

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Regulatory Affairs
 2 Committee

3 Representative Steube offered the following:

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

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (3) through (9) of section 365.172,
 8 Florida Statutes, are amended, present subsections (9) through
 9 (14) of that section are renumbered as subsections (10) through
 10 (15), respectively, and a new subsection (9) is added to that
 11 section, to read:

12 365.172 Emergency communications number "E911."

13 (3) DEFINITIONS.—Only as used in this section and ss.

14 365.171, 365.173, and 365.174, the term:

15 (a) "Answering point" means the public safety agency that
 16 receives incoming 911 calls and dispatches appropriate public
 17 safety agencies to respond to the calls.

18 (b) "Authorized expenditures" means expenditures of the
 19 fee, as specified in subsection (10) ~~(9)~~.

20 (c) "Automatic location identification" means the capability

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21 of the E911 service which enables the automatic display of
22 information that defines the approximate geographic location of
23 the wireless telephone, or the location of the address of the
24 wireline telephone, used to place a 911 call.

25 (d) "Automatic number identification" means the capability
26 of the E911 service which enables the automatic display of the
27 service number used to place a 911 call.

28 (e) "Board" or "E911 Board" means the board of directors of
29 the E911 Board established in subsection (5).

30 (f) "Building permit review" means a review for compliance
31 with building construction standards adopted by the local
32 government under chapter 553 and does not include a review for
33 compliance with land development regulations.

34 (g) "Collocation" means the situation when a second or
35 subsequent wireless provider uses an existing structure to
36 locate a second or subsequent antennae. The term includes the
37 ground, platform, or roof installation of equipment enclosures,
38 cabinets, or buildings, and cables, brackets, and other
39 equipment associated with the location and operation of the
40 antennae.

41 (h) "Designed service" means the configuration and manner
42 of deployment of service the wireless provider has designed for
43 an area as part of its network.

44 (i) "E911" is the designation for an enhanced 911 system or
45 enhanced 911 service that is an emergency telephone system or
46 service that provides a subscriber with 911 service and, in
47 addition, directs 911 calls to appropriate public safety
48 answering points by selective routing based on the geographical

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49 location from which the call originated, or as otherwise
50 provided in the state plan under s. 365.171, and that provides
51 for automatic number identification and automatic location-
52 identification features. E911 service provided by a wireless
53 provider means E911 as defined in the order.

54 (j) "Existing structure" means a structure that exists at
55 the time an application for permission to place antennae on a
56 structure is filed with a local government. The term includes
57 any structure that can structurally support the attachment of
58 antennae in compliance with applicable codes.

59 (k) "Fee" means the E911 fee authorized and imposed under
60 subsections ~~subsection~~ (8) and (9).

61 (l) "Fund" means the Emergency Communications Number E911
62 System Fund established in s. 365.173 and maintained under this
63 section for the purpose of recovering the costs associated with
64 providing 911 service or E911 service, including the costs of
65 implementing the order. The fund shall be segregated into
66 wireless, prepaid wireless, and nonwireless categories.

67 (m) "Historic building, structure, site, object, or
68 district" means any building, structure, site, object, or
69 district that has been officially designated as a historic
70 building, historic structure, historic site, historic object, or
71 historic district through a federal, state, or local designation
72 program.

73 (n) "Land development regulations" means any ordinance
74 enacted by a local government for the regulation of any aspect
75 of development, including an ordinance governing zoning,
76 subdivisions, landscaping, tree protection, or signs, the local

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77 government's comprehensive plan, or any other ordinance
78 concerning any aspect of the development of land. The term does
79 not include any building construction standard adopted under and
80 in compliance with chapter 553.

81 (o) "Local exchange carrier" means a "competitive local
82 exchange telecommunications company" or a "local exchange
83 telecommunications company" as defined in s. 364.02.

84 (p) "Local government" means any municipality, county, or
85 political subdivision or agency of a municipality, county, or
86 political subdivision.

87 (q) "Medium county" means any county that has a population
88 of 75,000 or more but less than 750,000.

89 (r) "Mobile telephone number" or "MTN" means the telephone
90 number assigned to a wireless telephone at the time of initial
91 activation.

92 (s) "Nonwireless category" means the revenues to the fund
93 received from voice communications services providers other than
94 wireless providers.

95 (t) "Office" means the Technology Program within the
96 Department of Management Services, as designated by the
97 secretary of the department.

98 (u) "Order" means:

99 1. The following orders and rules of the Federal
100 Communications Commission issued in FCC Docket No. 94-102:

101 a. Order adopted on June 12, 1996, with an effective date
102 of October 1, 1996, the amendments to s. 20.03 and the creation
103 of s. 20.18 of Title 47 of the Code of Federal Regulations
104 adopted by the Federal Communications Commission pursuant to

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105 such order.

106 b. Memorandum and Order No. FCC 97-402 adopted on December
107 23, 1997.

108 c. Order No. FCC DA 98-2323 adopted on November 13, 1998.

109 d. Order No. FCC 98-345 adopted December 31, 1998.

110 2. Orders and rules subsequently adopted by the Federal
111 Communications Commission relating to the provision of 911
112 services, including Order Number FCC-05-116, adopted May 19,
113 2005.

114 (v) "Prepaid wireless category" means all revenues in the
115 fund received through the Department of Revenue from the fee
116 authorized and imposed under subsection (9).

117 (w) "Prepaid wireless service" means a right to access
118 wireless service that allows a caller to contact and interact
119 with 911 to access the 911 system, which service must be paid
120 for in advance and is sold in predetermined units or dollars,
121 which units or dollars expire on a predetermined schedule or are
122 decremented on a predetermined basis in exchange for the right
123 to access wireless service.

124 ~~(v) "Prepaid calling arrangements" has the same meaning as~~
125 ~~defined in s. 212.05(1)(e).~~

126 ~~(x)(w)~~ "Public agency" means the state and any
127 municipality, county, municipal corporation, or other
128 governmental entity, public district, or public authority
129 located in whole or in part within this state which provides, or
130 has authority to provide, firefighting, law enforcement,
131 ambulance, medical, or other emergency services.

132 (y)~~(x)~~ "Public safety agency" means a functional division

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133 of a public agency which provides firefighting, law enforcement,
134 medical, or other emergency services.

135 (z) "Public safety answering point" or "PSAP" means the
136 public safety agency that receives incoming 911 requests for
137 assistance and dispatches appropriate public safety agencies to
138 respond to the requests in accordance with the state E911 plan.

139 (aa)-(y) "Rural county" means any county that has a
140 population of fewer than 75,000.

141 (bb)-(z) "Service identifier" means the service number,
142 access line, or other unique subscriber identifier assigned to a
143 subscriber and established by the Federal Communications
144 Commission for purposes of routing calls whereby the subscriber
145 has access to the E911 system.

146 (cc)-(aa) "Tower" means any structure designed primarily to
147 support a wireless provider's antennae.

148 (dd)-(bb) "Voice communications services" means two-way
149 voice service, through the use of any technology, which actually
150 provides access to E911 services, and includes communications
151 services, as defined in s. 202.11, which actually provide access
152 to E911 services and which are required to be included in the
153 provision of E911 services pursuant to orders and rules adopted
154 by the Federal Communications Commission. The term includes
155 voice-over-Internet-protocol service. For the purposes of this
156 section, the term "voice-over-Internet-protocol service" or
157 "VoIP service" means interconnected VoIP services having the
158 following characteristics:

159 1. The service enables real-time, two-way voice
160 communications;

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161 2. The service requires a broadband connection from the
162 user's locations;

163 3. The service requires IP-compatible customer premises
164 equipment; and

165 4. The service offering allows users generally to receive
166 calls that originate on the public switched telephone network
167 and to terminate calls on the public switched telephone network.

168 ~~(ee)~~ "Voice communications services provider" or
169 "provider" means any person or entity providing voice
170 communications services, except that the term does not include
171 any person or entity that resells voice communications services
172 and was assessed the fee authorized and imposed under subsection
173 (8) by its resale supplier.

174 ~~(ff)~~ "Wireless 911 system" or "wireless 911 service"
175 means an emergency telephone system or service that provides a
176 subscriber with the ability to reach an answering point by
177 accessing the digits "911."

178 ~~(gg)~~ "Wireless category" means the revenues to the fund
179 received from a wireless provider from the fee authorized and
180 imposed under subsection (8).

181 ~~(hh)~~ "Wireless communications facility" means any
182 equipment or facility used to provide service and may include,
183 but is not limited to, antennae, towers, equipment enclosures,
184 cabling, antenna brackets, and other such equipment. Placing a
185 wireless communications facility on an existing structure does
186 not cause the existing structure to become a wireless
187 communications facility.

188 ~~(ii)~~ "Wireless provider" means a person who provides

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189 wireless service and:

190 1. Is subject to the requirements of the order; or

191 2. Elects to provide wireless 911 service or E911 service
192 in this state.

193 ~~(jj)-(hh)~~ "Wireless service" means "commercial mobile radio
194 service" as provided under ss. 3(27) and 332(d) of the Federal
195 Telecommunications Act of 1996, 47 U.S.C. ss. 151 et seq., and
196 the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-
197 66, August 10, 1993, 107 Stat. 312. The term includes service
198 provided by any wireless real-time two-way wire communication
199 device, including radio-telephone communications used in
200 cellular telephone service; personal communications service; or
201 the functional or competitive equivalent of a radio-telephone
202 communications line used in cellular telephone service, a
203 personal communications service, or a network radio access line.
204 The term does not include wireless providers that offer mainly
205 dispatch service in a more localized, noncellular configuration;
206 providers offering only data, one-way, or stored-voice services
207 on an interconnected basis; providers of air-to-ground services;
208 or public coast stations.

209 (4) POWERS AND DUTIES OF THE OFFICE.—The office shall
210 oversee the administration of the fee authorized and imposed ~~on~~
211 ~~subscribers of voice communications services~~ under subsections
212 ~~subsection~~ (8) and (9).

213 (5) THE E911 BOARD.—

214 (a) The E911 Board is established to administer, with
215 oversight by the office, the fee imposed under subsections
216 ~~subsection~~ (8) and (9), including receiving revenues derived

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217 from the fee; distributing portions of the revenues to wireless
218 providers, counties, and the office; accounting for receipts,
219 distributions, and income derived by the funds maintained in the
220 fund; and providing annual reports to the Governor and the
221 Legislature for submission by the office on amounts collected
222 and expended, the purposes for which expenditures have been
223 made, and the status of E911 service in this state. In order to
224 advise and assist the office in implementing the purposes of
225 this section, the board, which has the power of a body
226 corporate, has the powers enumerated in subsection (6).

227 (b) The board shall consist of 11 members, one of whom must
228 be the system director designated under s. 365.171(5), or his or
229 her designee, who shall serve as the chair of the board. The
230 remaining 10 members of the board shall be appointed by the
231 Governor and must be composed of 5 county 911 coordinators,
232 consisting of a representative from a rural county, a
233 representative from a medium county, a representative from a
234 large county, and 2 at-large representatives recommended by the
235 Florida Association of Counties in consultation with the county
236 911 coordinators; 3 local exchange carrier member
237 representatives, one of whom must be a representative of the
238 local exchange carrier having the greatest number of access
239 lines in the state and one of whom must be a representative of a
240 certificated competitive local exchange telecommunications
241 company; and 2 member representatives from the wireless
242 telecommunications industry, with consideration given to
243 wireless providers that are not affiliated with local exchange
244 carriers. Not more than one member may be appointed to represent

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245 any single provider on the board.

246 (c) The system director, designated under s. 365.171(5), or
247 his or her designee, must be a permanent member of the board.
248 Each of the remaining 10 ~~eight~~ members of the board shall be
249 appointed to a 4-year term and may not be appointed to more than
250 two successive terms. However, for the purpose of staggering
251 terms, two of the original board members shall be appointed to
252 terms of 4 years, two shall be appointed to terms of 3 years,
253 and four shall be appointed to terms of 2 years, as designated
254 by the Governor. A vacancy on the board shall be filled in the
255 same manner as the original appointment.

256 ~~(d) The first vacancy in a wireless provider representative~~
257 ~~position occurring after July 1, 2007, must be filled by~~
258 ~~appointment of a local exchange company representative. Until~~
259 ~~appointment is made, there shall be only one local exchange~~
260 ~~company representative serving on the board, notwithstanding any~~
261 ~~other provision to the contrary.~~

262 (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.—

263 (a) The board shall:

- 264 1. Administer the E911 fee.
265 2. Implement, maintain, and oversee the fund.
266 3. Review and oversee the disbursement of the revenues
267 deposited into the fund as provided in s. 365.173.

268 a. The board may establish a schedule for implementing
269 wireless E911 service by service area, and prioritize
270 disbursements of revenues from the fund to providers and rural
271 counties as provided in s. 365.173(2)(e) ~~365.173(2)(d)~~ and (g)
272 pursuant to the schedule, in order to implement E911 services in

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273 the most efficient and cost-effective manner.

274 b. Revenues in the fund which have not been disbursed
275 because sworn invoices as required by s. 365.173(2)(e)
276 ~~365.173(2)(d)~~ have not been submitted to the board may be used
277 by the board as needed to provide grants to counties for the
278 purpose of upgrading E911 systems. The counties must use the
279 funds only for capital expenditures directly attributable to
280 establishing and provisioning E911 services, which may include
281 next-generation deployment. Prior to the distribution of grants,
282 the board shall provide 90 days' written notice to all counties
283 and publish electronically an approved application process.
284 County grant applications shall be prioritized based on the
285 availability of funds, current system life expectancy, system
286 replacement needs, and Phase II compliance per the Federal
287 Communications Commission. No grants will be available to any
288 county for next-generation deployment until all counties are
289 Phase II complete. The board shall take all actions within its
290 authority to ensure that county recipients of such grants use
291 these funds only for the purpose under which they have been
292 provided and may take any actions within its authority to secure
293 county repayment of grant revenues upon determination that the
294 funds were not used for the purpose under which they were
295 provided.

296 c. When determining the funding provided in a state 911
297 grant application request, the board shall take into account
298 information on the amount of carryforward funds retained by the
299 counties. The information will be based on the amount of county
300 carryforward funds reported in the financial audit required in

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301 s. 365.173(2)(d). State E911 Grant Program funding requests will
302 be limited by any county carryforward funds in excess of the
303 allowable 30 percent amount of fee revenue calculated on a 2-
304 year basis.

305 ~~d.e.~~ The board shall reimburse all costs of a wireless
306 provider in accordance with s. 365.173(2)(e) ~~365.173(2)(d)~~
307 before taking any action to transfer additional funds.

308 ~~d. By September 1, 2007, the board shall authorize the~~
309 ~~transfer of up to \$15 million to the counties from existing~~
310 ~~money within the fund established under s. 365.173(1). The money~~
311 ~~shall be disbursed equitably to all of the counties using a~~
312 ~~timeframe and distribution methodology established by the board~~
313 ~~before September 1, 2007, in order to prevent a loss to the~~
314 ~~counties in the ordinary and expected time value of money caused~~
315 ~~by any timing delay in remittance to the counties of wireline~~
316 ~~fees caused by the one-time transfer of collecting wireline fees~~
317 ~~the counties to the board. All disbursements for this purpose~~
318 ~~must be returned to the fund from future remittances by the~~
319 ~~nonwireless category.~~

320 e. After taking the action required in sub-subparagraphs
321 a.-d., the board may review and, with all members participating
322 in the vote, adjust the percentage allocations or adjust the
323 amount of the fee as provided, ~~or both,~~ under paragraph (8)(g)
324 ~~(8)(h)~~, and, if the board determines that the revenues in the
325 wireless category exceed the amount needed to reimburse wireless
326 providers for the cost to implement E911 services, the board may
327 transfer revenue to the counties from the existing funds within
328 the wireless category. The board shall disburse the funds

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329 equitably to all counties using a timeframe and distribution
330 methodology established by the board.

331 4. Review documentation submitted by wireless providers
332 which reflects current and projected funds derived from the fee,
333 and the expenses incurred and expected to be incurred in order
334 to comply with the E911 service requirements contained in the
335 order for the purposes of:

336 a. Ensuring that wireless providers receive fair and
337 equitable distributions of funds from the fund.

338 b. Ensuring that wireless providers are not provided
339 disbursements from the fund which exceed the costs of providing
340 E911 service, including the costs of complying with the order.

341 c. Ascertaining the projected costs of compliance with the
342 requirements of the order and projected collections of the fee.

343 d. Implementing changes to the allocation percentages or
344 adjusting the fee under paragraph (8) (h) ~~(8) (i)~~.

345 5. Meet monthly in the most efficient and cost-effective
346 manner, including telephonically when practical, for the
347 business to be conducted, to review and approve or reject, in
348 whole or in part, applications submitted by wireless providers
349 for recovery of moneys deposited into the wireless category, and
350 to authorize the transfer of, and distribute, the fee allocation
351 to the counties.

352 6. Hire and retain employees, which may include an
353 independent executive director who shall possess experience in
354 the area of telecommunications and emergency 911 issues, for the
355 purposes of performing the technical and administrative
356 functions for the board.

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357 7. Make and enter into contracts, pursuant to chapter 287,
358 and execute other instruments necessary or convenient for the
359 exercise of the powers and functions of the board.

360 8. Sue and be sued, and appear and defend in all actions
361 and proceedings, in its corporate name to the same extent as a
362 natural person.

363 9. Adopt, use, and alter a common corporate seal.

364 10. Elect or appoint the officers and agents that are
365 required by the affairs of the board.

366 11. The board may adopt rules under ss. 120.536(1) and
367 120.54 to implement this section and ss. 365.173 and 365.174.

368 12. Provide coordination, support, and technical assistance
369 to counties to promote the deployment of advanced 911 and E911
370 systems in the state.

371 13. Provide coordination and support for educational
372 opportunities related to E911 issues for the E911 community in
373 this state.

374 14. Act as an advocate for issues related to E911 system
375 functions, features, and operations to improve the delivery of
376 E911 services to the residents of and visitors to this state.

377 15. Coordinate input from this state at national forums and
378 associations, to ensure that policies related to E911 systems
379 and services are consistent with the policies of the E911
380 community in this state.

381 16. Work cooperatively with the system director established
382 in s. 365.171(5) to enhance the state of E911 services in this
383 state and to provide unified leadership for all E911 issues
384 through planning and coordination.

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385 17. Do all acts and things necessary or convenient to carry
386 out the powers granted in this section in a manner that is
387 competitively and technologically neutral as to all voice
388 communications services providers, including, but not limited
389 to, consideration of emerging technology and related cost
390 savings, while taking into account embedded costs in current
391 systems.

392 18. Have the authority to secure the services of an
393 independent, private attorney via invitation to bid, request for
394 proposals, invitation to negotiate, or professional contracts
395 for legal services already established at the Division of
396 Purchasing of the Department of Management Services.

397 (b) Board members shall serve without compensation;
398 however, members are entitled to per diem and travel expenses as
399 provided in s. 112.061.

400 (c) By February 28 of each year, the board shall prepare a
401 report for submission by the office to the Governor, the
402 President of the Senate, and the Speaker of the House of
403 Representatives which addresses for the immediately preceding
404 state fiscal year and county fiscal ~~calendar~~ year:

405 1. The annual receipts, including the total amount of fee
406 revenues collected by each provider, the total disbursements of
407 money in the fund, including the amount of fund-reimbursed
408 expenses incurred by each wireless provider to comply with the
409 order, and the amount of moneys on deposit in the fund.

410 2. Whether the amount of the fee and the allocation
411 percentages set forth in s. 365.173 have been or should be
412 adjusted to comply with the requirements of the order or other

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413 provisions of this chapter, and the reasons for making or not
414 making a recommended adjustment to the fee.

415 3. Any other issues related to providing E911 services.

416 4. The status of E911 services in this state.

417 (7) REQUEST FOR PROPOSALS FOR INDEPENDENT ACCOUNTING FIRM.—

418 (a) The board shall issue a request for proposals as
419 provided in chapter 287 for the purpose of retaining an
420 independent accounting firm. The independent accounting firm
421 shall perform all material administrative and accounting tasks
422 and functions required for administering the fee. The request
423 for proposals must include, but need not be limited to:

424 1. A description of the scope and general requirements of
425 the services requested.

426 2. A description of the specific accounting and reporting
427 services required for administering the fund, including
428 processing checks and distributing funds as directed by the
429 board under s. 365.173.

430 3. A description of information to be provided by the
431 proposer, including the proposer's background and qualifications
432 and the proposed cost of the services to be provided.

433 (b) The board shall establish a committee to review
434 requests for proposals which must include the statewide E911
435 system director designated under s. 365.171(5), or his or her
436 designee, and two members of the board, one of whom is a county
437 911 coordinator and one of whom represents a voice
438 communications services provider. The review committee shall
439 review the proposals received by the board and recommend an
440 independent accounting firm to the board for final selection. By

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441 agreeing to serve on the review committee, each member of the
442 review committee shall verify that he or she does not have any
443 interest or employment, directly or indirectly, with potential
444 proposers which conflicts in any manner or degree with his or
445 her performance on the committee.

446 (c) ~~After July 1, 2004,~~ The board may secure the services
447 of an independent accounting firm via invitation to bid, request
448 for proposals, invitation to negotiate, or professional
449 contracts already established at the Division of Purchasing,
450 Department of Management Services, for certified public
451 accounting firms, or the board may hire and retain professional
452 accounting staff to accomplish these functions.

453 (8) E911 FEE.—

454 (a) Each voice communications services provider shall
455 collect the fee described in this subsection, except that the
456 fee for prepaid wireless service shall be collected in the
457 manner set forth in subsection (9). Each provider, as part of
458 its monthly billing process, shall bill the fee as follows. The
459 fee shall not be assessed on any pay telephone in the state.

460 1. Each voice communications service provider other than a
461 wireless provider shall bill the fee to a subscriber based on
462 the number of access lines having access to the E911 system, on
463 a service-identifier basis, up to a maximum of 25 access lines
464 per account bill rendered.

465 2. Each voice communications service provider other than a
466 wireless provider shall bill the fee to a subscriber on a basis
467 of five service-identified access lines for each digital
468 transmission link, including primary rate interface service or

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469 equivalent Digital-Signal-1-level service, which can be
470 channelized and split into 23 or 24 voice-grade or data-grade
471 channels for communications, up to a maximum of 25 access lines
472 per account bill rendered.

473 3. Except in the case of prepaid wireless service, each
474 wireless provider shall bill the fee to a subscriber on a per-
475 service-identifier basis for service identifiers whose primary
476 place of use is within this state. Before November 1, 2013~~July~~
477 ~~1, 2013,~~ the fee shall not be assessed on or collected from a
478 provider with respect to an end user's service if that end
479 user's service is a prepaid wireless service~~calling arrangement~~
480 that is subject to subsection (9)~~s. 212.05(1)(e)~~.

481 ~~a. An E911 fee shall not be collected from the sale of~~
482 ~~prepaid wireless service before July 1, 2013.~~

483 ~~b. For purposes of this section, the term:~~

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

489 ~~(II) "Prepaid wireless service providers" includes those~~
490 ~~persons who sell prepaid wireless service regardless of its~~
491 ~~form, as a retailer or reseller.~~

492 4. Except in the case of prepaid wireless service, each ~~The~~
493 ~~voice communications services~~ provider ~~providers~~ not addressed
494 under subparagraphs 1., 2., and 3. shall bill the fee on a per-
495 service-identifier basis for service identifiers whose primary
496 place of use is within the state up to a maximum of 25 service

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497 identifiers for each account bill rendered. The provider may
498 list the fee as a separate entry on each bill, in which case the
499 fee must be identified as a fee for E911 services. A provider
500 shall remit the fee to the board only if the fee is paid by the
501 subscriber. If a provider receives a partial payment for a
502 monthly bill from a subscriber, the amount received shall first
503 be applied to the payment due the provider for providing voice
504 communications service.

505 (b) A provider is not obligated to take any legal action to
506 enforce collection of the fees for which any subscriber is
507 billed. A county subscribing to 911 service remains liable to
508 the provider delivering the 911 service or equipment for any 911
509 service, equipment, operation, or maintenance charge owed by the
510 county to the provider.

511 (c) For purposes of this subsection ~~section~~, the state and
512 local governments are not subscribers.

513 (d) Each provider may retain 1 percent of the amount of the
514 fees collected as reimbursement for the administrative costs
515 incurred by the provider to bill, collect, and remit the fee.
516 The remainder shall be delivered to the board and deposited by
517 the board into the fund. The board shall distribute the
518 remainder pursuant to s. 365.173.

519 (e) ~~Effective September 1, 2007,~~ Voice communications
520 services providers billing the fee to subscribers shall deliver
521 revenues from the fee to the board within 60 days after the end
522 of the month in which the fee was billed, together with a
523 monthly report of the number of service identifiers in each
524 county. Each wireless provider and other applicable provider

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525 identified in subparagraph (a)4. shall report the number of
526 service identifiers for subscribers whose place of primary use
527 is in each county. All provider subscriber information provided
528 to the board is subject to s. 365.174. If a provider chooses to
529 remit any fee amounts to the board before they are paid by the
530 subscribers, a provider may apply to the board for a refund of,
531 or may take a credit for, any such fees remitted to the board
532 which are not collected by the provider within 6 months
533 following the month in which the fees are charged off for
534 federal income tax purposes as bad debt.

535 (f) The rate of the fee ~~shall be set by the board after~~
536 ~~considering the factors set forth in paragraphs (h) and (i), but~~
537 may not exceed 50 cents per month for ~~per~~ each service
538 identifier. Beginning on January 1, 2014, the fee shall be 43
539 cents per month for each service identifier. The fee shall apply
540 uniformly and be imposed throughout the state, except for those
541 counties that, before July 1, 2007, had adopted
542 an ordinance or resolution establishing a fee less than 50 cents
543 per month per access line. In those counties the fee established
544 by ordinance may be changed only to the uniform statewide rate
545 no sooner than 30 days after notification is made by the
546 county's board of county commissioners to the board.

547 ~~(g) It is the intent of the Legislature that all revenue~~
548 ~~from the fee be used as specified in s. 365.173(2)(a)-(i).~~

549 ~~(g)(h) No later than November 1, 2007,~~ The board may adjust
550 the allocation percentages for distribution of the fund as
551 provided in s. 365.173. After January 1, 2015, the board may
552 adjust the rate of the fee under paragraph (f) based on the

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553 criteria in this paragraph and paragraph (h). Any adjustment in
554 the rate must be approved by a two-thirds vote of the total
555 number of E911 board members. When setting the percentages or
556 ~~and~~ contemplating any adjustments to the fee, the board shall
557 consider the following:

558 1. The revenues currently allocated for wireless service
559 provider costs for implementing E911 service and projected costs
560 for implementing E911 service, including recurring costs for
561 Phase I and Phase II and the effect of new technologies;

562 2. The appropriate level of funding needed to fund the
563 rural grant program provided for in s. 365.173(2)(g); and

564 3. The need to fund statewide, regional, and county grants
565 in accordance with sub-subparagraph (6)(a)3.b and s.
566 365.173(2)(h).

567 (h)-(i) The board may adjust the allocation percentages or
568 adjust the amount of the fee as provided in paragraph (g), ~~or~~
569 ~~both,~~ if necessary to ensure full cost recovery or prevent
570 overrecovery of costs incurred in the provision of E911 service,
571 including costs incurred or projected to be incurred to comply
572 with the order. Any new allocation percentages or reduced or
573 increased fee may not be adjusted for 1 year. In no event shall
574 the fee ~~may not~~ exceed 50 cents per month for ~~per~~ each service
575 identifier. The ~~board-established~~ fee, and any board adjustment
576 of the fee, shall be uniform throughout the state, except for
577 the counties identified in paragraph (f). No less than 90 days
578 before the effective date of any adjustment to the fee, the
579 board shall provide written notice of the adjusted fee amount
580 and effective date to each voice communications services

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581 provider from which the board is then receiving the fee.

582 (i) It is the intent of the Legislature that all revenue
583 from the fee be used as specified in s. 365.173(2)(a)-(i).

584 (j) State and local taxes do not apply to the fee. The
585 amount of the E911 fee collected by a provider may not be
586 included in the base for measuring any tax, fee, surcharge,
587 or other charge imposed by this state, any political subdivision
588 of this state, or any governmental agency.

589 (k) A local government may not levy the fee or any
590 additional fee on providers or subscribers for the provision of
591 E911 service.

592 (l) For purposes of this section, the definitions contained
593 in s. 202.11 and the provisions of s. 202.155 apply in the same
594 manner and to the same extent as the definitions and provisions
595 apply to the taxes levied under chapter 202 on mobile
596 communications services.

597 (9) PREPAID WIRELESS E911 FEE.—

598 (a) In order to allow sellers of all sizes and
599 technological capabilities adequate time to comply with this
600 subsection, a seller of prepaid wireless service will begin
601 collecting the prepaid wireless E911 fee on November 1, 2013, at
602 the rate of 43 cents for each retail transaction. Sellers will
603 retain 100 percent of collections for 2 months to offset the
604 cost of setup.

605 (b) Effective January 1, 2014, the prepaid wireless E911
606 fee shall be imposed per retail transaction at the rate
607 established in paragraphs (8)(f)-(h). In no event shall the fee
608 exceed 50 cents for each retail transaction. No less than 90

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609 days before the effective date of any adjustment to the fee
610 under paragraph (8)(g), the department shall provide written
611 notice of the adjusted fee amount and its effective date to each
612 seller from which the department is then receiving the fee. No
613 less than 120 days before the effective date of any adjustment
614 to the fee imposed under this subsection the board shall provide
615 notice to the Department of Revenue of the adjusted fee amount
616 and effective date of the adjustment.

617 (c) The prepaid wireless E911 fee shall be collected by the
618 seller from the consumer with respect to each retail transaction
619 occurring in this state. The amount of the prepaid wireless E911
620 fee shall either be separately stated on an invoice, receipt, or
621 other similar document that is provided to the consumer by the
622 seller or otherwise disclosed to the consumer.

623 (d) For purposes of paragraph (c), a retail transaction
624 that takes place in person by a consumer at a business location
625 of the seller shall be treated as occurring in this state if
626 that business location is in this state. That transaction will
627 be deemed to have occurred in the county of the business
628 location. When a retail transaction does not take place at the
629 seller's business location, the transaction will be treated as
630 taking place at the consumer's shipping address or, if no item
631 is shipped, at the consumer's address or the location associated
632 with the consumer's mobile telephone number. Such transaction
633 will be deemed to have occurred in the county of the consumer's
634 shipping address when items are shipped to the consumer or, when
635 no items are shipped, the county of the consumer's address or
636 the location associated with the consumer's mobile telephone

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637 number. A transaction for which the specific Florida county
638 cannot be determined will be treated as "non-specific."

639 (e) If a prepaid wireless device is sold for a single,
640 nonitemized price with a prepaid wireless service of 10 minutes
641 or less or \$5 or less, the seller may elect not to apply the
642 wireless E911 fee to the transaction.

643 (f) The amount of the prepaid wireless E911 fee that is
644 collected by a seller from a consumer and that is separately
645 stated on an invoice, receipt, or similar document provided to
646 the consumer by the seller, shall not be included in the base
647 for measuring any tax, fee, surcharge, or other charge that is
648 imposed by this state, any political subdivision of this state,
649 or any intergovernmental agency.

650 (g)1. Beginning February 1, 2014, each seller shall file a
651 return and remit the prepaid wireless E911 fees collected in the
652 prior month to the department on or before the 20th day of the
653 month. If the 20th day falls on a Saturday, Sunday, or legal
654 holiday, payments accompanied by returns are due on the next
655 succeeding day which is not a Saturday, Sunday, or legal holiday
656 observed by federal or state agencies as defined in ch. 683 and
657 s. 7503 of the Internal Revenue Code of 1986, as amended. A
658 seller may remit the prepaid wireless E911 fee by electronic
659 funds transfer and file a fee return with the Department of
660 Revenue that is initiated through an electronic data
661 interchange.

662 2. When a seller is authorized by the department pursuant
663 to s. 212.11(1)(c) or (d) to file a sales and use tax return on
664 a quarterly, semiannual, or annual reporting basis, the seller

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665 may file a return and remit the prepaid wireless E911 fees on or
666 before the 20th day of the month following the authorized
667 reporting period for sales and use tax.

668 3. Sellers collecting less than \$50 per month of prepaid
669 wireless E911 fees may file a quarterly return for the calendar
670 quarters ending in March, June, September, and December. Such
671 sellers must file a return and remit the prepaid wireless E911
672 fees collected during each calendar quarter on or before the 20th
673 day of the month following that calendar quarter.

674 4. All sellers must provide the following information on
675 each prepaid wireless E911 fee return filed with the department:

676 a. The seller's name, federal identification number,
677 taxpayer identification number issued by the department,
678 business location address and mailing address, and county of the
679 business location in accordance with paragraph (d);

680 b. The reporting period;

681 c. The number of prepaid wireless services sold during the
682 reporting period;

683 d. The amount of prepaid wireless E911 fees collected and
684 the amount of any adjustments to the fees collected;

685 e. The amount of any retailer collection allowance deducted
686 from the amount of prepaid wireless E911 fees collected; and

687 f. The amount to be remitted to the department.

688 5. Any seller who operates two or more business locations
689 for which returns are required to be filed with the department
690 may file a consolidated return reporting and remitting the
691 prepaid wireless E911 fee for all business locations. Such
692 sellers must report the prepaid wireless E911 fees collected in

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693 each county, in accordance with paragraph (d), on a reporting
694 schedule filed with the fee return.

695 6. No return is required for a reporting period when no
696 prepaid wireless E911 fee is to be remitted for that period.

697 7. The department serves as an agent of the E911 Board for
698 collection of the prepaid wireless E911 fee, and the Board
699 retains the authority to administer the fee as set forth in this
700 section and s. 365.173.

701 (h) Every seller of prepaid wireless services in this state
702 must register with the department for each place of business as
703 required by s. 212.18(3) and the department's administrative
704 rule regarding registration as a sales and use tax dealer. A
705 separate application is required for each place of business. A
706 valid certificate of registration issued by the department to a
707 seller for sales and use tax purposes is sufficient for purposes
708 of the registration requirement of this subsection. There is no
709 fee for registration for remittance of the prepaid wireless
710 service E911 fee.

711 (i) The department shall deposit the funds remitted under
712 this subsection into the Audit and Warrant Clearing Trust Fund
713 established in s. 215.199 and retain up to 3.2 percent of the
714 funds remitted under this subsection to reimburse its direct
715 costs of administering the collection and remittance of prepaid
716 wireless E911 fees. Thereafter, the department shall transfer
717 all remaining funds remitted under this subsection to the
718 Emergency Communications Number E911 System Fund monthly for use
719 as provided in s. 365.173.

720 (j) Beginning January 1, 2014, a seller may retain 5

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721 percent of the prepaid wireless E911 fees that are collected by
722 the seller from consumers as a retailer collection allowance.

723 (k) A provider or seller of prepaid wireless service is not
724 liable for damages to any person resulting from or incurred in
725 connection with providing or failing to provide 911 or E911
726 service or for identifying or failing to identify the telephone
727 number, address, location, or name associated with any person or
728 device that is accessing or attempting to access 911 or E911
729 service.

730 (l) A provider or seller of prepaid wireless service is not
731 liable for damages to any person resulting from or incurred in
732 connection with providing any lawful assistance to any
733 investigative or law enforcement officer of the United States,
734 any state, or any political subdivision of any state in
735 connection with any lawful investigation or other law
736 enforcement activity by such law enforcement officer.

737 (m) The limitations of liability under this subsection for
738 providers and sellers are in addition to any other limitation of
739 liability provided for under this section.

740 (n) A local government may not levy the fee or any
741 additional fee on providers or sellers of prepaid wireless
742 service for the provision of E911 service.

743 (o) For purposes of this section, the state and local
744 governments are not consumers.

745 (p) For purposes of this subsection, the term:

746 1. "Consumer" means a person who purchases prepaid wireless
747 service in a retail sale.

748 2. "Prepaid wireless E911 fee" means the fee that is

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749 required to be collected by a seller from a consumer as set
750 forth in this subsection.

751 3. "Provider" means a person that provides prepaid wireless
752 service pursuant to a license issued by the Federal
753 Communications Commission.

754 4. "Retail transaction" means the purchase by a consumer
755 from a seller of prepaid wireless service that may be applied to
756 a single service identifier for use by the consumer. If a
757 consumer makes a purchase of multiple prepaid wireless services
758 in a single transaction, each individual prepaid wireless
759 service shall be considered a separate retail transaction for
760 purposes of calculating the prepaid wireless E911 fee.

761 5. "Seller" means a person who makes retail sales of
762 prepaid wireless services to a consumer.

763 (10)-(9) AUTHORIZED EXPENDITURES OF E911 FEE.-

764 (a) For purposes of this section, E911 service includes the
765 functions of database management, call taking, dispatching,
766 location verification, and call transfer. Department of Health
767 certification and recertification and training costs for 911
768 public safety telecommunications, including dispatching, are
769 functions of 911 services.

770 (b) All costs directly attributable to the establishment or
771 provision of E911 service and contracting for E911 services are
772 eligible for expenditure of moneys derived from imposition of
773 the fee authorized by this section. These costs include the
774 acquisition, implementation, and maintenance of Public Safety
775 Answering Point (PSAP) equipment and E911 service features, as
776 defined in the providers' published schedules ~~Public Service~~

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777 ~~Commission's lawfully approved 911 and E911 and related tariffs~~
778 or the acquisition, installation, and maintenance of other E911
779 equipment, including circuits, call answering equipment, call
780 transfer equipment, ANI controllers, ALI controllers, ANI
781 displays, ALI displays, station instruments, E911
782 telecommunications systems, visual call information and storage
783 devices, recording equipment, telephone devices and other
784 equipment for the hearing impaired used in the E911 system, PSAP
785 backup power systems, consoles, automatic call distributors, and
786 interfaces, including hardware and software, for computer-aided
787 dispatch (CAD) systems, integrated CAD systems for that portion
788 of the systems used for E911 call taking, GIS system and
789 software equipment and information displays, network clocks,
790 salary and associated expenses for E911 call takers for that
791 portion of their time spent taking and transferring E911 calls,
792 salary and associated expenses for a county to employ a full-
793 time equivalent E911 coordinator position and a full-time
794 equivalent mapping or geographical data position, and technical
795 system maintenance, database, and administration personnel ~~and a~~
796 ~~staff assistant position per county~~ for the portion of their
797 time spent administrating the E911 system, emergency medical,
798 fire, and law enforcement prearrival instruction software,
799 charts and training costs, training costs for PSAP call takers,
800 supervisors, and managers in the proper methods and techniques
801 used in taking and transferring E911 calls, costs to train and
802 educate PSAP employees regarding E911 service or E911 equipment,
803 including fees collected by the Department of Health for the
804 certification and recertification of 911 public safety

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805 telecommunicators as required under s. 401.465, and expenses
806 required to develop and maintain all information, including ALI
807 and ANI databases and other information source repositories,
808 necessary to properly inform call takers as to location address,
809 type of emergency, and other information directly relevant to
810 the E911 call-taking and transferring function. Moneys derived
811 from the fee may also be used for next-generation E911 network
812 services, next-generation E911 database services, next-
813 generation E911 equipment, and wireless E911 routing systems.

814 (c) The moneys may not be used to pay for any item not
815 listed in this subsection, including, but not limited to, any
816 capital or operational costs for emergency responses which occur
817 after the call transfer to the responding public safety entity
818 and the costs for constructing, leasing, maintaining, or
819 renovating buildings, except for those building modifications
820 necessary to maintain the security and environmental integrity
821 of the PSAP and E911 equipment rooms.

822 Section 2. Effective January 1, 2014, Section 365.173,
823 Florida Statutes, is amended to read:

824 365.173 Emergency Communications Number E911 System Fund.—

825 (1)(a) All revenues derived from the fee levied on
826 subscribers under s. 365.172(8) must be paid by the board into
827 the State Treasury on or before the 15th day of each month. Such
828 moneys must be accounted for in a special fund to be designated
829 as the Emergency Communications Number E911 System Fund, a fund
830 created in the Technology Program, or other office as designated
831 by the Secretary of Management Services. All revenues derived
832 from the fee levied on prepaid wireless service under s.

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833 365.172(9), less the costs of administering collection of the
834 fee, must be transferred by the Department of Revenue into the
835 Emergency Communications Number E911 System Fund on or before
836 the 25th day of each month following the month of receipt., and,
837 For accounting purposes, the Emergency Communications Number
838 E911 System Fund must be segregated into three ~~two~~ separate
839 categories:

- 840 1.(a) The wireless category; and
841 2.(b) The nonwireless category; and
842 3. The prepaid wireless category.

843 (b) All moneys must be invested by the Chief Financial
844 Officer pursuant to s. 17.61. All moneys in such fund are to be
845 expended by the office for the purposes provided in this section
846 and s. 365.172. These funds are not subject to s. 215.20.

847 (2) As determined by the board pursuant to s. 365.172(8)(g)
848 ~~365.172(8)(h)~~, and subject to any modifications approved by the
849 board pursuant to s. 365.172(6)(a)3. or (8)(h) ~~(8)(i)~~, the
850 moneys in the fund shall be distributed and used only as
851 follows:

852 (a) Seventy-six ~~Sixty-seven~~ percent of the moneys in the
853 wireless category shall be distributed each month to counties,
854 based on the total number of service identifiers in each county,
855 and shall be used exclusively for payment of:

856 1. Authorized expenditures, as specified in s. 365.172(10)
857 ~~365.172(9)~~.

858 2. Costs to comply with the requirements for E911 service
859 contained in the order and any future rules related to the
860 order.

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861 (b) ~~Ninety-six~~ ~~Ninety-seven~~ percent of the moneys in the
862 nonwireless category shall be distributed each month to counties
863 based on the total number of service identifiers in each county
864 and shall be used exclusively for payment of authorized
865 expenditures, as specified in s. 365.172(10) ~~365.172(9)~~.

866 (c) Sixty-one percent of the moneys in the prepaid wireless
867 category shall be distributed each month to counties based on
868 the total amount of fees reported and paid in each county and
869 shall be used exclusively for payment of authorized
870 expenditures, as specified in s. 365.172(10). The moneys from
871 prepaid wireless fees identified as non-specific in accordance
872 with s. 365.172(9) shall be distributed as determined by the
873 E911 Board.

874 (d) ~~(e)~~ Any county that receives funds under paragraphs (a),
875 ~~and~~ (b), and (c) shall establish a fund to be used exclusively
876 for the receipt and expenditure of the revenues collected under
877 paragraphs (a), ~~and~~ (b), and (c). All fees placed in the fund
878 and any interest accrued shall be used solely for costs
879 described in subparagraphs (a)1. and 2. and may not be reduced,
880 withheld, or allocated for other purposes. The money collected
881 and interest earned in this fund shall be appropriated for these
882 purposes by the county commissioners and incorporated into the
883 annual county budget. The fund shall be included within the
884 financial audit performed in accordance with s. 218.39. The
885 financial audit shall assure that all E911 fee revenues,
886 interest, and E911 grant funding are used for payment of
887 authorized expenditures, as specified in s. 365.172(10) and as
888 specified in the E911 Board grant and special disbursement

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889 programs. The county is responsible for all expenditures of
890 revenues distributed from the county E911 fund and shall submit
891 the financial audit reports to the board for review. A county
892 may carry forward up to 30 percent of the total funds disbursed
893 to the county by the board during a calendar year for
894 expenditures for capital outlay, capital improvements, or
895 equipment replacement, if such expenditures are made for the
896 purposes specified in subparagraphs (a)1. and 2.; however, the
897 30-percent limitation does not apply to funds disbursed to a
898 county under s. 365.172(6)(a)3., and a county may carry forward
899 any percentage of the funds, except that any grant provided
900 shall continue to be subject to any condition imposed by the
901 board. In order to prevent an excess recovery of costs incurred
902 in providing E911 service, a county that receives funds greater
903 than the permissible E911 costs described in s. 365.172(10)
904 ~~365.172(9)~~, including the 30-percent carryforward allowance,
905 must return the excess funds to the E911 board to be allocated
906 under s. 365.172(6)(a).

907 (e)-(d) Twenty ~~Thirty~~ percent of the moneys in the wireless
908 category shall be distributed to wireless providers in response
909 to sworn invoices submitted to the board by wireless providers
910 to reimburse such wireless providers for the actual costs
911 incurred to provide 911 or E911 service, including the costs of
912 complying with the order. Such costs include costs and expenses
913 incurred by wireless providers to design, purchase, lease,
914 program, install, test, upgrade, operate, and maintain all
915 necessary data, hardware, and software required to provide E911
916 service. Each wireless provider shall submit to the board, by

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917 August 1 of each year, a detailed estimate of the capital and
918 operating expenses for which it anticipates that it will seek
919 reimbursement under this paragraph during the ensuing state
920 fiscal year. In order to be eligible for recovery during any
921 ensuing state fiscal year, a wireless provider must submit all
922 sworn invoices for allowable purchases made within the previous
923 calendar year no later than March 31 of the fiscal year. By
924 September 15 of each year, the board shall submit to the
925 Legislature its legislative budget request for funds to be
926 allocated to wireless providers under this paragraph during the
927 ensuing state fiscal year. The budget request shall be based on
928 the information submitted by the wireless providers and
929 estimated surcharge revenues. Distributions of moneys in the
930 fund by the board to wireless providers must be fair and
931 nondiscriminatory. If the total amount of moneys requested by
932 wireless providers pursuant to invoices submitted to the board
933 and approved for payment exceeds the amount in the fund in any
934 month, wireless providers that have invoices approved for
935 payment shall receive a pro rata share of moneys in the fund and
936 the balance of the payments shall be carried over to the
937 following month or months until all of the approved payments are
938 made. The board may adopt rules necessary to address the manner
939 in which pro rata distributions are made when the total amount
940 of funds requested by wireless providers pursuant to invoices
941 submitted to the board exceeds the total amount of moneys on
942 deposit in the fund.

943 ~~(c) Notwithstanding paragraphs (a) and (d), the amount of~~
944 ~~money that remained in the wireless 911 system fund on December~~

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945 ~~31, 2006, must be disbursed to wireless providers for the~~
946 ~~recovery of allowable costs incurred in previous years ending~~
947 ~~December 31, 2006, and in accordance with paragraph (d). In~~
948 ~~order to be eligible for recovered costs incurred under~~
949 ~~paragraph (d), a wireless provider must submit sworn invoices to~~
950 ~~the board by December 31, 2007. The board must disburse the~~
951 ~~designated funds in the wireless 911 system fund on or after~~
952 ~~January 1, 2008.~~

953 (f) One percent of the moneys in each category of the fund
954 shall be retained by the board to be applied to costs and
955 expenses incurred for the purposes of managing, administering,
956 and overseeing the receipts and disbursements from the fund and
957 other activities as defined in s. 365.172(6). Any funds retained
958 for such purposes in a calendar year which are not applied to
959 such costs and expenses by March 31 of the following year shall
960 be redistributed as determined by the board.

961 (g) Three ~~Two~~ percent of the moneys in each category of the
962 fund shall be used to make monthly distributions to rural
963 counties for the purpose of providing facilities and network and
964 service enhancements and assistance for the 911 or E911 systems
965 operated by rural counties and for the provision of grants by
966 the office to rural counties for upgrading and replacing E911
967 systems.

968 (h) Thirty-five percent of the moneys in the prepaid
969 wireless category shall be retained by the board to provide
970 state E911 grants to be awarded in accordance with the following
971 order of priority: ~~By September 1, 2007, up to \$15 million of~~
972 ~~the existing 911 system fund shall be available for distribution~~

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973 ~~by the board to the counties in order to prevent a loss in the~~
974 ~~ordinary and expected time value of money caused by any timing~~
975 ~~delay in remittance to the counties of wireline fees caused by~~
976 ~~the one-time transfer of collecting wireline fees by the~~
977 ~~counties to the board. All disbursements for this purpose must~~
978 ~~be returned to the fund from the future remittance by the~~
979 ~~nonwireless category.~~

980 1. For all large, medium, and rural counties to upgrade or
981 replace E911 systems.

982 2. For all large, medium, and rural counties to develop and
983 maintain statewide 911 routing, geographic, and management
984 information systems.

985 3. For all large, medium, and rural counties to develop and
986 maintain next-generation 911 services and equipment.

987 (i) If the wireless category has funds remaining in it on
988 December 31 after disbursements have been made during the
989 calendar year immediately prior to December 31, the board may
990 disburse the excess funds in the wireless category in accordance
991 with s. 365.172(6)(a)3.b.

992 (3) The Legislature recognizes that the fee authorized
993 under s. 365.172 may not necessarily provide the total funding
994 required for establishing or providing the E911 service. It is
995 the intent of the Legislature that all revenue from the fee be
996 used as specified in ~~this~~ subsection (2).

997 Section 3. For the 2013-2014 fiscal year, the nonrecurring
998 sum of \$500,000 is appropriated from the General Revenue Fund to
999 the Department of Revenue for the purposes of administering this
1000 act.

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Section 4. This act shall take effect July 1, 2013.

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

Remove everything before the enacting clause and insert:

An act relating to emergency communication system; amending s. 365.172, F.S., relating to the Emergency Communications Number E911 System; revising definitions; revising provisions relating to oversight of certain fees by the Technology Program within the Department of Management Services; revising E911 board appointment provisions; revising duties of the board; revising provisions for administration, distribution, and use of the E911 fee; revising fee collection procedures; providing for the amount of the fee; authorizing the board to adjust the rate of the fee; prohibiting a local government from imposing a fee on sellers of prepaid wireless services; providing for a prepaid wireless E911 fee; requiring the Department of Revenue to provide notice to sellers; establishing registration, payment, and documentation procedures; providing for distribution and use of fees collected; providing that fees collected may not be included in the base for measuring any tax, fee, surcharge, or other charge; limiting liability of provider or seller of prepaid wireless service; providing that the state and local governments are not consumers for certain purposes; providing definitions for specified purposes; revising provisions for authorized expenditures of the E911 fee; providing that certain

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1029 | costs of the Department of Health are functions of 911 services;
1030 | amending s. 365.173, F.S.; revising provisions for accounting,
1031 | distribution, use, and auditing of the Emergency Communications
1032 | Number E911 System Fund; providing for a prepaid wireless
1033 | category in such fund; providing an appropriation; providing an
1034 | effective date.

1035

1036