



158586

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/23/2012	.	
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The Committee on Community Affairs (Bennett) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (12) of section 365.171, Florida
Statutes, is amended to read:

365.171 Emergency communications number E911 state plan.—

(12) CONFIDENTIALITY OF RECORDS.—

(a) Any record, recording, or information, or portions
thereof, obtained by a public agency or a public safety agency
for the purpose of providing services in an emergency and which
reveals the name, address, telephone number, or personal



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13 information about, or information which may identify any person
14 requesting emergency service or reporting an emergency by
15 accessing an emergency communications E911 system is
16 confidential and exempt from the provisions of s. 119.07(1) and
17 s. 24(a), Art. I of the State Constitution, except that such
18 record or information may be disclosed to a public safety
19 agency. The exemption applies only to the name, address,
20 telephone number or personal information about, or information
21 which may identify any person requesting emergency services or
22 reporting an emergency while such information is in the custody
23 of the public agency or public safety agency providing emergency
24 services. A telecommunications company or commercial mobile
25 radio service provider shall not be liable for damages to any
26 person resulting from or in connection with such telephone
27 company's or commercial mobile radio service provider's
28 provision of any lawful assistance to any investigative or law
29 enforcement officer of the State of Florida or political
30 subdivisions thereof, of the United States, or of any other
31 state or political subdivision thereof, in connection with any
32 lawful investigation or other law enforcement activity by such
33 law enforcement officer unless the telecommunications company or
34 commercial mobile radio service provider acted in a wanton and
35 willful manner.

36 (b) Notwithstanding paragraph (a), a 911 public safety
37 telecommunicator, as defined in s. 401.465, may contact any
38 private person or entity that owns an automated external
39 defibrillator who has notified the local emergency medical
40 services medical director or public safety answering point of
41 such ownership if a confirmed coronary emergency call is taking



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42 place and the location of the coronary emergency is within a
43 reasonable distance from the location of the defibrillator, and
44 may provide the location of the coronary emergency to that
45 person or entity.

46 Section 2. Paragraphs (a) and (b) of subsection (5),
47 paragraphs (a) and (e) of subsection (8), and subsection (11) of
48 section 365.172, Florida Statutes, are amended to read:

49 365.172 Emergency communications number "E911."—

50 (5) THE E911 BOARD.—

51 (a) The E911 Board is established to administer, with
52 oversight by the office, the fee imposed under subsection (8),
53 including receiving revenues derived from the fee; distributing
54 portions of the revenues to wireless providers, counties, and
55 the office; accounting for receipts, distributions, and income
56 derived by the funds maintained in the fund; and providing
57 annual reports to the Governor and the Legislature for
58 submission by the office on amounts collected and expended, the
59 purposes for which expenditures have been made, and the status
60 of E911 service in this state. In order to advise and assist the
61 office in implementing ~~carrying out~~ the purposes of this
62 section, the board, which has ~~shall have~~ the power of a body
63 corporate, has the powers enumerated in subsection (6).

64 (b) The board shall consist of eleven ~~nine~~ members, one of
65 whom must be the system director designated under s. 365.171(5),
66 or his or her designee, who shall serve as the chair of the
67 board. The remaining eight members of the board shall be
68 appointed by the Governor and must be composed of four county
69 911 coordinators, consisting of a representative from a rural
70 county, a representative from a medium county, a representative



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71 from a large county, and two ~~an~~ at-large representatives
72 ~~representative~~ recommended by the Florida Association of
73 Counties in consultation with the county 911 coordinators; three
74 ~~two~~ local exchange carrier member representatives ~~members~~, one
75 of whom ~~which~~ must be a representative of the local exchange
76 carrier having the greatest number of access lines in the state
77 and one of whom must be a representative of a certificated
78 telecommunications company; and two member representatives
79 ~~members~~ from the wireless telecommunications industry, with
80 ~~recommended by the Florida Telecommunications Industry~~
81 ~~Association in consultation with the wireless telecommunications~~
82 ~~industry. In recommending members from the wireless~~
83 ~~telecommunications industry,~~ consideration ~~must~~ be given to
84 wireless providers that ~~who~~ are not affiliated with local
85 exchange carriers. Not more than one member may be appointed to
86 represent any single provider on the board.

87 (8) E911 FEE.—

88 (a) Each voice communications services provider shall
89 collect the fee described in this subsection. Each provider, as
90 part of its monthly billing process, shall bill the fee as
91 follows. The fee may ~~shall~~ not be assessed on any pay telephone
92 in the state.

93 1. Each voice communications service provider other than a
94 wireless provider ~~local exchange carrier~~ shall bill the fee to a
95 subscriber based on the number of access lines having access to
96 the E911 system, ~~the local exchange subscribers~~ on a service-
97 identifier basis, up to a maximum of 25 access lines per account
98 bill rendered.

99 2. Each voice communications service provider other than a



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100 wireless provider shall bill the fee to a subscriber on a basis
101 of five service-identified access lines for each digital
102 transmission link, including primary rate interface service or
103 equivalent Digital-Signal-1-level service, which can be
104 channelized and split into 23 or 24 voice- or data-grade
105 channels for communications, up to a maximum of 25 access lines
106 per account bill rendered.

107 ~~3.2.~~ Except in the case of prepaid wireless service, each
108 wireless provider shall bill the fee to a subscriber on a per-
109 service-identifier basis for service identifiers whose primary
110 place of use is within this state. Before July 1, 2013, the fee
111 shall not be assessed on or collected from a provider with
112 respect to an end user's service if that end user's service is a
113 prepaid calling arrangement that is subject to s. 212.05(1)(e).

114 a. An ~~No~~ E911 fee shall not be collected from the sale of
115 prepaid wireless service before ~~prior to~~ July 1, 2013.

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

117 (I) "Prepaid wireless service" means the right to access
118 telecommunications services, which ~~that~~ must be paid for in
119 advance and ~~is~~ sold in predetermined units or dollars enabling
120 the originator to make calls such that the number of units or
121 dollars declines with use in a known amount.

122 (II) "Prepaid wireless service providers" includes those
123 persons who sell prepaid wireless service regardless of its
124 form, ~~either~~ as a retailer or reseller.

125 ~~4.3.~~ The ~~All~~ voice communications services providers not
126 addressed under subparagraphs 1., 2., and 3. ~~2.~~ shall bill the
127 fee on a per-service-identifier basis for service identifiers
128 whose primary place of use is within the state up to a maximum



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129 of 25 service identifiers for each account bill rendered.

130

131 The provider may list the fee as a separate entry on each bill,
132 in which case the fee must be identified as a fee for E911
133 services. A provider shall remit the fee to the board only if
134 the fee is paid by the subscriber. If a provider receives a
135 partial payment for a monthly bill from a subscriber, the amount
136 received shall first be applied to the payment due the provider
137 for providing voice communications service.

138 (e) Effective September 1, 2007, voice communications
139 services providers billing the fee to subscribers shall deliver
140 revenues from the fee to the board within 60 days after the end
141 of the month in which the fee was billed, together with a
142 monthly report of the number of service identifiers in each
143 county. Each wireless provider and other applicable provider
144 identified in subparagraph (a)4. ~~(a)3.~~ shall report the number
145 of service identifiers for subscribers whose place of primary
146 use is in each county. All provider subscriber information
147 provided to the board is subject to s. 365.174. If a provider
148 chooses to remit any fee amounts to the board before they are
149 paid by the subscribers, a provider may apply to the board for a
150 refund of, or may take a credit for, any such fees remitted to
151 the board which are not collected by the provider within 6
152 months following the month in which the fees are charged off for
153 federal income tax purposes as bad debt.

154 (11) INDEMNIFICATION AND LIMITATION OF LIABILITY.—A local
155 government may ~~governments are authorized to undertake to~~
156 indemnify local exchange carriers against liability in
157 accordance with the published schedules ~~lawfully filed tariffs~~



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158 of the company. Notwithstanding an indemnification agreement, a
159 local exchange carrier, voice communications services provider,
160 or other service provider that provides 911 or E911 service on a
161 retail or wholesale basis is not liable for damages resulting
162 from or in connection with 911 or E911 service, or for
163 identification of the telephone number, or address, or name
164 associated with any person accessing 911 or E911 service, unless
165 the carrier or ~~the voice communications services~~ provider acted
166 with malicious purpose or in a manner exhibiting wanton and
167 willful disregard of the rights, safety, or property of a person
168 when providing such services. A carrier or ~~voice communications~~
169 ~~services~~ provider is not liable for damages to any person
170 resulting from or in connection with the carrier's or provider's
171 provision of any lawful assistance to any investigative or law
172 enforcement officer of the United States, this state, or a
173 political subdivision thereof, or of any other state or
174 political subdivision thereof, in connection with any lawful
175 investigation or other law enforcement activity by such law
176 enforcement officer. For purposes of this subsection, the term
177 "911 or E911 service" means a telecommunications service, voice
178 or nonvoice communications service, or other wireline or
179 wireless service, including, but not limited to, a service using
180 Internet protocol, which provides, in whole or in part, any of
181 the following functions: providing members of the public with
182 the ability to reach an answering point by using the digits 9-1-
183 1; directing 911 calls to answering points by selective routing;
184 providing for automatic number identification and automatic
185 location-identification features; or providing wireless E911
186 services as defined in the order.



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187 Section 3. Paragraph (b) of subsection (2) of section
188 401.2915, Florida Statutes, is amended to read:

189 401.2915 Automated external defibrillators.—It is the
190 intent of the Legislature that an automated external
191 defibrillator may be used by any person for the purpose of
192 saving the life of another person in cardiac arrest. In order to
193 achieve that goal, the Legislature intends to encourage training
194 in lifesaving first aid and set standards for and encourage the
195 use of automated external defibrillators.

196 (2) In order to promote public health and safety:

197 (b) Any person or entity in possession of an automated
198 external defibrillator is encouraged to notify the local
199 emergency medical services medical director or the local public
200 safety answering point, as defined in s. 365.172(3), of the
201 location of the automated external defibrillator.

202 Section 4. Paragraph (e) of subsection (1) and subsection
203 (3) of section 427.706, Florida Statutes, are amended to read:

204 427.706 Advisory committee.—

205 (1) The commission shall appoint an advisory committee to
206 assist the commission with the implementation of the provisions
207 of this part. The committee shall be composed of no more than 10
208 persons and shall include, to the extent practicable, the
209 following:

210 (e) Two representatives of telecommunications companies,
211 ~~one representing a local exchange telecommunications company and~~
212 ~~one representing an interexchange telecommunications company,~~
213 ~~recommended by the Florida Telephone Association.~~

214 (3) Members of the committee may ~~shall~~ not be compensated
215 for their services but are ~~shall be~~ entitled to receive



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216 reimbursement for per diem and travel expenses as provided in s.
217 112.061. The commission shall use funds from the Florida Public
218 Service Regulatory Trust Fund to cover the costs incurred by
219 members of the advisory committee.

220 Section 5. This act shall take effect July 1, 2012.

221
222 ===== T I T L E A M E N D M E N T =====

223 And the title is amended as follows:

224 Delete everything before the enacting clause
225 and insert:

226 A bill to be entitled
227 An act relating to emergency 911 service; amending s.
228 365.171, F.S.; providing an exception to certain
229 confidentiality provisions for a 911 public safety
230 telecommunicator when a confirmed coronary emergency
231 call is taking place; amending s. 365.172, F.S.;
232 revising the qualifications required for the members
233 of the E911 Board; requiring that a voice
234 communications service provider, other than a wireless
235 service provider, impose a fee based on the number of
236 access lines to the E911 system and on the basis of
237 certain access lines for each digital transmission
238 link, up to a specified number of access lines per
239 account bill rendered; revising the criteria that a
240 local government may use in order to indemnify a local
241 carrier; expanding the types of providers that may be
242 indemnified and that are not liable for certain
243 damages; revising cross-references; defining the term
244 "911 or E911 service"; amending s. 401.2915, F.S.;



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245 providing for a person or entity in possession of an
246 automated external defibrillator to notify the local
247 public safety answering point regarding the location
248 of the defibrillator; amending s. 427.706, F.S. ;
249 removing the requirement that the Florida Telephone
250 Association recommend certain representatives to an
251 advisory committee to the Public Service Commission ;
252 providing an effective date.