualifications and the proposed cost of the services to be
12 provided.

13 (b) The board shall establish a committee to review
14 requests for proposals which must include the statewide E911
15 ~~911~~ system director designated under s. 365.171(5), or his or
16 her designee, and two members of the board, one of whom is a
17 county 911 coordinator and one of whom represents a voice
18 communications services provider ~~the wireless~~
19 ~~telecommunications industry~~. The review committee shall review
20 the proposals received by the board and recommend an
21 independent accounting firm to the board for final selection.
22 By agreeing to serve on the review committee, each member of
23 the review committee shall verify that he or she does not have
24 any interest or employment, directly or indirectly, with
25 potential proposers which conflicts in any manner or degree
26 with his or her performance on the committee.

27 (c) After July 1, 2004, the board may secure the
28 services of an independent accounting firm via invitation to
29 bid, request for proposals, invitation to negotiate, or
30 professional contracts already established at the Division of
31 Purchasing, Department of Management Services, for certified

1 public accounting firms, or the board may hire and retain
2 professional accounting staff to accomplish these functions.

3 (8) ~~WIRELESS~~ E911 FEE.--

4 (a) Each voice communications services ~~home service~~
5 provider shall collect the a monthly fee described in this
6 subsection imposed on each customer whose place of primary use
7 is within this state. Each provider, as part of its monthly
8 billing process, shall bill the fee as follows. The fee may
9 not be assessed on any pay telephone in the state.

10 1. Each local exchange carrier shall bill the fee to
11 the local exchange subscribers on a service-identifier basis,
12 up to a maximum of 25 access lines per account bill rendered.

13 2. Each wireless provider shall bill the fee to the
14 subscribers on a per-service-identifier basis for service
15 identifiers whose primary place of use is within this state.
16 The fee may not be assessed on any prepaid calling arrangement
17 that is subject to s. 212.05(1)(e).

18 3. All voice communications services providers not
19 addressed under subparagraphs 1. and 2. shall bill the fee on
20 a per-service-identifier basis for service identifiers whose
21 primary place of use is within the state.

22
23 The provider may list the fee as a separate entry on each
24 bill, in which case the fee must be identified as a fee for
25 E911 services. A provider shall remit the fee to the board
26 only if the fee is paid by the subscriber. If a provider
27 receives a partial payment for a monthly bill from a
28 subscriber, the amount received shall first be applied to the
29 payment due the provider for providing voice communications
30 service.

31

1 (b) A provider is not obligated to take any legal
2 action to enforce collection of the fees for which any
3 subscriber is billed. A county subscribing to 911 service
4 remains liable to the person providing the 911 service or
5 equipment for any 911 service, equipment, operation, or
6 maintenance charge owed by the county to the person.

7 (c) For purposes of this section, the state and local
8 governments are not subscribers customers.

9 (d) Each provider may retain 1 percent of the amount
10 of the fees collected as reimbursement for the administrative
11 costs incurred by the provider to bill, collect, and remit the
12 fee. The remainder shall be delivered to the board and
13 deposited by the board into the fund. The board shall
14 distribute the remainder pursuant to s. 365.173.

15 (e) Effective September 1, 2007, voice communications
16 services providers billing the fee to subscribers shall
17 deliver revenues from the fee to the board within 60 days
18 after the end of the month in which the fee was billed,
19 together with a monthly report of the number of service
20 identifiers in each county. Each wireless provider and other
21 applicable provider identified in subparagraph (a)3. shall
22 report the number of service identifiers for subscribers whose
23 place of primary use is in each county. If a provider chooses
24 to remit any fee amounts to the board before they are paid by
25 the subscribers, a provider may apply to the board for a
26 refund of, or may take a credit for, any such fees remitted to
27 the board which are not collected by the provider within 6
28 months following the month in which the fees are charged off
29 for federal income tax purposes as bad debt.

30 (f) The rate of the fee may not exceed ~~shall be~~ 50
31 cents per month per each service identifier ~~number, beginning~~

1 ~~August 1, 1999~~. The fee shall apply uniformly and be imposed
2 throughout the state, except for those counties that, before
3 July 1, 2007, had adopted an ordinance establishing a fee less
4 than 50 cents per month per access line. In those counties,
5 the ordinance-established fee shall apply until the board
6 makes the adjustment on or after September 1, 2008. The board
7 shall adjust the level of the fee for all such counties to the
8 uniform statewide fee level. The board may not adjust the fee
9 to the uniform statewide fee level before September 1, 2008.

10 (g) It is the intent of the Legislature that all
11 revenue from the fee be used as specified in s.
12 365.173(2)(a)-(e).

13 (h) No later than September 1, 2007, the board shall
14 set the allocation percentages for distribution of the fund as
15 provided in s. 365.173. When setting the percentages and
16 contemplating any adjustments to the fee, the board shall
17 consider the following:

18 1. The revenues currently allocated for wireless
19 service provider costs for implementing E911 service and
20 projected costs for implementing E911 service, including
21 recurring costs for Phase I and Phase II;

22 2. The appropriate level of funding needed to fund the
23 rural grant program provided for in paragraph (6)(b); and

24 3. The need to fund statewide and county programs or
25 initiatives to assist large and medium counties with systems
26 that would reduce their overall costs.

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

31

1 ~~(i)(c)~~ After ~~July 1, 2001~~, The board may adjust the
2 allocation percentages or adjust ~~provided in s. 365.173 or~~
3 ~~reduce~~ the amount of the fee, or both, if necessary to ensure
4 full cost recovery or prevent overrecovery of costs incurred
5 in the provision of E911 service, including costs incurred or
6 projected to be incurred to comply with the order. Any new
7 allocation percentages or reduced or increased fee may not be
8 adjusted for 1 year. The fee may not exceed 50 cents per month
9 per each service identifier number. The board-established fee,
10 and any board-adjustment of the fee, shall be uniform
11 throughout the state, except for the counties identified in
12 paragraph (f). No less than 90 days before the effective date
13 of any adjustment to the fee, the board shall provide written
14 notice of the adjusted fee amount and effective date to each
15 voice communications services provider from which the board is
16 then receiving the fee.

17 ~~(j)(d)~~ State and local taxes do not apply to the fee.

18 ~~(k)(e)~~ A local government may not levy the fee or any
19 additional fee on wireless providers or subscribers for the
20 provision of E911 service.

21 (l) For purposes of this section, the definitions
22 contained in s. 202.11 and the provisions of s. 202.155 apply
23 in the same manner and to the same extent as the definitions
24 and provisions apply to the taxes levied under chapter 202 on
25 mobile communications services.

26 (9) AUTHORIZED EXPENDITURES OF E911 FEE.--

27 (a) For purposes of this section, E911 service
28 includes the functions of database management, call taking,
29 location verification, and call transfer.

30 (b) All costs directly attributable to the
31 establishment or provision of E911 service and contracting for

1 E911 services are eligible for expenditure of moneys derived
2 from imposition of the fee authorized by this section. These
3 costs include the acquisition, implementation, and maintenance
4 of Public Safety Answering Point (PSAP) equipment and E911
5 service features, as defined in the Public Service
6 Commission's lawfully approved 911 and E911 and related
7 tariffs or the acquisition, installation, and maintenance of
8 other E911 equipment, including call answering equipment, call
9 transfer equipment, ANI controllers, ALI controllers, ANI
10 displays, ALI displays, station instruments, E911
11 telecommunications systems, visual call information and
12 storage devices, recording equipment, telephone devices for
13 the hearing impaired used in the E911 system, PSAP backup
14 power systems, consoles, automatic call distributors, and
15 interfaces, including hardware and software, for
16 computer-aided dispatch (CAD) systems, integrated CAD systems
17 for that portion of the systems used for E911 call taking,
18 network clocks, salary and associated expenses for E911 call
19 takers for that portion of their time spent taking and
20 transferring E911 calls, salary and associated expenses for a
21 county to employ a full-time equivalent E911 coordinator
22 position and a full-time equivalent staff assistant position
23 per county for the portion of their time spent administrating
24 the E911 system, training costs for PSAP call takers in the
25 proper methods and techniques used in taking and transferring
26 E911 calls, costs to train and educate PSAP employees and
27 other public safety agency employees regarding E911 service or
28 E911 equipment; emergency notification systems, and expenses
29 required to develop and maintain all information, including
30 ALI and ANI databases and other information source
31 repositories, necessary to properly inform calltakers as to

1 location address, type of emergency, and other information
2 directly relevant to the E911 call-taking and transferring
3 function. Moneys derived from the fee may also be used for
4 emergency and disaster recovery mobile E911 PSAPs, next
5 generation E911 network services, next generation E911
6 database services, next-generation E911 equipment, and
7 wireless E911 routing systems.

8 (c) The moneys may not be used to pay for any item not
9 listed in this subsection, including, but not limited to, any
10 capital or operational costs for emergency responses which
11 occur after the call transfer to the responding public safety
12 entity and the costs for constructing, leasing, maintaining,
13 or renovating buildings, except for those building
14 modifications necessary to maintain the security and
15 environmental integrity of the PSAP and E911 equipment rooms.

16 (d) A wireless provider is not required to participate
17 in any pilot project or to otherwise implement a nonemergency
18 "311" system or similar nonemergency system.

19 (10) LIABILITY OF COUNTIES.--A county subscribing to
20 911 service remains liable to the local exchange carrier for
21 any 911 service, equipment, operation, or maintenance charge
22 owed by the county to the local exchange carrier. As used in
23 this subsection, the term "local exchange carrier" means a
24 local exchange telecommunications service provider of 911
25 service or equipment to any county within its certificated
26 area.

27 (11) INDEMNIFICATION AND LIMITATION OF
28 LIABILITY.--Local governments are authorized to undertake to
29 indemnify local exchange carriers against liability in
30 accordance with the lawfully filed tariffs of the company.
31 Notwithstanding an indemnification agreement, a voice

1 communications services provider is not liable for damages
2 resulting from or in connection with 911 or E911 service, or
3 the address or name associated with any person accessing 911
4 or E911 service, unless the voice communications services
5 provider acted with malicious purpose or in a manner
6 exhibiting wanton and willful disregard of the rights, safety,
7 or property of a person when providing such services. A voice
8 communications services provider is not liable for damages to
9 any person resulting from or in connection with the provider's
10 provision of any lawful assistance to any investigative or law
11 enforcement officer of the United States, this state, or a
12 political subdivision thereof, or of any other state or
13 political subdivision thereof, in connection with any lawful
14 investigation or other law enforcement activity by such law
15 enforcement officer.

16 ~~(9) MANAGEMENT OF FUNDS.—~~

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

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

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

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

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

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

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

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

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

15 ~~(10) PROVISION OF SERVICES. In accordance with the~~
16 ~~order, a provider is not required to provide E911 service~~
17 ~~until:~~

18 ~~(a) The provider receives a request in writing for~~
19 ~~such service from the county 911 coordinator and the affected~~
20 ~~answering point is capable of receiving and using the data~~
21 ~~elements associated with the service.~~

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

23 ~~(c) The local exchange carrier is able to support the~~
24 ~~E911 system.~~

25 ~~(d) The service area has been scheduled for~~
26 ~~implementation of E911 service by the board pursuant to~~
27 ~~subparagraph (6)(a)3. If a county's 911 coordinator requests~~
28 ~~E911 service from a provider, the coordinator shall also~~
29 ~~request E911 service from all other providers in the area in a~~
30 ~~nondiscriminatory and fair manner.~~

31

1 ~~(12)~~(11) FACILITATING E911 SERVICE IMPLEMENTATION.--To
2 balance the public need for reliable E911 services through
3 reliable wireless systems and the public interest served by
4 governmental zoning and land development regulations and
5 notwithstanding any other law or local ordinance to the
6 contrary, the following standards shall apply to a local
7 government's actions, as a regulatory body, in the regulation
8 of the placement, construction, or modification of a wireless
9 communications facility. This subsection shall not, however,
10 be construed to waive or alter the provisions of s. 286.011 or
11 s. 286.0115. For the purposes of this subsection only, "local
12 government" shall mean any municipality or county and any
13 agency of a municipality or county only. The term "local
14 government" does not, however, include any airport, as defined
15 by s. 330.27(2), even if it is owned or controlled by or
16 through a municipality, county, or agency of a municipality or
17 county. Further, notwithstanding anything in this section to
18 the contrary, this subsection does not apply to or control a
19 local government's actions as a property or structure owner in
20 the use of any property or structure owned by such entity for
21 the placement, construction, or modification of wireless
22 communications facilities. In the use of property or
23 structures owned by the local government, however, a local
24 government may not use its regulatory authority so as to avoid
25 compliance with, or in a manner that does not advance, the
26 provisions of this subsection.

27 (a) Collocation among wireless providers is encouraged
28 by the state.

29 1.a. Collocations on towers, including nonconforming
30 towers, that meet the requirements in sub-sub-subparagraphs
31 (I), (II), and (III), are subject to only building permit

1 review, which may include a review for compliance with this
2 subparagraph. Such collocations are not subject to any design
3 or placement requirements of the local government's land
4 development regulations in effect at the time of the
5 collocation that are more restrictive than those in effect at
6 the time of the initial antennae placement approval, to any
7 other portion of the land development regulations, or to
8 public hearing review. This sub-subparagraph shall not
9 preclude a public hearing for any appeal of the decision on
10 the collocation application.

11 (I) The collocation does not increase the height of
12 the tower to which the antennae are to be attached, measured
13 to the highest point of any part of the tower or any existing
14 antenna attached to the tower;

15 (II) The collocation does not increase the ground
16 space area, commonly known as the compound, approved in the
17 site plan for equipment enclosures and ancillary facilities;
18 and

19 (III) The collocation consists of antennae, equipment
20 enclosures, and ancillary facilities that are of a design and
21 configuration consistent with all applicable regulations,
22 restrictions, or conditions, if any, applied to the initial
23 antennae placed on the tower and to its accompanying equipment
24 enclosures and ancillary facilities and, if applicable,
25 applied to the tower supporting the antennae. Such regulations
26 may include the design and aesthetic requirements, but not
27 procedural requirements, other than those authorized by this
28 section, of the local government's land development
29 regulations in effect at the time the initial antennae
30 placement was approved.
31

1 b. Except for a historic building, structure, site,
2 object, or district, or a tower included in sub-subparagraph
3 a., collocations on all other existing structures that meet
4 the requirements in sub-sub-subparagraphs (I)-(IV) shall be
5 subject to no more than building permit review, and an
6 administrative review for compliance with this subparagraph.
7 Such collocations are not subject to any portion of the local
8 government's land development regulations not addressed
9 herein, or to public hearing review. This sub-subparagraph
10 shall not preclude a public hearing for any appeal of the
11 decision on the collocation application.

12 (I) The collocation does not increase the height of
13 the existing structure to which the antennae are to be
14 attached, measured to the highest point of any part of the
15 structure or any existing antenna attached to the structure;

16 (II) The collocation does not increase the ground
17 space area, otherwise known as the compound, if any, approved
18 in the site plan for equipment enclosures and ancillary
19 facilities;

20 (III) The collocation consists of antennae, equipment
21 enclosures, and ancillary facilities that are of a design and
22 configuration consistent with any applicable structural or
23 aesthetic design requirements and any requirements for
24 location on the structure, but not prohibitions or
25 restrictions on the placement of additional collocations on
26 the existing structure or procedural requirements, other than
27 those authorized by this section, of the local government's
28 land development regulations in effect at the time of the
29 collocation application; and

30 (IV) The collocation consists of antennae, equipment
31 enclosures, and ancillary facilities that are of a design and

1 configuration consistent with all applicable restrictions or
2 conditions, if any, that do not conflict with
3 sub-sub-subparagraph (III) and were applied to the initial
4 antennae placed on the structure and to its accompanying
5 equipment enclosures and ancillary facilities and, if
6 applicable, applied to the structure supporting the antennae.

7 c. Regulations, restrictions, conditions, or permits
8 of the local government, acting in its regulatory capacity,
9 that limit the number of collocations or require review
10 processes inconsistent with this subsection shall not apply to
11 collocations addressed in this subparagraph.

12 d. If only a portion of the collocation does not meet
13 the requirements of this subparagraph, such as an increase in
14 the height of the proposed antennae over the existing
15 structure height or a proposal to expand the ground space
16 approved in the site plan for the equipment enclosure, where
17 all other portions of the collocation meet the requirements of
18 this subparagraph, that portion of the collocation only may be
19 reviewed under the local government's regulations applicable
20 to an initial placement of that portion of the facility,
21 including, but not limited to, its land development
22 regulations, and within the review timeframes of subparagraph
23 (d)2., and the rest of the collocation shall be reviewed in
24 accordance with this subparagraph. A collocation proposal
25 under this subparagraph that increases the ground space area,
26 otherwise known as the compound, approved in the original site
27 plan for equipment enclosures and ancillary facilities by no
28 more than a cumulative amount of 400 square feet or 50 percent
29 of the original compound size, whichever is greater, shall,
30 however, require no more than administrative review for
31 compliance with the local government's regulations, including,

1 | but not limited to, land development regulations review, and
2 | building permit review, with no public hearing review. This
3 | sub-subparagraph shall not preclude a public hearing for any
4 | appeal of the decision on the collocation application.

5 | 2. If a collocation does not meet the requirements of
6 | subparagraph 1., the local government may review the
7 | application under the local government's regulations,
8 | including, but not limited to, land development regulations,
9 | applicable to the placement of initial antennae and their
10 | accompanying equipment enclosure and ancillary facilities.

11 | 3. If a collocation meets the requirements of
12 | subparagraph 1., the collocation shall not be considered a
13 | modification to an existing structure or an impermissible
14 | modification of a nonconforming structure.

15 | 4. The owner of the existing tower on which the
16 | proposed antennae are to be collocated shall remain
17 | responsible for compliance with any applicable condition or
18 | requirement of a permit or agreement, or any applicable
19 | condition or requirement of the land development regulations
20 | to which the existing tower had to comply at the time the
21 | tower was permitted, including any aesthetic requirements,
22 | provided the condition or requirement is not inconsistent with
23 | this paragraph.

24 | 5. An existing tower, including a nonconforming tower,
25 | may be structurally modified in order to permit collocation or
26 | may be replaced through no more than administrative review and
27 | building permit review, and is not subject to public hearing
28 | review, if the overall height of the tower is not increased
29 | and, if a replacement, the replacement tower is a monopole
30 | tower or, if the existing tower is a camouflaged tower, the
31 | replacement tower is a like-camouflaged tower. This

1 subparagraph shall not preclude a public hearing for any
2 appeal of the decision on the application.

3 (b)1. A local government's land development and
4 construction regulations for wireless communications
5 facilities and the local government's review of an application
6 for the placement, construction, or modification of a wireless
7 communications facility shall only address land development or
8 zoning issues. In such local government regulations or review,
9 the local government may not require information on or
10 evaluate a wireless provider's business decisions about its
11 service, customer demand for its service, or quality of its
12 service to or from a particular area or site, unless the
13 wireless provider voluntarily offers this information to the
14 local government. In such local government regulations or
15 review, a local government may not require information on or
16 evaluate the wireless provider's designed service unless the
17 information or materials are directly related to an identified
18 land development or zoning issue or unless the wireless
19 provider voluntarily offers the information. Information or
20 materials directly related to an identified land development
21 or zoning issue may include, but are not limited to, evidence
22 that no existing structure can reasonably be used for the
23 antennae placement instead of the construction of a new tower,
24 that residential areas cannot be served from outside the
25 residential area, as addressed in subparagraph 3., or that the
26 proposed height of a new tower or initial antennae placement
27 or a proposed height increase of a modified tower, replacement
28 tower, or collocation is necessary to provide the provider's
29 designed service. Nothing in this paragraph shall limit the
30 local government from reviewing any applicable land
31 development or zoning issue addressed in its adopted

1 regulations that does not conflict with this section,
2 including, but not limited to, aesthetics, landscaping, land
3 use based location priorities, structural design, and
4 setbacks.

5 2. Any setback or distance separation required of a
6 tower may not exceed the minimum distance necessary, as
7 determined by the local government, to satisfy the structural
8 safety or aesthetic concerns that are to be protected by the
9 setback or distance separation.

10 3. A local government may exclude the placement of
11 wireless communications facilities in a residential area or
12 residential zoning district but only in a manner that does not
13 constitute an actual or effective prohibition of the
14 provider's service in that residential area or zoning
15 district. If a wireless provider demonstrates to the
16 satisfaction of the local government that the provider cannot
17 reasonably provide its service to the residential area or zone
18 from outside the residential area or zone, the municipality or
19 county and provider shall cooperate to determine an
20 appropriate location for a wireless communications facility of
21 an appropriate design within the residential area or zone. The
22 local government may require that the wireless provider
23 reimburse the reasonable costs incurred by the local
24 government for this cooperative determination. An application
25 for such cooperative determination shall not be considered an
26 application under paragraph (d).

27 4. A local government may impose a reasonable fee on
28 applications to place, construct, or modify a wireless
29 communications facility only if a similar fee is imposed on
30 applicants seeking other similar types of zoning, land use, or
31 building permit review. A local government may impose fees for

1 | the review of applications for wireless communications
2 | facilities by consultants or experts who conduct code
3 | compliance review for the local government but any fee is
4 | limited to specifically identified reasonable expenses
5 | incurred in the review. A local government may impose
6 | reasonable surety requirements to ensure the removal of
7 | wireless communications facilities that are no longer being
8 | used.

9 | 5. A local government may impose design requirements,
10 | such as requirements for designing towers to support
11 | collocation or aesthetic requirements, except as otherwise
12 | limited in this section, but shall not impose or require
13 | information on compliance with building code type standards
14 | for the construction or modification of wireless
15 | communications facilities beyond those adopted by the local
16 | government under chapter 553 and that apply to all similar
17 | types of construction.

18 | (c) Local governments may not require wireless
19 | providers to provide evidence of a wireless communications
20 | facility's compliance with federal regulations, except
21 | evidence of compliance with applicable Federal Aviation
22 | Administration requirements under 14 C.F.R. s. 77, as amended,
23 | and evidence of proper Federal Communications Commission
24 | licensure, or other evidence of Federal Communications
25 | Commission authorized spectrum use, but may request the
26 | Federal Communications Commission to provide information as to
27 | a wireless provider's compliance with federal regulations, as
28 | authorized by federal law.

29 | (d)1. A local government shall grant or deny each
30 | properly completed application for a collocation under
31 | subparagraph (a)1. based on the application's compliance with

1 | the local government's applicable regulations, as provided for
2 | in subparagraph (a)1. and consistent with this subsection, and
3 | within the normal timeframe for a similar building permit
4 | review but in no case later than 45 business days after the
5 | date the application is determined to be properly completed in
6 | accordance with this paragraph.

7 | 2. A local government shall grant or deny each
8 | properly completed application for any other wireless
9 | communications facility based on the application's compliance
10 | with the local government's applicable regulations, including
11 | but not limited to land development regulations, consistent
12 | with this subsection and within the normal timeframe for a
13 | similar type review but in no case later than 90 business days
14 | after the date the application is determined to be properly
15 | completed in accordance with this paragraph.

16 | 3.a. An application is deemed submitted or resubmitted
17 | on the date the application is received by the local
18 | government. If the local government does not notify the
19 | applicant in writing that the application is not completed in
20 | compliance with the local government's regulations within 20
21 | business days after the date the application is initially
22 | submitted or additional information resubmitted, the
23 | application is deemed, for administrative purposes only, to be
24 | properly completed and properly submitted. However, the
25 | determination shall not be deemed as an approval of the
26 | application. If the application is not completed in compliance
27 | with the local government's regulations, the local government
28 | shall so notify the applicant in writing and the notification
29 | must indicate with specificity any deficiencies in the
30 | required documents or deficiencies in the content of the
31 | required documents which, if cured, make the application

1 properly completed. Upon resubmission of information to cure
2 the stated deficiencies, the local government shall notify the
3 applicant, in writing, within the normal timeframes of review,
4 but in no case longer than 20 business days after the
5 additional information is submitted, of any remaining
6 deficiencies that must be cured. Deficiencies in document type
7 or content not specified by the local government do not make
8 the application incomplete. Notwithstanding this
9 sub-subparagraph, if a specified deficiency is not properly
10 cured when the applicant resubmits its application to comply
11 with the notice of deficiencies, the local government may
12 continue to request the information until such time as the
13 specified deficiency is cured. The local government may
14 establish reasonable timeframes within which the required
15 information to cure the application deficiency is to be
16 provided or the application will be considered withdrawn or
17 closed.

18 b. If the local government fails to grant or deny a
19 properly completed application for a wireless communications
20 facility within the timeframes set forth in this paragraph,
21 the application shall be deemed automatically approved and the
22 applicant may proceed with placement of the facilities without
23 interference or penalty. The timeframes specified in
24 subparagraph 2. may be extended only to the extent that the
25 application has not been granted or denied because the local
26 government's procedures generally applicable to all other
27 similar types of applications require action by the governing
28 body and such action has not taken place within the timeframes
29 specified in subparagraph 2. Under such circumstances, the
30 local government must act to either grant or deny the
31 application at its next regularly scheduled meeting or,

1 otherwise, the application is deemed to be automatically
2 approved.

3 c. To be effective, a waiver of the timeframes set
4 forth in this paragraph must be voluntarily agreed to by the
5 applicant and the local government. A local government may
6 request, but not require, a waiver of the timeframes by the
7 applicant, except that, with respect to a specific
8 application, a one-time waiver may be required in the case of
9 a declared local, state, or federal emergency that directly
10 affects the administration of all permitting activities of the
11 local government.

12 (e) The replacement of or modification to a wireless
13 communications facility, except a tower, that results in a
14 wireless communications facility not readily discernibly
15 different in size, type, and appearance when viewed from
16 ground level from surrounding properties, and the replacement
17 or modification of equipment that is not visible from
18 surrounding properties, all as reasonably determined by the
19 local government, are subject to no more than applicable
20 building permit review.

21 (f) Any other law to the contrary notwithstanding, the
22 Department of Management Services shall negotiate, in the name
23 of the state, leases for wireless communications facilities
24 that provide access to state government-owned property not
25 acquired for transportation purposes, and the Department of
26 Transportation shall negotiate, in the name of the state,
27 leases for wireless communications facilities that provide
28 access to property acquired for state rights-of-way. On
29 property acquired for transportation purposes, leases shall be
30 granted in accordance with s. 337.251. On other state
31 government-owned property, leases shall be granted on a space

1 available, first-come, first-served basis. Payments required
2 by state government under a lease must be reasonable and must
3 reflect the market rate for the use of the state
4 government-owned property. The Department of Management
5 Services and the Department of Transportation are authorized
6 to adopt rules for the terms and conditions and granting of
7 any such leases.

8 (g) If any person adversely affected by any action, or
9 failure to act, or regulation, or requirement of a local
10 government in the review or regulation of the wireless
11 communication facilities files an appeal or brings an
12 appropriate action in a court or venue of competent
13 jurisdiction, following the exhaustion of all administrative
14 remedies, the matter shall be considered on an expedited
15 basis.

16 ~~(13)(12)~~ MISUSE OF ~~WIRELESS~~ 911 OR E911 SYSTEM;
17 PENALTY.--E911 service must be used solely for emergency
18 communications by the public. Any person who accesses the
19 number 911 for the purpose of making a false alarm or
20 complaint or reporting false information that could result in
21 the emergency response of any public safety agency; any person
22 who knowingly uses or attempts to use such service for a
23 purpose other than obtaining public safety assistance; ~~or~~ any
24 person who knowingly uses or attempts to use such service in
25 an effort to avoid any charge for service, commits a
26 misdemeanor of the first degree, punishable as provided in s.
27 775.082 or s. 775.083. After being convicted of unauthorized
28 use of such service four times, a person who continues to
29 engage in such unauthorized use commits a felony of the third
30 degree, punishable as provided in s. 775.082, s. 775.083, or
31 s. 775.084. In addition, if the value of the service or the

1 service charge obtained in a manner prohibited by this
2 subsection exceeds \$100, the person committing the offense
3 commits a felony of the third degree, punishable as provided
4 in s. 775.082, s. 775.083, or s. 775.084.

5 ~~(14)~~~~(13)~~ STATE LAW NOT PREEMPTED.--This section and
6 ss. 365.173 and 365.174 do not alter any state law that
7 otherwise regulates voice communications services providers ~~of~~
8 ~~telecommunications service~~.

9 Section 3. This act shall take effect upon becoming a
10 law.

11
12 *****

13 SENATE SUMMARY

14 Redesignates the emergency telephone system as the
15 "Florida Emergency Communications Number 911 System."
16 Removes provisions relating to the collection of the
17 "911" fee and to the indemnification of local telephone
18 companies. Revises definitions. Provides for the "Voice
19 Communications Services Board." Provides for membership,
20 duties, and responsibilities of the board. Provides for a
21 voice communication services fee. Provides for rates and
22 collection from consumers. Authorizes the permissible
23 uses of the fees collected. Provides for indemnification
24 and limitation of liability for local exchange carriers.
25 Provides penalties for the misuse of the E911 system.
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