

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

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

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

365.172 Emergency communications number ~~"E911."~~

(5) THE E911 BOARD.—

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

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

57 | from a large county, and an at-large representative recommended
 58 | by the Florida Association of Counties in consultation with the
 59 | county 911 coordinators; three ~~two~~ local exchange carrier member
 60 | representatives ~~members~~, one of whom ~~which~~ must be a
 61 | representative of the local exchange carrier having the greatest
 62 | number of access lines in the state and one of whom must be a
 63 | representative of a certificated competitive local exchange
 64 | telecommunications company; and one member representative ~~two~~
 65 | ~~members~~ from the wireless telecommunications industry, with
 66 | ~~recommended by the Florida Telecommunications Industry~~
 67 | ~~Association in consultation with the wireless telecommunications~~
 68 | ~~industry. In recommending members from the wireless~~
 69 | ~~telecommunications industry,~~ consideration ~~must be~~ given to
 70 | wireless providers that ~~who~~ are not affiliated with local
 71 | exchange carriers. Not more than one member may be appointed to
 72 | represent any single provider on the board.

73 | (8) E911 FEE.—

74 | (a) Each voice communications services provider shall
 75 | collect the fee described in this subsection. Each provider, as
 76 | part of its monthly billing process, shall bill the fee as
 77 | follows. The fee may ~~shall~~ not be assessed on any pay telephone
 78 | in the state.

79 | 1. Each voice communications service provider other than a
 80 | wireless provider ~~local exchange carrier~~ shall bill the fee to a
 81 | subscriber based on the number of access lines having access to
 82 | the E911 system, ~~the local exchange subscribers~~ on a service-
 83 | identifier basis, up to a maximum of 25 access lines per account
 84 | bill rendered.

85 2. Each voice communications service provider other than a
 86 wireless provider shall bill the fee to a subscriber on a basis
 87 of five service-identified access lines for each digital
 88 transmission link, including primary rate interface service or
 89 equivalent Digital Signal 1 level service, which can be
 90 channelized and split into 23 or 24 voice or data grade channels
 91 for communications, up to a maximum of 25 access lines per
 92 account bill rendered.

93 ~~3.2.~~ Except in the case of prepaid wireless service, each
 94 wireless provider shall bill the fee to a subscriber on a per-
 95 service-identifier basis for service identifiers whose primary
 96 place of use is within this state. Before July 1, 2013, the fee
 97 ~~may shall~~ not be assessed on or collected from a provider with
 98 respect to an end user's service if that end user's service is a
 99 prepaid calling arrangement that is subject to s. 212.05(1)(e).

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

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

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

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

111 ~~4.3.~~ The ~~All~~ voice communications services providers not
 112 addressed under subparagraphs 1., 2., and 3. ~~2.~~ shall bill the

113 fee on a per-service-identifier basis for service identifiers
 114 whose primary place of use is within the state up to a maximum
 115 of 25 service identifiers for each account bill rendered.

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 117 The provider may list the fee as a separate entry on each bill,
 118 in which case the fee must be identified as a fee for E911
 119 services. A provider shall remit the fee to the board only if
 120 the fee is paid by the subscriber. If a provider receives a
 121 partial payment for a monthly bill from a subscriber, the amount
 122 received shall first be applied to the payment due the provider
 123 for providing voice communications service.

124 (e) Effective September 1, 2007, voice communications
 125 services providers billing the fee to subscribers shall deliver
 126 revenues from the fee to the board within 60 days after the end
 127 of the month in which the fee was billed, together with a
 128 monthly report of the number of service identifiers in each
 129 county. Each wireless provider and other applicable provider
 130 identified in subparagraph (a)4. ~~(a)3.~~ shall report the number
 131 of service identifiers for subscribers whose place of primary
 132 use is in each county. All provider subscriber information
 133 provided to the board is subject to s. 365.174. If a provider
 134 chooses to remit any fee amounts to the board before they are
 135 paid by the subscribers, a provider may apply to the board for a
 136 refund of, or may take a credit for, any such fees remitted to
 137 the board which are not collected by the provider within 6
 138 months following the month in which the fees are charged off for
 139 federal income tax purposes as bad debt.

140 (11) INDEMNIFICATION AND LIMITATION OF LIABILITY.—A local

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141 government may ~~governments are authorized to undertake to~~
142 indemnify local exchange carriers against liability in
143 accordance with the published schedules ~~lawfully filed tariffs~~
144 of the company. Notwithstanding an indemnification agreement, a
145 local exchange carrier, voice communications services provider,
146 or other service provider that provides 911 or E911 service on a
147 retail or wholesale basis is not liable for damages resulting
148 from or in connection with 911 or E911 service, or for
149 identification of the telephone number, or address, or name
150 associated with any person accessing 911 or E911 service, unless
151 the carrier or ~~the voice communications services~~ provider acted
152 with malicious purpose or in a manner exhibiting wanton and
153 willful disregard of the rights, safety, or property of a person
154 when providing such services. A carrier or ~~voice communications~~
155 ~~services~~ provider is not liable for damages to any person
156 resulting from or in connection with the carrier's or provider's
157 provision of any lawful assistance to any investigative or law
158 enforcement officer of the United States, this state, or a
159 political subdivision thereof, or of any other state or
160 political subdivision thereof, in connection with any lawful
161 investigation or other law enforcement activity by such law
162 enforcement officer. For purposes of this subsection, the term
163 "911 or E911 service" means a telecommunications service, voice
164 or nonvoice communications service, or other wireline or
165 wireless service, including, but not limited to, a service using
166 Internet protocol, which provides, in whole or in part, any of
167 the following functions: providing members of the public with
168 the ability to reach an answering point by using the digits 9-1-

169 1; directing 911 calls to answering points by selective routing;
 170 providing for automatic number identification and automatic
 171 location-identification features; or providing wireless E911
 172 services as defined in the order.

173 Section 2. Paragraph (e) of subsection (1) and subsection
 174 (3) of section 427.706, Florida Statutes, are amended to read:

175 427.706 Advisory committee.—

176 (1) The commission shall appoint an advisory committee to
 177 assist the commission with the implementation of the provisions
 178 of this part. The committee shall be composed of no more than 10
 179 persons and shall include, to the extent practicable, the
 180 following:

181 (e) Two representatives of telecommunications companies,
 182 ~~one representing a local exchange telecommunications company and~~
 183 ~~one representing an interexchange telecommunications company,~~
 184 ~~recommended by the Florida Telephone Association.~~

185 (3) Members of the committee may ~~shall~~ not be compensated
 186 for their services but are ~~shall be~~ entitled to receive
 187 reimbursement for per diem and travel expenses as provided in s.
 188 112.061. The commission shall use funds from the Florida Public
 189 Service Regulatory Trust Fund to cover the costs incurred by
 190 members of the advisory committee.

191 Section 3. Subsection (12) of section 365.171, Florida
 192 Statutes, is amended to read:

193 365.171 Emergency communications number E911 state plan.—

194 (12) CONFIDENTIALITY OF RECORDS.—

195 (a) Any record, recording, or information, or portions
 196 thereof, obtained by a public agency or a public safety agency

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197 | for the purpose of providing services in an emergency and which
198 | reveals the name, address, telephone number, or personal
199 | information about, or information which may identify any person
200 | requesting emergency service or reporting an emergency by
201 | accessing an emergency communications E911 system is
202 | confidential and exempt from the provisions of s. 119.07(1) and
203 | s. 24(a), Art. I of the State Constitution, except that such
204 | record or information may be disclosed to a public safety
205 | agency. The exemption applies only to the name, address,
206 | telephone number or personal information about, or information
207 | which may identify any person requesting emergency services or
208 | reporting an emergency while such information is in the custody
209 | of the public agency or public safety agency providing emergency
210 | services. A telecommunications company or commercial mobile
211 | radio service provider shall not be liable for damages to any
212 | person resulting from or in connection with such telephone
213 | company's or commercial mobile radio service provider's
214 | provision of any lawful assistance to any investigative or law
215 | enforcement officer of the State of Florida or political
216 | subdivisions thereof, of the United States, or of any other
217 | state or political subdivision thereof, in connection with any
218 | lawful investigation or other law enforcement activity by such
219 | law enforcement officer unless the telecommunications company or
220 | commercial mobile radio service provider acted in a wanton and
221 | willful manner.

222 | (b) Notwithstanding paragraph (a), a 911 public safety
223 | telecommunicator, as defined in s. 401.465, may contact any
224 | private person or entity that owns an automated external

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225 defibrillator who has notified the local emergency medical
226 services medical director or public safety answering point of
227 such ownership if a confirmed coronary emergency call is taking
228 place and the location of the coronary emergency is within a
229 reasonable distance from the location of the defibrillator, and
230 may provide the location of the coronary emergency to that
231 person or entity.

232 Section 4. Paragraph (b) of subsection (2) of section
233 401.2915, Florida Statutes, is amended to read:

234 401.2915 Automated external defibrillators.—It is the
235 intent of the Legislature that an automated external
236 defibrillator may be used by any person for the purpose of
237 saving the life of another person in cardiac arrest. In order to
238 achieve that goal, the Legislature intends to encourage training
239 in lifesaving first aid and set standards for and encourage the
240 use of automated external defibrillators.

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

242 (b) Any person or entity in possession of an automated
243 external defibrillator is encouraged to notify the local
244 emergency medical services medical director or the local public
245 safety answering point, as defined in s. 365.172(3), of the
246 location of the automated external defibrillator.

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