

1 A bill to be entitled
 2 An act relating to prepaid wireless telecommunications
 3 service; amending s. 365.172, F.S.; removing provisions
 4 for a study of the feasibility of collecting an E911 fee
 5 on the sale of prepaid wireless telecommunications
 6 service; providing for assessment or collection of the fee
 7 after a certain date; providing an effective date.

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

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 11 Section 1. Paragraph (a) of subsection (8) of section
 12 365.172, Florida Statutes, is amended to read:

13 365.172 Emergency communications number ~~"E911."~~—

14 (8) E911 FEE.—

15 (a) Each voice communications services provider shall
 16 collect the fee described in this subsection. Each provider, as
 17 part of its monthly billing process, shall bill the fee as
 18 follows. The fee shall not be assessed on any pay telephone in
 19 the state.

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

23 2. Except in the case of prepaid wireless service, each
 24 wireless provider shall bill the fee to a subscriber on a per-
 25 service-identifier basis for service identifiers whose primary
 26 place of use is within this state. Before July 1, 2013 ~~2009~~, the
 27 fee shall not be assessed on or collected from a provider with
 28 respect to an end user's service if that end user's service is a

29 prepaid calling arrangement that is subject to s. 212.05(1)(e).

30 a. ~~The board shall conduct a study to determine whether it~~
31 ~~is feasible to collect E911 fees from the sale of prepaid~~
32 ~~wireless service. If, based on the findings of the study, the~~
33 ~~board determines that a fee should not be collected from the~~
34 ~~sale of prepaid wireless service, it shall report its findings~~
35 ~~and recommendation to the Governor, the President of the Senate,~~
36 ~~and the Speaker of the House of Representatives by December 31,~~
37 ~~2008.~~ If the board determines that a fee should be collected
38 from the sale of prepaid wireless service, the board shall
39 collect the fee beginning July 1, 2013 ~~2009~~.

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

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

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

49 ~~e. The study must include an evaluation of methods by~~
50 ~~which E911 fees may be collected from end users and purchasers~~
51 ~~of prepaid wireless service on an equitable, efficient,~~
52 ~~competitively neutral, and nondiscriminatory basis and must~~
53 ~~consider whether the collection of fees on prepaid wireless~~
54 ~~service would constitute an efficient use of public funds given~~
55 ~~the technological and practical considerations of collecting the~~
56 ~~fee based on the varying methodologies prepaid wireless service~~

57 ~~providers and their agents use in marketing prepaid wireless~~
58 ~~service.~~

59 ~~d. The study must include a review and evaluation of the~~
60 ~~collection of E911 fees on prepaid wireless service at the point~~
61 ~~of sale within the state. This evaluation must be consistent~~
62 ~~with the collection principles of end user charges such as those~~
63 ~~in s. 212.05(1)(c).~~

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

71 ~~f. All subscriber information provided by a prepaid~~
72 ~~wireless service provider in response to a request from the~~
73 ~~board while conducting this study is subject to s. 365.174.~~

74 ~~g. The study shall be conducted by an entity competent and~~
75 ~~knowledgeable in matters of state taxation policy if the board~~
76 ~~does not possess that expertise. The study must be paid from the~~
77 ~~moneys distributed to the board for administrative purposes~~
78 ~~under s. 365.173(2)(f) but may not exceed \$250,000.~~

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

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

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