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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/24/2009	.	
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The Committee on Community Affairs (Bennett) recommended the following:

**Senate Amendment (with title amendment)**

Delete line 28

and insert:

Section 2. Paragraph (a) of subsection (8) of section 365.172, Florida Statutes, is amended to read:

365.172 Emergency communications number "E911."—

(8) E911 FEE.—

(a) Each voice communications services provider shall collect the fee described in this subsection. Each provider, as part of its monthly billing process, shall bill the fee as



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12 follows. The fee shall not be assessed on any pay telephone in  
13 the state.

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

17 2. Except in the case of prepaid wireless service, each  
18 wireless provider shall bill the fee to a subscriber on a per-  
19 service-identifier basis for service identifiers whose primary  
20 place of use is within this state. Before July 1, 2011 ~~July 1,~~  
21 ~~2009~~, the fee shall not be assessed on or collected from a  
22 provider with respect to an end user's service if that end  
23 user's service is a prepaid calling arrangement that is subject  
24 to s. 212.05(1)(e).

25 a. The board shall conduct a study to determine whether it  
26 is feasible to collect E911 fees from the sale of prepaid  
27 wireless service. If, based on the findings of the study, the  
28 board determines that a fee should not be collected from the  
29 sale of prepaid wireless service, it shall report its findings  
30 and recommendation to the Governor, the President of the Senate,  
31 and the Speaker of the House of Representatives by December 31,  
32 2008. If the board determines that a fee should be collected  
33 from the sale of prepaid wireless service, the board shall  
34 collect the fee beginning July 1, 2011 ~~July 1, 2009~~.

35 b. For purposes of this section, the term:

36 (I) "Prepaid wireless service" means the right to access  
37 telecommunications services that must be paid for in advance and  
38 is sold in predetermined units or dollars enabling the  
39 originator to make calls such that the number of units or  
40 dollars declines with use in a known amount.



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41 (II) "Prepaid wireless service providers" includes those  
42 persons who sell prepaid wireless service regardless of its  
43 form, either as a retailer or reseller.

44 c. The study must include an evaluation of methods by which  
45 E911 fees may be collected from end users and purchasers of  
46 prepaid wireless service on an equitable, efficient,  
47 competitively neutral, and nondiscriminatory basis and must  
48 consider whether the collection of fees on prepaid wireless  
49 service would constitute an efficient use of public funds given  
50 the technological and practical considerations of collecting the  
51 fee based on the varying methodologies prepaid wireless service  
52 providers and their agents use in marketing prepaid wireless  
53 service.

54 d. The study must include a review and evaluation of the  
55 collection of E911 fees on prepaid wireless service at the point  
56 of sale within the state. This evaluation must be consistent  
57 with the collection principles of end user charges such as those  
58 in s. 212.05(1)(e).

59 e. No later than 90 days after this section becomes law,  
60 the board shall require all prepaid wireless service providers,  
61 including resellers, to provide the board with information that  
62 the board determines is necessary to discharge its duties under  
63 this section, including information necessary for its  
64 recommendation, such as total retail and reseller prepaid  
65 wireless service sales.

66 f. All subscriber information provided by a prepaid  
67 wireless service provider in response to a request from the  
68 board while conducting this study is subject to s. 365.174.

69 g. The study shall be conducted by an entity competent and



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70 knowledgeable in matters of state taxation policy if the board  
71 does not possess that expertise. The study must be paid from the  
72 moneys distributed to the board for administrative purposes  
73 under s. 365.173(2)(f) but may not exceed \$250,000.

74 3. All voice communications services providers not  
75 addressed under subparagraphs 1. and 2. shall bill the fee on a  
76 per-service-identifier basis for service identifiers whose  
77 primary place of use is within the state up to a maximum of 25  
78 service identifiers for each account bill rendered.

79  
80 The provider may list the fee as a separate entry on each bill,  
81 in which case the fee must be identified as a fee for E911  
82 services. A provider shall remit the fee to the board only if  
83 the fee is paid by the subscriber. If a provider receives a  
84 partial payment for a monthly bill from a subscriber, the amount  
85 received shall first be applied to the payment due the provider  
86 for providing voice communications service.

87 Section 3. This act shall operate retroactively to July 1,  
88

89 ===== T I T L E A M E N D M E N T =====

90 And the title is amended as follows:

91 Delete line 8

92 and insert:

93 to the state or local jurisdiction; extending until July 1,  
94 2011, the date to begin collecting the prepaid wireless E911 fee  
95 so that a method can be established for collecting; providing  
96 for