

1 A bill to be entitled
 2 An act relating to emergency communications systems;
 3 amending s. 365.171, F.S.; redesignating the emergency
 4 telephone system as the "Florida Emergency Communications
 5 Number E911 System"; providing legislative intent;
 6 removing provisions relating to the collection of the
 7 "911" fee and to the indemnification of local telephone
 8 companies; amending s. 365.172, F.S.; providing
 9 legislative intent; revising definitions; providing for
 10 the Voice Communications Services Board; providing for
 11 membership, duties, and responsibilities of the board;
 12 providing for a voice communication services fee;
 13 providing for rates and collection from consumers;
 14 providing for the authorized use of the fees collected;
 15 providing for indemnification and limitation of liability
 16 for local exchange carriers; providing penalties for the
 17 misuse of the E911 system; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Section 365.171, Florida Statutes, is amended
 22 to read:

23 365.171 Emergency communications ~~telephone~~ number E911
 24 state plan. ~~"911."~~

25 (1) SHORT TITLE.--This section may be ~~shall be known and~~
 26 cited as the "Florida Emergency Communications Number E911 State
 27 Plan Telephone Act."

28 (2) LEGISLATIVE INTENT.--It is the intent of the

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29 Legislature that the communications number "911" be the
30 designated emergency communications number. A public safety
31 agency may not advertise or otherwise promote the use of any
32 communications number for emergency response services other than
33 "911." It is further the intent of the Legislature to establish
34 and implement and continually update a cohesive statewide
35 emergency communications ~~telephone~~ number "911" plan that which
36 will provide residents ~~citizens~~ with rapid direct access to
37 public safety agencies by accessing ~~dialing the telephone number~~
38 "911" with the objective of reducing the response time to
39 situations requiring law enforcement, fire, medical, rescue, and
40 other emergency services.

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

42 (a) "Office" means the Florida Enterprise Information
43 Technology Services Office or other office within the Department
44 of Management Services, as designated by the secretary of the
45 department ~~State Technology Office~~.

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

48 (c) "Public agency" means the state and any city, county,
49 city and county, municipal corporation, chartered organization,
50 public district, or public authority located in whole or in part
51 within this state which provides, or has authority to provide,
52 firefighting, law enforcement, ambulance, medical, or other
53 emergency services.

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

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57 (4) STATE PLAN.--The office shall develop, maintain, and
58 implement appropriate modifications for a statewide emergency
59 communications E911 ~~telephone number "911"~~ system plan. The plan
60 shall provide for:

61 (a) ~~The establishment of the public agency emergency~~
62 ~~telephone~~ communications requirements for each entity of local
63 government in the state.

64 (b) A system to meet specific local government
65 requirements. Such system shall include law enforcement,
66 firefighting, and emergency medical services and may include
67 other emergency services such as poison control, suicide
68 prevention, and emergency management services.

69 (c) Identification of the mutual aid agreements necessary
70 to obtain an effective E911 ~~"911"~~ system.

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

73 ~~(e) A firm implementation schedule which shall include the~~
74 ~~installation of the "911" system in a local community within 24~~
75 ~~months after the designated agency of the local government gives~~
76 ~~a firm order to the telephone utility for a "911" system.~~

77
78 The office shall be responsible for the implementation and
79 coordination of such plan. The office shall adopt any necessary
80 rules and schedules related to public agencies for implementing
81 and coordinating the ~~such~~ plan, pursuant to chapter 120. ~~The~~
82 ~~public agency designated in the plan shall order such system~~
83 ~~within 6 months after publication date of the plan if the public~~
84 ~~agency is in receipt of funds appropriated by the Legislature~~

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85 ~~for the implementation and maintenance of the "911" system. Any~~
86 ~~jurisdiction which has utilized local funding as of July 1,~~
87 ~~1976, to begin the implementation of the state plan as set forth~~
88 ~~in this section shall be eligible for at least a partial~~
89 ~~reimbursement of its direct cost when, and if, state funds are~~
90 ~~available for such reimbursement.~~

91 (5) SYSTEM DIRECTOR.--The director of the office or his or
92 her designee is designated as the director of the statewide
93 emergency communications ~~telephone~~ number E911 "911" system and,
94 for the purpose of carrying out the provisions of this section,
95 is authorized to coordinate the activities of the system with
96 state, county, local, and private agencies. The director is
97 authorized to employ no fewer ~~not less~~ than five persons, three
98 of whom shall ~~will~~ be at the professional level, one at the
99 secretarial level, and one to fill a fiscal position, for the
100 purpose of carrying out the provisions of this section. The
101 director in implementing the system shall consult, cooperate,
102 and coordinate with local law enforcement agencies.

103 (6) REGIONAL SYSTEMS.--~~Nothing in~~ This section does not
104 ~~shall be construed to~~ prohibit or discourage the formation of
105 multijurisdictional or regional systems; and any system
106 established pursuant to this section may include the
107 jurisdiction, or any portion thereof, of more than one public
108 agency. It is the intent of the Legislature that E911 service be
109 available throughout the state. Expenditure by counties of the
110 E911 fee authorized and imposed under s. 365.172, should support
111 this intent to the greatest extent feasible within the context
112 of local service needs and fiscal capability. This section does

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113 not prohibit two or more counties from establishing a combined
 114 emergency E911 communications service by an interlocal agreement
 115 and using the fees authorized and imposed by s. 365.172 for such
 116 combined E911 service.

117 (7) TELECOMMUNICATIONS ~~TELEPHONE~~ INDUSTRY
 118 COORDINATION.--The office shall coordinate with the Florida
 119 Public Service Commission which shall encourage the Florida
 120 telecommunications ~~telephone~~ industry to activate facility
 121 modification plans for a timely E911 ~~"911"~~ implementation.

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

128 (9) SYSTEM APPROVAL.--No emergency communications
 129 ~~telephone~~ number E911 ~~"911"~~ system shall be established and no
 130 present system shall be expanded without prior approval of the
 131 office.

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

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

140 (11) ~~(12)~~ FEDERAL ASSISTANCE.--The secretary of the office

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141 or his or her designee may apply for and accept federal funding
142 assistance in the development and implementation of a statewide
143 emergency communications telephone number E911 "911" system.

144 ~~(13) "911" FEE.~~

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

153 ~~1. At the request of the county subscribing to "911"~~
154 ~~service, the telephone company shall, insofar as is practicable,~~
155 ~~bill the "911" fee to the local exchange subscribers served by~~
156 ~~the "911" service, on an individual access line basis, at a rate~~
157 ~~not to exceed 50 cents per month per line (up to a maximum of 25~~
158 ~~access lines per account bill rendered). However, the fee may~~
159 ~~not be assessed on any pay telephone in this state. A county~~
160 ~~collecting the fee for the first time may collect the fee for no~~
161 ~~longer than 36 months without initiating the acquisition of its~~
162 ~~"911" equipment.~~

163 ~~2. Fees collected by the telephone company pursuant to~~
164 ~~subparagraph 1. shall be returned to the county, less the costs~~
165 ~~of administration retained pursuant to paragraph (c). The county~~
166 ~~shall provide a minimum of 90 days' written notice to the~~
167 ~~telephone company prior to the collection of any "911" fees.~~

168 ~~3. Any county that currently has an operational "911"~~

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169 ~~system or that is actively pursuing the implementation of a~~
170 ~~"911" system shall establish a fund to be used exclusively for~~
171 ~~receipt and expenditure of "911" fee revenues collected pursuant~~
172 ~~to this section. All fees placed in said fund, and any interest~~
173 ~~accrued thereupon, shall be used solely for "911" costs~~
174 ~~described in subparagraph 6. The money collected and interest~~
175 ~~earned in this fund shall be appropriated for "911" purposes by~~
176 ~~the county commissioners and incorporated into the annual county~~
177 ~~budget. Such fund shall be included within the financial audit~~
178 ~~performed in accordance with s. 218.39. A report of the audit~~
179 ~~shall be forwarded to the office within 60 days of its~~
180 ~~completion. A county may carry forward on an annual basis~~
181 ~~unspent moneys in the fund for expenditures allowed by this~~
182 ~~section, or it may reduce its fee. However, in no event shall a~~
183 ~~county carry forward more than 10 percent of the "911" fee~~
184 ~~billed for the prior year. The amount of moneys carried forward~~
185 ~~each year may be accumulated in order to allow for capital~~
186 ~~improvements described in this subsection. The carryover shall~~
187 ~~be documented by resolution of the board of county commissioners~~
188 ~~expressing the purpose of the carryover or by an adopted capital~~
189 ~~improvement program identifying projected expansion or~~
190 ~~replacement expenditures for "911" equipment and service~~
191 ~~features, or both. In no event shall the "911" fee carryover~~
192 ~~surplus moneys be used for any purpose other than for the "911"~~
193 ~~equipment, service features, and installation charges authorized~~
194 ~~in subparagraph 6. Nothing in this section shall prohibit a~~
195 ~~county from using other sources of revenue for improvements,~~
196 ~~replacements, or expansions of its "911" system. A county may~~

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197 ~~increase its fee for purposes authorized in this section.~~
198 ~~However, in no case shall the fee exceed 50 cents per month per~~
199 ~~line. All current "911" fees shall be reported to the office~~
200 ~~within 30 days of the start of each county's fiscal period. Any~~
201 ~~fee adjustment made by a county shall be reported to the office.~~
202 ~~A county shall give the telephone company a 90-day written~~
203 ~~notice of such fee adjustment.~~

204 ~~4. The telephone company shall have no obligation to take~~
205 ~~any legal action to enforce collection of the "911" fee. The~~
206 ~~telephone company shall provide quarterly to the county a list~~
207 ~~of the names, addresses, and telephone numbers of any and all~~
208 ~~subscribers who have identified to the telephone company their~~
209 ~~refusal to pay the "911" fee.~~

210 ~~5. The county subscribing to "911" service shall remain~~
211 ~~liable to the telephone company for any "911" service,~~
212 ~~equipment, operation, or maintenance charge owed by the county~~
213 ~~to the telephone company.~~

214
215 ~~As used in this paragraph, "telephone company" means an exchange~~
216 ~~telephone service provider of "911" service or equipment to any~~
217 ~~county within its certificated area.~~

218 ~~6. It is the intent of the Legislature that the "911" fee~~
219 ~~authorized by this section to be imposed by counties will not~~
220 ~~necessarily provide the total funding required for establishing~~
221 ~~or providing the "911" service. For purposes of this section,~~
222 ~~"911" service includes the functions of database management,~~
223 ~~call taking, location verification, and call transfer. The~~
224 ~~following costs directly attributable to the establishment~~

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225 ~~and/or provision of "911" service are eligible for expenditure~~
226 ~~of moneys derived from imposition of the "911" fee authorized by~~
227 ~~this section: the acquisition, implementation, and maintenance~~
228 ~~of Public Safety Answering Point (PSAP) equipment and "911"~~
229 ~~service features, as defined in the Florida Public Service~~
230 ~~Commission's lawfully approved "911" and related tariffs and/or~~
231 ~~the acquisition, installation, and maintenance of other "911"~~
232 ~~equipment, including call answering equipment, call transfer~~
233 ~~equipment, ANI controllers, ALI controllers, ANI displays, ALI~~
234 ~~displays, station instruments, "911" telecommunications systems,~~
235 ~~teleprinters, logging recorders, instant playback recorders,~~
236 ~~telephone devices for the deaf (TDD) used in the "911" system,~~
237 ~~PSAP backup power systems, consoles, automatic call~~
238 ~~distributors, and interfaces (hardware and software) for~~
239 ~~computer aided dispatch (CAD) systems; salary and associated~~
240 ~~expenses for "911" call takers for that portion of their time~~
241 ~~spent taking and transferring "911" calls; salary and associated~~
242 ~~expenses for a county to employ a full time equivalent "911"~~
243 ~~coordinator position and a full time equivalent staff assistant~~
244 ~~position per county for the portion of their time spent~~
245 ~~administrating the "911" system; training costs for PSAP call~~
246 ~~takers in the proper methods and techniques used in taking and~~
247 ~~transferring "911" calls; and expenses required to develop and~~
248 ~~maintain all information (ALI and ANI databases and other~~
249 ~~information source repositories) necessary to properly inform~~
250 ~~call takers as to location address, type of emergency, and other~~
251 ~~information directly relevant to the "911" call taking and~~
252 ~~transferring function. No wireless telephone service provider~~

253 ~~shall be required to participate in any pilot project or to~~
 254 ~~otherwise implement a nonemergency "311" system or similar~~
 255 ~~nonemergency system. The "911" fee revenues shall not be used to~~
 256 ~~pay for any item not listed, including, but not limited to, any~~
 257 ~~capital or operational costs for emergency responses which occur~~
 258 ~~after the call transfer to the responding public safety entity~~
 259 ~~and the costs for constructing buildings, leasing buildings,~~
 260 ~~maintaining buildings, or renovating buildings, except for those~~
 261 ~~building modifications necessary to maintain the security and~~
 262 ~~environmental integrity of the PSAP and "911" equipment rooms.~~

263 ~~7. It is the goal of the Legislature that enhanced "911"~~
 264 ~~service be available throughout the state. Expenditure by~~
 265 ~~counties of the "911" fees authorized by this section should~~
 266 ~~support this goal to the greatest extent feasible within the~~
 267 ~~context of local service needs and fiscal capability. Nothing in~~
 268 ~~this section shall be construed to prohibit two or more counties~~
 269 ~~from establishing a combined emergency "911" telephone service~~
 270 ~~by interlocal agreement and utilizing the "911" fees authorized~~
 271 ~~by this section for such combined "911" service.~~

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

276
 277 ~~_____ I am in favor of the "911" emergency telephone system~~
 278 ~~fee.~~

279 ~~_____ I am against the "911" emergency telephone system~~
 280 ~~fee.~~

281
 282 ~~If a majority of the electors voting on the question approve the~~
 283 ~~fee, it may be imposed by the county.~~

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

288 ~~(14) INDEMNIFICATION AND LIMITATION OF LIABILITY. All~~
 289 ~~local governments are authorized to undertake to indemnify the~~
 290 ~~telephone company against liability in accordance with the~~
 291 ~~telephone company's lawfully filed tariffs. Regardless of any~~
 292 ~~indemnification agreement, a telephone company or commercial~~
 293 ~~mobile radio service provider as defined in s. 364.02 shall not~~
 294 ~~be liable for damages resulting from or in connection with "911"~~
 295 ~~service or identification of the telephone number, address, or~~
 296 ~~name associated with any person accessing "911" service, unless~~
 297 ~~the telephone company or commercial radio service provider acted~~
 298 ~~with malicious purpose or in a manner exhibiting wanton and~~
 299 ~~willful disregard of human rights, safety, or property in~~
 300 ~~providing such services.~~

301 ~~(12)~~ (15) CONFIDENTIALITY OF RECORDS.--Any record,
 302 recording, or information, or portions thereof, obtained by a
 303 public agency or a public safety agency for the purpose of
 304 providing services in an emergency and which reveals the name,
 305 address, telephone number, or personal information about, or
 306 information which may identify any person requesting emergency
 307 service or reporting an emergency by accessing an emergency
 308 communications E911 ~~telephone number "911" system is~~

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309 confidential and exempt from the provisions of s. 119.07(1) and
 310 s. 24(a), Art. I of the State Constitution, except that such
 311 record or information may be disclosed to a public safety
 312 agency. The exemption applies only to the name, address,
 313 telephone number or personal information about, or information
 314 which may identify any person requesting emergency services or
 315 reporting an emergency while such information is in the custody
 316 of the public agency or public safety agency providing emergency
 317 services. A telephone company or commercial mobile radio service
 318 provider shall not be liable for damages to any person resulting
 319 from or in connection with such telephone company's or
 320 commercial mobile radio service provider's provision of any
 321 lawful assistance to any investigative or law enforcement
 322 officer of the State of Florida or political subdivisions
 323 thereof, of the United States, or of any other state or
 324 political subdivision thereof, in connection with any lawful
 325 investigation or other law enforcement activity by such law
 326 enforcement officer unless the telephone company or commercial
 327 mobile radio service provider acted in a wanton and willful
 328 manner.

329 ~~(16) FALSE "911" CALLS. Whoever accesses the number "911"~~
 330 ~~for the purpose of making a false alarm or complaint or~~
 331 ~~reporting false information which could result in the emergency~~
 332 ~~response of any public safety agency is guilty of a misdemeanor~~
 333 ~~of the first degree, punishable as provided in s. 775.082 or s.~~
 334 ~~775.083.~~

335 Section 2. Section 365.172, Florida Statutes, is amended
 336 to read:

337 365.172 ~~Wireless~~ Emergency communications telephone number
 338 "E911."--

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

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

343 ~~(a) The mobile nature of wireless communications service~~
 344 ~~creates complexities for providing 911 emergency services.~~

345 ~~(b) Wireless telephone service providers are required by~~
 346 ~~the Federal Communications Commission to provide wireless~~
 347 ~~enhanced 911 (E911) service in the form of automatic location~~
 348 ~~identification and automatic number identification pursuant to~~
 349 ~~the terms and conditions set forth in an order issued by the~~
 350 ~~Federal Communications Commission.~~

351 ~~(c) Wireless telephone service providers and counties that~~
 352 ~~operate 911 and E911 systems require adequate funding to recover~~
 353 ~~the costs of designing, purchasing, installing, testing, and~~
 354 ~~operating enhanced facilities, systems, and services necessary~~
 355 ~~to comply with the requirements for E911 services mandated by~~
 356 ~~the Federal Communications Commission and to maximize the~~
 357 ~~availability of E911 services throughout this state.~~

358 ~~(d) The revenues generated by the E911 fee imposed under~~
 359 ~~this section are required to fund the efforts of the counties,~~
 360 ~~the Wireless 911 Board under the State Technology Office, and~~
 361 ~~commercial mobile radio service providers to improve the public~~
 362 ~~health, safety, and welfare and serve a public purpose by~~
 363 ~~providing emergency telephone assistance through wireless~~
 364 ~~communications.~~

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

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

369 (a)1. Establish and implement a comprehensive statewide
370 emergency telephone number system that will provide users of
371 voice communications services within the state ~~wireless~~
372 ~~telephone users with~~ rapid direct access to public safety
373 agencies by dialing the telephone number "911."

374 (b)2. Provide funds to counties ~~local governments~~ to pay
375 certain costs associated with their E911 or ~~the cost of~~
376 ~~installing and operating wireless~~ 911 systems and to reimburse
377 wireless telephone service providers for costs incurred to
378 provide 911 or E911 ~~enhanced 911~~ services.

379 (c)3. Levy a reasonable fee on users of voice
380 communications services, unless otherwise provided in this
381 section, subscribers of wireless telephone service to accomplish
382 these purposes.

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

387 (e) Ensure that the fee established is used exclusively
388 for recovery by wireless providers and by counties of the costs
389 associated with developing and maintaining E911 systems and
390 networks in a manner that is competitively and technologically
391 neutral as to all voice communications services providers. It is
392 further the intent of the Legislature that the fee authorized or

393 imposed by this section not necessarily provide the total
 394 funding required for establishing or providing E911 service.

395 (3) DEFINITIONS.--Only as used in this section and ss.
 396 365.171, 365.173, and 365.174, the term:

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

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

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

406 (c) "Automatic location identification" means the
 407 capability of the E911 service which enables the automatic
 408 display of information that defines the approximate geographic
 409 location of the wireless telephone used to place a 911 call.

410 (d) "Automatic number identification" means the capability
 411 of the E911 service which enables the automatic display of the
 412 10-digit service number used to place a 911 call.

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

415 (f) "Building permit review" means a review for compliance
 416 with building construction standards adopted by the local
 417 government under chapter 553 and does not include a review for
 418 compliance with land development regulations.

419 (g) "Collocation" means the situation when a second or
 420 subsequent wireless provider uses an existing structure to

421 locate a second or subsequent antennae. The term includes the
 422 ground, platform, or roof installation of equipment enclosures,
 423 cabinets, or buildings, and cables, brackets, and other
 424 equipment associated with the location and operation of the
 425 antennae.

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

429 (i) "E911" is the designation for an ~~a wireless~~ enhanced
 430 911 system or ~~wireless~~ enhanced 911 service that is an emergency
 431 telephone system or service that provides a subscriber with
 432 ~~wireless~~ 911 service and, in addition, directs 911 calls to
 433 appropriate public safety answering points by selective routing
 434 based on the geographical location from which the call
 435 originated, or as otherwise provided in the state plan under s.
 436 365.171, and that provides for automatic number identification
 437 and automatic location-identification features. E911 service
 438 provided by a wireless provider means E911 as defined in the
 439 order in accordance with the requirements of the order.

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

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

447 (l) "Fund" means the ~~Wireless~~ Emergency Communications
 448 Number E911 Telephone System Fund established in s. 365.173 and

449 maintained under this section for the purpose of recovering the
 450 costs associated with providing 911 service or E911 service,
 451 including the costs of implementing the order. The fund shall be
 452 segregated into wireless and nonwireless accounts.

453 (m) "Historic building, structure, site, object, or
 454 district" means any building, structure, site, object, or
 455 district that has been officially designated as a historic
 456 building, historic structure, historic site, historic object, or
 457 historic district through a federal, state, or local designation
 458 program.

459 (n) "Land development regulations" means any ordinance
 460 enacted by a local government for the regulation of any aspect
 461 of development, including an ordinance governing zoning,
 462 subdivisions, landscaping, tree protection, or signs, the local
 463 government's comprehensive plan, or any other ordinance
 464 concerning any aspect of the development of land. The term does
 465 not include any building construction standard adopted under and
 466 in compliance with chapter 553.

467 (o) "Local exchange carrier" means a "competitive local
 468 exchange telecommunications company" or a "local exchange
 469 telecommunications company" as defined in s. 364.02.

470 (p) "Local government" means any municipality, county, or
 471 political subdivision or agency of a municipality, county, or
 472 political subdivision.

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

475 (r) "Mobile telephone number" or "MTN" means the telephone
 476 number assigned to a wireless telephone at the time of initial

477 activation.

478 (s) "Nonwireless account" means the revenues to the fund
 479 received from voice communications services providers other than
 480 wireless providers.

481 (t)(s) "Office" means the Florida Enterprise Information
 482 Technology Services Office or other office within the Department
 483 of Management Services, as designated by the secretary of the
 484 department State Technology Office.

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

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

488 a. Order adopted on June 12, 1996, with an effective date
 489 of October 1, 1996, the amendments to s. 20.03 and the creation
 490 of s. 20.18 of Title 47 of the Code of Federal Regulations
 491 adopted by the Federal Communications Commission pursuant to
 492 such order.

493 b. Memorandum and Order No. FCC 97-402 adopted on December
 494 23, 1997.

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

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

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

501 (v)(u) "Prepaid calling arrangements" has the same meaning
 502 as defined in s. 212.05(1)(e) wireless telephone service" means
 503 wireless telephone service that is activated in advance by
 504 payment for a finite dollar amount of service or for a finite

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505 ~~set of minutes that terminate either upon use by a customer and~~
506 ~~delivery by the wireless provider of an agreed-upon amount of~~
507 ~~service corresponding to the total dollar amount paid in advance~~
508 ~~or within a certain period of time following the initial~~
509 ~~purchase or activation, unless additional payments are made.~~

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

- 512 ~~1. Is subject to the requirements of the order; or~~
513 ~~2. Elects to provide wireless 911 service or E911 service~~
514 ~~in this state.~~

515 (w) "Public agency" means the state and any municipality,
516 county, municipal corporation, or other governmental entity,
517 public district, or public authority located in whole or in part
518 within this state which provides, or has authority to provide,
519 firefighting, law enforcement, ambulance, medical, or other
520 emergency services.

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

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

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

530 ~~(z) "Service" means "commercial mobile radio service" as~~
531 ~~provided under ss. 3(27) and 332(d) of the Federal~~
532 ~~Telecommunications Act of 1996, 47 U.S.C., ss. 151 et seq., and~~

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533 ~~the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-~~
534 ~~66, August 10, 1993, 107 Stat. 312. The term "service" includes~~
535 ~~the term "wireless" and service provided by any wireless real-~~
536 ~~time two way wire communication device, including radio-~~
537 ~~telephone communications used in cellular telephone service,~~
538 ~~personal communications service, or the functional or~~
539 ~~competitive equivalent of a radio telephone communications line~~
540 ~~used in cellular telephone service, a personal communications~~
541 ~~service, or a network radio access line. The term does not~~
542 ~~include wireless providers that offer mainly dispatch service in~~
543 ~~a more localized, noncellular configuration, providers offering~~
544 ~~only data, one way, or stored voice services on an~~
545 ~~interconnected basis, providers of air-to-ground services, or~~
546 ~~public coast stations.~~

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

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

551 ~~(aa)(ee)~~ "Tower" means any structure designed primarily to
552 support a wireless provider's antennae.

553 (bb) "Voice communications services" means a service that
554 includes the transmission, conveyance, or routing of real-time,
555 two-way voice communications, to a point, or between or among
556 points, by or through any electronic, radio, satellite, cable,
557 optical, microwave, wireline, wireless, or other medium or
558 method now in existence or hereafter devised, regardless of the
559 protocol used for such transmission or conveyance, and that
560 includes the ability to receive and terminate voice calls to and

561 from the public switched telephone network. The term includes
 562 such transmission, conveyance, or routing of voice
 563 communications services in which computer processing
 564 applications are used to act on the form, code, or protocol of
 565 the content for purposes of transmission, conveyance, or routing
 566 without regard to whether such service is referred to as voice-
 567 over-Internet-protocol service or is classified by the Federal
 568 Communications Commission as enhanced or value-added.

569 (cc) "Voice communications services provider" or
 570 "provider" means any person or entity providing voice
 571 communications services, except that the term does not include
 572 any person or entity that resells voice communications service
 573 and was assessed the fee by its resale supplier.

574 (dd) "Wireless 911 system" or "wireless 911 service" means
 575 an emergency telephone system or service that provides a
 576 subscriber with the ability to reach an answering point by
 577 dialing the digits "911."

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

580 (ff)~~(dd)~~ "Wireless communications facility" means any
 581 equipment or facility used to provide service and may include,
 582 but is not limited to, antennae, towers, equipment enclosures,
 583 cabling, antenna brackets, and other such equipment. Placing a
 584 wireless communications facility on an existing structure does
 585 not cause the existing structure to become a wireless
 586 communications facility.

587 (gg) "Wireless provider" means a person who provides
 588 wireless service and:

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- 589 1. Is subject to the requirements of the order; or
 590 2. Elects to provide wireless 911 service or E911 service
 591 in this state.

592 (hh) "Wireless service" means "commercial mobile radio
 593 service" as provided under ss. 3(27) and 332(d) of the Federal
 594 Telecommunications Act of 1996, 47 U.S.C., ss. 151 et seq., and
 595 the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-
 596 66, August 10, 1993, 107 Stat. 312. The term includes service
 597 provided by any wireless real-time two-way wire communication
 598 device, including radio-telephone communications used in
 599 cellular telephone service; personal communications service; or
 600 the functional or competitive equivalent of a radio-telephone
 601 communications line used in cellular telephone service, a
 602 personal communications service, or a network radio access line.
 603 The term does not include wireless providers that offer mainly
 604 dispatch service in a more localized, noncellular configuration;
 605 providers offering only data, one-way, or stored-voice services
 606 on an interconnected basis; providers of air-to-ground services;
 607 or public coast stations.

608 ~~(ee) "Wireless 911 system" or "wireless 911 service" means~~
 609 ~~an emergency telephone system or service that provides a~~
 610 ~~subscriber with the ability to reach an answering point by~~
 611 ~~dialing the digits "911." A wireless 911 system is complementary~~
 612 ~~to a wired 911 system as provided for in s. 365.171.~~

613 (4) POWERS AND DUTIES OF THE OFFICE.--The office shall
 614 oversee the administration of the fee authorized and imposed on
 615 subscribers of voice communications services ~~statewide E911~~
 616 ~~service~~ under subsection (8).

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

618 (a) The E911 ~~Wireless-911~~ Board is established to
 619 administer, with oversight by the office, the fee imposed under
 620 subsection (8), including receiving revenues derived from the
 621 fee; distributing portions of the such revenues to wireless
 622 providers, counties, and the office; accounting for receipts,
 623 distributions, and income derived by the funds maintained in the
 624 fund; and providing annual reports to the Governor and the
 625 Legislature for submission by the office on amounts collected
 626 and expended, the purposes for which expenditures have been
 627 made, and the status of wireless E911 service in this state. In
 628 order to advise and assist the office in carrying out the
 629 purposes of this section, the board, which shall have the power
 630 of a body corporate, has ~~shall have~~ the powers enumerated in
 631 subsection (6).

632 (b) The board shall consist of nine ~~seven~~ members, one of
 633 whom must be the system director designated under s. 365.171(5),
 634 or his or her designee, who shall serve as the chair of the
 635 board. The remaining eight ~~six~~ members of the board shall be
 636 appointed by the Governor and must be composed of four ~~three~~
 637 county 911 coordinators recommended by the Florida Association
 638 of Counties, two local exchange carrier members, one of which
 639 must be the local exchange carrier having the greatest number of
 640 access lines in the state, and two ~~three~~ members from the
 641 wireless telecommunications industry recommended by the Florida
 642 Telecommunications Industry Association in consultation with the
 643 wireless telecommunications industry. In recommending members
 644 from the wireless telecommunications industry, consideration

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

648 (c) The system director, designated under s. 365.171(5),
 649 or his or her designee, must be a permanent member of the board.
 650 Each of the remaining eight ~~six~~ members of the board shall be
 651 appointed to a 4-year term and may not be appointed to more than
 652 two successive terms. However, for the purpose of staggering
 653 terms, two of the original board members shall be appointed to
 654 terms of 4 years, two shall be appointed to terms of 3 years,
 655 and four ~~two~~ shall be appointed to terms of 2 years, as
 656 designated by the Governor. A vacancy on the board shall be
 657 filled in the same manner as the original appointment.

658 (d) The first vacancy in a wireless provider
 659 representative position occurring after July 1, 2007, must be
 660 filled by appointment of a local exchange company
 661 representative. Until the appointment is made, there shall be
 662 only one local exchange company representative serving on the
 663 board, notwithstanding any other provision to the contrary.

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

665 (a) The board shall:

- 666 1. Administer the E911 fee.
- 667 2. Implement, maintain, and oversee the fund.
- 668 3. Review and oversee the disbursement of the revenues
 669 deposited into the fund as provided in s. 365.173.

670 a. The board may establish a schedule for implementing
 671 wireless E911 service by service area, and prioritize
 672 disbursements of revenues from the fund to providers and rural

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673 counties as provided in s. 365.173(2)(c) ~~s. 365.173(2)(b)~~ and
674 (e) ~~(e)~~ pursuant to the schedule, in order to implement E911
675 services in the most efficient and cost-effective manner.

676 b. Revenues in the wireless account ~~collected and~~
677 ~~deposited into the fund for distribution as provided in s.~~
678 ~~365.173(2)(b), but~~ which have not been disbursed because sworn
679 invoices as required by s. 365.173(2)(c) ~~s. 365.173(2)(b)~~ have
680 not been submitted to the board, may be utilized by the board as
681 needed to provide grants to rural counties and loans to medium
682 and large counties for the purpose of upgrading E911 systems.
683 The counties must use the funds only for capital expenditures
684 directly attributable to establishing and provisioning an E911
685 service, which may include next generation deployment. ~~Grants~~
686 ~~provided to rural counties would be in addition to disbursements~~
687 ~~provided under s. 365.173(2)(c). Loans provided to medium~~
688 ~~counties shall be based on county hardship criteria as~~
689 ~~determined and approved by the board. Revenues utilized for this~~
690 ~~purpose shall be fully repaid to the fund in a manner and under~~
691 ~~a timeframe as determined and approved by the board. The board~~
692 shall take all actions within its authority to ensure that
693 county recipients of such grants and loans use ~~utilize~~ these
694 funds only for the purpose under which they have been provided
695 and may take any actions within its authority to secure county
696 repayment of grant and loan revenues upon determination that the
697 funds were not utilized for the purpose under which they were
698 provided.

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

701 d. After taking the action required in this subparagraph,
 702 and in the event the board determines that the revenues in the
 703 wireless account exceeds the amount needed to reimburse wireless
 704 providers for costs to implement E911 services, the board may
 705 authorize the transfer to the counties of funds from the
 706 existing funds within the wireless account. The board shall
 707 disburse the funds equitably to all counties pursuant to a
 708 timeframe and distribution methodology as established by the
 709 board.

710 4. Review documentation submitted by wireless providers
 711 which reflects current and projected funds derived from the ~~E911~~
 712 fee, and the expenses incurred and expected to be incurred, in
 713 order to comply with the E911 service requirements contained in
 714 the order for the purposes of:

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

717 b. Ensuring that wireless providers are not provided
 718 disbursements from the fund which exceed the costs of providing
 719 E911 service, including the costs of complying with the order.

720 c. Ascertaining the projected costs of compliance with the
 721 requirements of the order and projected collections of the ~~E911~~
 722 fee.

723 d. Implementing changes to the allocation percentages or
 724 adjusting ~~reducing~~ the ~~E911~~ fee under paragraph (8)(i) ~~(8)(e)~~.

725 5. Meet monthly in the most efficient and cost-effective
 726 manner, including telephonically when practical, for the
 727 business to be conducted, to review and approve or reject, in
 728 whole or in part, applications submitted by wireless providers

729 for recovery of moneys deposited into the wireless account, and
 730 to authorize the transfer of, and distribute, the fee allocation
 731 to the counties fund.

732 6. Hire and retain employees, which may include an
 733 independent executive director who shall possess experience in
 734 the area of telecommunications and emergency 911 issues, for the
 735 purposes of performing the technical and administrative
 736 functions for the board.

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

740 ~~8. Take all necessary and reasonable steps by July 1,~~
 741 ~~2000, to secure appropriate information and reports from~~
 742 ~~providers and otherwise perform all of the functions that would~~
 743 ~~be performed by an independent accounting firm prior to~~
 744 ~~completing the request for proposals process under subsection~~
 745 ~~(7).~~

746 ~~8.9.~~ Sue and be sued, and appear and defend in all actions
 747 and proceedings, in its corporate name to the same extent as a
 748 natural person.

749 ~~9.10.~~ Adopt, use, and alter a common corporate seal.

750 ~~10.11.~~ Elect or appoint the officers and agents that are
 751 required by the affairs of the board.

752 ~~11.12.~~ The board may adopt rules under ss. 120.536(1) and
 753 120.54 to implement this section and ss. 365.173 and 365.174.

754 ~~12.13.~~ Provide coordination, support, and technical
 755 assistance to counties to promote the deployment of advanced 911
 756 and E911 systems in the state.

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757 ~~13.14.~~ Provide coordination and support for educational
758 opportunities related to E911 911 issues for the E911 911
759 community in this state.

760 ~~14.15.~~ Act as an advocate for issues related to E911 911
761 system functions, features, and operations to improve the
762 delivery of E911 911 services to the residents of and visitors
763 to this state.

764 ~~15.16.~~ Coordinate input from this state at national forums
765 and associations, to ensure that policies related to E911 911
766 systems and services are consistent with the policies of the
767 E911 911 community in this state.

768 ~~16.17.~~ Work cooperatively with the system director
769 established in s. 365.171(5) to enhance the state of E911 911
770 services in this state and to provide unified leadership for all
771 E911 911 issues through planning and coordination.

772 ~~17.18.~~ Do all acts and things necessary or convenient to
773 carry out the powers granted in this section in a manner that is
774 competitively and technologically neutral as to all voice
775 communications service providers, including but not limited to,
776 consideration of emerging technology and related cost savings,
777 while taking into account embedded costs in current systems.

778 ~~18.19.~~ Have the authority to secure the services of an
779 independent, private attorney via invitation to bid, request for
780 proposals, invitation to negotiate, or professional contracts
781 for legal services already established at the Division of
782 Purchasing of the Department of Management Services.

783 (b) Board members shall serve without compensation;
784 however, members are entitled to per diem and travel expenses as

785 provided in s. 112.061.

786 (c) By February 28 of each year, the board shall prepare a
 787 report for submission by the office to the Governor, the
 788 President of the Senate, and the Speaker of the House of
 789 Representatives which addresses for the immediately preceding
 790 calendar year: ~~reflects, for the immediately preceding calendar~~
 791 ~~year, the quarterly and annual receipts and disbursements of~~
 792 ~~moneys in the fund, the purposes for which disbursements of~~
 793 ~~moneys from the fund have been made, and the availability and~~
 794 ~~status of implementation of E911 service in this state.~~

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

799 1. The annual receipts including the total amount of E911
 800 fee revenues collected by each provider, the total disbursements
 801 of money in the fund, including the amount of fund-reimbursed
 802 expenses incurred by each wireless provider to comply with the
 803 order, and the amount of moneys on deposit in the fund, ~~all as~~
 804 ~~of December 1, 2000.~~

805 2. Whether the amount of the ~~E911~~ fee and the allocation
 806 percentages set forth in s. 365.173 have been or should be
 807 adjusted to comply with the requirements of the order, other
 808 provisions of this chapter, and, ~~if so,~~ a recommended adjustment
 809 to the ~~E911~~ fee.

810 3. Any other issues related to providing ~~wireless~~ E911
 811 services.

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

813 (7) REQUEST FOR PROPOSALS FOR INDEPENDENT ACCOUNTING
 814 FIRM.--

815 (a) The board shall issue a request for proposals as
 816 provided in chapter 287 for the purpose of retaining an
 817 independent accounting firm. The independent accounting firm
 818 shall perform all material administrative and accounting tasks
 819 and functions required for administering the ~~E911~~ fee. The
 820 request for proposals must include, but need not be limited to:

821 1. A description of the scope and general requirements of
 822 the services requested.

823 2. A description of the specific accounting and reporting
 824 services required for administering the fund, including
 825 processing checks and distributing funds as directed by the
 826 board under s. 365.173.

827 3. A description of information to be provided by the
 828 proposer, including the proposer's background and qualifications
 829 and the proposed cost of the services to be provided.

830 (b) The board shall establish a committee to review
 831 requests for proposals which must include the statewide E911 ~~911~~
 832 system director designated under s. 365.171(5), or his or her
 833 designee, and two members of the board, one of whom is a county
 834 911 coordinator and one of whom represents a voice
 835 communications services provider ~~the wireless telecommunications~~
 836 ~~industry~~. The review committee shall review the proposals
 837 received by the board and recommend an independent accounting
 838 firm to the board for final selection. By agreeing to serve on
 839 the review committee, each member of the review committee shall
 840 verify that he or she does not have any interest or employment,

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841 directly or indirectly, with potential proposers which conflicts
842 in any manner or degree with his or her performance on the
843 committee.

844 (c) After July 1, 2004, the board may secure the services
845 of an independent accounting firm via invitation to bid, request
846 for proposals, invitation to negotiate, or professional
847 contracts already established at the Division of Purchasing,
848 Department of Management Services, for certified public
849 accounting firms, or the board may hire and retain professional
850 accounting staff to accomplish these functions.

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

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

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

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

866 3. All voice communications services providers not
867 addressed under subparagraphs 1. and 2. shall bill the fee on a
868 per-service-identifier basis for service identifiers whose

869 primary place of use is within the state.

870
871 The provider may list the fee as a separate entry on each bill,
872 in which case the fee must be identified as a fee for E911
873 services. A provider shall remit the fee to the board only if
874 the fee is paid by the subscriber. If a provider receives a
875 partial payment for a monthly bill from a subscriber, the amount
876 received shall first be applied to the payment due the provider
877 for providing voice communications service.

878 (b) A provider is not obligated to take any legal action
879 to enforce collection of the fees for which any subscriber is
880 billed. A county subscribing to 911 service remains liable to
881 the person providing the 911 service or equipment for any 911
882 service, equipment, operation, or maintenance charge owed by the
883 county to the person.

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

886 (d) Each provider may retain 1 percent of the amount of
887 the fees collected as reimbursement for the administrative costs
888 incurred by the provider to bill, collect, and remit the fee.
889 The remainder shall be delivered to the board and deposited by
890 the board into the fund. The board shall distribute the
891 remainder pursuant to s. 365.173.

892 (e) Effective September 1, 2007, voice communications
893 services providers billing the fee to subscribers shall deliver
894 revenues from the fee to the board within 60 days after the end
895 of the month in which the fee was billed, together with a
896 monthly report of the number of service identifiers in each

897 county. Each wireless provider and other applicable provider
 898 identified in subparagraph (a)3. shall report the number of
 899 service identifiers for subscribers whose place of primary use
 900 is in each county. If a provider chooses to remit any fee
 901 amounts to the board before they are paid by the subscribers, a
 902 provider may apply to the board for a refund of, or may take a
 903 credit for, any such fees remitted to the board which are not
 904 collected by the provider within 6 months following the month in
 905 which the fees are charged off for federal income tax purposes
 906 as bad debt.

907 (f) The rate of the fee may not exceed ~~shall be~~ 50 cents
 908 per month per each service identifier number, beginning August
 909 1, 1999. The fee shall apply uniformly and be imposed throughout
 910 the state, except for those counties that, before July 1, 2007,
 911 had adopted an ordinance establishing a fee less than 50 cents
 912 per month per access line. In those counties, the ordinance-
 913 established fee shall apply until the board makes the adjustment
 914 on or after September 1, 2008. The board shall adjust the level
 915 of the fee for all such counties to the uniform statewide fee
 916 level. The board may not adjust the fee to the uniform statewide
 917 fee level before September 1, 2008.

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

920 (h) No later than September 1, 2007, the board shall set
 921 the allocation percentages for distribution of the fund as
 922 provided in s. 365.173. When setting the percentages and
 923 contemplating any adjustments to the fee, the board shall
 924 consider the following:

925 1. The revenues currently allocated for wireless service
 926 provider costs for implementing E911 service and projected costs
 927 for implementing E911 service, including recurring costs for
 928 Phase I and Phase II;

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

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

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

938 (i)(e) After July 1, 2001, The board may adjust the
 939 allocation percentages or adjust provided in s. 365.173 or
 940 reduce the amount of the fee, or both, if necessary to ensure
 941 full cost recovery or prevent overrecovery of costs incurred in
 942 the provision of E911 service, including costs incurred or
 943 projected to be incurred to comply with the order. Any new
 944 allocation percentages or reduced or increased fee may not be
 945 adjusted for 1 year. The fee may not exceed 50 cents per month
 946 per each service identifier number. The board-established fee,
 947 and any board-adjustment of the fee, shall be uniform throughout
 948 the state, except for the counties identified in paragraph (f).
 949 No less than 90 days before the effective date of any adjustment
 950 to the fee, the board shall provide written notice of the
 951 adjusted fee amount and effective date to each voice
 952 communications services provider from which the board is then

953 receiving the fee.

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

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

958 (l) For purposes of this section, the definitions
 959 contained in s. 202.11 and the provisions of s. 202.155 apply in
 960 the same manner and to the same extent as the definitions and
 961 provisions apply to the taxes levied under chapter 202 on mobile
 962 communications services.

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

964 (a) For purposes of this section, E911 service includes
 965 the functions of database management, call taking, location
 966 verification, and call transfer.

967 (b) All costs directly attributable to the establishment
 968 or provision of E911 service and contracting for E911 services
 969 are eligible for expenditure of moneys derived from imposition
 970 of the fee authorized by this section. These costs include the
 971 acquisition, implementation, and maintenance of Public Safety
 972 Answering Point (PSAP) equipment and E911 service features, as
 973 defined in the Public Service Commission's lawfully approved 911
 974 and E911 and related tariffs or the acquisition, installation,
 975 and maintenance of other E911 equipment, including call
 976 answering equipment, call transfer equipment, ANI controllers,
 977 ALI controllers, ANI displays, ALI displays, station
 978 instruments, E911 telecommunications systems, visual call
 979 information and storage devices, recording equipment, telephone
 980 devices for the hearing impaired used in the E911 system, PSAP

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981 backup power systems, consoles, automatic call distributors, and
982 interfaces, including hardware and software, for computer-aided
983 dispatch (CAD) systems, integrated CAD systems for that portion
984 of the systems used for E911 call taking, network clocks, salary
985 and associated expenses for E911 call takers for that portion of
986 their time spent taking and transferring E911 calls, salary and
987 associated expenses for a county to employ a full-time
988 equivalent E911 coordinator position and a full-time equivalent
989 staff assistant position per county for the portion of their
990 time spent administrating the E911 system, training costs for
991 PSAP call takers in the proper methods and techniques used in
992 taking and transferring E911 calls, costs to train and educate
993 PSAP employees and other public safety agency employees
994 regarding E911 service or E911 equipment; emergency notification
995 systems, and expenses required to develop and maintain all
996 information, including ALI and ANI databases and other
997 information source repositories, necessary to properly inform
998 calltakers as to location address, type of emergency, and other
999 information directly relevant to the E911 call-taking and
1000 transferring function. Moneys derived from the fee may also be
1001 used for emergency and disaster recovery mobile E911 PSAPs, next
1002 generation E911 network services, next generation E911 database
1003 services, next-generation E911 equipment, and wireless E911
1004 routing systems.

1005 (c) The moneys may not be used to pay for any item not
1006 listed in this subsection, including, but not limited to, any
1007 capital or operational costs for emergency responses which occur
1008 after the call transfer to the responding public safety entity

1009 and the costs for constructing, leasing, maintaining, or
 1010 renovating buildings, except for those building modifications
 1011 necessary to maintain the security and environmental integrity
 1012 of the PSAP and E911 equipment rooms.

1013 (d) A wireless provider is not required to participate in
 1014 any pilot project or to otherwise implement a nonemergency "311"
 1015 system or similar nonemergency system.

1016 (10) LIABILITY OF COUNTIES.--A county subscribing to 911
 1017 service remains liable to the local exchange carrier for any 911
 1018 service, equipment, operation, or maintenance charge owed by the
 1019 county to the local exchange carrier. As used in this
 1020 subsection, the term "local exchange carrier" means a local
 1021 exchange telecommunications service provider of 911 service or
 1022 equipment to any county within its certificated area.

1023 (11) INDEMNIFICATION AND LIMITATION OF LIABILITY.--Local
 1024 governments are authorized to undertake to indemnify local
 1025 exchange carriers against liability in accordance with the
 1026 lawfully filed tariffs of the company. Notwithstanding an
 1027 indemnification agreement, a voice communications services
 1028 provider is not liable for damages resulting from or in
 1029 connection with 911 or E911 service, or the address or name
 1030 associated with any person accessing 911 or E911 service, unless
 1031 the voice communications services provider acted with malicious
 1032 purpose or in a manner exhibiting wanton and willful disregard
 1033 of the rights, safety, or property of a person when providing
 1034 such services. A voice communications services provider is not
 1035 liable for damages to any person resulting from or in connection
 1036 with the provider's provision of any lawful assistance to any

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1037 investigative or law enforcement officer of the United States,
1038 this state, or a political subdivision thereof, or of any other
1039 state or political subdivision thereof, in connection with any
1040 lawful investigation or other law enforcement activity by such
1041 law enforcement officer.

1042 ~~(9) MANAGEMENT OF FUNDS.~~

1043 ~~(a) Each provider, as a part of its monthly billing~~
1044 ~~process, shall collect the fee imposed under subsection (8). The~~
1045 ~~provider may list the fee as a separate entry on each bill, in~~
1046 ~~which case the fee must be identified as a fee for E911~~
1047 ~~services. A provider shall remit the fee only if the fee is paid~~
1048 ~~by the subscriber. If a provider receives a partial payment for~~
1049 ~~a monthly bill from a subscriber, the amount received shall~~
1050 ~~first be applied to the payment due the provider for the~~
1051 ~~provision of telecommunications service.~~

1052 ~~(b) In the case of prepaid wireless telephone service, the~~
1053 ~~monthly wireless 911 surcharge imposed by subsection (8) shall~~
1054 ~~be remitted based upon each prepaid wireless telephone~~
1055 ~~associated with this state, for each wireless service customer~~
1056 ~~that has a sufficient positive balance as of the last day of~~
1057 ~~each month. The surcharge shall be remitted in any manner~~
1058 ~~consistent with the wireless provider's existing operating or~~
1059 ~~technological abilities, such as customer address, location~~
1060 ~~associated with the MTN, or reasonable allocation method based~~
1061 ~~upon other comparable relevant data. The surcharge amount or an~~
1062 ~~equivalent number of minutes may be reduced from the prepaid~~
1063 ~~subscriber's account since a direct billing may not be possible.~~
1064 ~~However, collection of the wireless 911 surcharge in the manner~~

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1065 ~~of a reduction of value or minutes from the prepaid subscriber's~~
1066 ~~account does not constitute a reduction in the sales price for~~
1067 ~~purposes of taxes that are collected at the point of sale.~~

1068 ~~(c) A provider is not obligated to take any legal action~~
1069 ~~to enforce collection of the fees for which any subscriber is~~
1070 ~~billed. The provider shall provide to the board each quarter a~~
1071 ~~list of the names, addresses, and service numbers of all~~
1072 ~~subscribers who have indicated to the provider their refusal to~~
1073 ~~pay the fee.~~

1074 ~~(d) Each provider may retain 1 percent of the amount of~~
1075 ~~the fees collected as reimbursement for the administrative costs~~
1076 ~~incurred by the provider to bill, collect, and remit the fee.~~
1077 ~~The remainder shall be delivered to the board and deposited in~~
1078 ~~the fund. The board shall distribute the remainder pursuant to~~
1079 ~~s. 365.173.~~

1080 ~~(e) Each provider shall deliver revenues from the fee to~~
1081 ~~the board within 60 days after the end of the month in which the~~
1082 ~~fee was billed, together with a monthly report of the number of~~
1083 ~~wireless customers whose place of primary use is in each county.~~
1084 ~~A provider may apply to the board for a refund of, or may take a~~
1085 ~~credit for, any fees remitted to the board which are not~~
1086 ~~collected by the provider within 6 months following the month in~~
1087 ~~which the fees are charged off for federal income tax purposes~~
1088 ~~as bad debt. The board may waive the requirement that the fees~~
1089 ~~and number of customers whose place of primary use is in each~~
1090 ~~county be submitted to the board each month and authorize a~~
1091 ~~provider to submit the fees and number of customers quarterly if~~
1092 ~~the provider demonstrates that such waiver is necessary and~~

1093 justified.

1094 ~~(f) For purposes of this section, the definitions~~
 1095 ~~contained in s. 202.11 and the provisions of s. 202.155 apply in~~
 1096 ~~the same manner and to the same extent as such definitions and~~
 1097 ~~provisions apply to the taxes levied pursuant to chapter 202 on~~
 1098 ~~mobile communications services.~~

1099 ~~(g) As used in this subsection, the term "provider"~~
 1100 ~~includes any person or entity that resells wireless service and~~
 1101 ~~was not assessed the fee by its resale supplier.~~

1102 ~~(10) PROVISION OF SERVICES. In accordance with the order,~~
 1103 ~~a provider is not required to provide E911 service until:~~

1104 ~~(a) The provider receives a request in writing for such~~
 1105 ~~service from the county 911 coordinator and the affected~~
 1106 ~~answering point is capable of receiving and using the data~~
 1107 ~~elements associated with the service.~~

1108 ~~(b) Funds are available under s. 365.173(2)(b).~~

1109 ~~(c) The local exchange carrier is able to support the E911~~
 1110 ~~system.~~

1111 ~~(d) The service area has been scheduled for implementation~~
 1112 ~~of E911 service by the board pursuant to subparagraph (6)(a)3.~~
 1113 ~~If a county's 911 coordinator requests E911 service from a~~
 1114 ~~provider, the coordinator shall also request E911 service from~~
 1115 ~~all other providers in the area in a nondiscriminatory and fair~~
 1116 ~~manner.~~

1117 (12) ~~(11)~~ FACILITATING E911 SERVICE IMPLEMENTATION.--To
 1118 balance the public need for reliable E911 services through
 1119 reliable wireless systems and the public interest served by
 1120 governmental zoning and land development regulations and

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1121 notwithstanding any other law or local ordinance to the
1122 contrary, the following standards shall apply to a local
1123 government's actions, as a regulatory body, in the regulation of
1124 the placement, construction, or modification of a wireless
1125 communications facility. This subsection shall not, however, be
1126 construed to waive or alter the provisions of s. 286.011 or s.
1127 286.0115. For the purposes of this subsection only, "local
1128 government" shall mean any municipality or county and any agency
1129 of a municipality or county only. The term "local government"
1130 does not, however, include any airport, as defined by s.
1131 330.27(2), even if it is owned or controlled by or through a
1132 municipality, county, or agency of a municipality or county.
1133 Further, notwithstanding anything in this section to the
1134 contrary, this subsection does not apply to or control a local
1135 government's actions as a property or structure owner in the use
1136 of any property or structure owned by such entity for the
1137 placement, construction, or modification of wireless
1138 communications facilities. In the use of property or structures
1139 owned by the local government, however, a local government may
1140 not use its regulatory authority so as to avoid compliance with,
1141 or in a manner that does not advance, the provisions of this
1142 subsection.

1143 (a) Collocation among wireless providers is encouraged by
1144 the state.

1145 1.a. Collocations on towers, including nonconforming
1146 towers, that meet the requirements in sub-sub-subparagraphs (I),
1147 (II), and (III), are subject to only building permit review,
1148 which may include a review for compliance with this

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1149 | subparagraph. Such collocations are not subject to any design or
1150 | placement requirements of the local government's land
1151 | development regulations in effect at the time of the collocation
1152 | that are more restrictive than those in effect at the time of
1153 | the initial antennae placement approval, to any other portion of
1154 | the land development regulations, or to public hearing review.
1155 | This sub-subparagraph shall not preclude a public hearing for
1156 | any appeal of the decision on the collocation application.

1157 | (I) The collocation does not increase the height of the
1158 | tower to which the antennae are to be attached, measured to the
1159 | highest point of any part of the tower or any existing antenna
1160 | attached to the tower;

1161 | (II) The collocation does not increase the ground space
1162 | area, commonly known as the compound, approved in the site plan
1163 | for equipment enclosures and ancillary facilities; and

1164 | (III) The collocation consists of antennae, equipment
1165 | enclosures, and ancillary facilities that are of a design and
1166 | configuration consistent with all applicable regulations,
1167 | restrictions, or conditions, if any, applied to the initial
1168 | antennae placed on the tower and to its accompanying equipment
1169 | enclosures and ancillary facilities and, if applicable, applied
1170 | to the tower supporting the antennae. Such regulations may
1171 | include the design and aesthetic requirements, but not
1172 | procedural requirements, other than those authorized by this
1173 | section, of the local government's land development regulations
1174 | in effect at the time the initial antennae placement was
1175 | approved.

1176 | b. Except for a historic building, structure, site,

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1177 | object, or district, or a tower included in sub-subparagraph a.,
1178 | collocations on all other existing structures that meet the
1179 | requirements in sub-sub-subparagraphs (I)-(IV) shall be subject
1180 | to no more than building permit review, and an administrative
1181 | review for compliance with this subparagraph. Such collocations
1182 | are not subject to any portion of the local government's land
1183 | development regulations not addressed herein, or to public
1184 | hearing review. This sub-subparagraph shall not preclude a
1185 | public hearing for any appeal of the decision on the collocation
1186 | application.

1187 | (I) The collocation does not increase the height of the
1188 | existing structure to which the antennae are to be attached,
1189 | measured to the highest point of any part of the structure or
1190 | any existing antenna attached to the structure;

1191 | (II) The collocation does not increase the ground space
1192 | area, otherwise known as the compound, if any, approved in the
1193 | site plan for equipment enclosures and ancillary facilities;

1194 | (III) The collocation consists of antennae, equipment
1195 | enclosures, and ancillary facilities that are of a design and
1196 | configuration consistent with any applicable structural or
1197 | aesthetic design requirements and any requirements for location
1198 | on the structure, but not prohibitions or restrictions on the
1199 | placement of additional collocations on the existing structure
1200 | or procedural requirements, other than those authorized by this
1201 | section, of the local government's land development regulations
1202 | in effect at the time of the collocation application; and

1203 | (IV) The collocation consists of antennae, equipment
1204 | enclosures, and ancillary facilities that are of a design and

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1205 configuration consistent with all applicable restrictions or
1206 conditions, if any, that do not conflict with sub-sub-
1207 subparagraph (III) and were applied to the initial antennae
1208 placed on the structure and to its accompanying equipment
1209 enclosures and ancillary facilities and, if applicable, applied
1210 to the structure supporting the antennae.

1211 c. Regulations, restrictions, conditions, or permits of
1212 the local government, acting in its regulatory capacity, that
1213 limit the number of collocations or require review processes
1214 inconsistent with this subsection shall not apply to
1215 collocations addressed in this subparagraph.

1216 d. If only a portion of the collocation does not meet the
1217 requirements of this subparagraph, such as an increase in the
1218 height of the proposed antennae over the existing structure
1219 height or a proposal to expand the ground space approved in the
1220 site plan for the equipment enclosure, where all other portions
1221 of the collocation meet the requirements of this subparagraph,
1222 that portion of the collocation only may be reviewed under the
1223 local government's regulations applicable to an initial
1224 placement of that portion of the facility, including, but not
1225 limited to, its land development regulations, and within the
1226 review timeframes of subparagraph (d)2., and the rest of the
1227 collocation shall be reviewed in accordance with this
1228 subparagraph. A collocation proposal under this subparagraph
1229 that increases the ground space area, otherwise known as the
1230 compound, approved in the original site plan for equipment
1231 enclosures and ancillary facilities by no more than a cumulative
1232 amount of 400 square feet or 50 percent of the original compound

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1233 size, whichever is greater, shall, however, require no more than
1234 administrative review for compliance with the local government's
1235 regulations, including, but not limited to, land development
1236 regulations review, and building permit review, with no public
1237 hearing review. This sub-subparagraph shall not preclude a
1238 public hearing for any appeal of the decision on the collocation
1239 application.

1240 2. If a collocation does not meet the requirements of
1241 subparagraph 1., the local government may review the application
1242 under the local government's regulations, including, but not
1243 limited to, land development regulations, applicable to the
1244 placement of initial antennae and their accompanying equipment
1245 enclosure and ancillary facilities.

1246 3. If a collocation meets the requirements of subparagraph
1247 1., the collocation shall not be considered a modification to an
1248 existing structure or an impermissible modification of a
1249 nonconforming structure.

1250 4. The owner of the existing tower on which the proposed
1251 antennae are to be collocated shall remain responsible for
1252 compliance with any applicable condition or requirement of a
1253 permit or agreement, or any applicable condition or requirement
1254 of the land development regulations to which the existing tower
1255 had to comply at the time the tower was permitted, including any
1256 aesthetic requirements, provided the condition or requirement is
1257 not inconsistent with this paragraph.

1258 5. An existing tower, including a nonconforming tower, may
1259 be structurally modified in order to permit collocation or may
1260 be replaced through no more than administrative review and

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1261 building permit review, and is not subject to public hearing
1262 review, if the overall height of the tower is not increased and,
1263 if a replacement, the replacement tower is a monopole tower or,
1264 if the existing tower is a camouflaged tower, the replacement
1265 tower is a like-camouflaged tower. This subparagraph shall not
1266 preclude a public hearing for any appeal of the decision on the
1267 application.

1268 (b)1. A local government's land development and
1269 construction regulations for wireless communications facilities
1270 and the local government's review of an application for the
1271 placement, construction, or modification of a wireless
1272 communications facility shall only address land development or
1273 zoning issues. In such local government regulations or review,
1274 the local government may not require information on or evaluate
1275 a wireless provider's business decisions about its service,
1276 customer demand for its service, or quality of its service to or
1277 from a particular area or site, unless the wireless provider
1278 voluntarily offers this information to the local government. In
1279 such local government regulations or review, a local government
1280 may not require information on or evaluate the wireless
1281 provider's designed service unless the information or materials
1282 are directly related to an identified land development or zoning
1283 issue or unless the wireless provider voluntarily offers the
1284 information. Information or materials directly related to an
1285 identified land development or zoning issue may include, but are
1286 not limited to, evidence that no existing structure can
1287 reasonably be used for the antennae placement instead of the
1288 construction of a new tower, that residential areas cannot be

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1289 served from outside the residential area, as addressed in
1290 subparagraph 3., or that the proposed height of a new tower or
1291 initial antennae placement or a proposed height increase of a
1292 modified tower, replacement tower, or collocation is necessary
1293 to provide the provider's designed service. Nothing in this
1294 paragraph shall limit the local government from reviewing any
1295 applicable land development or zoning issue addressed in its
1296 adopted regulations that does not conflict with this section,
1297 including, but not limited to, aesthetics, landscaping, land use
1298 based location priorities, structural design, and setbacks.

1299 2. Any setback or distance separation required of a tower
1300 may not exceed the minimum distance necessary, as determined by
1301 the local government, to satisfy the structural safety or
1302 aesthetic concerns that are to be protected by the setback or
1303 distance separation.

1304 3. A local government may exclude the placement of
1305 wireless communications facilities in a residential area or
1306 residential zoning district but only in a manner that does not
1307 constitute an actual or effective prohibition of the provider's
1308 service in that residential area or zoning district. If a
1309 wireless provider demonstrates to the satisfaction of the local
1310 government that the provider cannot reasonably provide its
1311 service to the residential area or zone from outside the
1312 residential area or zone, the municipality or county and
1313 provider shall cooperate to determine an appropriate location
1314 for a wireless communications facility of an appropriate design
1315 within the residential area or zone. The local government may
1316 require that the wireless provider reimburse the reasonable

1317 costs incurred by the local government for this cooperative
 1318 determination. An application for such cooperative determination
 1319 shall not be considered an application under paragraph (d).

1320 4. A local government may impose a reasonable fee on
 1321 applications to place, construct, or modify a wireless
 1322 communications facility only if a similar fee is imposed on
 1323 applicants seeking other similar types of zoning, land use, or
 1324 building permit review. A local government may impose fees for
 1325 the review of applications for wireless communications
 1326 facilities by consultants or experts who conduct code compliance
 1327 review for the local government but any fee is limited to
 1328 specifically identified reasonable expenses incurred in the
 1329 review. A local government may impose reasonable surety
 1330 requirements to ensure the removal of wireless communications
 1331 facilities that are no longer being used.

1332 5. A local government may impose design requirements, such
 1333 as requirements for designing towers to support collocation or
 1334 aesthetic requirements, except as otherwise limited in this
 1335 section, but shall not impose or require information on
 1336 compliance with building code type standards for the
 1337 construction or modification of wireless communications
 1338 facilities beyond those adopted by the local government under
 1339 chapter 553 and that apply to all similar types of construction.

1340 (c) Local governments may not require wireless providers
 1341 to provide evidence of a wireless communications facility's
 1342 compliance with federal regulations, except evidence of
 1343 compliance with applicable Federal Aviation Administration
 1344 requirements under 14 C.F.R. s. 77, as amended, and evidence of

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1345 proper Federal Communications Commission licensure, or other
1346 evidence of Federal Communications Commission authorized
1347 spectrum use, but may request the Federal Communications
1348 Commission to provide information as to a wireless provider's
1349 compliance with federal regulations, as authorized by federal
1350 law.

1351 (d)1. A local government shall grant or deny each properly
1352 completed application for a collocation under subparagraph (a)1.
1353 based on the application's compliance with the local
1354 government's applicable regulations, as provided for in
1355 subparagraph (a)1. and consistent with this subsection, and
1356 within the normal timeframe for a similar building permit review
1357 but in no case later than 45 business days after the date the
1358 application is determined to be properly completed in accordance
1359 with this paragraph.

1360 2. A local government shall grant or deny each properly
1361 completed application for any other wireless communications
1362 facility based on the application's compliance with the local
1363 government's applicable regulations, including but not limited
1364 to land development regulations, consistent with this subsection
1365 and within the normal timeframe for a similar type review but in
1366 no case later than 90 business days after the date the
1367 application is determined to be properly completed in accordance
1368 with this paragraph.

1369 3.a. An application is deemed submitted or resubmitted on
1370 the date the application is received by the local government. If
1371 the local government does not notify the applicant in writing
1372 that the application is not completed in compliance with the

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1373 | local government's regulations within 20 business days after the
1374 | date the application is initially submitted or additional
1375 | information resubmitted, the application is deemed, for
1376 | administrative purposes only, to be properly completed and
1377 | properly submitted. However, the determination shall not be
1378 | deemed as an approval of the application. If the application is
1379 | not completed in compliance with the local government's
1380 | regulations, the local government shall so notify the applicant
1381 | in writing and the notification must indicate with specificity
1382 | any deficiencies in the required documents or deficiencies in
1383 | the content of the required documents which, if cured, make the
1384 | application properly completed. Upon resubmission of information
1385 | to cure the stated deficiencies, the local government shall
1386 | notify the applicant, in writing, within the normal timeframes
1387 | of review, but in no case longer than 20 business days after the
1388 | additional information is submitted, of any remaining
1389 | deficiencies that must be cured. Deficiencies in document type
1390 | or content not specified by the local government do not make the
1391 | application incomplete. Notwithstanding this sub-subparagraph,
1392 | if a specified deficiency is not properly cured when the
1393 | applicant resubmits its application to comply with the notice of
1394 | deficiencies, the local government may continue to request the
1395 | information until such time as the specified deficiency is
1396 | cured. The local government may establish reasonable timeframes
1397 | within which the required information to cure the application
1398 | deficiency is to be provided or the application will be
1399 | considered withdrawn or closed.

1400 | b. If the local government fails to grant or deny a

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1401 properly completed application for a wireless communications
1402 facility within the timeframes set forth in this paragraph, the
1403 application shall be deemed automatically approved and the
1404 applicant may proceed with placement of the facilities without
1405 interference or penalty. The timeframes specified in
1406 subparagraph 2. may be extended only to the extent that the
1407 application has not been granted or denied because the local
1408 government's procedures generally applicable to all other
1409 similar types of applications require action by the governing
1410 body and such action has not taken place within the timeframes
1411 specified in subparagraph 2. Under such circumstances, the local
1412 government must act to either grant or deny the application at
1413 its next regularly scheduled meeting or, otherwise, the
1414 application is deemed to be automatically approved.

1415 c. To be effective, a waiver of the timeframes set forth
1416 in this paragraph must be voluntarily agreed to by the applicant
1417 and the local government. A local government may request, but
1418 not require, a waiver of the timeframes by the applicant, except
1419 that, with respect to a specific application, a one-time waiver
1420 may be required in the case of a declared local, state, or
1421 federal emergency that directly affects the administration of
1422 all permitting activities of the local government.

1423 (e) The replacement of or modification to a wireless
1424 communications facility, except a tower, that results in a
1425 wireless communications facility not readily discernibly
1426 different in size, type, and appearance when viewed from ground
1427 level from surrounding properties, and the replacement or
1428 modification of equipment that is not visible from surrounding

1429 | properties, all as reasonably determined by the local
 1430 | government, are subject to no more than applicable building
 1431 | permit review.

1432 | (f) Any other law to the contrary notwithstanding, the
 1433 | Department of Management Services shall negotiate, in the name
 1434 | of the state, leases for wireless communications facilities that
 1435 | provide access to state government-owned property not acquired
 1436 | for transportation purposes, and the Department of
 1437 | Transportation shall negotiate, in the name of the state, leases
 1438 | for wireless communications facilities that provide access to
 1439 | property acquired for state rights-of-way. On property acquired
 1440 | for transportation purposes, leases shall be granted in
 1441 | accordance with s. 337.251. On other state government-owned
 1442 | property, leases shall be granted on a space available, first-
 1443 | come, first-served basis. Payments required by state government
 1444 | under a lease must be reasonable and must reflect the market
 1445 | rate for the use of the state government-owned property. The
 1446 | Department of Management Services and the Department of
 1447 | Transportation are authorized to adopt rules for the terms and
 1448 | conditions and granting of any such leases.

1449 | (g) If any person adversely affected by any action, or
 1450 | failure to act, or regulation, or requirement of a local
 1451 | government in the review or regulation of the wireless
 1452 | communication facilities files an appeal or brings an
 1453 | appropriate action in a court or venue of competent
 1454 | jurisdiction, following the exhaustion of all administrative
 1455 | remedies, the matter shall be considered on an expedited basis.

1456 | (13)~~(12)~~ MISUSE OF ~~WIRELESS~~ 911 OR E911 SYSTEM;

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1457 PENALTY.--E911 service must be used solely for emergency
 1458 communications by the public. Any person who accesses the number
 1459 911 for the purpose of making a false alarm or complaint or
 1460 reporting false information that could result in the emergency
 1461 response of any public safety agency; any person who knowingly
 1462 uses or attempts to use such service for a purpose other than
 1463 obtaining public safety assistance;⁷ or any person who knowingly
 1464 uses or attempts to use such service in an effort to avoid any
 1465 charge for service, commits a misdemeanor of the first degree,
 1466 punishable as provided in s. 775.082 or s. 775.083. After being
 1467 convicted of unauthorized use of such service four times, a
 1468 person who continues to engage in such unauthorized use commits
 1469 a felony of the third degree, punishable as provided in s.
 1470 775.082, s. 775.083, or s. 775.084. In addition, if the value of
 1471 the service or the service charge obtained in a manner
 1472 prohibited by this subsection exceeds \$100, the person
 1473 committing the offense commits a felony of the third degree,
 1474 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1475 (14)~~(13)~~ STATE LAW NOT PREEMPTED.--This section and ss.
 1476 365.173 and 365.174 do not alter any state law that otherwise
 1477 regulates voice communications services providers ~~of~~
 1478 ~~telecommunications service~~.

1479 Section 3. This act shall take effect upon becoming a law.