

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

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

365.171 Emergency communications number E911 state plan.—

(12) CONFIDENTIALITY OF RECORDS.—

(a) Any record, recording, or information, or portions thereof, obtained by a public agency or a public safety agency for the purpose of providing services in an emergency and which reveals the name, address, telephone number, or personal information about, or information which may identify any person requesting emergency service or reporting an emergency by accessing an emergency communications E911 system is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that such record or information may be disclosed to a public safety agency. The exemption applies only to the name, address, telephone number or personal information about, or information which may identify any person requesting emergency services or reporting an emergency while such information is in the custody of the public agency or public safety agency providing emergency services. A telecommunications company or commercial mobile radio service provider shall not be liable for damages to any person resulting from or in connection with such telephone company's or commercial mobile radio service provider's provision of any lawful assistance to any investigative or law 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  
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  
 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 competitive local exchange  
 106 telecommunications company; and two member representatives  
 107 ~~members~~ from the wireless telecommunications industry, with  
 108 ~~recommended by the Florida Telecommunications Industry~~  
 109 ~~Association in consultation with the wireless telecommunications~~  
 110 ~~industry. In recommending members from the wireless~~  
 111 ~~telecommunications industry,~~ consideration ~~must be given to~~  
 112 wireless providers that ~~who~~ are not affiliated with local

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113 exchange carriers. Not more than one member may be appointed to  
114 represent any single provider on the board.

115 (8) E911 FEE.—

116 (a) Each voice communications services provider shall  
117 collect the fee described in this subsection. Each provider, as  
118 part of its monthly billing process, shall bill the fee as  
119 follows. The fee shall not be assessed on any pay telephone in  
120 the state.

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

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

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

141 prepaid calling arrangement that is subject to s. 212.05(1)(e).

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

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

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

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

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

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

166 (e) Effective September 1, 2007, voice communications  
 167 services providers billing the fee to subscribers shall deliver  
 168 revenues from the fee to the board within 60 days after the end

169 of the month in which the fee was billed, together with a  
170 monthly report of the number of service identifiers in each  
171 county. Each wireless provider and other applicable provider  
172 identified in subparagraph (a)4. ~~(a)3.~~ shall report the number  
173 of service identifiers for subscribers whose place of primary  
174 use is in each county. All provider subscriber information  
175 provided to the board is subject to s. 365.174. If a provider  
176 chooses to remit any fee amounts to the board before they are  
177 paid by the subscribers, a provider may apply to the board for a  
178 refund of, or may take a credit for, any such fees remitted to  
179 the board which are not collected by the provider within 6  
180 months following the month in which the fees are charged off for  
181 federal income tax purposes as bad debt.

182 (11) INDEMNIFICATION AND LIMITATION OF LIABILITY.—A local  
183 government may ~~governments are authorized to undertake to~~  
184 indemnify local exchange carriers against liability in  
185 accordance with the published schedules ~~lawfully filed tariffs~~  
186 of the company. Notwithstanding an indemnification agreement, a  
187 local exchange carrier, voice communications services provider,  
188 or other service provider that provides 911 or E911 service on a  
189 retail or wholesale basis is not liable for damages resulting  
190 from or in connection with 911 or E911 service, or for  
191 identification of the telephone number, or address, or name  
192 associated with any person accessing 911 or E911 service, unless  
193 the carrier or ~~voice communications services~~ provider acted with  
194 malicious purpose or in a manner exhibiting wanton and willful  
195 disregard of the rights, safety, or property of a person when  
196 providing such services. A carrier or ~~voice communications~~

197 ~~services~~ provider is not liable for damages to any person  
 198 resulting from or in connection with the carrier's or provider's  
 199 provision of any lawful assistance to any investigative or law  
 200 enforcement officer of the United States, this state, or a  
 201 political subdivision thereof, or of any other state or  
 202 political subdivision thereof, in connection with any lawful  
 203 investigation or other law enforcement activity by such law  
 204 enforcement officer. For purposes of this subsection, the term  
 205 "911 or E911 service" means a telecommunications service, voice  
 206 or nonvoice communications service, or other wireline or  
 207 wireless service, including, but not limited to, a service using  
 208 Internet protocol, which provides, in whole or in part, any of  
 209 the following functions: providing members of the public with  
 210 the ability to reach an answering point by using the digits 9-1-  
 211 1; directing 911 calls to answering points by selective routing;  
 212 providing for automatic number identification and automatic  
 213 location-identification features; or providing wireless E911  
 214 services as defined in the order.

215 Section 3. Paragraph (b) of subsection (2) of section  
 216 401.2915, Florida Statutes, is amended to read:

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

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



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

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

232 427.706 Advisory committee.—

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

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

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

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