

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Finance & Tax Committee
2 Representative Steube offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:
6 Section 1. Subsection (12) of section 365.171, Florida

7 Statutes, is amended to read:

8 365.171 Emergency communications number E911 state plan.-

9 (12) CONFIDENTIALITY OF RECORDS.-

10 (a) Any record, recording, or information, or portions
11 thereof, obtained by a public agency or a public safety agency
12 for the purpose of providing services in an emergency and which
13 reveals the name, address, telephone number, or personal
14 information about, or information which may identify any person
15 requesting emergency service or reporting an emergency by
16 accessing an emergency communications E911 system is
17 confidential and exempt from the provisions of s. 119.07(1) and
18 s. 24(a), Art. I of the State Constitution, except that such
19 record or information may be disclosed to a public safety

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20 agency. The exemption applies only to the name, address,
21 telephone number or personal information about, or information
22 which may identify any person requesting emergency services or
23 reporting an emergency while such information is in the custody
24 of the public agency or public safety agency providing emergency
25 services. A telecommunications company or commercial mobile
26 radio service provider shall not be liable for damages to any
27 person resulting from or in connection with such telephone
28 company's or commercial mobile radio service provider's
29 provision of any lawful assistance to any investigative or law
30 enforcement officer of the State of Florida or political
31 subdivisions thereof, of the United States, or of any other
32 state or political subdivision thereof, in connection with any
33 lawful investigation or other law enforcement activity by such
34 law enforcement officer unless the telecommunications company or
35 commercial mobile radio service provider acted in a wanton and
36 willful manner.

37 (b) Notwithstanding paragraph (a), a 911 public safety
38 telecommunicator, as defined in s. 401.465, may contact any
39 private person or entity that owns an automated external
40 defibrillator who has notified the local emergency medical
41 services medical director or public safety answering point of
42 such ownership if a confirmed coronary emergency call is taking
43 place and the location of the coronary emergency is within a
44 reasonable distance from the location of the defibrillator, and
45 may provide the location of the coronary emergency to that
46 person or entity.

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

50 365.172 Emergency communications number -"E911."-

51 (5) THE E911 BOARD.-

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

65 (b) The board shall consist of eleven ~~nine~~ members, one of
66 whom must be the system director designated under s. 365.171(5),
67 or his or her designee, who shall serve as the chair of the
68 board. The remaining ten ~~eight~~ members of the board shall be
69 appointed by the Governor and must be composed of five ~~four~~
70 county 911 coordinators, consisting of a representative from a
71 rural county, a representative from a medium county, a
72 representative from a large county, and two ~~an~~ at-large
73 representatives ~~representative~~ recommended by the Florida
74 Association of Counties in consultation with the county 911

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

89 (8) E911 FEE.—

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

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

101 2. Each voice communications service provider other than a
102 wireless provider shall bill the fee to a subscriber on a basis

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103 of five service-identified access lines for each digital
104 transmission link, including primary rate interface service or
105 equivalent Digital-Signal-1-level service, which can be
106 channelized and split into 23 or 24 voice-or-data-grade channels
107 for communications, up to a maximum of 25 access lines per
108 account bill rendered.

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

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

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

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

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

127 ~~4.3.~~ The ~~All~~ voice communications services providers not
128 addressed under subparagraphs 1., 2., and 3. ~~2.~~ shall bill the
129 fee on a per-service-identifier basis for service identifiers

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

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

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

156 (11) INDEMNIFICATION AND LIMITATION OF LIABILITY.—A local
157 government may ~~governments are authorized to undertake to~~

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

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186 providing for automatic number identification and automatic
187 location-identification features; or providing wireless E911
188 services as defined in the order.

189 Section 3. Paragraph (b) of subsection (2) of section
190 401.2915, Florida Statutes, is amended to read:

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

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

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

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

206 427.706 Advisory committee.—

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

212 (e) Two representatives of telecommunications companies,
213 ~~one representing a local exchange telecommunications company and~~

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214 ~~one representing an interexchange telecommunications company,~~
215 ~~recommended by the Florida Telephone Association.~~

216 (3) Members of the committee shall not be compensated for
217 their services but are ~~shall be~~ entitled to receive
218 reimbursement for per diem and travel expenses as provided in s.
219 112.061. The commission shall use funds from the Florida Public
220 Service Regulatory Trust Fund to cover the costs incurred by
221 members of the advisory committee.

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

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T I T L E A M E N D M E N T

227

Remove the entire title and insert:

228

A bill to be entitled

229

An act relating to emergency 911 service; amending s.

230

365.171, F.S.; providing an exception to certain

231

confidentiality provisions for a 911 public safety

232

telecommunicator when a confirmed coronary emergency

233

call is taking place; amending s. 365.172, F.S.;

234

increasing the membership of the E911 Board and

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revising the qualifications required for the members;

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requiring that a voice communications service

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provider, other than a wireless service provider,

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impose a fee based on the number of access lines to

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the E911 system and on the basis of certain access

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lines for each digital transmission link, up to a

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specified number of access lines per account bill

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242 rendered; revising the criteria that a local
243 government may use in order to indemnify a local
244 carrier; expanding the types of providers that may be
245 indemnified and that are not liable for certain
246 damages; revising cross-references; defining the term
247 "911 or E911 service"; amending s. 401.2915, F.S.;
248 providing for a person or entity in possession of an
249 automated external defibrillator to notify the local
250 public safety answering point regarding the location
251 of the defibrillator; amending s. 427.706, F.S.;
252 removing the requirement that the Florida Telephone
253 Association recommend certain representatives to an
254 advisory committee to the Public Service Commission;
255 providing an effective date.