

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),
 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

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57 ~~recommended by the Florida Telecommunications Industry~~
58 ~~Association in consultation with the wireless telecommunications~~
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

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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
 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

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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
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

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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~~
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

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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
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.