

1 A bill to be entitled
2 An act relating to emergency communications systems;
3 amending s. 365.171, F.S.; redesignating the Florida
4 Emergency Telephone Act as the "Florida Emergency
5 Communications Number E911 State Plan Act"; providing
6 legislative intent; revising the definition of the term
7 "office" to provide for designation of the office by the
8 secretary of the Department of Management Services;
9 revising duties of the office regarding the state plan;
10 revising provisions for content of the plan; designating
11 the secretary as the director of the statewide emergency
12 communications number E911 system; revising authority of
13 the director; directing the Public Service Commission to
14 adopt rules, relating to coin-free 911 calls, to be
15 followed by the telecommunications industry; requiring
16 approval of the office for establishing or expanding an
17 emergency communications number E911 system; removing a
18 provision for existing emergency telephone service;
19 authorizing the secretary of the department to apply for
20 and accept federal funding assistance; removing provisions
21 relating to imposition and collection of the 911 fee and
22 to the indemnification of local telephone companies;
23 removing a penalty for reporting false information that
24 may result in an emergency response; amending s. 365.172,
25 F.S.; redesignating the Wireless Emergency Communications
26 Act as the "Emergency Communications Number E911 Act";
27 providing legislative intent; revising definitions;
28 providing for administration of the fees collected;

29 redesignating the Wireless 911 Board as the E911 Board;
 30 revising membership, powers, duties, and responsibilities
 31 of the board; redesignating the Wireless E911 Fee as the
 32 E911 Fee; requiring a study relating to collecting the fee
 33 on the sale of prepaid wireless service; revising
 34 provisions for use of revenue collected; providing for
 35 certain disbursements; providing for rates and collection
 36 from consumers of voice communication services; providing
 37 for exceptions to uniform statewide rate; providing for
 38 the authorized use of the fees collected; providing for
 39 indemnification and limitation of liability for local
 40 exchange carriers; providing penalties for the misuse of
 41 the E911 system; providing an effective date.

42

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

44

45 Section 1. Section 365.171, Florida Statutes, is amended
 46 to read:

47 365.171 Emergency Communications ~~telephone~~ Number E911
 48 State Plan.-- "911."

49 (1) SHORT TITLE.--This section shall be known and cited as
 50 the "Florida Emergency Communications Number E911 State Plan
 51 Telephone Act."

52 (2) LEGISLATIVE INTENT.--It is the intent of the
 53 Legislature that the communications number "911" shall be the
 54 designated emergency communications number. No public safety
 55 agency shall advertise or otherwise promote the use of any
 56 communications number for emergency response services other than

57 | 911. It is further the intent of the Legislature to ~~establish~~
 58 | ~~and~~ implement and continually update a cohesive statewide
 59 | emergency communications ~~telephone~~ number E911 ~~"911"~~ plan for
 60 | enhanced 911 (E911) services which will provide citizens with
 61 | rapid direct access to public safety agencies by accessing 911
 62 | ~~dialing the telephone number "911"~~ with the objective of
 63 | reducing the response time to situations requiring law
 64 | enforcement, fire, medical, rescue, and other emergency
 65 | services.

66 | (3) DEFINITIONS.--As used in this section:

67 | (a) "Office" means the Florida Enterprise Information
 68 | Technology Services Office or other office within the Department
 69 | of Management Services, as designated by the Secretary of
 70 | Management Services ~~State Technology Office~~.

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

73 | (c) "Public agency" means the state and any city, county,
 74 | city and county, municipal corporation, chartered organization,
 75 | public district, or public authority located in whole or in part
 76 | within this state which provides, or has authority to provide,
 77 | firefighting, law enforcement, ambulance, medical, or other
 78 | emergency services.

79 | (d) "Public safety agency" means a functional division of
 80 | a public agency which provides firefighting, law enforcement,
 81 | medical, or other emergency services.

82 | (4) STATE PLAN.--The office shall develop, maintain, and
 83 | implement appropriate modifications for a statewide emergency
 84 | communications E911 ~~telephone number "911"~~ system plan. The plan

85 shall provide for:

86 (a) ~~The establishment of the~~ Public agency emergency
 87 ~~telephone~~ communications requirements for each entity of local
 88 government in the state.

89 (b) A system to meet specific local government
 90 requirements. Such system shall include law enforcement,
 91 firefighting, and emergency medical services and may include
 92 other emergency services such as poison control, suicide
 93 prevention, and emergency management services.

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

96 (d) A funding provision which shall identify the cost
 97 necessary to implement the E911 "911" system.

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

102
 103 The office shall be responsible for the implementation and
 104 coordination of such plan. The office shall adopt any necessary
 105 rules and schedules related to public agencies for implementing
 106 and coordinating such plan, pursuant to chapter 120. ~~The public~~
 107 ~~agency designated in the plan shall order such system within 6~~
 108 ~~months after publication date of the plan if the public agency~~
 109 ~~is in receipt of funds appropriated by the Legislature for the~~
 110 ~~implementation and maintenance of the "911" system. Any~~
 111 ~~jurisdiction which has utilized local funding as of July 1,~~
 112 ~~1976, to begin the implementation of the state plan as set forth~~

113 ~~in this section shall be eligible for at least a partial~~
 114 ~~reimbursement of its direct cost when, and if, state funds are~~
 115 ~~available for such reimbursement.~~

116 (5) SYSTEM DIRECTOR.--The secretary of the department
 117 ~~director of the office~~ or his or her designee is designated as
 118 the director of the statewide emergency communications telephone
 119 number E911 ~~"911"~~ system and, for the purpose of carrying out
 120 the provisions of this section, is authorized to coordinate the
 121 activities of the system with state, county, local, and private
 122 agencies. ~~The director is authorized to employ not less than~~
 123 ~~five persons, three of whom will be at the professional level,~~
 124 ~~one at the secretarial level, and one to fill a fiscal position,~~
 125 ~~for the purpose of carrying out the provisions of this section.~~
 126 The director in implementing the system shall consult,
 127 cooperate, and coordinate with local law enforcement agencies.

128 (6) REGIONAL SYSTEMS.--Nothing in this section shall be
 129 construed to prohibit or discourage the formation of
 130 multijurisdictional or regional systems; and any system
 131 established pursuant to this section may include the
 132 jurisdiction, or any portion thereof, of more than one public
 133 agency. It is the goal of the Legislature that E911 service be
 134 available throughout the state. Expenditure by counties of the
 135 E911 fee authorized and imposed pursuant to s. 365.172 should
 136 support this goal to the greatest extent feasible within the
 137 context of local service needs and fiscal capability. Nothing in
 138 this section shall be construed to prohibit two or more counties
 139 from establishing a combined emergency E911 communications
 140 service by interlocal agreement and utilizing the fees

141 authorized and imposed by s. 365.172 for such combined E911
 142 service.

143 (7) TELECOMMUNICATIONS ~~TELEPHONE~~ INDUSTRY
 144 COORDINATION.--The office shall coordinate with the Florida
 145 Public Service Commission, which shall encourage the Florida
 146 telecommunications ~~telephone~~ industry to activate facility
 147 modification plans for a timely E911 ~~"911"~~ implementation.

148 (8) COIN TELEPHONES.--The Florida Public Service
 149 Commission shall establish rules to be followed by the
 150 telecommunications companies ~~telephone utilities~~ in this state
 151 designed toward encouraging the provision of coin-free dialing
 152 of ~~"911"~~ calls wherever economically practicable and in the
 153 public interest.

154 (9) SYSTEM APPROVAL.--No emergency communications
 155 ~~telephone~~ number E911 ~~"911"~~ system shall be established and no
 156 present system shall be expanded without prior approval of the
 157 office.

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

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

166 (11) ~~(12)~~ FEDERAL ASSISTANCE.--The secretary of the
 167 department ~~office~~ or his or her designee may apply for and
 168 accept federal funding assistance in the development and

169 implementation of a statewide emergency communications E911
170 ~~telephone number "911" system.~~

171 ~~(13) "911" FEE.~~

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

180 ~~1. At the request of the county subscribing to "911"~~
181 ~~service, the telephone company shall, insofar as is practicable,~~
182 ~~bill the "911" fee to the local exchange subscribers served by~~
183 ~~the "911" service, on an individual access line basis, at a rate~~
184 ~~not to exceed 50 cents per month per line (up to a maximum of 25~~
185 ~~access lines per account bill rendered). However, the fee may~~
186 ~~not be assessed on any pay telephone in this state. A county~~
187 ~~collecting the fee for the first time may collect the fee for no~~
188 ~~longer than 36 months without initiating the acquisition of its~~
189 ~~"911" equipment.~~

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

195 ~~3. Any county that currently has an operational "911"~~
196 ~~system or that is actively pursuing the implementation of a~~

197 ~~"911" system shall establish a fund to be used exclusively for~~
198 ~~receipt and expenditure of "911" fee revenues collected pursuant~~
199 ~~to this section. All fees placed in said fund, and any interest~~
200 ~~accrued thereupon, shall be used solely for "911" costs~~
201 ~~described in subparagraph 6. The money collected and interest~~
202 ~~earned in this fund shall be appropriated for "911" purposes by~~
203 ~~the county commissioners and incorporated into the annual county~~
204 ~~budget. Such fund shall be included within the financial audit~~
205 ~~performed in accordance with s. 218.39. A report of the audit~~
206 ~~shall be forwarded to the office within 60 days of its~~
207 ~~completion. A county may carry forward on an annual basis~~
208 ~~unspent moneys in the fund for expenditures allowed by this~~
209 ~~section, or it may reduce its fee. However, in no event shall a~~
210 ~~county carry forward more than 10 percent of the "911" fee~~
211 ~~billed for the prior year. The amount of moneys carried forward~~
212 ~~each year may be accumulated in order to allow for capital~~
213 ~~improvements described in this subsection. The carryover shall~~
214 ~~be documented by resolution of the board of county commissioners~~
215 ~~expressing the purpose of the carryover or by an adopted capital~~
216 ~~improvement program identifying projected expansion or~~
217 ~~replacement expenditures for "911" equipment and service~~
218 ~~features, or both. In no event shall the "911" fee carryover~~
219 ~~surplus moneys be used for any purpose other than for the "911"~~
220 ~~equipment, service features, and installation charges authorized~~
221 ~~in subparagraph 6. Nothing in this section shall prohibit a~~
222 ~~county from using other sources of revenue for improvements,~~
223 ~~replacements, or expansions of its "911" system. A county may~~
224 ~~increase its fee for purposes authorized in this section.~~

225 ~~However, in no case shall the fee exceed 50 cents per month per~~
226 ~~line. All current "911" fees shall be reported to the office~~
227 ~~within 30 days of the start of each county's fiscal period. Any~~
228 ~~fee adjustment made by a county shall be reported to the office.~~
229 ~~A county shall give the telephone company a 90-day written~~
230 ~~notice of such fee adjustment.~~

231 ~~4. The telephone company shall have no obligation to take~~
232 ~~any legal action to enforce collection of the "911" fee. The~~
233 ~~telephone company shall provide quarterly to the county a list~~
234 ~~of the names, addresses, and telephone numbers of any and all~~
235 ~~subscribers who have identified to the telephone company their~~
236 ~~refusal to pay the "911" fee.~~

237 ~~5. The county subscribing to "911" service shall remain~~
238 ~~liable to the telephone company for any "911" service,~~
239 ~~equipment, operation, or maintenance charge owed by the county~~
240 ~~to the telephone company.~~

241
242 ~~As used in this paragraph, "telephone company" means an exchange~~
243 ~~telephone service provider of "911" service or equipment to any~~
244 ~~county within its certificated area.~~

245 ~~6. It is the intent of the Legislature that the "911" fee~~
246 ~~authorized by this section to be imposed by counties will not~~
247 ~~necessarily provide the total funding required for establishing~~
248 ~~or providing the "911" service. For purposes of this section,~~
249 ~~"911" service includes the functions of database management,~~
250 ~~call taking, location verification, and call transfer. The~~
251 ~~following costs directly attributable to the establishment~~
252 ~~and/or provision of "911" service are eligible for expenditure~~

253 ~~of moneys derived from imposition of the "911" fee authorized by~~
254 ~~this section: the acquisition, implementation, and maintenance~~
255 ~~of Public Safety Answering Point (PSAP) equipment and "911"~~
256 ~~service features, as defined in the Florida Public Service~~
257 ~~Commission's lawfully approved "911" and related tariffs and/or~~
258 ~~the acquisition, installation, and maintenance of other "911"~~
259 ~~equipment, including call answering equipment, call transfer~~
260 ~~equipment, ANI controllers, ALI controllers, ANI displays, ALI~~
261 ~~displays, station instruments, "911" telecommunications systems,~~
262 ~~teleprinters, logging recorders, instant playback recorders,~~
263 ~~telephone devices for the deaf (TDD) used in the "911" system,~~
264 ~~PSAP backup power systems, consoles, automatic call~~
265 ~~distributors, and interfaces (hardware and software) for~~
266 ~~computer aided dispatch (CAD) systems; salary and associated~~
267 ~~expenses for "911" call takers for that portion of their time~~
268 ~~spent taking and transferring "911" calls; salary and associated~~
269 ~~expenses for a county to employ a full time equivalent "911"~~
270 ~~coordinator position and a full time equivalent staff assistant~~
271 ~~position per county for the portion of their time spent~~
272 ~~administrating the "911" system; training costs for PSAP call~~
273 ~~takers in the proper methods and techniques used in taking and~~
274 ~~transferring "911" calls; and expenses required to develop and~~
275 ~~maintain all information (ALI and ANI databases and other~~
276 ~~information source repositories) necessary to properly inform~~
277 ~~call takers as to location address, type of emergency, and other~~
278 ~~information directly relevant to the "911" call taking and~~
279 ~~transferring function. No wireless telephone service provider~~
280 ~~shall be required to participate in any pilot project or to~~

281 ~~otherwise implement a nonemergency "311" system or similar~~
 282 ~~nonemergency system. The "911" fee revenues shall not be used to~~
 283 ~~pay for any item not listed, including, but not limited to, any~~
 284 ~~capital or operational costs for emergency responses which occur~~
 285 ~~after the call transfer to the responding public safety entity~~
 286 ~~and the costs for constructing buildings, leasing buildings,~~
 287 ~~maintaining buildings, or renovating buildings, except for those~~
 288 ~~building modifications necessary to maintain the security and~~
 289 ~~environmental integrity of the PSAP and "911" equipment rooms.~~

290 ~~7. It is the goal of the Legislature that enhanced "911"~~
 291 ~~service be available throughout the state. Expenditure by~~
 292 ~~counties of the "911" fees authorized by this section should~~
 293 ~~support this goal to the greatest extent feasible within the~~
 294 ~~context of local service needs and fiscal capability. Nothing in~~
 295 ~~this section shall be construed to prohibit two or more counties~~
 296 ~~from establishing a combined emergency "911" telephone service~~
 297 ~~by interlocal agreement and utilizing the "911" fees authorized~~
 298 ~~by this section for such combined "911" service.~~

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

303
 304 ~~_____ I am in favor of the "911" emergency telephone system~~
 305 ~~fee.~~

306 ~~_____ I am against the "911" emergency telephone system~~
 307 ~~fee.~~

308

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

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

315 ~~(14) INDEMNIFICATION AND LIMITATION OF LIABILITY. All~~
 316 ~~local governments are authorized to undertake to indemnify the~~
 317 ~~telephone company against liability in accordance with the~~
 318 ~~telephone company's lawfully filed tariffs. Regardless of any~~
 319 ~~indemnification agreement, a telephone company or commercial~~
 320 ~~mobile radio service provider as defined in s. 364.02 shall not~~
 321 ~~be liable for damages resulting from or in connection with "911"~~
 322 ~~service or identification of the telephone number, address, or~~
 323 ~~name associated with any person accessing "911" service, unless~~
 324 ~~the telephone company or commercial radio service provider acted~~
 325 ~~with malicious purpose or in a manner exhibiting wanton and~~
 326 ~~willful disregard of human rights, safety, or property in~~
 327 ~~providing such services.~~

328 ~~(12)~~(15) ~~CONFIDENTIALITY OF RECORDS.--Any record,~~
 329 ~~recording, or information, or portions thereof, obtained by a~~
 330 ~~public agency or a public safety agency for the purpose of~~
 331 ~~providing services in an emergency and which reveals the name,~~
 332 ~~address, telephone number, or personal information about, or~~
 333 ~~information which may identify any person requesting emergency~~
 334 ~~service or reporting an emergency by accessing an emergency~~
 335 ~~communications E911 telephone number "911" system is~~
 336 ~~confidential and exempt from the provisions of s. 119.07(1) and~~

337 s. 24(a), Art. I of the State Constitution, except that such
 338 record or information may be disclosed to a public safety
 339 agency. The exemption applies only to the name, address,
 340 telephone number or personal information about, or information
 341 which may identify any person requesting emergency services or
 342 reporting an emergency while such information is in the custody
 343 of the public agency or public safety agency providing emergency
 344 services. A telephone company or commercial mobile radio service
 345 provider shall not be liable for damages to any person resulting
 346 from or in connection with such telephone company's or
 347 commercial mobile radio service provider's provision of any
 348 lawful assistance to any investigative or law enforcement
 349 officer of the State of Florida or political subdivisions
 350 thereof, of the United States, or of any other state or
 351 political subdivision thereof, in connection with any lawful
 352 investigation or other law enforcement activity by such law
 353 enforcement officer unless the telephone company or commercial
 354 mobile radio service provider acted in a wanton and willful
 355 manner.

356 ~~(16) FALSE "911" CALLS. Whoever accesses the number "911"~~
 357 ~~for the purpose of making a false alarm or complaint or~~
 358 ~~reporting false information which could result in the emergency~~
 359 ~~response of any public safety agency is guilty of a misdemeanor~~
 360 ~~of the first degree, punishable as provided in s. 775.082 or s.~~
 361 ~~775.083.~~

362 Section 2. Section 365.172, Florida Statutes, is amended
 363 to read:

364 365.172 ~~Wireless~~ Emergency communications telephone number

365 ~~"E911."~~

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

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

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

372 ~~(b) Wireless telephone service providers are required by~~
 373 ~~the Federal Communications Commission to provide wireless~~
 374 ~~enhanced 911 (E911) service in the form of automatic location~~
 375 ~~identification and automatic number identification pursuant to~~
 376 ~~the terms and conditions set forth in an order issued by the~~
 377 ~~Federal Communications Commission.~~

378 ~~(c) Wireless telephone service providers and counties that~~
 379 ~~operate 911 and E911 systems require adequate funding to recover~~
 380 ~~the costs of designing, purchasing, installing, testing, and~~
 381 ~~operating enhanced facilities, systems, and services necessary~~
 382 ~~to comply with the requirements for E911 services mandated by~~
 383 ~~the Federal Communications Commission and to maximize the~~
 384 ~~availability of E911 services throughout this state.~~

385 ~~(d) The revenues generated by the E911 fee imposed under~~
 386 ~~this section are required to fund the efforts of the counties,~~
 387 ~~the Wireless 911 Board under the State Technology Office, and~~
 388 ~~commercial mobile radio service providers to improve the public~~
 389 ~~health, safety, and welfare and serve a public purpose by~~
 390 ~~providing emergency telephone assistance through wireless~~
 391 ~~communications.~~

392 ~~(e) It is necessary and beneficial to levy a fee on~~

393 ~~wireless services and to create the Wireless 911 Board to~~
394 ~~administer fee proceeds as provided in this section.~~

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

396 1. Establish and implement a comprehensive statewide
397 emergency communications ~~telephone~~ number system that will
398 provide voice communications services users within the state
399 ~~wireless telephone users~~ with rapid direct access to public
400 safety agencies by accessing ~~dialing~~ the telephone number "911."

401 2. Provide funds to counties ~~local governments~~ to pay
402 certain costs associated with their ~~the cost of installing and~~
403 ~~operating wireless 911 or E911 systems~~ and contracting for E911
404 services and to reimburse wireless telephone service providers
405 for costs incurred to provide 911 or E911 ~~enhanced 911~~ services.

406 3. Levy a reasonable fee on voice communications services
407 users, unless otherwise provided in this section, ~~subscribers of~~
408 ~~wireless telephone service~~ to accomplish these purposes.

409 4. Provide for an E911 Board to administer the fee, with
410 oversight by the office, in a manner that is competitively and
411 technologically neutral as to all voice communications services
412 providers.

413 5. Ensure that the fee established is used exclusively for
414 recovery by wireless providers and for counties of the costs
415 associated with developing and maintaining E911 systems and
416 networks in a manner that is competitively and technologically
417 neutral as to all voice communications services providers.

418 (b) It is further the intent of the Legislature that the
419 fee authorized or imposed by this section will not necessarily

420 provide the total funding required for establishing or providing
 421 E911 service.

422 (3) DEFINITIONS.--Only as used in this section and ss.
 423 365.171, 365.173, and 365.174, the term:

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

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

431 (b) "Authorized expenditures" means expenditures of the
 432 fee as specified in subsection (9).

433 (c) "Automatic location identification" means the
 434 capability of the E911 service which enables the automatic
 435 display of information that defines the approximate geographic
 436 location of the wireless telephone or the address location of
 437 the wireline telephone used to place a 911 call.

438 (d) "Automatic number identification" means the capability
 439 of the E911 service which enables the automatic display of the
 440 ~~10-digit~~ service number used to place a 911 call.

441 (e) "Board" or "E911 Board" means the board of directors
 442 of the E911 Wireless-911 Board established in subsection (5).

443 (f) "Building permit review" means a review for compliance
 444 with building construction standards adopted by the local
 445 government under chapter 553 and does not include a review for
 446 compliance with land development regulations.

447 (g) "Collocation" means the situation when a second or

448 subsequent wireless provider uses an existing structure to
449 locate a second or subsequent antennae. The term includes the
450 ground, platform, or roof installation of equipment enclosures,
451 cabinets, or buildings, and cables, brackets, and other
452 equipment associated with the location and operation of the
453 antennae.

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

457 (i) "E911" is the designation for an ~~a wireless~~ enhanced
458 911 system or ~~wireless~~ enhanced 911 service that is an emergency
459 telephone system or service that provides a subscriber with
460 ~~wireless~~ 911 service and, in addition, directs 911 calls to
461 appropriate public safety answering points by selective routing
462 based on the geographical location from which the call
463 originated, or as otherwise provided in the state plan under s.
464 365.171, and that provides for automatic number identification
465 and automatic location-identification features ~~in accordance~~
466 ~~with the requirements of the order~~. E911 service provided by a
467 wireless provider means E911 as defined in the order.

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

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

475 (l) "Fund" means the ~~Wireless~~ Emergency Communications

476 Number E911 Telephone System Fund established in s. 365.173 and
 477 maintained under this section for the purpose of recovering the
 478 costs associated with providing 911 service or E911 service,
 479 including the costs of implementing the order. The fund shall be
 480 segregated into the wireless and nonwireless categories.

481 (m) "Historic building, structure, site, object, or
 482 district" means any building, structure, site, object, or
 483 district that has been officially designated as a historic
 484 building, historic structure, historic site, historic object, or
 485 historic district through a federal, state, or local designation
 486 program.

487 (n) "Land development regulations" means any ordinance
 488 enacted by a local government for the regulation of any aspect
 489 of development, including an ordinance governing zoning,
 490 subdivisions, landscaping, tree protection, or signs, the local
 491 government's comprehensive plan, or any other ordinance
 492 concerning any aspect of the development of land. The term does
 493 not include any building construction standard adopted under and
 494 in compliance with chapter 553.

495 (o) "Local exchange carrier" means a "competitive local
 496 exchange telecommunications company" or a "local exchange
 497 telecommunications company" as defined in s. 364.02.

498 (p) "Local government" means any municipality, county, or
 499 political subdivision or agency of a municipality, county, or
 500 political subdivision.

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

503 (q) ~~(r)~~ "Mobile telephone number" or "MTN" means the

504 telephone number assigned to a wireless telephone at the time of
505 initial activation.

506 (r) "Nonwireless category" means the revenues of the fund
507 received from voice communications services providers other than
508 wireless providers.

509 (s) "Office" means the Florida Enterprise Information
510 Technology Services Office or other office within the Department
511 of Management Services, as designated by the Secretary of
512 Management Services State Technology Office.

513 (t) "Order" means:

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

516 a. Order adopted on June 12, 1996, with an effective date
517 of October 1, 1996, the amendments to s. 20.03 and the creation
518 of s. 20.18 of Title 47 of the Code of Federal Regulations
519 adopted by the Federal Communications Commission pursuant to
520 such order.

521 b. Memorandum and Order No. FCC 97-402 adopted on December
522 23, 1997.

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

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

525 2. Orders and rules subsequently adopted by the Federal
526 Communications Commission relating to the provision of ~~wireless~~
527 911 or E911 services, including Order No. FCC 05-116 adopted May
528 19, 2005.

529 (u) "Prepaid calling arrangements ~~wireless telephone~~
530 ~~service~~" has the same meaning as defined in s.

531 212.05(1)(e)1.a.(I) means wireless telephone service that is

532 ~~activated in advance by payment for a finite dollar amount of~~
533 ~~service or for a finite set of minutes that terminate either~~
534 ~~upon use by a customer and delivery by the wireless provider of~~
535 ~~an agreed upon amount of service corresponding to the total~~
536 ~~dollar amount paid in advance or within a certain period of time~~
537 ~~following the initial purchase or activation, unless additional~~
538 ~~payments are made.~~

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

- 541 ~~1. Is subject to the requirements of the order; or~~
542 ~~2. Elects to provide wireless 911 service or E911 service~~
543 ~~in this state.~~

544 ~~(v)(w)~~ "Public agency" means the state and any
545 municipality, county, municipal corporation, or other
546 governmental entity, public district, or public authority
547 located in whole or in part within this state which provides, or
548 has authority to provide, firefighting, law enforcement,
549 ambulance, medical, or other emergency services.

550 ~~(w)(x)~~ "Public safety agency" means a functional division
551 of a public agency which provides firefighting, law enforcement,
552 medical, or other emergency services.

553 ~~(x)(y)~~ "Rural county" means any county that has a
554 population of fewer than 75,000.

555 (y) "Service identifier" means the service number, access
556 line, or other unique subscriber identifier assigned to a
557 subscriber and established by the Federal Communications
558 Commission for purposes of routing calls, whereby the subscriber
559 has access to the E911 system.

560 (z) "Tower" means any structure designed primarily to
561 support a wireless provider's antennae.

562 (aa) "Voice communications services" means two-way voice
563 service, through the use of any technology, that actually
564 provides access to E911 services, and includes communications
565 services, as defined in s. 202.11, which actually provide access
566 to E911 services and which are required to be included in the
567 provision of E911 services pursuant to orders and rules adopted
568 by the Federal Communications Commission. The term includes
569 voice-over-Internet-protocol service. For the purposes of this
570 section, "Voice-over-Internet-protocol service" or "VoIP
571 service" means interconnected VoIP services bearing the
572 following characteristics:

573 1. The service enables real-time, two-way voice
574 communications;

575 2. The service requires a broadband connection from the
576 user's location;

577 3. The service requires IP-compatible customer premises
578 equipment; and

579 4. The service offering permits users generally to receive
580 calls that originate on the public switched telephone network
581 and to terminate calls on the public switched telephone network.

582 (bb) "Voice communications services provider" or
583 "provider" means any person or entity providing voice
584 communications services, except that the term shall not include
585 any person or entity that resells voice communications service
586 and was assessed the fee by its resale supplier.

587 (cc) "Wireless 911 system" or "wireless 911 service" means
 588 an emergency telephone system or service that provides a
 589 subscriber with the ability to reach an answering point by
 590 accessing the digits "911."

591 (dd) "Wireless category" means the revenues to the fund
 592 received from wireless providers.

593 (ee) "Wireless communications facility" means any
 594 equipment or facility used to provide wireless service and may
 595 include, but is not limited to, antennae, towers, equipment
 596 enclosures, cabling, antenna brackets, and other such equipment.
 597 Placing a wireless communications facility on an existing
 598 structure does not cause the existing structure to become a
 599 wireless communications facility.

600 (ff) "Wireless provider" means a person or entity who
 601 provides wireless service and either:

- 602 1. Is subject to the requirements of the order; or
- 603 2. Elects to provide wireless 911 service or E911 service
 604 in this state.

605 (gg)~~(z)~~ "Wireless service" means "commercial mobile radio
 606 service" as provided under ss. 3(27) and 332(d) of the Federal
 607 Telecommunications Act of 1996, 47 U.S.C., ss. 151 et seq., and
 608 the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-
 609 66, August 10, 1993, 107 Stat. 312. The term ~~"service"~~ includes
 610 ~~the term "wireless"~~ and service provided by any wireless real-
 611 time two-way wire communication device, including radio-
 612 telephone communications used in cellular telephone service;
 613 personal communications service; or the functional or
 614 competitive equivalent of a radio-telephone communications line

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615 used in cellular telephone service, a personal communications
616 service, or a network radio access line. The term does not
617 include wireless providers that offer mainly dispatch service in
618 a more localized, noncellular configuration; providers offering
619 only data, one-way, or stored-voice services on an
620 interconnected basis; providers of air-to-ground services; or
621 public coast stations.

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

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

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

628 ~~(dd) "Wireless communications facility" means any~~
629 ~~equipment or facility used to provide service and may include,~~
630 ~~but is not limited to, antennae, towers, equipment enclosures,~~
631 ~~cabling, antenna brackets, and other such equipment. Placing a~~
632 ~~wireless communications facility on an existing structure does~~
633 ~~not cause the existing structure to become a wireless~~
634 ~~communications facility.~~

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

640 (4) POWERS AND DUTIES OF THE OFFICE.--The office shall
641 oversee the administration of the fee authorized and imposed on
642 subscribers of voice communications services statewide ~~E911~~

643 ~~service~~ under subsection (8).

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

645 (a) The E911 ~~Wireless 911~~ Board is established to
 646 administer, with oversight by the office, the fee imposed under
 647 subsection (8), including receiving revenues derived from the
 648 fee; distributing portions of such revenues to wireless
 649 providers, counties, and the office; accounting for receipts,
 650 distributions, and income derived by the funds maintained in the
 651 fund; and providing annual reports to the Governor and the
 652 Legislature for submission by the office on amounts collected
 653 and expended, the purposes for which expenditures have been
 654 made, and the status of ~~wireless~~ E911 service in this state. In
 655 order to advise and assist the office in carrying out the
 656 purposes of this section, the board, which shall have the power
 657 of a body corporate, shall have the powers enumerated in
 658 subsection (6).

659 (b) The board shall consist of nine ~~seven~~ members, one of
 660 whom must be the system director designated under s. 365.171(5),
 661 or his or her designee, who shall serve as the chair of the
 662 board. The remaining eight ~~six~~ members of the board shall be
 663 appointed by the Governor and must be composed of four ~~three~~
 664 county 911 coordinators, consisting of a rural, medium, and
 665 large county representative and an at-large representative,
 666 recommended by the Florida Association of Counties in
 667 consultation with the county 911 coordinators, and two local
 668 exchange carrier members, one of which shall be the local
 669 exchange carrier with the greatest number of access lines in the
 670 state, and two ~~three~~ members from the wireless

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671 telecommunications industry recommended by the Florida
672 Telecommunications Industry Association in consultation with the
673 wireless telecommunications industry. In recommending members
674 from the wireless telecommunications industry, consideration
675 shall be given to wireless providers who are not affiliated with
676 local exchange carriers. Not more than one member may be
677 appointed to represent any single provider on the board.

678 (c) The system director designated under s. 365.171(5), or
679 his or her designee, must be a permanent member of the board.
680 Each of the remaining eight ~~six~~ members of the board shall be
681 appointed to a 4-year term and may not be appointed to more than
682 two successive terms. However, for the purpose of staggering
683 terms, two of the original board members shall be appointed to
684 terms of 4 years, two shall be appointed to terms of 3 years,
685 and four ~~two~~ shall be appointed to terms of 2 years, as
686 designated by the Governor. A vacancy on the board shall be
687 filled in the same manner as the original appointment.

688 (d) The first vacancy in a wireless provider
689 representative position occurring after July 1, 2007, shall be
690 filled by appointment of a local exchange company
691 representative. Until such an appointment is made, there shall
692 be only one local exchange company representative serving on the
693 board, notwithstanding any other provision to the contrary.

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

695 (a) The board shall:

- 696 1. Administer the ~~E911~~ fee.
697 2. Implement, maintain, and oversee the fund.
698 3. Review and oversee the disbursement of the revenues

699 deposited into the fund as provided in s. 365.173.

700 a. The board may establish a schedule for implementing
 701 wireless E911 service by service area, and prioritize
 702 disbursements of revenues from the fund to providers and rural
 703 counties as provided in s. 365.173(2) (d) ~~(b)~~ and (g) ~~(e)~~ pursuant
 704 to the schedule, in order to implement E911 services in the most
 705 efficient and cost-effective manner.

706 b. Revenues in the wireless category ~~collected and~~
 707 ~~deposited into the fund for distribution as provided in s.~~
 708 ~~365.173(2) (b), but~~ which have not been disbursed because sworn
 709 invoices as required by s. 365.173(2) (d) ~~(b)~~ have not been
 710 submitted to the board, may be utilized by the board as needed
 711 to provide grants to ~~rural counties~~ and loans to medium counties
 712 that are not eligible to receive grants pursuant to s.
 713 365.173(2) (g), for the purpose of upgrading E911 systems. The
 714 counties shall use such funds only for capital expenditures
 715 directly attributable to the establishment or provision of E911
 716 service, which may include next generation deployment. Grants
 717 ~~provided to rural counties would be in addition to disbursements~~
 718 ~~provided under s. 365.173(2) (c). Loans provided to medium~~
 719 ~~counties shall be based on county hardship criteria as~~
 720 ~~determined and approved by the board. Revenues utilized for this~~
 721 ~~purpose shall be fully repaid to the fund in a manner and under~~
 722 ~~a timeframe as determined and approved by the board. The board~~
 723 shall take all actions within its authority to ensure that
 724 county recipients of such grants ~~and loans~~ utilize these funds
 725 only for the purpose under which they have been provided and may
 726 take any actions within its authority to secure county repayment

727 of grant ~~and loan~~ revenues upon determination that the funds
728 were not utilized for the purpose under which they were
729 provided.

730 c. The board shall reimburse all wireless provider costs
731 before taking any action to transfer additional funds.

732 d. After taking the action required in this subparagraph,
733 the board may review and, with all members participating in the
734 vote, adjust the percentage allocations or adjust the amount of
735 the fee, or both, pursuant to paragraph (8)(h) and, in the event
736 the board determines that the revenues in the wireless category
737 exceed the amount needed to reimburse wireless providers for
738 costs to implement E911 services, the board may authorize the
739 transfer to the counties of funds from the existing funds within
740 the wireless category. The board shall disburse the funds
741 equitably to all counties pursuant to a timeframe and
742 distribution methodology as established by the board.

743 e. By no later than September 1, 2007, the board shall
744 authorize the transfer of up to \$15 million to the county
745 category of the fund from existing funds within the wireless
746 category of the fund, established pursuant to s. 365.173(1). The
747 funds shall then be disbursed equitably to all of the counties,
748 pursuant to a timeframe and distribution methodology as
749 established by the board prior to September 1, 2007, in order to
750 prevent a loss to the counties in the ordinary and expected time
751 value of money caused by any timing delay in remittance to the
752 counties of wireline fees caused by the one-time transition of
753 wireline collection of fees from the counties to the board. All

754 funds used from the carryforward shall be returned to the fund
755 from the actual remittance by the nonwireless category.

756 4. Review documentation submitted by wireless providers
757 which reflects current and projected funds derived from the ~~E911~~
758 fee, and the expenses incurred and expected to be incurred, in
759 order to comply with the E911 service requirements contained in
760 the order for the purposes of:

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

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

766 c. Ascertaining the projected costs of compliance with the
767 requirements of the order and projected collections of the ~~E911~~
768 fee.

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

771 5. Meet monthly in the most efficient and cost-effective
772 manner, including telephonically where practical for the
773 business to be conducted, to review and approve or reject, in
774 whole or in part, applications submitted by wireless providers
775 for recovery of moneys deposited into the wireless category, and
776 to authorize the transfer of, and distribute, the fee allocation
777 to the counties fund.

778 6. Hire and retain employees, which may include an
779 independent executive director who shall possess experience in
780 the area of telecommunications and emergency E911 ~~911~~ issues,
781 for the purposes of performing the technical and administrative

782 functions for the board.

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

786 ~~8. Take all necessary and reasonable steps by July 1,~~
787 ~~2000, to secure appropriate information and reports from~~
788 ~~providers and otherwise perform all of the functions that would~~
789 ~~be performed by an independent accounting firm prior to~~
790 ~~completing the request for proposals process under subsection~~
791 ~~(7).~~

792 8.9. Sue and be sued, and appear and defend in all actions
793 and proceedings, in its corporate name to the same extent as a
794 natural person.

795 ~~9.10.~~ Adopt, use, and alter a common corporate seal.

796 ~~10.11.~~ Elect or appoint the officers and agents that are
797 required by the affairs of the board.

798 ~~11.12.~~ The board may adopt rules under ss. 120.536(1) and
799 120.54 to implement this section and ss. 365.173 and 365.174.

800 ~~12.13.~~ Provide coordination, support, and technical
801 assistance to counties to promote the deployment of advanced 911
802 and E911 systems in the state.

803 ~~13.14.~~ Provide coordination and support for educational
804 opportunities related to E911 ~~911~~ issues for the E911 ~~911~~
805 community in this state.

806 ~~14.15.~~ Act as an advocate for issues related to E911 ~~911~~
807 system functions, features, and operations to improve the
808 delivery of E911 ~~911~~ services to the residents of and visitors
809 to this state.

810 ~~15.16.~~ Coordinate input from this state at national forums
811 and associations, to ensure that policies related to E911 ~~911~~
812 systems and services are consistent with the policies of the
813 E911 ~~911~~ community in this state.

814 ~~16.17.~~ Work cooperatively with the system director
815 established in s. 365.171(5) to enhance the state of E911 ~~911~~
816 services in this state and to provide unified leadership for all
817 E911 ~~911~~ issues through planning and coordination.

818 ~~17.18.~~ Do all acts and things necessary or convenient to
819 carry out the powers granted in this section in a manner that is
820 competitively and technologically neutral as to all voice
821 communications services providers, including but not limited to,
822 consideration of emerging technology and related cost savings,
823 while taking into account embedded costs in current systems.

824 ~~18.19.~~ Have the authority to secure the services of an
825 independent, private attorney via invitation to bid, request for
826 proposals, invitation to negotiate, or professional contracts
827 for legal services already established at the Division of
828 Purchasing of the Department of Management Services.

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

832 (c) By February 28 of each year, the board shall prepare a
833 report for submission by the office to the Governor, the
834 President of the Senate, and the Speaker of the House of
835 Representatives which ~~reflects, for the immediately preceding~~
836 ~~calendar year, the quarterly and annual receipts and~~
837 ~~disbursements of moneys in the fund, the purposes for which~~

838 ~~disbursements of moneys from the fund have been made, and the~~
 839 ~~availability and status of implementation of E911 service in~~
 840 ~~this state.~~

841 ~~(d) By February 28, 2001, the board shall undertake and~~
 842 ~~complete a study for submission by the office to the Governor,~~
 843 ~~the President of the Senate, and the Speaker of the House of~~
 844 ~~Representatives which addresses, for the immediately preceding~~
 845 ~~calendar year:~~

846 1. The annual receipts, including the total amount of E911
 847 fee revenues collected by each provider, the total disbursements
 848 of moneys in the fund, including the amount of fund-reimbursed
 849 expenses incurred by each wireless provider to comply with the
 850 order, and the amount of moneys on deposit in the fund,~~all as~~
 851 ~~of December 1, 2000.~~

852 2. Whether the amount of the E911 fee and the allocation
 853 percentages set forth in s. 365.173 have been or should be
 854 adjusted to comply with the requirements of the order and other
 855 provisions of this chapter, and the reasons for making or
 856 refraining from making, if so, a recommended adjustment to the
 857 E911 fee.

858 3. Any other issues related to providing wireless E911
 859 services.

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

861 (7) REQUEST FOR PROPOSALS FOR INDEPENDENT ACCOUNTING
 862 FIRM.--

863 (a) The board shall issue a request for proposals as
 864 provided in chapter 287 for the purpose of retaining an
 865 independent accounting firm. The independent accounting firm

866 shall perform all material administrative and accounting tasks
867 and functions required for administering the ~~E911~~ fee. The
868 request for proposals must include, but need not be limited to:

869 1. A description of the scope and general requirements of
870 the services requested.

871 2. A description of the specific accounting and reporting
872 services required for administering the fund, including
873 processing checks and distributing funds as directed by the
874 board under s. 365.173.

875 3. A description of information to be provided by the
876 proposer, including the proposer's background and qualifications
877 and the proposed cost of the services to be provided.

878 (b) The board shall establish a committee to review
879 requests for proposals which must include the statewide E911 ~~911~~
880 system director designated under s. 365.171(5), or his or her
881 designee, and two members of the board, one of whom is a county
882 911 coordinator and one of whom represents a voice
883 communications services provider ~~the wireless telecommunications~~
884 ~~industry~~. The review committee shall review the proposals
885 received by the board and recommend an independent accounting
886 firm to the board for final selection. By agreeing to serve on
887 the review committee, each member of the review committee shall
888 verify that he or she does not have any interest or employment,
889 directly or indirectly, with potential proposers which conflicts
890 in any manner or degree with his or her performance on the
891 committee.

892 (c) After July 1, 2004, the board may secure the services
893 of an independent accounting firm via invitation to bid, request

894 for proposals, invitation to negotiate, or professional
895 contracts already established at the Division of Purchasing,
896 Department of Management Services, for certified public
897 accounting firms, or the board may hire and retain professional
898 accounting staff to accomplish these functions.

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

900 (a) Each voice communications services ~~home service~~
901 provider shall collect the fee as described in this subsection ~~a~~
902 ~~monthly fee imposed on each customer whose place of primary use~~
903 ~~is within this state.~~ Each provider, as part of its monthly
904 billing process, shall bill the fee as follows. The fee shall
905 not be assessed on any pay telephone in the state.

906 1. Each local exchange carrier shall bill the fee to the
907 local exchange subscribers on a service identifier basis, up to
908 a maximum of 25 access lines per account bill rendered.

909 2. Except in the case of prepaid wireless service, each
910 wireless provider shall bill the fee to the subscribers on a
911 per-service-identifier basis for service identifiers whose
912 primary place of use is within this state. Prior to July 1,
913 2009, the fee shall not be assessed on or collected from a
914 provider with respect to an end user's service if that end
915 user's service is a prepaid calling arrangement that is subject
916 to the provisions of s. 212.05(1)(e).

917 a. The board shall conduct a study to determine the
918 feasibility of collecting E911 fees on the sale of prepaid
919 wireless services. If, based on the findings of the study, the
920 board determines that the prohibition contained in this
921 subparagraph should be extended, it shall report its findings

922 and recommendation to the Governor, the President of the Senate,
 923 and the Speaker of the House of Representatives by December 31,
 924 2008. If the board determines the prohibition should not be
 925 extended, it shall implement the recommendation of the study
 926 effective July 1, 2009.

927 b. For purposes of this section, "prepaid wireless
 928 service" means the right to access telecommunications services,
 929 which must be paid for in advance and which enables the
 930 origination of calls, that are sold in predetermined units or
 931 dollars of which the number declines with use in a known amount.
 932 For purposes of this section, "prepaid wireless service
 933 providers" shall include those entities that sell prepaid
 934 wireless service regardless of its form, either as a retailer or
 935 reseller.

936 c. The study shall include an evaluation of methods by
 937 which E911 fees may be collected from end users and purchasers
 938 of prepaid wireless services on an equitable, efficient,
 939 competitively neutral and nondiscriminatory basis and shall
 940 consider whether the collection of fees on prepaid wireless
 941 services would constitute an efficient use of public funds,
 942 given the technological and practical considerations of
 943 collecting the fee based on the varying methodologies prepaid
 944 wireless service providers and their agents utilize in marketing
 945 prepaid wireless service.

946 d. The study shall include a review and evaluation of the
 947 collection of E911 fees on prepaid wireless services at the
 948 point of sale within the state. This evaluation must be
 949 consistent with the collection principles of end user charges

950 such as those in s. 212.05(1)(e).

951 e. Not later than 90 days after the effective date of this
952 act, the board shall require all prepaid wireless service
953 providers, including resellers, to provide to the board the
954 information that the board determines is necessary to discharge
955 its duties under this section, including information such as
956 total retail and reseller prepaid wireless service sales,
957 necessary for its recommendations.

958 f. All subscriber information provided by a prepaid
959 wireless service provider in response to a request from the
960 board while conducting this study is subject to the provisions
961 of s. 365.174.

962 g. The study shall be conducted by an entity competent and
963 knowledgeable in matters of state taxation policy if the board
964 does not possess that expertise. Any study shall be paid for
965 from the moneys distributed to the board for administrative
966 purposes pursuant to s. 365.173(2)(f) and shall not exceed
967 \$250,000 in cost.

968 3. All voice communications services providers not
969 addressed under subparagraphs 1. and 2. shall bill the fee on a
970 per-service-identifier basis for service identifiers whose
971 primary place of use is within the state, up to a maximum of 25
972 service identifiers per account bill rendered.

973
974 The provider may list the fee as a separate entry on each bill,
975 in which case the fee must be identified as a fee for E911
976 services. A provider is required to remit the fee to the board
977 only if the fee is paid by the subscriber. If a provider

978 receives a partial payment for a monthly bill from a subscriber,
 979 the amount received shall first be applied to the payment due
 980 the provider for the provision of voice communications service.

981 (b) A provider is not obligated to take any legal action
 982 to enforce collection of the fees for which any subscriber is
 983 billed. A county subscribing to 911 service shall remain liable
 984 to the provider providing to the county any 911 service or
 985 equipment for any 911 service, equipment, operation, or
 986 maintenance charge owed by the county to the provider.

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

989 (d) Each provider may retain 1 percent of the amount of
 990 the fees collected as reimbursement for the administrative costs
 991 incurred by the provider to bill, collect, and remit the fee.
 992 The remainder shall be delivered to the board and deposited by
 993 the board into the fund. The board shall distribute the
 994 remainder pursuant to s. 365.173.

995 (e) Effective September 1, 2007, voice communications
 996 services providers billing the fee to subscribers shall begin
 997 to, and thereafter shall, deliver revenues from the fee to the
 998 board within 60 days after the end of the month in which the fee
 999 was billed, together with a monthly report of the number of
 1000 service identifiers in each county. Each wireless provider and
 1001 other applicable provider identified in subparagraph (a)3. shall
 1002 report the number of service identifiers for subscribers whose
 1003 place of primary use is in each county. All provider subscriber
 1004 information provided to the board is subject to the provisions
 1005 of s. 365.174. If a provider chooses to remit any fee amounts to

1006 the board before they are paid by the subscribers, a provider
 1007 may apply to the board for a refund of, or may take a credit
 1008 for, any such fees remitted to the board which are not collected
 1009 by the provider within 6 months following the month in which the
 1010 fees are charged off for federal income tax purposes as bad
 1011 debt.

1012 (f) The rate of the fee shall be set by the board
 1013 considering the factors identified in paragraphs (h) and (i) but
 1014 shall not exceed 50 cents per month per each service identifier
 1015 number, beginning August 1, 1999. The fee shall apply uniformly
 1016 and be imposed throughout the state, except for those counties
 1017 that, prior to July 1, 2007, have adopted an ordinance or
 1018 resolution establishing a fee less than 50 cents per month per
 1019 access line. In those counties, the ordinance-established fee
 1020 may be changed only to the uniform statewide rate no sooner than
 1021 30 days after notification is made by the county's board of
 1022 county commissioners to the board.

1023 (g)~~(b)~~ It is the intent of the Legislature that all
 1024 revenue from the fee be used as specified in s. 365.173(2)(a)-
 1025 (f). The fee is established to ensure full recovery for
 1026 providers and for counties, over a reasonable period, of the
 1027 costs associated with developing and maintaining an E911 system
 1028 on a technologically and competitively neutral basis.

1029 (h) No later than November 1, 2007, the board may adjust
 1030 the allocation percentages for distribution of the fund as
 1031 provided in s. 365.173. In setting the percentages and in
 1032 considering any adjustments to the fee, the board shall consider
 1033 the following:

1034 1. The revenues currently allocated for wireless service
 1035 provider costs for implementing E911 service and projected costs
 1036 for implementing E911 service, including recurring costs for
 1037 Phase I and Phase II and the impact of new technologies;

1038 2. The appropriate level of funding needed to fund the
 1039 rural grant program provided for in s. 365.173(2)(g); and

1040 3. The need to fund statewide, regional, and county
 1041 programs or initiatives to assist counties not eligible to
 1042 receive funds pursuant to s. 365.173(2)(g) with systems that
 1043 would reduce their overall costs.

1044 ~~(i)(c)~~ ~~After July 1, 2001,~~ The board may adjust the
 1045 allocation percentages ~~provided in s. 365.173~~ or adjust ~~reduce~~
 1046 the amount of the fee, or both, if necessary to ensure full cost
 1047 recovery or prevent overrecovery of costs incurred in the
 1048 provision of E911 service, including costs incurred or projected
 1049 to be incurred to comply with the order. Any new allocation
 1050 percentages or reduced or increased fee may not be adjusted for
 1051 1 year. The fee may not exceed 50 cents per month per each
 1052 service identifier number. The board-established fee, and any
 1053 board adjustment of the fee, shall be uniform throughout the
 1054 state, except for the counties identified in paragraph (f). No
 1055 less than 90 days prior to the effective date of any adjustment
 1056 to the fee, the board shall provide written notice of the
 1057 adjusted fee amount and effective date to each voice
 1058 communications services provider from which the board is then
 1059 receiving the fee.

1060 ~~(j)(d)~~ State and local taxes do not apply to the fee.

1061 ~~(k)(e)~~ A local government may not levy the fee or any

1062 additional fee on ~~wireless~~ providers or subscribers for the
 1063 provision of E911 service.

1064 (1) For purposes of this section, the definitions
 1065 contained in s. 202.11 and the provisions of s. 202.155 apply in
 1066 the same manner and to the same extent as such definitions and
 1067 provisions apply to the taxes levied pursuant to chapter 202 on
 1068 mobile communications services.

1069 (9) AUTHORIZED EXPENDITURES OF E911 FEE.--For purposes of
 1070 this section, E911 service includes the functions of database
 1071 management, call taking, location verification, and call
 1072 transfer. The following costs directly attributable to the
 1073 establishment or provision of E911 service and contracting for
 1074 E911 services are eligible for expenditure of moneys derived
 1075 from imposition of the fee authorized by this section: the
 1076 acquisition, implementation, and maintenance of Public Safety
 1077 Answering Point (PSAP) equipment and E911 service features, as
 1078 defined in the Florida Public Service Commission's lawfully
 1079 approved 911 and E911 and related tariffs or the acquisition,
 1080 installation, and maintenance of other E911 equipment, including
 1081 call answering equipment, call transfer equipment, ANI
 1082 controllers, ALI controllers, ANI displays, ALI displays,
 1083 station instruments, E911 telecommunications systems, visual
 1084 call information and storage devices, recording equipment,
 1085 telephone devices and other equipment for the hearing impaired
 1086 used in the E911 system, PSAP backup power systems, consoles,
 1087 automatic call distributors, interfaces (hardware and software)
 1088 for computer-aided dispatch (CAD) systems, integrated computer-
 1089 aided dispatch systems for that portion of the systems used for

1090 E911 call taking, and network clocks; salary and associated
 1091 expenses for E911 call takers for that portion of their time
 1092 spent taking and transferring E911 calls; salary and associated
 1093 expenses for a county to employ a full-time equivalent E911
 1094 coordinator position and a full-time equivalent mapping or
 1095 geographical data position and a staff assistant position per
 1096 county for the portion of their time spent administrating the
 1097 E911 system; training costs for PSAP call takers, supervisors,
 1098 and managers in the proper methods and techniques used in taking
 1099 and transferring E911 calls; costs to train and educate PSAP
 1100 employees regarding E911 service or E911 equipment; and expenses
 1101 required to develop and maintain all information (ALI and ANI
 1102 databases and other information source repositories) necessary
 1103 to properly inform call takers as to location address, type of
 1104 emergency, and other information directly relevant to the E911
 1105 call-taking and transferring function. Moneys derived from the
 1106 imposition of the fee may also be used for next generation E911
 1107 network services, next generation E911 database services, next
 1108 generation E911 equipment, and wireless E911 routing systems.
 1109 The fee revenues shall not be used to pay for any item not
 1110 listed, including, but not limited to, any capital or
 1111 operational costs for emergency responses which occur after the
 1112 call transfer to the responding public safety entity and the
 1113 costs for constructing buildings, leasing buildings, maintaining
 1114 buildings, or renovating buildings, except for those building
 1115 modifications necessary to maintain the security and
 1116 environmental integrity of the PSAP and E911 equipment rooms.

1117 (10) LIABILITY OF COUNTIES.--The county subscribing to 911
 1118 service shall remain liable to the local exchange carrier for
 1119 any 911 service, equipment, operation, or maintenance charge
 1120 owed by the county to the local exchange carrier. As used in
 1121 this subsection, "local exchange carrier" means a local exchange
 1122 telecommunications service provider of 911 service or equipment
 1123 to any county within its certificated area.

1124 ~~(9) MANAGEMENT OF FUNDS.--~~

1125 ~~(a) Each provider, as a part of its monthly billing~~
 1126 ~~process, shall collect the fee imposed under subsection (8). The~~
 1127 ~~provider may list the fee as a separate entry on each bill, in~~
 1128 ~~which case the fee must be identified as a fee for E911~~
 1129 ~~services. A provider shall remit the fee only if the fee is paid~~
 1130 ~~by the subscriber. If a provider receives a partial payment for~~
 1131 ~~a monthly bill from a subscriber, the amount received shall~~
 1132 ~~first be applied to the payment due the provider for the~~
 1133 ~~provision of telecommunications service.~~

1134 ~~(b) In the case of prepaid wireless telephone service, the~~
 1135 ~~monthly wireless 911 surcharge imposed by subsection (8) shall~~
 1136 ~~be remitted based upon each prepaid wireless telephone~~
 1137 ~~associated with this state, for each wireless service customer~~
 1138 ~~that has a sufficient positive balance as of the last day of~~
 1139 ~~each month. The surcharge shall be remitted in any manner~~
 1140 ~~consistent with the wireless provider's existing operating or~~
 1141 ~~technological abilities, such as customer address, location~~
 1142 ~~associated with the MTN, or reasonable allocation method based~~
 1143 ~~upon other comparable relevant data. The surcharge amount or an~~
 1144 ~~equivalent number of minutes may be reduced from the prepaid~~

1145 ~~subscriber's account since a direct billing may not be possible.~~
1146 ~~However, collection of the wireless 911 surcharge in the manner~~
1147 ~~of a reduction of value or minutes from the prepaid subscriber's~~
1148 ~~account does not constitute a reduction in the sales price for~~
1149 ~~purposes of taxes that are collected at the point of sale.~~

1150 ~~(c) A provider is not obligated to take any legal action~~
1151 ~~to enforce collection of the fees for which any subscriber is~~
1152 ~~billed. The provider shall provide to the board each quarter a~~
1153 ~~list of the names, addresses, and service numbers of all~~
1154 ~~subscribers who have indicated to the provider their refusal to~~
1155 ~~pay the fee.~~

1156 ~~(d) Each provider may retain 1 percent of the amount of~~
1157 ~~the fees collected as reimbursement for the administrative costs~~
1158 ~~incurred by the provider to bill, collect, and remit the fee.~~
1159 ~~The remainder shall be delivered to the board and deposited in~~
1160 ~~the fund. The board shall distribute the remainder pursuant to~~
1161 ~~s. 365.173.~~

1162 ~~(e) Each provider shall deliver revenues from the fee to~~
1163 ~~the board within 60 days after the end of the month in which the~~
1164 ~~fee was billed, together with a monthly report of the number of~~
1165 ~~wireless customers whose place of primary use is in each county.~~
1166 ~~A provider may apply to the board for a refund of, or may take a~~
1167 ~~credit for, any fees remitted to the board which are not~~
1168 ~~collected by the provider within 6 months following the month in~~
1169 ~~which the fees are charged off for federal income tax purposes~~
1170 ~~as bad debt. The board may waive the requirement that the fees~~
1171 ~~and number of customers whose place of primary use is in each~~
1172 ~~county be submitted to the board each month and authorize a~~

1173 ~~provider to submit the fees and number of customers quarterly if~~
 1174 ~~the provider demonstrates that such waiver is necessary and~~
 1175 ~~justified.~~

1176 ~~(f) For purposes of this section, the definitions~~
 1177 ~~contained in s. 202.11 and the provisions of s. 202.155 apply in~~
 1178 ~~the same manner and to the same extent as such definitions and~~
 1179 ~~provisions apply to the taxes levied pursuant to chapter 202 on~~
 1180 ~~mobile communications services.~~

1181 ~~(g) As used in this subsection, the term "provider"~~
 1182 ~~includes any person or entity that resells wireless service and~~
 1183 ~~was not assessed the fee by its resale supplier.~~

1184 ~~(10) PROVISION OF SERVICES. In accordance with the order,~~
 1185 ~~a provider is not required to provide E911 service until:~~

1186 ~~(a) The provider receives a request in writing for such~~
 1187 ~~service from the county 911 coordinator and the affected~~
 1188 ~~answering point is capable of receiving and using the data~~
 1189 ~~elements associated with the service.~~

1190 ~~(b) Funds are available under s. 365.173(2)(b).~~

1191 ~~(c) The local exchange carrier is able to support the E911~~
 1192 ~~system.~~

1193 ~~(d) The service area has been scheduled for implementation~~
 1194 ~~of E911 service by the board pursuant to subparagraph (6)(a)3.~~
 1195 ~~If a county's 911 coordinator requests E911 service from a~~
 1196 ~~provider, the coordinator shall also request E911 service from~~
 1197 ~~all other providers in the area in a nondiscriminatory and fair~~
 1198 ~~manner.~~

1199 (11) FACILITATING E911 SERVICE IMPLEMENTATION.--To balance
 1200 the public need for reliable E911 services through reliable

1201 wireless systems and the public interest served by governmental
 1202 zoning and land development regulations and notwithstanding any
 1203 other law or local ordinance to the contrary, the following
 1204 standards shall apply to a local government's actions, as a
 1205 regulatory body, in the regulation of the placement,
 1206 construction, or modification of a wireless communications
 1207 facility. This subsection shall not, however, be construed to
 1208 waive or alter the provisions of s. 286.011 or s. 286.0115. For
 1209 the purposes of this subsection only, "local government" shall
 1210 mean any municipality or county and any agency of a municipality
 1211 or county only. The term "local government" does not, however,
 1212 include any airport, as defined by s. 330.27(2), even if it is
 1213 owned or controlled by or through a municipality, county, or
 1214 agency of a municipality or county. Further, notwithstanding
 1215 anything in this section to the contrary, this subsection does
 1216 not apply to or control a local government's actions as a
 1217 property or structure owner in the use of any property or
 1218 structure owned by such entity for the placement, construction,
 1219 or modification of wireless communications facilities. In the
 1220 use of property or structures owned by the local government,
 1221 however, a local government may not use its regulatory authority
 1222 so as to avoid compliance with, or in a manner that does not
 1223 advance, the provisions of this subsection.

1224 (a) Collocation among wireless providers is encouraged by
 1225 the state.

1226 1.a. Collocations on towers, including nonconforming
 1227 towers, that meet the requirements in sub-sub-paragraphs (I),
 1228 (II), and (III), are subject to only building permit review,

1229 | which may include a review for compliance with this
1230 | subparagraph. Such collocations are not subject to any design or
1231 | placement requirements of the local government's land
1232 | development regulations in effect at the time of the collocation
1233 | that are more restrictive than those in effect at the time of
1234 | the initial antennae placement approval, to any other portion of
1235 | the land development regulations, or to public hearing review.
1236 | This sub-subparagraph shall not preclude a public hearing for
1237 | any appeal of the decision on the collocation application.

1238 | (I) The collocation does not increase the height of the
1239 | tower to which the antennae are to be attached, measured to the
1240 | highest point of any part of the tower or any existing antenna
1241 | attached to the tower;

1242 | (II) The collocation does not increase the ground space
1243 | area, commonly known as the compound, approved in the site plan
1244 | for equipment enclosures and ancillary facilities; and

1245 | (III) The collocation consists of antennae, equipment
1246 | enclosures, and ancillary facilities that are of a design and
1247 | configuration consistent with all applicable regulations,
1248 | restrictions, or conditions, if any, applied to the initial
1249 | antennae placed on the tower and to its accompanying equipment
1250 | enclosures and ancillary facilities and, if applicable, applied
1251 | to the tower supporting the antennae. Such regulations may
1252 | include the design and aesthetic requirements, but not
1253 | procedural requirements, other than those authorized by this
1254 | section, of the local government's land development regulations
1255 | in effect at the time the initial antennae placement was
1256 | approved.

1257 b. Except for a historic building, structure, site,
 1258 object, or district, or a tower included in sub-subparagraph a.,
 1259 collocations on all other existing structures that meet the
 1260 requirements in sub-sub-subparagraphs (I)-(IV) shall be subject
 1261 to no more than building permit review, and an administrative
 1262 review for compliance with this subparagraph. Such collocations
 1263 are not subject to any portion of the local government's land
 1264 development regulations not addressed herein, or to public
 1265 hearing review. This sub-subparagraph shall not preclude a
 1266 public hearing for any appeal of the decision on the collocation
 1267 application.

1268 (I) The collocation does not increase the height of the
 1269 existing structure to which the antennae are to be attached,
 1270 measured to the highest point of any part of the structure or
 1271 any existing antenna attached to the structure;

1272 (II) The collocation does not increase the ground space
 1273 area, otherwise known as the compound, if any, approved in the
 1274 site plan for equipment enclosures and ancillary facilities;

1275 (III) The collocation consists of antennae, equipment
 1276 enclosures, and ancillary facilities that are of a design and
 1277 configuration consistent with any applicable structural or
 1278 aesthetic design requirements and any requirements for location
 1279 on the structure, but not prohibitions or restrictions on the
 1280 placement of additional collocations on the existing structure
 1281 or procedural requirements, other than those authorized by this
 1282 section, of the local government's land development regulations
 1283 in effect at the time of the collocation application; and

1284 (IV) The collocation consists of antennae, equipment

1285 enclosures, and ancillary facilities that are of a design and
1286 configuration consistent with all applicable restrictions or
1287 conditions, if any, that do not conflict with sub-sub-
1288 subparagraph (III) and were applied to the initial antennae
1289 placed on the structure and to its accompanying equipment
1290 enclosures and ancillary facilities and, if applicable, applied
1291 to the structure supporting the antennae.

1292 c. Regulations, restrictions, conditions, or permits of
1293 the local government, acting in its regulatory capacity, that
1294 limit the number of collocations or require review processes
1295 inconsistent with this subsection shall not apply to
1296 collocations addressed in this subparagraph.

1297 d. If only a portion of the collocation does not meet the
1298 requirements of this subparagraph, such as an increase in the
1299 height of the proposed antennae over the existing structure
1300 height or a proposal to expand the ground space approved in the
1301 site plan for the equipment enclosure, where all other portions
1302 of the collocation meet the requirements of this subparagraph,
1303 that portion of the collocation only may be reviewed under the
1304 local government's regulations applicable to an initial
1305 placement of that portion of the facility, including, but not
1306 limited to, its land development regulations, and within the
1307 review timeframes of subparagraph (d)2., and the rest of the
1308 collocation shall be reviewed in accordance with this
1309 subparagraph. A collocation proposal under this subparagraph
1310 that increases the ground space area, otherwise known as the
1311 compound, approved in the original site plan for equipment
1312 enclosures and ancillary facilities by no more than a cumulative

1313 amount of 400 square feet or 50 percent of the original compound
1314 size, whichever is greater, shall, however, require no more than
1315 administrative review for compliance with the local government's
1316 regulations, including, but not limited to, land development
1317 regulations review, and building permit review, with no public
1318 hearing review. This sub-subparagraph shall not preclude a
1319 public hearing for any appeal of the decision on the collocation
1320 application.

1321 2. If a collocation does not meet the requirements of
1322 subparagraph 1., the local government may review the application
1323 under the local government's regulations, including, but not
1324 limited to, land development regulations, applicable to the
1325 placement of initial antennae and their accompanying equipment
1326 enclosure and ancillary facilities.

1327 3. If a collocation meets the requirements of subparagraph
1328 1., the collocation shall not be considered a modification to an
1329 existing structure or an impermissible modification of a
1330 nonconforming structure.

1331 4. The owner of the existing tower on which the proposed
1332 antennae are to be collocated shall remain responsible for
1333 compliance with any applicable condition or requirement of a
1334 permit or agreement, or any applicable condition or requirement
1335 of the land development regulations to which the existing tower
1336 had to comply at the time the tower was permitted, including any
1337 aesthetic requirements, provided the condition or requirement is
1338 not inconsistent with this paragraph.

1339 5. An existing tower, including a nonconforming tower, may
1340 be structurally modified in order to permit collocation or may

1341 be replaced through no more than administrative review and
 1342 building permit review, and is not subject to public hearing
 1343 review, if the overall height of the tower is not increased and,
 1344 if a replacement, the replacement tower is a monopole tower or,
 1345 if the existing tower is a camouflaged tower, the replacement
 1346 tower is a like-camouflaged tower. This subparagraph shall not
 1347 preclude a public hearing for any appeal of the decision on the
 1348 application.

1349 (b)1. A local government's land development and
 1350 construction regulations for wireless communications facilities
 1351 and the local government's review of an application for the
 1352 placement, construction, or modification of a wireless
 1353 communications facility shall only address land development or
 1354 zoning issues. In such local government regulations or review,
 1355 the local government may not require information on or evaluate
 1356 a wireless provider's business decisions about its service,
 1357 customer demand for its service, or quality of its service to or
 1358 from a particular area or site, unless the wireless provider
 1359 voluntarily offers this information to the local government. In
 1360 such local government regulations or review, a local government
 1361 may not require information on or evaluate the wireless
 1362 provider's designed service unless the information or materials
 1363 are directly related to an identified land development or zoning
 1364 issue or unless the wireless provider voluntarily offers the
 1365 information. Information or materials directly related to an
 1366 identified land development or zoning issue may include, but are
 1367 not limited to, evidence that no existing structure can
 1368 reasonably be used for the antennae placement instead of the

1369 construction of a new tower, that residential areas cannot be
1370 served from outside the residential area, as addressed in
1371 subparagraph 3., or that the proposed height of a new tower or
1372 initial antennae placement or a proposed height increase of a
1373 modified tower, replacement tower, or collocation is necessary
1374 to provide the provider's designed service. Nothing in this
1375 paragraph shall limit the local government from reviewing any
1376 applicable land development or zoning issue addressed in its
1377 adopted regulations that does not conflict with this section,
1378 including, but not limited to, aesthetics, landscaping, land use
1379 based location priorities, structural design, and setbacks.

1380 2. Any setback or distance separation required of a tower
1381 may not exceed the minimum distance necessary, as determined by
1382 the local government, to satisfy the structural safety or
1383 aesthetic concerns that are to be protected by the setback or
1384 distance separation.

1385 3. A local government may exclude the placement of
1386 wireless communications facilities in a residential area or
1387 residential zoning district but only in a manner that does not
1388 constitute an actual or effective prohibition of the provider's
1389 service in that residential area or zoning district. If a
1390 wireless provider demonstrates to the satisfaction of the local
1391 government that the provider cannot reasonably provide its
1392 service to the residential area or zone from outside the
1393 residential area or zone, the municipality or county and
1394 provider shall cooperate to determine an appropriate location
1395 for a wireless communications facility of an appropriate design
1396 within the residential area or zone. The local government may

1397 require that the wireless provider reimburse the reasonable
1398 costs incurred by the local government for this cooperative
1399 determination. An application for such cooperative determination
1400 shall not be considered an application under paragraph (d).

1401 4. A local government may impose a reasonable fee on
1402 applications to place, construct, or modify a wireless
1403 communications facility only if a similar fee is imposed on
1404 applicants seeking other similar types of zoning, land use, or
1405 building permit review. A local government may impose fees for
1406 the review of applications for wireless communications
1407 facilities by consultants or experts who conduct code compliance
1408 review for the local government but any fee is limited to
1409 specifically identified reasonable expenses incurred in the
1410 review. A local government may impose reasonable surety
1411 requirements to ensure the removal of wireless communications
1412 facilities that are no longer being used.

1413 5. A local government may impose design requirements, such
1414 as requirements for designing towers to support collocation or
1415 aesthetic requirements, except as otherwise limited in this
1416 section, but shall not impose or require information on
1417 compliance with building code type standards for the
1418 construction or modification of wireless communications
1419 facilities beyond those adopted by the local government under
1420 chapter 553 and that apply to all similar types of construction.

1421 (c) Local governments may not require wireless providers
1422 to provide evidence of a wireless communications facility's
1423 compliance with federal regulations, except evidence of
1424 compliance with applicable Federal Aviation Administration

1425 requirements under 14 C.F.R. s. 77, as amended, and evidence of
1426 proper Federal Communications Commission licensure, or other
1427 evidence of Federal Communications Commission authorized
1428 spectrum use, but may request the Federal Communications
1429 Commission to provide information as to a wireless provider's
1430 compliance with federal regulations, as authorized by federal
1431 law.

1432 (d)1. A local government shall grant or deny each properly
1433 completed application for a collocation under subparagraph (a)1.
1434 based on the application's compliance with the local
1435 government's applicable regulations, as provided for in
1436 subparagraph (a)1. and consistent with this subsection, and
1437 within the normal timeframe for a similar building permit review
1438 but in no case later than 45 business days after the date the
1439 application is determined to be properly completed in accordance
1440 with this paragraph.

1441 2. A local government shall grant or deny each properly
1442 completed application for any other wireless communications
1443 facility based on the application's compliance with the local
1444 government's applicable regulations, including but not limited
1445 to land development regulations, consistent with this subsection
1446 and within the normal timeframe for a similar type review but in
1447 no case later than 90 business days after the date the
1448 application is determined to be properly completed in accordance
1449 with this paragraph.

1450 3.a. An application is deemed submitted or resubmitted on
1451 the date the application is received by the local government. If
1452 the local government does not notify the applicant in writing

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1453 that the application is not completed in compliance with the
1454 local government's regulations within 20 business days after the
1455 date the application is initially submitted or additional
1456 information resubmitted, the application is deemed, for
1457 administrative purposes only, to be properly completed and
1458 properly submitted. However, the determination shall not be
1459 deemed as an approval of the application. If the application is
1460 not completed in compliance with the local government's
1461 regulations, the local government shall so notify the applicant
1462 in writing and the notification must indicate with specificity
1463 any deficiencies in the required documents or deficiencies in
1464 the content of the required documents which, if cured, make the
1465 application properly completed. Upon resubmission of information
1466 to cure the stated deficiencies, the local government shall
1467 notify the applicant, in writing, within the normal timeframes
1468 of review, but in no case longer than 20 business days after the
1469 additional information is submitted, of any remaining
1470 deficiencies that must be cured. Deficiencies in document type
1471 or content not specified by the local government do not make the
1472 application incomplete. Notwithstanding this sub-subparagraph,
1473 if a specified deficiency is not properly cured when the
1474 applicant resubmits its application to comply with the notice of
1475 deficiencies, the local government may continue to request the
1476 information until such time as the specified deficiency is
1477 cured. The local government may establish reasonable timeframes
1478 within which the required information to cure the application
1479 deficiency is to be provided or the application will be
1480 considered withdrawn or closed.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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1481 b. If the local government fails to grant or deny a
1482 properly completed application for a wireless communications
1483 facility within the timeframes set forth in this paragraph, the
1484 application shall be deemed automatically approved and the
1485 applicant may proceed with placement of the facilities without
1486 interference or penalty. The timeframes specified in
1487 subparagraph 2. may be extended only to the extent that the
1488 application has not been granted or denied because the local
1489 government's procedures generally applicable to all other
1490 similar types of applications require action by the governing
1491 body and such action has not taken place within the timeframes
1492 specified in subparagraph 2. Under such circumstances, the local
1493 government must act to either grant or deny the application at
1494 its next regularly scheduled meeting or, otherwise, the
1495 application is deemed to be automatically approved.

1496 c. To be effective, a waiver of the timeframes set forth
1497 in this paragraph must be voluntarily agreed to by the applicant
1498 and the local government. A local government may request, but
1499 not require, a waiver of the timeframes by the applicant, except
1500 that, with respect to a specific application, a one-time waiver
1501 may be required in the case of a declared local, state, or
1502 federal emergency that directly affects the administration of
1503 all permitting activities of the local government.

1504 (e) The replacement of or modification to a wireless
1505 communications facility, except a tower, that results in a
1506 wireless communications facility not readily discernibly
1507 different in size, type, and appearance when viewed from ground
1508 level from surrounding properties, and the replacement or

1509 modification of equipment that is not visible from surrounding
1510 properties, all as reasonably determined by the local
1511 government, are subject to no more than applicable building
1512 permit review.

1513 (f) Any other law to the contrary notwithstanding, the
1514 Department of Management Services shall negotiate, in the name
1515 of the state, leases for wireless communications facilities that
1516 provide access to state government-owned property not acquired
1517 for transportation purposes, and the Department of
1518 Transportation shall negotiate, in the name of the state, leases
1519 for wireless communications facilities that provide access to
1520 property acquired for state rights-of-way. On property acquired
1521 for transportation purposes, leases shall be granted in
1522 accordance with s. 337.251. On other state government-owned
1523 property, leases shall be granted on a space available, first-
1524 come, first-served basis. Payments required by state government
1525 under a lease must be reasonable and must reflect the market
1526 rate for the use of the state government-owned property. The
1527 Department of Management Services and the Department of
1528 Transportation are authorized to adopt rules for the terms and
1529 conditions and granting of any such leases.

1530 (g) If any person adversely affected by any action, or
1531 failure to act, or regulation, or requirement of a local
1532 government in the review or regulation of the wireless
1533 communication facilities files an appeal or brings an
1534 appropriate action in a court or venue of competent
1535 jurisdiction, following the exhaustion of all administrative
1536 remedies, the matter shall be considered on an expedited basis.

1537 (12) INDEMNIFICATION AND LIMITATION OF LIABILITY.--All
 1538 local governments are authorized to undertake to indemnify the
 1539 local exchange carriers against liability in accordance with the
 1540 companies' lawfully filed tariffs. Regardless of any
 1541 indemnification agreement, a voice communications services
 1542 provider shall not be liable for damages resulting from or in
 1543 connection with 911 or E911 service or identification of the
 1544 telephone number, address, or name associated with any person
 1545 accessing 911 or E911 service, unless the provider acted with
 1546 malicious purpose or in a manner exhibiting wanton and willful
 1547 disregard of human rights, safety, or property in providing such
 1548 services. A voice communications services provider shall not be
 1549 liable for damages to any person resulting from or in connection
 1550 with such provider's provision of any lawful assistance to any
 1551 investigative or law enforcement officer of the State of Florida
 1552 or political subdivisions thereof, of the United States, or of
 1553 any other state or political subdivision thereof, in connection
 1554 with any lawful investigation or other law enforcement activity
 1555 by such law enforcement officer unless the provider acted in a
 1556 wanton and willful manner.

1557 (13) ~~(12)~~ MISUSE OF ~~WIRELESS~~ 911 OR E911 SYSTEM;
 1558 PENALTY.--Every 911 and E911 service must be used solely for
 1559 emergency communications by the public. Any person who accesses
 1560 the number 911 for the purpose of making a false alarm or
 1561 complaint or reporting false information which could result in
 1562 the emergency response of any public safety agency, or who
 1563 knowingly uses or attempts to use such service for a purpose
 1564 other than obtaining public safety assistance, or who knowingly

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1565 uses or attempts to use such service in an effort to avoid any
 1566 charge for service, commits a misdemeanor of the first degree,
 1567 punishable as provided in s. 775.082 or s. 775.083. After being
 1568 convicted of unauthorized use of such service four times, a
 1569 person who continues to engage in such unauthorized use commits
 1570 a felony of the third degree, punishable as provided in s.
 1571 775.082, s. 775.083, or s. 775.084. In addition, if the value of
 1572 the service or the service charge obtained in a manner
 1573 prohibited by this subsection exceeds \$100, the person
 1574 committing the offense commits a felony of the third degree,
 1575 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1576 (14)~~(13)~~ STATE LAW NOT PREEMPTED.--This section and ss.
 1577 365.173 and 365.174 do not alter any state law that otherwise
 1578 regulates voice communications services providers ~~of~~
 1579 ~~telecommunications service~~.

1580 Section 3. This act shall take effect upon becoming a law.