

By the Committee on Community Affairs; and Senator Bennett

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20121042c1

1 A bill to be entitled
2 An act relating to emergency 911 service; amending s.
3 365.171, F.S.; providing an exception to certain
4 confidentiality provisions for a 911 public safety
5 telecommunicator when a confirmed coronary emergency
6 call is taking place; amending s. 365.172, F.S.;
7 increasing the membership of the E911 Board and
8 revising the qualifications required for the members;
9 requiring that a voice communications service
10 provider, other than a wireless service provider,
11 impose a fee based on the number of access lines to
12 the E911 system and on the basis of certain access
13 lines for each digital transmission link, up to a
14 specified number of access lines per account bill
15 rendered; revising the criteria that a local
16 government may use in order to indemnify a local
17 carrier; expanding the types of providers that may be
18 indemnified and that are not liable for certain
19 damages; revising cross-references; defining the term
20 "911 or E911 service"; amending s. 401.2915, F.S.;
21 providing for a person or entity in possession of an
22 automated external defibrillator to notify the local
23 public safety answering point regarding the location
24 of the defibrillator; amending s. 427.706, F.S.;
25 removing the requirement that the Florida Telephone
26 Association recommend certain representatives to an
27 advisory committee to the Public Service Commission;
28 providing an effective date.
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578-02167-12

20121042c1

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

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

34 365.171 Emergency communications number E911 state plan.—

35 (12) CONFIDENTIALITY OF RECORDS.—

36 (a) Any record, recording, or information, or portions
37 thereof, obtained by a public agency or a public safety agency
38 for the purpose of providing services in an emergency and which
39 reveals the name, address, telephone number, or personal
40 information about, or information which may identify any person
41 requesting emergency service or reporting an emergency by
42 accessing an emergency communications E911 system is
43 confidential and exempt from the provisions of s. 119.07(1) and
44 s. 24(a), Art. I of the State Constitution, except that such
45 record or information may be disclosed to a public safety
46 agency. The exemption applies only to the name, address,
47 telephone number or personal information about, or information
48 which may identify any person requesting emergency services or
49 reporting an emergency while such information is in the custody
50 of the public agency or public safety agency providing emergency
51 services. A telecommunications company or commercial mobile
52 radio service provider shall not be liable for damages to any
53 person resulting from or in connection with such telephone
54 company's or commercial mobile radio service provider's
55 provision of any lawful assistance to any investigative or law
56 enforcement officer of the State of Florida or political
57 subdivisions thereof, of the United States, or of any other
58 state or political subdivision thereof, in connection with any

578-02167-12

20121042c1

59 lawful investigation or other law enforcement activity by such
60 law enforcement officer unless the telecommunications company or
61 commercial mobile radio service provider acted in a wanton and
62 willful manner.

63 (b) Notwithstanding paragraph (a), a 911 public safety
64 telecommunicator, as defined in s. 401.465, may contact any
65 private person or entity that owns an automated external
66 defibrillator who has notified the local emergency medical
67 services medical director or public safety answering point of
68 such ownership if a confirmed coronary emergency call is taking
69 place and the location of the coronary emergency is within a
70 reasonable distance from the location of the defibrillator, and
71 may provide the location of the coronary emergency to that
72 person or entity.

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

76 365.172 Emergency communications number "E911."—

77 (5) THE E911 BOARD.—

78 (a) The E911 Board is established to administer, with
79 oversight by the office, the fee imposed under subsection (8),
80 including receiving revenues derived from the fee; distributing
81 portions of the revenues to wireless providers, counties, and
82 the office; accounting for receipts, distributions, and income
83 derived by the funds maintained in the fund; and providing
84 annual reports to the Governor and the Legislature for
85 submission by the office on amounts collected and expended, the
86 purposes for which expenditures have been made, and the status
87 of E911 service in this state. In order to advise and assist the

578-02167-12

20121042c1

88 office in implementing ~~carrying out~~ the purposes of this
 89 section, the board, which has ~~shall have~~ the power of a body
 90 corporate, has the powers enumerated in subsection (6).

91 (b) The board shall consist of eleven ~~nine~~ members, one of
 92 whom must be the system director designated under s. 365.171(5),
 93 or his or her designee, who shall serve as the chair of the
 94 board. The remaining ten ~~eight~~ members of the board shall be
 95 appointed by the Governor and must be composed of five ~~four~~
 96 county 911 coordinators, consisting of a representative from a
 97 rural county, a representative from a medium county, a
 98 representative from a large county, and two ~~an~~ at-large
 99 representatives ~~representative~~ recommended by the Florida
 100 Association of Counties in consultation with the county 911
 101 coordinators; three ~~two~~ local exchange carrier member
 102 representatives ~~members~~, one of whom ~~which~~ must be a
 103 representative of the local exchange carrier having the greatest
 104 number of access lines in the state and one of whom must be a
 105 representative of a certificated telecommunications company; and
 106 two member representatives ~~members~~ from the wireless
 107 telecommunications industry, with ~~recommended by the Florida~~
 108 ~~Telecommunications Industry Association in consultation with the~~
 109 ~~wireless telecommunications industry. In recommending members~~
 110 ~~from the wireless telecommunications industry,~~ consideration
 111 ~~must be~~ given to wireless providers that ~~who~~ are not affiliated
 112 with local exchange carriers. Not more than one member may be
 113 appointed to represent any single provider on the board.

114 (8) E911 FEE.—

115 (a) Each voice communications services provider shall
 116 collect the fee described in this subsection. Each provider, as

578-02167-12

20121042c1

117 part of its monthly billing process, shall bill the fee as
118 follows. The fee may ~~shall~~ not be assessed on any pay telephone
119 in the state.

120 1. Each voice communications service provider other than a
121 wireless provider local exchange carrier shall bill the fee to a
122 subscriber based on the number of access lines having access to
123 the E911 system, the local exchange subscribers on a service-
124 identifier basis, up to a maximum of 25 access lines per account
125 bill rendered.

126 2. Each voice communications service provider other than a
127 wireless provider shall bill the fee to a subscriber on a basis
128 of five service-identified access lines for each digital
129 transmission link, including primary rate interface service or
130 equivalent Digital-Signal-1-level service, which can be
131 channelized and split into 23 or 24 voice- or data-grade
132 channels for communications, up to a maximum of 25 access lines
133 per account bill rendered.

134 ~~3.2.~~ Except in the case of prepaid wireless service, each
135 wireless provider shall bill the fee to a subscriber on a per-
136 service-identifier basis for service identifiers whose primary
137 place of use is within this state. Before July 1, 2013, the fee
138 shall not be assessed on or collected from a provider with
139 respect to an end user's service if that end user's service is a
140 prepaid calling arrangement that is subject to s. 212.05(1)(e).

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

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

144 (I) "Prepaid wireless service" means the right to access
145 telecommunications services, which ~~that~~ must be paid for in

578-02167-12

20121042c1

146 advance and ~~is~~ sold in predetermined units or dollars enabling
147 the originator to make calls such that the number of units or
148 dollars declines with use in a known amount.

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

152 ~~4.3. The All~~ voice communications services providers not
153 addressed under subparagraphs 1., 2., and 3. ~~2.~~ shall bill the
154 fee on a per-service-identifier basis for service identifiers
155 whose primary place of use is within the state up to a maximum
156 of 25 service identifiers for each account bill rendered.

157

158 The provider may list the fee as a separate entry on each bill,
159 in which case the fee must be identified as a fee for E911
160 services. A provider shall remit the fee to the board only if
161 the fee is paid by the subscriber. If a provider receives a
162 partial payment for a monthly bill from a subscriber, the amount
163 received shall first be applied to the payment due the provider
164 for providing voice communications service.

165 (e) Effective September 1, 2007, voice communications
166 services providers billing the fee to subscribers shall deliver
167 revenues from the fee to the board within 60 days after the end
168 of the month in which the fee was billed, together with a
169 monthly report of the number of service identifiers in each
170 county. Each wireless provider and other applicable provider
171 identified in subparagraph (a)4. ~~(a)3.~~ shall report the number
172 of service identifiers for subscribers whose place of primary
173 use is in each county. All provider subscriber information
174 provided to the board is subject to s. 365.174. If a provider

578-02167-12

20121042c1

175 chooses to remit any fee amounts to the board before they are
176 paid by the subscribers, a provider may apply to the board for a
177 refund of, or may take a credit for, any such fees remitted to
178 the board which are not collected by the provider within 6
179 months following the month in which the fees are charged off for
180 federal income tax purposes as bad debt.

181 (11) INDEMNIFICATION AND LIMITATION OF LIABILITY.—A local
182 government may ~~governments are authorized to undertake to~~
183 indemnify local exchange carriers against liability in
184 accordance with the published schedules ~~lawfully filed tariffs~~
185 of the company. Notwithstanding an indemnification agreement, a
186 local exchange carrier, voice communications services provider,
187 or other service provider that provides 911 or E911 service on a
188 retail or wholesale basis is not liable for damages resulting
189 from or in connection with 911 or E911 service, or for
190 identification of the telephone number, or address, or name
191 associated with any person accessing 911 or E911 service, unless
192 the carrier or ~~the voice communications services~~ provider acted
193 with malicious purpose or in a manner exhibiting wanton and
194 willful disregard of the rights, safety, or property of a person
195 when providing such services. A carrier or ~~voice communications~~
196 ~~services~~ provider is not liable for damages to any person
197 resulting from or in connection with the carrier's or provider's
198 provision of any lawful assistance to any investigative or law
199 enforcement officer of the United States, this state, or a
200 political subdivision thereof, or of any other state or
201 political subdivision thereof, in connection with any lawful
202 investigation or other law enforcement activity by such law
203 enforcement officer. For purposes of this subsection, the term

578-02167-12

20121042c1

204 "911 or E911 service" means a telecommunications service, voice
205 or nonvoice communications service, or other wireline or
206 wireless service, including, but not limited to, a service using
207 Internet protocol, which provides, in whole or in part, any of
208 the following functions: providing members of the public with
209 the ability to reach an answering point by using the digits 9-1-
210 1; directing 911 calls to answering points by selective routing;
211 providing for automatic number identification and automatic
212 location-identification features; or providing wireless E911
213 services as defined in the order.

214 Section 3. Paragraph (b) of subsection (2) of section
215 401.2915, Florida Statutes, is amended to read:

216 401.2915 Automated external defibrillators.—It is the
217 intent of the Legislature that an automated external
218 defibrillator may be used by any person for the purpose of
219 saving the life of another person in cardiac arrest. In order to
220 achieve that goal, the Legislature intends to encourage training
221 in lifesaving first aid and set standards for and encourage the
222 use of automated external defibrillators.

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

224 (b) Any person or entity in possession of an automated
225 external defibrillator is encouraged to notify the local
226 emergency medical services medical director or the local public
227 safety answering point, as defined in s. 365.172(3), of the
228 location of the automated external defibrillator.

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

231 427.706 Advisory committee.—

232 (1) The commission shall appoint an advisory committee to

578-02167-12

20121042c1

233 assist the commission with the implementation of the provisions
234 of this part. The committee shall be composed of no more than 10
235 persons and shall include, to the extent practicable, the
236 following:

237 (e) Two representatives of telecommunications companies,
238 ~~one representing a local exchange telecommunications company and~~
239 ~~one representing an interexchange telecommunications company,~~
240 ~~recommended by the Florida Telephone Association.~~

241 (3) Members of the committee may ~~shall~~ not be compensated
242 for their services but are ~~shall be~~ entitled to receive
243 reimbursement for per diem and travel expenses as provided in s.
244 112.061. The commission shall use funds from the Florida Public
245 Service Regulatory Trust Fund to cover the costs incurred by
246 members of the advisory committee.

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