

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; amending s. 365.173, F.S.; revising
 8 a limitation on the amount of funds received by a county
 9 from the E911 fee which may be carried forward to the
 10 following year; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Paragraph (a) of subsection (8) of section
 15 365.172, Florida Statutes, is amended to read:

16 365.172 Emergency communications number ~~"E911."~~
 17 (8) E911 FEE.—

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

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

26 2. Except in the case of prepaid wireless service, each
 27 wireless provider shall bill the fee to a subscriber on a per-
 28 service-identifier basis for service identifiers whose primary

29 place of use is within this state. Before July 1, 2013 ~~2009~~, the
30 fee shall not be assessed on or collected from a provider with
31 respect to an end user's service if that end user's service is a
32 prepaid calling arrangement that is subject to s. 212.05(1)(e).

33 a. ~~The board shall conduct a study to determine whether it~~
34 ~~is feasible to collect E911 fees from the sale of prepaid~~
35 ~~wireless service. If, based on the findings of the study, the~~
36 ~~board determines that a fee should not be collected from the~~
37 ~~sale of prepaid wireless service, it shall report its findings~~
38 ~~and recommendation to the Governor, the President of the Senate,~~
39 ~~and the Speaker of the House of Representatives by December 31,~~
40 ~~2008.~~ If the board determines that a fee should be collected
41 from the sale of prepaid wireless service, the board shall
42 collect the fee beginning July 1, 2013 ~~2009~~.

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

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

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

52 e. ~~The study must include an evaluation of methods by~~
53 ~~which E911 fees may be collected from end users and purchasers~~
54 ~~of prepaid wireless service on an equitable, efficient,~~
55 ~~competitively neutral, and nondiscriminatory basis and must~~
56 ~~consider whether the collection of fees on prepaid wireless~~

57 ~~service would constitute an efficient use of public funds given~~
58 ~~the technological and practical considerations of collecting the~~
59 ~~fee based on the varying methodologies prepaid wireless service~~
60 ~~providers and their agents use in marketing prepaid wireless~~
61 ~~service.~~

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

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

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

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

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

85 primary place of use is within the state up to a maximum of 25
 86 service identifiers for each account bill rendered.

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

95 Section 2. Paragraph (c) of subsection (2) of section
 96 365.173, Florida Statutes, is amended to read:

97 365.173 Emergency Communications Number E911 System Fund.—

98 (2) As determined by the board pursuant to s.
 99 365.172(8)(h), and subject to any modifications approved by the
 100 board pursuant to s. 365.172(6)(a)3. or (8)(i), the moneys in
 101 the fund shall be distributed and used only as follows:

102 (c) Any county that receives funds under paragraphs (a)
 103 and (b) shall establish a fund to be used exclusively for the
 104 receipt and expenditure of the revenues collected under
 105 paragraphs (a) and (b). All fees placed in the fund and any
 106 interest accrued shall be used solely for costs described in
 107 subparagraphs (a)1. and 2. The money collected and interest
 108 earned in this fund shall be appropriated for these purposes by
 109 the county commissioners and incorporated into the annual county
 110 budget. The fund shall be included within the financial audit
 111 performed in accordance with s. 218.39. A county may carry
 112 forward up to 30 ~~20~~ percent of the total funds disbursed to the

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113 county by the board during a calendar year for expenditures for
114 capital outlay, capital improvements, or equipment replacement,
115 if such expenditures are made for the purposes specified in
116 subparagraphs (a)1. and 2.; however, the 30-percent ~~20-percent~~
117 limitation does not apply to funds disbursed to a county under
118 s. 365.172(6) (a)3., and a county may carry forward any
119 percentage of the funds, except that any grant provided shall
120 continue to be subject to any condition imposed by the board. In
121 order to prevent an excess recovery of costs incurred in
122 providing E911 service, a county that receives funds greater
123 than the permissible E911 costs described in s. 365.172(9),
124 including the 30-percent ~~20-percent~~ carryforward allowance, must
125 return the excess funds to the E911 board to be allocated under
126 s. 365.172(6) (a).

127
128 The Legislature recognizes that the fee authorized under s.
129 365.172 may not necessarily provide the total funding required
130 for establishing or providing the E911 service. It is the intent
131 of the Legislature that all revenue from the fee be used as
132 specified in this subsection.

133 Section 3. This act shall take effect July 1, 2010.