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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2010	.	
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	.	
	.	

The Committee on Judiciary (Richter) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. 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
follows. The fee shall not be assessed on any pay telephone in
the state.



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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, 2013 ~~2009~~, the
21 fee shall not be assessed on or collected from a provider with
22 respect to an end user's service if that end user's service is a
23 prepaid calling arrangement that is subject to s. 212.05(1)(e).

24 a. ~~The board shall conduct a study to determine whether it~~
25 ~~is feasible to collect E911 fees from the sale of prepaid~~
26 ~~wireless service. If, based on the findings of the study, the~~
27 ~~board determines that a fee should not be collected from the~~
28 ~~sale of prepaid wireless service, it shall report its findings~~
29 ~~and recommendation to the Governor, the President of the Senate,~~
30 ~~and the Speaker of the House of Representatives by December 31,~~
31 ~~2008.~~ If the board determines that a fee should be collected
32 from the sale of prepaid wireless service, the board shall
33 collect the fee beginning July 1, 2013 ~~2009~~.

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

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

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



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

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

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

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

68 g. The study shall be conducted by an entity competent and
69 knowledgeable in matters of state taxation policy if the board
70 does not possess that expertise. The study must be paid from the
71 moneys distributed to the board for administrative purposes



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72 under s. 365.173(2)(f) but may not exceed \$250,000.

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

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

86 Section 2. This act shall take effect July 1, 2010.

87
88 ===== T I T L E A M E N D M E N T =====

89 And the title is amended as follows:

90 Delete everything before the enacting clause
91 and insert:

92 A bill to be entitled
93 An act relating to prepaid wireless
94 telecommunications; amending s.365.172, F.S.; removing
95 provisions for a study of the feasibility of
96 collecting a fee for prepaid wireless
97 telecommunications service; delaying a provision that
98 requires an assessment on or collection of a fee for a
99 prepaid calling arrangement; providing an effective
100 date.