

By Senator Bennett

21-00861A-12

20121042

1                                   A bill to be entitled  
2       An act relating to emergency 911 service; amending s.  
3       365.172, F.S.; revising the qualifications required  
4       for the members of the E911 Board; requiring that a  
5       voice communications service provider, other than a  
6       wireless service provider, impose a fee based on the  
7       number of access lines to the E911 system and on the  
8       basis of certain access lines for each digital  
9       transmission link, up to a specified number of access  
10      lines per account bill rendered; revising the criteria  
11      that a local government may use in order to indemnify  
12      a local carrier; expanding the types of providers that  
13      may be indemnified and that are not liable for certain  
14      damages; revising cross-references; defining the term  
15      "provide 911 or E911 service"; amending s. 427.706,  
16      F.S.; removing the requirement that the Florida  
17      Telephone Association recommend certain  
18      representatives to an advisory committee to the Public  
19      Service Commission; providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23       Section 1. Paragraphs (a) and (b) of subsection (5),  
24      paragraphs (a) and (e) of subsection (8), and subsection (11) of  
25      section 365.172, Florida Statutes, are amended to read:

26       365.172 Emergency communications number "E911."—

27       (5) THE E911 BOARD.—

28       (a) The E911 Board is established to administer, with  
29      oversight by the office, the fee imposed under subsection (8),

21-00861A-12

20121042

30 including receiving revenues derived from the fee; distributing  
31 portions of the revenues to wireless providers, counties, and  
32 the office; accounting for receipts, distributions, and income  
33 derived by the funds maintained in the fund; and providing  
34 annual reports to the Governor and the Legislature for  
35 submission by the office on amounts collected and expended, the  
36 purposes for which expenditures have been made, and the status  
37 of E911 service in this state. In order to advise and assist the  
38 office in implementing ~~carrying out~~ the purposes of this  
39 section, the board, which has ~~shall have~~ the power of a body  
40 corporate, has the powers enumerated in subsection (6).

41 (b) The board shall consist of nine members, one of whom  
42 must be the system director designated under s. 365.171(5), or  
43 his or her designee, who shall serve as the chair of the board.  
44 The remaining eight members of the board shall be appointed by  
45 the Governor and must be composed of four county 911  
46 coordinators, consisting of a representative from a rural  
47 county, a representative from a medium county, a representative  
48 from a large county, and an at-large representative recommended  
49 by the Florida Association of Counties in consultation with the  
50 county 911 coordinators; three ~~two~~ local exchange carrier member  
51 representatives ~~members~~, one of whom ~~which~~ must be a  
52 representative of the local exchange carrier having the greatest  
53 number of access lines in the state and one of whom must be a  
54 representative of a certificated competitive local exchange  
55 telecommunications company; and one member representative ~~two~~  
56 ~~members~~ from the wireless telecommunications industry, with  
57 ~~recommended by the Florida Telecommunications Industry~~  
58 ~~Association in consultation with the wireless telecommunications~~

21-00861A-12

20121042

59 ~~industry. In recommending members from the wireless~~  
60 ~~telecommunications industry,~~ consideration ~~must be~~ given to  
61 wireless providers that ~~who~~ are not affiliated with local  
62 exchange carriers. Not more than one member may be appointed to  
63 represent any single provider on the board.

64 (8) E911 FEE.—

65 (a) Each voice communications services provider shall  
66 collect the fee described in this subsection. Each provider, as  
67 part of its monthly billing process, shall bill the fee as  
68 follows. The fee may ~~shall~~ not be assessed on any pay telephone  
69 in the state.

70 1. Each voice communications service provider other than a  
71 wireless provider ~~local exchange carrier~~ shall bill the fee to a  
72 subscriber based on the number of access lines having access to  
73 the E911 system, ~~the local exchange subscribers~~ on a service-  
74 identifier basis, up to a maximum of 25 access lines per account  
75 bill rendered.

76 2. Each voice communications service provider other than a  
77 wireless provider shall bill the fee to a subscriber on a basis  
78 of five service-identified access lines for each digital  
79 transmission link, including primary rate interface service or  
80 equivalent Digital Signal 1 level service, which can be  
81 channelized and split into 23 or 24 voice or data grade channels  
82 for communications, up to a maximum of 25 access lines per  
83 account bill rendered.

84 ~~3.2.~~ Except in the case of prepaid wireless service, each  
85 wireless provider shall bill the fee to a subscriber on a per-  
86 service-identifier basis for service identifiers whose primary  
87 place of use is within this state. Before July 1, 2013, the fee

21-00861A-12

20121042

88 may ~~shall~~ not be assessed on or collected from a provider with  
89 respect to an end user's service if that end user's service is a  
90 prepaid calling arrangement that is subject to s. 212.05(1)(e).

91 a. A ~~No~~ E911 fee may not ~~shall~~ be collected from the sale  
92 of prepaid wireless service before ~~prior to~~ July 1, 2013.

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

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

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

102 ~~4.3.~~ The All voice communications services providers not  
103 addressed under subparagraphs 1., 2., and 3. ~~2.~~ shall bill the  
104 fee on a per-service-identifier basis for service identifiers  
105 whose primary place of use is within the state up to a maximum  
106 of 25 service identifiers for each account bill rendered.

107  
108 The provider may list the fee as a separate entry on each bill,  
109 in which case the fee must be identified as a fee for E911  
110 services. A provider shall remit the fee to the board only if  
111 the fee is paid by the subscriber. If a provider receives a  
112 partial payment for a monthly bill from a subscriber, the amount  
113 received shall first be applied to the payment due the provider  
114 for providing voice communications service.

115 (e) Effective September 1, 2007, voice communications  
116 services providers billing the fee to subscribers shall deliver

21-00861A-12

20121042

117 revenues from the fee to the board within 60 days after the end  
118 of the month in which the fee was billed, together with a  
119 monthly report of the number of service identifiers in each  
120 county. Each wireless provider and other applicable provider  
121 identified in subparagraph (a)4. ~~(a)3.~~ shall report the number  
122 of service identifiers for subscribers whose place of primary  
123 use is in each county. All provider subscriber information  
124 provided to the board is subject to s. 365.174. If a provider  
125 chooses to remit any fee amounts to the board before they are  
126 paid by the subscribers, a provider may apply to the board for a  
127 refund of, or may take a credit for, any such fees remitted to  
128 the board which are not collected by the provider within 6  
129 months following the month in which the fees are charged off for  
130 federal income tax purposes as bad debt.

131 (11) INDEMNIFICATION AND LIMITATION OF LIABILITY.—A local  
132 government may ~~governments are authorized to undertake to~~  
133 indemnify local exchange carriers against liability in  
134 accordance with the published schedules ~~lawfully filed tariffs~~  
135 of the company. Notwithstanding an indemnification agreement, a  
136 local exchange carrier, voice communications services provider,  
137 or other service provider that provides 911 or E911 service on a  
138 retail or wholesale basis is not liable for damages resulting  
139 from or in connection with 911 or E911 service, or for  
140 identification of the telephone number, or address, or name  
141 associated with any person accessing 911 or E911 service, unless  
142 the carrier or ~~the voice communications services~~ provider acted  
143 with malicious purpose or in a manner exhibiting wanton and  
144 willful disregard of the rights, safety, or property of a person  
145 when providing such services. A carrier or ~~voice communications~~

21-00861A-12

20121042

146 ~~services~~ provider is not liable for damages to any person  
147 resulting from or in connection with the carrier's or provider's  
148 provision of any lawful assistance to any investigative or law  
149 enforcement officer of the United States, this state, or a  
150 political subdivision thereof, or of any other state or  
151 political subdivision thereof, in connection with any lawful  
152 investigation or other law enforcement activity by such law  
153 enforcement officer. For purposes of this subsection, the term  
154 "provide 911 or E911 service" means to provide a  
155 telecommunications service, voice or nonvoice communications  
156 service, or other wireline or wireless service, including, but  
157 not limited to, a service using Internet protocol, which  
158 provides, in whole or in part, any of the following functions:  
159 providing members of the public with the ability to reach an  
160 answering point by using the digits 9-1-1; directing 911 calls  
161 to answering points by selective routing; providing for  
162 automatic number identification and automatic location-  
163 identification features; or providing wireless E911 services as  
164 defined in an order.

165 Section 2. Paragraph (e) of subsection (1) and subsection  
166 (3) of section 427.706, Florida Statutes, are amended to read:  
167 427.706 Advisory committee.—

168 (1) The commission shall appoint an advisory committee to  
169 assist the commission with the implementation of the provisions  
170 of this part. The committee shall be composed of no more than 10  
171 persons and shall include, to the extent practicable, the  
172 following:

173 (e) Two representatives of telecommunications companies,  
174 one representing a local exchange telecommunications company and

21-00861A-12

20121042\_\_

175 one representing an interexchange telecommunications company,  
176 ~~recommended by the Florida Telephone Association.~~

177 (3) Members of the committee may ~~shall~~ not be compensated  
178 for their services but are ~~shall be~~ entitled to receive  
179 reimbursement for per diem and travel expenses as provided in s.  
180 112.061. The commission shall use funds from the Florida Public  
181 Service Regulatory Trust Fund to cover the costs incurred by  
182 members of the advisory committee.

183 Section 3. This act shall take effect July 1, 2012.