

1 A bill to be entitled

2 An act relating to emergency communication system;  
3 amending s. 365.172, F.S., relating to the Emergency  
4 Communications Number E911 System; revising  
5 definitions; revising provisions relating to oversight  
6 of certain fees by the Technology Program within the  
7 Department of Management Services; revising E911 board  
8 appointment provisions; revising duties of the board;  
9 revising provisions for administration, distribution,  
10 and use of the E911 fee; revising provisions for state  
11 E911 Grant Program funding; revising E911 fee  
12 provisions; revising fee collection procedures;  
13 providing that the state and local governments are not  
14 consumers for certain purposes; specifying the amount  
15 of the fee; revising provisions for use of the fees  
16 collected; authorizing the board to adjust the rate of  
17 the fee; providing that fees collected may not be  
18 included in the base for measuring any tax, fee,  
19 surcharge, or other charge; providing for a prepaid  
20 wireless E911 fee; limiting the amount of the fee;  
21 providing procedures for adjustment and imposition of  
22 the fee; requiring the Department of Revenue to  
23 provide notice to sellers; providing requirements for  
24 collection of the fee by the seller; providing  
25 criteria for the location of the transaction;  
26 providing requirements and procedures for filing

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 returns and remitting fees to the Department of  
28 Revenue; directing the Department of Revenue to  
29 administer, collect, and enforce the fee pursuant to  
30 the same procedures used in the administration,  
31 collection, and enforcement of the general state sales  
32 tax under specified provisions; providing  
33 applicability with respect to specified provisions of  
34 chapter 212, F.S.; requiring sellers of prepaid  
35 wireless services to register with the department;  
36 providing for distribution of funds remitted; limiting  
37 liability of provider or seller of prepaid wireless  
38 service; prohibiting a local government from imposing  
39 a fee on sellers of prepaid wireless services;  
40 providing that the state and local governments are not  
41 consumers for certain purposes; providing definitions  
42 for specified purposes; revising provisions for  
43 authorized expenditures of the E911 fee; providing  
44 that certain costs of the Department of Health are  
45 functions of 911 services; amending s. 365.173, F.S.;  
46 revising provisions for accounting, distribution, use,  
47 and auditing of the Emergency Communications Number  
48 E911 System Fund; providing for a prepaid wireless  
49 category in such fund; amending s. 401.465, F.S.;  
50 conforming a cross-reference; providing  
51 appropriations; providing effective dates.

52

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

54

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

60 365.172 Emergency communications number ~~"E911."~~

61 (3) DEFINITIONS.—Only as used in this section and ss.  
 62 365.171, 365.173, and 365.174, the term:

63 ~~(a) "Answering point" means the public safety agency that~~  
 64 ~~receives incoming 911 calls and dispatches appropriate public~~  
 65 ~~safety agencies to respond to the calls.~~

66 (a)~~(b)~~ "Authorized expenditures" means expenditures of the  
 67 fee, as specified in subsection (10) ~~(9)~~.

68 (b)~~(e)~~ "Automatic location identification" means the  
 69 capability of the E911 service which enables the automatic  
 70 display of information that defines the approximate geographic  
 71 location of the wireless telephone, or the location of the  
 72 address of the wireline telephone, used to place a 911 call.

73 (c)~~(d)~~ "Automatic number identification" means the  
 74 capability of the E911 service which enables the automatic  
 75 display of the service number used to place a 911 call.

76 (d)~~(e)~~ "Board" or "E911 Board" means the board of  
 77 directors of the E911 Board established in subsection (5).

78 (e)~~(f)~~ "Building permit review" means a review for

79 compliance with building construction standards adopted by the  
80 local government under chapter 553 and does not include a review  
81 for compliance with land development regulations.

82 (f)~~(g)~~ "Collocation" means the situation when a second or  
83 subsequent wireless provider uses an existing structure to  
84 locate a second or subsequent antennae. The term includes the  
85 ground, platform, or roof installation of equipment enclosures,  
86 cabinets, or buildings, and cables, brackets, and other  
87 equipment associated with the location and operation of the  
88 antennae.

89 (g)~~(h)~~ "Designed service" means the configuration and  
90 manner of deployment of service the wireless provider has  
91 designed for an area as part of its network.

92 (h)~~(i)~~ "Enhanced 911" or "E911" means ~~is the designation~~  
93 ~~for~~ an enhanced 911 system or enhanced 911 service that is an  
94 emergency telephone system or service that provides a subscriber  
95 with 911 service and, in addition, directs 911 calls to  
96 appropriate public safety answering points by selective routing  
97 based on the geographical location from which the call  
98 originated, or as otherwise provided in the state plan under s.  
99 365.171, and that provides for automatic number identification  
100 and automatic location-identification features. E911 service  
101 provided by a wireless provider means E911 as defined in the  
102 order.

103 (i)~~(j)~~ "Existing structure" means a structure that exists  
104 at the time an application for permission to place antennae on a

105 structure is filed with a local government. The term includes  
106 any structure that can structurally support the attachment of  
107 antennae in compliance with applicable codes.

108 (j)~~(k)~~ "Fee" means the E911 fee authorized and imposed  
109 under subsections ~~subsection~~ (8) and (9).

110 (k)~~(l)~~ "Fund" means the Emergency Communications Number  
111 E911 System Fund established in s. 365.173 and maintained under  
112 this section for the purpose of recovering the costs associated  
113 with providing 911 service or E911 service, including the costs  
114 of implementing the order. The fund shall be segregated into  
115 wireless, prepaid wireless, and nonwireless categories.

116 (l)~~(m)~~ "Historic building, structure, site, object, or  
117 district" means any building, structure, site, object, or  
118 district that has been officially designated as a historic  
119 building, historic structure, historic site, historic object, or  
120 historic district through a federal, state, or local designation  
121 program.

122 (m)~~(n)~~ "Land development regulations" means any ordinance  
123 enacted by a local government for the regulation of any aspect  
124 of development, including an ordinance governing zoning,  
125 subdivisions, landscaping, tree protection, or signs, the local  
126 government's comprehensive plan, or any other ordinance  
127 concerning any aspect of the development of land. The term does  
128 not include any building construction standard adopted under and  
129 in compliance with chapter 553.

130 (n)~~(o)~~ "Local exchange carrier" means a "competitive local

131 exchange telecommunications company" or a "local exchange  
132 telecommunications company" as defined in s. 364.02.

133 (o)~~(p)~~ "Local government" means any municipality, county,  
134 or political subdivision or agency of a municipality, county, or  
135 political subdivision.

136 (p)~~(q)~~ "Medium county" means any county that has a  
137 population of 75,000 or more but less than 750,000.

138 (q)~~(r)~~ "Mobile telephone number" or "MTN" means the  
139 telephone number assigned to a wireless telephone at the time of  
140 initial activation.

141 (r)~~(s)~~ "Nonwireless category" means the revenues to the  
142 fund received from voice communications services providers other  
143 than wireless providers.

144 (s)~~(t)~~ "Office" means the Technology Program within the  
145 Department of Management Services, as designated by the  
146 secretary of the department.

147 (t)~~(u)~~ "Order" means:

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

150 a. Order adopted on June 12, 1996, with an effective date  
151 of October 1, 1996, the amendments to s. 20.03 and the creation  
152 of s. 20.18 of Title 47 of the Code of Federal Regulations  
153 adopted by the Federal Communications Commission pursuant to  
154 such order.

155 b. Memorandum and Order No. FCC 97-402 adopted on December  
156 23, 1997.

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

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

159 2. Orders and rules subsequently adopted by the Federal  
160 Communications Commission relating to the provision of 911  
161 services, including Order Number FCC-05-116, adopted May 19,  
162 2005.

163 (u) "Prepaid wireless category" means all revenues in the  
164 fund received through the Department of Revenue from the fee  
165 authorized and imposed under subsection (9).

166 (v) "Prepaid wireless service" means a right to access  
167 wireless service that allows a caller to contact and interact  
168 with 911 to access the 911 system, which service must be paid  
169 for in advance and is sold in predetermined units or dollars,  
170 which units or dollars expire on a predetermined schedule or are  
171 decremented on a predetermined basis in exchange for the right  
172 to access wireless service.

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

175 (w) "Public agency" means the state and any municipality,  
176 county, municipal corporation, or other governmental entity,  
177 public district, or public authority located in whole or in part  
178 within this state which provides, or has authority to provide,  
179 firefighting, law enforcement, ambulance, medical, or other  
180 emergency services.

181 (x) "Public safety agency" means a functional division of  
182 a public agency which provides firefighting, law enforcement,

183 medical, or other emergency services.

184 (y) "Public safety answering point," "PSAP," or "answering  
185 point" means the public safety agency that receives incoming 911  
186 requests for assistance and dispatches appropriate public safety  
187 agencies to respond to the requests in accordance with the state  
188 E911 plan.

189 (z)~~(y)~~ "Rural county" means any county that has a  
190 population of fewer than 75,000.

191 (aa)~~(z)~~ "Service identifier" means the service number,  
192 access line, or other unique ~~subscriber~~ identifier assigned to a  
193 subscriber and established by the Federal Communications  
194 Commission for purposes of routing calls whereby the subscriber  
195 has access to the E911 system.

196 (bb)~~(aa)~~ "Tower" means any structure designed primarily to  
197 support a wireless provider's antennae.

198 (cc)~~(bb)~~ "Voice communications services" means two-way  
199 voice service, through the use of any technology, which actually  
200 provides access to E911 services, and includes communications  
201 services, as defined in s. 202.11, which actually provide access  
202 to E911 services and which are required to be included in the  
203 provision of E911 services pursuant to orders and rules adopted  
204 by the Federal Communications Commission. The term includes  
205 voice-over-Internet-protocol service. For the purposes of this  
206 section, the term "voice-over-Internet-protocol service" or  
207 "VoIP service" means interconnected VoIP services having the  
208 following characteristics:



209 1. The service enables real-time, two-way voice  
210 communications;

211 2. The service requires a broadband connection from the  
212 user's locations;

213 3. The service requires IP-compatible customer premises  
214 equipment; and

215 4. The service offering allows users generally to receive  
216 calls that originate on the public switched telephone network  
217 and to terminate calls on the public switched telephone network.

218 ~~(dd)~~ ~~(ee)~~ "Voice communications services provider" or  
219 "provider" means any person or entity providing voice  
220 communications services, except that the term does not include  
221 any person or entity that resells voice communications services  
222 and was assessed the fee authorized and imposed under subsection  
223 (8) by its resale supplier.

224 ~~(ee)~~ ~~(dd)~~ "Wireless 911 system" or "wireless 911 service"  
225 means an emergency telephone system or service that provides a  
226 subscriber with the ability to reach an answering point by  
227 accessing the digits "911."

228 ~~(ff)~~ ~~(ee)~~ "Wireless category" means the revenues to the  
229 fund received from a wireless provider from the fee authorized  
230 and imposed under subsection (8).

231 ~~(gg)~~ ~~(ff)~~ "Wireless communications facility" means any  
232 equipment or facility used to provide service and may include,  
233 but is not limited to, antennae, towers, equipment enclosures,  
234 cabling, antenna brackets, and other such equipment. Placing a

235 wireless communications facility on an existing structure does  
 236 not cause the existing structure to become a wireless  
 237 communications facility.

238 (hh)~~(gg)~~ "Wireless provider" means a person who provides  
 239 wireless service and:

- 240 1. Is subject to the requirements of the order; or
- 241 2. Elects to provide wireless 911 service or E911 service  
 242 in this state.

243 (ii)~~(hh)~~ "Wireless service" means "commercial mobile radio  
 244 service" as provided under ss. 3(27) and 332(d) of the Federal  
 245 Telecommunications Act of 1996, 47 U.S.C. ss. 151 et seq., and  
 246 the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-  
 247 66, August 10, 1993, 107 Stat. 312. The term includes service  
 248 provided by any wireless real-time two-way wire communication  
 249 device, including radio-telephone communications used in  
 250 cellular telephone service; personal communications service; or  
 251 the functional or competitive equivalent of a radio-telephone  
 252 communications line used in cellular telephone service, a  
 253 personal communications service, or a network radio access line.  
 254 The term does not include wireless providers that offer mainly  
 255 dispatch service in a more localized, noncellular configuration;  
 256 providers offering only data, one-way, or stored-voice services  
 257 on an interconnected basis; providers of air-to-ground services;  
 258 or public coast stations.

259 (4) POWERS AND DUTIES OF THE OFFICE.—The office shall  
 260 oversee the administration of the fee authorized and imposed ~~on~~

261 ~~subscribers of voice communications services~~ under subsections  
 262 ~~subsection~~ (8) and (9).

263 (5) THE E911 BOARD.—

264 (a) The E911 Board is established to administer, with  
 265 oversight by the office, the fee imposed under subsections  
 266 ~~subsection~~ (8) and (9), including receiving revenues derived  
 267 from the fee; distributing portions of the revenues to wireless  
 268 providers, counties, and the office; accounting for receipts,  
 269 distributions, and income derived by the funds maintained in the  
 270 fund; and providing annual reports to the Governor and the  
 271 Legislature for submission by the office on amounts collected  
 272 and expended, the purposes for which expenditures have been  
 273 made, and the status of E911 service in this state. In order to  
 274 advise and assist the office in implementing the purposes of  
 275 this section, the board, which has the power of a body  
 276 corporate, has the powers enumerated in subsection (6).

277 (b) The board shall consist of 11 members, one of whom  
 278 must be the system director designated under s. 365.171(5), or  
 279 his or her designee, who shall serve as the chair of the board.  
 280 The remaining 10 members of the board shall be appointed by the  
 281 Governor and must be composed of 5 county 911 coordinators,  
 282 consisting of a representative from a rural county, a  
 283 representative from a medium county, a representative from a  
 284 large county, and 2 at-large representatives recommended by the  
 285 Florida Association of Counties in consultation with the county  
 286 911 coordinators; 3 local exchange carrier member

287 representatives, one of whom must be a representative of the  
288 local exchange carrier having the greatest number of access  
289 lines in the state and one of whom must be a representative of a  
290 certificated competitive local exchange telecommunications  
291 company; and 2 member representatives from the wireless  
292 telecommunications industry, with consideration given to  
293 wireless providers that are not affiliated with local exchange  
294 carriers. Not more than one member may be appointed to represent  
295 any single provider on the board.

296 (c) The system director, designated under s. 365.171(5),  
297 or his or her designee, must be a permanent member of the board.  
298 Each of the remaining 10 ~~eight~~ members of the board shall be  
299 appointed to a 4-year term and may not be appointed to more than  
300 two successive terms. However, for the purpose of staggering  
301 terms, two of the original board members shall be appointed to  
302 terms of 4 years, two shall be appointed to terms of 3 years,  
303 and four shall be appointed to terms of 2 years, as designated  
304 by the Governor. A vacancy on the board shall be filled in the  
305 same manner as the original appointment.

306 ~~(d) The first vacancy in a wireless provider~~  
307 ~~representative position occurring after July 1, 2007, must be~~  
308 ~~filled by appointment of a local exchange company~~  
309 ~~representative. Until the appointment is made, there shall be~~  
310 ~~only one local exchange company representative serving on the~~  
311 ~~board, notwithstanding any other provision to the contrary.~~

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

313 (a) The board shall:

314 1. Administer the E911 fee.

315 2. Implement, maintain, and oversee the fund.

316 3. Review and oversee the disbursement of the revenues

317 deposited into the fund as provided in s. 365.173.

318 a. The board may establish a schedule for implementing

319 wireless E911 service by service area, and prioritize

320 disbursements of revenues from the fund to providers and rural

321 counties as provided in s. 365.173(2)(e) ~~s. 365.173(2)(d)~~ and

322 (g) pursuant to the schedule, in order to implement E911

323 services in the most efficient and cost-effective manner.

324 b. Revenues in the fund which have not been disbursed

325 because sworn invoices as required by s. 365.173(2)(e) ~~s.~~

326 ~~365.173(2)(d)~~ have not been submitted to the board may be used

327 by the board as needed to provide grants to counties for the

328 purpose of upgrading E911 systems. The counties must use the

329 funds only for capital expenditures or remotely provided hosted

330 911 answering point call-taking equipment and network services

331 directly attributable to establishing and provisioning E911

332 services, which may include next-generation deployment. Prior to

333 the distribution of grants, the board shall provide 90 days'

334 written notice to all counties and publish electronically an

335 approved application process. County grant applications shall be

336 prioritized based on the availability of funds, current system

337 life expectancy, system replacement needs, and Phase II

338 compliance per the Federal Communications Commission. No grants

339 will be available to any county for next-generation deployment  
340 until all counties are Phase II complete. The board shall take  
341 all actions within its authority to ensure that county  
342 recipients of such grants use these funds only for the purpose  
343 under which they have been provided and may take any actions  
344 within its authority to secure county repayment of grant  
345 revenues upon determination that the funds were not used for the  
346 purpose under which they were provided.

347 c. When determining the funding provided in a state 911  
348 grant application request, the board shall take into account  
349 information on the amount of carryforward funds retained by the  
350 counties. The information will be based on the amount of county  
351 carryforward funds reported in the financial audit required in  
352 s. 365.173(2)(d). E911 State Grant Program funding requests will  
353 be limited by any county carryforward funds in excess of the  
354 allowable 30 percent amount of fee revenue calculated on a 2-  
355 year basis.

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

359 ~~d. By September 1, 2007, the board shall authorize the~~  
360 ~~transfer of up to \$15 million to the counties from existing~~  
361 ~~money within the fund established under s. 365.173(1). The money~~  
362 ~~shall be disbursed equitably to all of the counties using a~~  
363 ~~timeframe and distribution methodology established by the board~~  
364 ~~before September 1, 2007, in order to prevent a loss to the~~

365 ~~counties in the ordinary and expected time value of money caused~~  
366 ~~by any timing delay in remittance to the counties of wireline~~  
367 ~~fees caused by the one-time transfer of collecting wireline fees~~  
368 ~~by the counties to the board. All disbursements for this purpose~~  
369 ~~must be returned to the fund from future remittances by the~~  
370 ~~nonwireless category.~~

371 e. After taking the action required in sub-subparagraphs  
372 a.-d., the board may review and, with all members participating  
373 in the vote, adjust the percentage allocations or adjust the  
374 amount of the fee as provided, ~~or both~~, under paragraph (8)(g)  
375 ~~(8)(h)~~, and, if the board determines that the revenues in the  
376 wireless category exceed the amount needed to reimburse wireless  
377 providers for the cost to implement E911 services, the board may  
378 transfer revenue to the counties from the existing funds within  
379 the wireless category. The board shall disburse the funds  
380 equitably to all counties using a timeframe and distribution  
381 methodology established by the board.

382 4. Review documentation submitted by wireless providers  
383 which reflects current and projected funds derived from the fee,  
384 and the expenses incurred and expected to be incurred in order  
385 to comply with the E911 service requirements contained in the  
386 order for the purposes of:

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

389 b. Ensuring that wireless providers are not provided  
390 disbursements from the fund which exceed the costs of providing

391 E911 service, including the costs of complying with the order.  
392 c. Ascertaining the projected costs of compliance with the  
393 requirements of the order and projected collections of the fee.  
394 d. Implementing changes to the allocation percentages or  
395 adjusting the fee under paragraph (8) (h) ~~(8) (i)~~.  
396 5. Meet monthly in the most efficient and cost-effective  
397 manner, including telephonically when practical, for the  
398 business to be conducted, to review and approve or reject, in  
399 whole or in part, applications submitted by wireless providers  
400 for recovery of moneys deposited into the wireless category, and  
401 to authorize the transfer of, and distribute, the fee allocation  
402 to the counties.  
403 6. Hire and retain employees, which may include an  
404 independent executive director who shall possess experience in  
405 the area of telecommunications and emergency 911 issues, for the  
406 purposes of performing the technical and administrative  
407 functions for the board.  
408 7. Make and enter into contracts, pursuant to chapter 287,  
409 and execute other instruments necessary or convenient for the  
410 exercise of the powers and functions of the board.  
411 8. Sue and be sued, and appear and defend in all actions  
412 and proceedings, in its corporate name to the same extent as a  
413 natural person.  
414 9. Adopt, use, and alter a common corporate seal.  
415 10. Elect or appoint the officers and agents that are  
416 required by the affairs of the board.



417 11. The board may adopt rules under ss. 120.536(1) and  
418 120.54 to implement this section and ss. 365.173 and 365.174.

419 12. Provide coordination, support, and technical  
420 assistance to counties to promote the deployment of advanced 911  
421 and E911 systems in the state.

422 13. Provide coordination and support for educational  
423 opportunities related to E911 issues for the E911 community in  
424 this state.

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

428 15. Coordinate input from this state at national forums  
429 and associations, to ensure that policies related to E911  
430 systems and services are consistent with the policies of the  
431 E911 community in this state.

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

436 17. Do all acts and things necessary or convenient to  
437 carry out the powers granted in this section in a manner that is  
438 competitively and technologically neutral as to all voice  
439 communications services providers, including, but not limited  
440 to, consideration of emerging technology and related cost  
441 savings, while taking into account embedded costs in current  
442 systems.

443           18. Have the authority to secure the services of an  
 444 independent, private attorney via invitation to bid, request for  
 445 proposals, invitation to negotiate, or professional contracts  
 446 for legal services already established at the Division of  
 447 Purchasing of the Department of Management Services.

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

451           (c) By February 28 of each year, the board shall prepare a  
 452 report for submission by the office to the Governor, the  
 453 President of the Senate, and the Speaker of the House of  
 454 Representatives which addresses for the immediately preceding  
 455 state fiscal year and county fiscal ~~calendar~~ year:

456           1. The annual receipts, including the total amount of fee  
 457 revenues collected by each provider, the total disbursements of  
 458 money in the fund, including the amount of fund-reimbursed  
 459 expenses incurred by each wireless provider to comply with the  
 460 order, and the amount of moneys on deposit in the fund.

461           2. Whether the amount of the fee and the allocation  
 462 percentages set forth in s. 365.173 have been or should be  
 463 adjusted to comply with the requirements of the order or other  
 464 provisions of this chapter, and the reasons for making or not  
 465 making a recommended adjustment to the fee.

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

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

468           (7) REQUEST FOR PROPOSALS FOR INDEPENDENT ACCOUNTING

469 FIRM.—

470 (a) The board shall issue a request for proposals as  
471 provided in chapter 287 for the purpose of retaining an  
472 independent accounting firm. The independent accounting firm  
473 shall perform all material administrative and accounting tasks  
474 and functions required for administering the fee. The request  
475 for proposals must include, but need not be limited to:

476 1. A description of the scope and general requirements of  
477 the services requested.

478 2. A description of the specific accounting and reporting  
479 services required for administering the fund, including  
480 processing checks and distributing funds as directed by the  
481 board under s. 365.173.

482 3. A description of information to be provided by the  
483 proposer, including the proposer's background and qualifications  
484 and the proposed cost of the services to be provided.

485 (b) The board shall establish a committee to review  
486 requests for proposals which must include the statewide E911  
487 system director designated under s. 365.171(5), or his or her  
488 designee, and two members of the board, one of whom is a county  
489 911 coordinator and one of whom represents a voice  
490 communications services provider. The review committee shall  
491 review the proposals received by the board and recommend an  
492 independent accounting firm to the board for final selection. By  
493 agreeing to serve on the review committee, each member of the  
494 review committee shall verify that he or she does not have any

495 interest or employment, directly or indirectly, with potential  
496 proposers which conflicts in any manner or degree with his or  
497 her performance on the committee.

498 (c) ~~After July 1, 2004,~~ The board may secure the services  
499 of an independent accounting firm via invitation to bid, request  
500 for proposals, invitation to negotiate, or professional  
501 contracts already established at the Division of Purchasing,  
502 Department of Management Services, for certified public  
503 accounting firms, or the board may hire and retain professional  
504 accounting staff to accomplish these functions.

505 (8) E911 FEE.—

506 (a) Each voice communications services provider shall  
507 collect the fee described in this subsection, except that the  
508 fee for prepaid wireless service shall be collected in the  
509 manner set forth in subsection (9). Each provider, as part of  
510 its monthly billing process, shall bill the fee as follows. The  
511 fee shall not be assessed on any pay telephone in the state.

512 1. Each voice communications service provider other than a  
513 wireless provider shall bill the fee to a subscriber based on  
514 the number of access lines having access to the E911 system, on  
515 a service-identifier basis, up to a maximum of 25 access lines  
516 per account bill rendered.

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

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

525 3. Except in the case of prepaid wireless service, each  
526 wireless provider shall bill the fee to a subscriber on a per-  
527 service-identifier basis for service identifiers whose primary  
528 place of use is within this state. ~~Before July 1, 2013,~~ The fee  
529 shall not be assessed on or collected from a provider with  
530 respect to an end user's service if that end user's service is a  
531 prepaid wireless service sold before January 1, 2015 ~~calling~~  
532 ~~arrangement that is subject to s. 212.05(1)(e).~~

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

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

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

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

544 4. Except in the case of prepaid wireless service, each  
545 ~~The~~ voice communications services provider ~~providers~~ not  
546 addressed under subparagraphs 1., 2., and 3. shall bill the fee

547 on a per-service-identifier basis for service identifiers whose  
548 primary place of use is within the state up to a maximum of 25  
549 service identifiers for each account bill rendered.

550  
551 The provider may list the fee as a separate entry on each bill,  
552 in which case the fee must be identified as a fee for E911  
553 services. A provider shall remit the fee to the board only if  
554 the fee is paid by the subscriber. If a provider receives a  
555 partial payment for a monthly bill from a subscriber, the amount  
556 received shall first be applied to the payment due the provider  
557 for providing voice communications service.

558 (b) A provider is not obligated to take any legal action  
559 to enforce collection of the fees for which any subscriber is  
560 billed. A county subscribing to 911 service remains liable to  
561 the provider delivering the 911 service or equipment for any 911  
562 service, equipment, operation, or maintenance charge owed by the  
563 county to the provider.

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

566 (d) Each provider may retain 1 percent of the amount of  
567 the fees collected as reimbursement for the administrative costs  
568 incurred by the provider to bill, collect, and remit the fee.  
569 The remainder shall be delivered to the board and deposited by  
570 the board into the fund. The board shall distribute the  
571 remainder pursuant to s. 365.173.

572 (e) ~~Effective September 1, 2007,~~ Voice communications

573 services providers billing the fee to subscribers shall deliver  
574 revenues from the fee to the board within 60 days after the end  
575 of the month in which the fee was billed, together with a  
576 monthly report of the number of service identifiers in each  
577 county. Each wireless provider and other applicable provider  
578 identified in subparagraph (a)4. shall report the number of  
579 service identifiers for subscribers whose place of primary use  
580 is in each county. All provider subscriber information provided  
581 to the board is subject to s. 365.174. If a provider chooses to  
582 remit any fee amounts to the board before they are paid by the  
583 subscribers, a provider may apply to the board for a refund of,  
584 or may take a credit for, any such fees remitted to the board  
585 which are not collected by the provider within 6 months  
586 following the month in which the fees are charged off for  
587 federal income tax purposes as bad debt.

588 (f) The rate of the fee ~~shall be set by the board after~~  
589 ~~considering the factors set forth in paragraphs (h) and (i), but~~  
590 may not exceed 50 cents per month for ~~per~~ each service  
591 identifier. Effective January 1, 2015, the fee shall be 40 cents  
592 per month for each service identifier. The fee shall apply  
593 uniformly and be imposed throughout the state, except for those  
594 counties that, before July 1, 2007, had adopted an ordinance or  
595 resolution establishing a fee less than 50 cents per month per  
596 access line. In those counties the fee established by ordinance  
597 may be changed only to the uniform statewide rate no sooner than  
598 30 days after notification is made by the county's board of

599 county commissioners to the board.

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

602 (g)(h) No later than November 1, 2007, The board may  
 603 adjust the allocation percentages for distribution of the fund  
 604 as provided in s. 365.173. No sooner than June 1, 2015, the  
 605 board may adjust the rate of the fee under paragraph (f) based  
 606 on the criteria in this paragraph and paragraph (h). Any  
 607 adjustment in the rate must be approved by a two-thirds vote of  
 608 the total number of E911 board members. When setting the  
 609 percentages or ~~and~~ contemplating any adjustments to the fee, the  
 610 board shall consider the following:

611 1. The revenues currently allocated for wireless service  
 612 provider costs for implementing E911 service and projected costs  
 613 for implementing E911 service, including recurring costs for  
 614 Phase I and Phase II and the effect of new technologies;

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

617 3. The need to fund statewide, regional, and county grants  
 618 in accordance with sub-subparagraph (6)(a)3.b. and s.  
 619 365.173(2)(h).

620 (h)-(i) The board may adjust the allocation percentages or  
 621 adjust the amount of the fee as provided in paragraph (g), ~~or~~  
 622 ~~both,~~ if necessary to ensure full cost recovery or prevent  
 623 overrecovery of costs incurred in the provision of E911 service,  
 624 including costs incurred or projected to be incurred to comply



625 with the order. Any new allocation percentages or reduced or  
 626 increased fee may not be adjusted for 1 year. In no event shall  
 627 the fee ~~may not~~ exceed 50 cents per month for ~~per~~ each service  
 628 identifier. The ~~board-established~~ fee, and any board adjustment  
 629 of the fee, shall be uniform throughout the state, except for  
 630 the counties identified in paragraph (f). No less than 90 days  
 631 before the effective date of any adjustment to the fee, the  
 632 board shall provide written notice of the adjusted fee amount  
 633 and effective date to each voice communications services  
 634 provider from which the board is then receiving the fee.

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

637 (j) State and local taxes do not apply to the fee. The  
 638 amount of the E911 fee collected by a provider may not be  
 639 included in the base for imposition of any tax, fee, surcharge,  
 640 or other charge imposed by this state, any political subdivision  
 641 of this state, or any intergovernmental agency.

642 (k) A local government may not levy the fee or any  
 643 additional fee on providers or subscribers for the provision of  
 644 E911 service.

645 (l) For purposes of this section, the definitions  
 646 contained in s. 202.11 and the provisions of s. 202.155 apply in  
 647 the same manner and to the same extent as the definitions and  
 648 provisions apply to the taxes levied under chapter 202 on mobile  
 649 communications services.

650 (9) PREPAID WIRELESS E911 FEE.—

651 (a) Effective January 1, 2015, a prepaid wireless E911 fee  
652 is imposed per retail transaction at the rate established in  
653 paragraph (8)(f). In order to allow sellers of all sizes and  
654 technological capabilities adequate time to comply with this  
655 subsection, a seller of prepaid wireless service operating in  
656 this state before the prepaid wireless E911 fee is imposed shall  
657 retain 100 percent of the fee collected under this paragraph for  
658 the first 2 months to offset the cost of setup.

659 (b) Effective March 1, 2015, the prepaid wireless E911 fee  
660 imposed under paragraph (a) shall be subject to remittance in  
661 accordance with paragraph (g). In no event shall the fee exceed  
662 50 cents for each retail transaction. At least 90 days before  
663 the effective date of any adjustment to the fee under paragraph  
664 (8)(g), the Department of Revenue shall provide written notice  
665 of the adjusted fee amount and its effective date to each seller  
666 from which the department is then receiving the fee. At least  
667 120 days before the effective date of any adjustment to the fee  
668 imposed under this subsection, the board shall provide notice to  
669 the Department of Revenue of the adjusted fee amount and  
670 effective date of the adjustment.

671 (c) The prepaid wireless E911 fee shall be collected by  
672 the seller from the consumer with respect to each retail  
673 transaction occurring in this state. The amount of the prepaid  
674 wireless E911 fee shall be separately stated on an invoice,  
675 receipt, or other similar document that is provided to the  
676 consumer by the seller or otherwise disclosed to the consumer.

677 (d) For purposes of paragraph (c), a retail transaction  
678 that takes place in person by a consumer at a business location  
679 of the seller shall be treated as occurring in this state if  
680 that business location is in this state. Such transaction is  
681 deemed to have occurred in the county of the business location.  
682 When a retail transaction does not take place at the seller's  
683 business location, the transaction shall be treated as taking  
684 place at the consumer's shipping address or, if no item is  
685 shipped, at the consumer's address or the location associated  
686 with the consumer's mobile telephone number. Such transaction is  
687 deemed to have occurred in the county of the consumer's shipping  
688 address when items are shipped to the consumer or, when no items  
689 are shipped, the county of the consumer's address or the  
690 location associated with the consumer's mobile telephone number.  
691 A transaction for which the specific Florida county cannot be  
692 determined shall be treated as nonspecific.

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

697 (f) The amount of the prepaid wireless E911 fee that is  
698 collected by a seller from a consumer and that is separately  
699 stated on an invoice, receipt, or similar document provided to  
700 the consumer by the seller, may not be included in the base for  
701 imposition of any tax, fee, surcharge, or other charge that is

702 imposed by this state, any political subdivision of this state,  
703 or any intergovernmental agency.

704 (g) Beginning April 1, 2015, each seller shall file a  
705 return and remit the prepaid wireless E911 fees collected in the  
706 previous month to the Department of Revenue on or before the  
707 20th day of the month. If the 20th day falls on a Saturday,  
708 Sunday, or legal holiday, payments accompanied by returns are  
709 due on the next succeeding day that is not a Saturday, Sunday,  
710 or legal holiday observed by federal or state agencies as  
711 defined in chapter 683 and s. 7503 of the Internal Revenue Code  
712 of 1986, as amended. A seller may remit the prepaid wireless  
713 E911 fee by electronic funds transfer and file a fee return with  
714 the Department of Revenue that is initiated through an  
715 electronic data interchange.

716 1. When a seller is authorized by the Department of  
717 Revenue pursuant to s. 212.11(1)(c) or (d) to file a sales and  
718 use tax return on a quarterly, semiannual, or annual reporting  
719 basis, the seller may file a return and remit the prepaid  
720 wireless E911 fees on or before the 20th day of the month  
721 following the authorized reporting period for sales and use tax.

722 2. A seller collecting less than \$50 per month of prepaid  
723 wireless E911 fees may file a quarterly return for the calendar  
724 quarters ending in March, June, September, and December. The  
725 seller must file a return and remit the prepaid wireless E911  
726 fees collected during each calendar quarter on or before the  
727 20th day of the month following that calendar quarter.

728 3. A seller must provide the following information on each  
729 prepaid wireless E911 fee return filed with the Department of  
730 Revenue:

731 a. The seller's name, federal identification number,  
732 taxpayer identification number issued by the Department of  
733 Revenue, business location address and mailing address, and  
734 county of the business location in accordance with paragraph  
735 (d);

736 b. The reporting period;

737 c. The number of prepaid wireless services sold during the  
738 reporting period;

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

741 e. The amount of any retailer collection allowance  
742 deducted from the amount of prepaid wireless E911 fees  
743 collected; and

744 f. The amount to be remitted to the Department of Revenue.

745 4. A seller who operates two or more business locations  
746 for which returns are required to be filed with the Department  
747 of Revenue may file a consolidated return reporting and  
748 remitting the prepaid wireless E911 fee for all business  
749 locations. Such sellers must report the prepaid wireless E911  
750 fees collected in each county, in accordance with paragraph (d),  
751 on a reporting schedule filed with the fee return.

752 5. A return is not required for a reporting period when no  
753 prepaid wireless E911 fee is to be remitted for that period.

754 6. Except as provided in this section, the Department of  
755 Revenue shall administer, collect, and enforce the fee under  
756 this subsection pursuant to the same procedures used in the  
757 administration, collection, and enforcement of the general state  
758 sales tax imposed under chapter 212. The provisions of chapter  
759 212 regarding authority to audit and make assessments, keeping  
760 of books and records, and interest and penalties on delinquent  
761 fees shall apply. The provisions of estimated tax liability in  
762 s. 212.11(1)(a) do not apply to the prepaid wireless E911 fee.

763 (h) A seller of prepaid wireless services in this state  
764 must register with the Department of Revenue for each place of  
765 business as required by s. 212.18(3) and the Department of  
766 Revenue's administrative rule regarding registration as a sales  
767 and use tax dealer. A separate application is required for each  
768 place of business. A valid certificate of registration issued by  
769 the Department of Revenue to a seller for sales and use tax  
770 purposes is sufficient for purposes of the registration  
771 requirement of this subsection. There is no fee for registration  
772 for remittance of the prepaid wireless E911 fee.

773 (i) The Department of Revenue shall deposit the funds  
774 remitted under this subsection into the Audit and Warrant  
775 Clearing Trust Fund established in s. 215.199 and retain up to  
776 3.2 percent of the funds remitted under this subsection to  
777 reimburse its direct costs of administering the collection and  
778 remittance of prepaid wireless E911 fees. Thereafter, the  
779 Department of Revenue shall transfer all remaining funds

780 remitted under this subsection to the Emergency Communications  
781 Number E911 System Fund monthly for use as provided in s.  
782 365.173.

783 (j) Beginning March 1, 2015, a seller may retain 5 percent  
784 of the prepaid wireless E911 fees that are collected by the  
785 seller from consumers as a retailer collection allowance.

786 (k) A provider or seller of prepaid wireless service is  
787 not liable for damages to any person resulting from or incurred  
788 in connection with providing or failing to provide 911 or E911  
789 service or for identifying or failing to identify the telephone  
790 number, address, location, or name associated with any person or  
791 device that is accessing or attempting to access 911 or E911  
792 service.

793 (l) A provider or seller of prepaid wireless service is  
794 not liable for damages to any person resulting from or incurred  
795 in connection with providing any lawful assistance to any  
796 investigative or law enforcement officer of the United States,  
797 any state, or any political subdivision of any state in  
798 connection with any lawful investigation or other law  
799 enforcement activity by such law enforcement officer.

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

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

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

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

809 1. "Consumer" means a person who purchases prepaid  
810 wireless service in a retail sale.

811 2. "Prepaid wireless E911 fee" means the fee that is  
812 required to be collected by a seller from a consumer as provided  
813 in this subsection.

814 3. "Provider" means a person that provides prepaid  
815 wireless service pursuant to a license issued by the Federal  
816 Communications Commission.

817 4. "Retail transaction" means the purchase by a consumer  
818 from a seller of prepaid wireless service that may be applied to  
819 a single service identifier for use by the consumer. If a  
820 consumer makes a purchase of multiple prepaid wireless services  
821 in a single transaction, each individual prepaid wireless  
822 service shall be considered a separate retail transaction for  
823 purposes of calculating the prepaid wireless E911 fee.

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

826 (10)-(9) AUTHORIZED EXPENDITURES OF E911 FEE.-

827 (a) For purposes of this section, E911 service includes  
828 the functions of database management, call taking, ~~dispatching,~~  
829 location verification, and call transfer. Department of Health  
830 certification and recertification and training costs for 911  
831 public safety telecommunications, including dispatching, are



832 functions of 911 services.

833 (b) All costs directly attributable to the establishment  
 834 or provision of E911 service and contracting for E911 services  
 835 are eligible for expenditure of moneys derived from imposition  
 836 of the fee authorized by subsections (8) and (9) ~~this section~~.  
 837 These costs include the acquisition, implementation, and  
 838 maintenance of Public Safety Answering Point (PSAP) equipment  
 839 and E911 service features, as defined in the providers'  
 840 published schedules ~~Public Service Commission's lawfully~~  
 841 ~~approved 911 and E911 and related tariffs~~ or the acquisition,  
 842 installation, and maintenance of other E911 equipment,  
 843 including: circuits; call answering equipment; call transfer  
 844 equipment; ANI or ALI controllers; ~~ALI controllers~~, ANI or ALI  
 845 displays; ~~ALI displays~~, station instruments; E911  
 846 telecommunications systems; visual call information and storage  
 847 devices; recording equipment; telephone devices and other  
 848 equipment for the hearing impaired used in the E911 system; PSAP  
 849 backup power systems; consoles; automatic call  
 850 distributors, and interfaces, including hardware and software,  
 851 for computer-aided dispatch (CAD) systems; integrated CAD  
 852 systems for that portion of the systems used for E911 call  
 853 taking; GIS system and software equipment and information  
 854 displays; network clocks; salary and associated expenses for  
 855 E911 call takers for that portion of their time spent taking and  
 856 transferring E911 calls, salary, and associated expenses for a  
 857 county to employ a full-time equivalent E911 coordinator

858 position and a full-time equivalent mapping or geographical data  
859 position, and technical system maintenance, database, and  
860 administration personnel ~~and a staff assistant position per~~  
861 ~~county~~ for the portion of their time spent administrating the  
862 E911 system; emergency medical, fire, and law enforcement  
863 prearrival instruction software; charts and training costs;  
864 training costs for PSAP call takers, supervisors, and managers  
865 in the proper methods and techniques used in taking and  
866 transferring E911 calls;  
867 costs to train and educate PSAP  
868 employees regarding E911 service or E911 equipment, including  
869 fees collected by the Department of Health for the certification  
870 and recertification of 911 public safety telecommunicators as  
871 required under s. 401.465;  
872 and expenses required to develop and  
873 maintain all information, including ALI and ANI databases and  
874 other information source repositories, necessary to properly  
875 inform call takers as to location address, type of emergency,  
876 and other information directly relevant to the E911 call-taking  
877 and transferring function. Moneys derived from the fee may also  
878 be used for next-generation E911 network services, next-  
879 generation E911 database services, next-generation E911  
880 equipment, and wireless E911 routing systems.

879 (c) The moneys may not be used to pay for any item not  
880 listed in this subsection, including, but not limited to, any  
881 capital or operational costs for emergency responses which occur  
882 after the call transfer to the responding public safety entity  
883 and the costs for constructing, leasing, maintaining, or

884 renovating buildings, except for those building modifications  
 885 necessary to maintain the security and environmental integrity  
 886 of the PSAP and E911 equipment rooms.

887 Section 2. Effective March 1, 2015, section 365.173,  
 888 Florida Statutes, is amended to read:

889 365.173 Emergency Communications Number E911 System Fund.—

890 (1) REVENUES.—

891 (a) All Revenues derived from the fee levied on  
 892 subscribers under s. 365.172(8) must be paid by the board into  
 893 the State Treasury on or before the 15th day of each month. Such  
 894 moneys must be accounted for in a special fund to be designated  
 895 as the Emergency Communications Number E911 System Fund, a fund  
 896 created in the Technology Program, or other office as designated  
 897 by the Secretary of Management Services. 7

898 (b) Revenues derived from the fee levied on prepaid  
 899 wireless service under s. 365.172(9), less the costs of  
 900 administering collection of the fee, must be transferred by the  
 901 Department of Revenue to the Emergency Communications Number  
 902 E911 System Fund on or before the 25th day of each month  
 903 following the month of receipt. and,

904 (c) For accounting purposes, the Emergency Communications  
 905 Number E911 System Fund must be segregated into three ~~two~~  
 906 separate categories:

- 907 1.(a) The wireless category; and
- 908 2.(b) The nonwireless category; and
- 909 3. The prepaid wireless category.

910        (d) All moneys must be invested by the Chief Financial  
911 Officer pursuant to s. 17.61. All moneys in such fund are to be  
912 expended by the office for the purposes provided in this section  
913 and s. 365.172. These funds are not subject to s. 215.20.

914        (2) DISTRIBUTION AND USE OF FUNDS.—As determined by the  
915 board pursuant to s. 365.172(8)(g) ~~s. 365.172(8)(h)~~, and subject  
916 to any modifications approved by the board pursuant to s.  
917 365.172(6)(a)3. or (8)(h) ~~(8)(i)~~, the moneys in the fund shall  
918 be distributed and used only as follows:

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

923        1. Authorized expenditures, as specified in s. 365.172(10)  
924 ~~s. 365.172(9)~~.

925        2. Costs to comply with the requirements for E911 service  
926 contained in the order and any future rules related to the  
927 order.

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

933        (c) Sixty-one percent of the moneys in the prepaid  
934 wireless category shall be distributed each month to counties  
935 based on the total amount of fees reported and paid in each

936 county and shall be used exclusively for payment of authorized  
937 expenditures, as specified in s. 365.172(10). The moneys from  
938 prepaid wireless E911 fees identified as nonspecific in  
939 accordance with s. 365.172(9) shall be distributed as determined  
940 by the E911 Board.

941 (d)~~(e)~~ Any county that receives funds under paragraphs  
942 (a), ~~and~~ (b), and (c) shall establish a fund to be used  
943 exclusively for the receipt and expenditure of the revenues  
944 collected under paragraphs (a), ~~and~~ (b), and (c). All fees  
945 placed in the fund and any interest accrued shall be used solely  
946 for costs described in subparagraphs (a)1. and 2. and may not be  
947 reduced, withheld, or allocated for other purposes. The money  
948 collected and interest earned in this fund shall be appropriated  
949 for these purposes by the county commissioners and incorporated  
950 into the annual county budget. The fund shall be included within  
951 the financial audit performed in accordance with s. 218.39. The  
952 financial audit shall assure that all E911 fee revenues,  
953 interest, and E911 grant funding are used for payment of  
954 authorized expenditures, as specified in s. 365.172(10) and as  
955 specified in the E911 Board grant and special disbursement  
956 programs. The county is responsible for all expenditures of  
957 revenues distributed from the county E911 fund and shall submit  
958 the financial audit reports to the board for review. A county  
959 may carry forward up to 30 percent of the total funds disbursed  
960 to the county by the board during a county fiscal ~~calendar~~ year  
961 for expenditures for capital outlay, capital improvements, ~~or~~

962 equipment replacement, or implementation of a hosted system if  
963 such expenditures are made for the purposes specified in  
964 subparagraphs (a)1. and 2.; however, the 30-percent limitation  
965 does not apply to funds disbursed to a county under s.  
966 365.172(6)(a)3., and a county may carry forward any percentage  
967 of the funds, except that any grant provided shall continue to  
968 be subject to any condition imposed by the board. In order to  
969 prevent an excess recovery of costs incurred in providing E911  
970 service, a county that receives funds greater than the  
971 permissible E911 costs described in s. 365.172(10) ~~s.~~  
972 ~~365.172(9)~~, including the 30-percent carryforward allowance,  
973 must return the excess funds to the E911 board to be allocated  
974 under s. 365.172(6)(a).

975 (e) ~~(d)~~ Twenty ~~Thirty~~ percent of the moneys in the wireless  
976 category shall be distributed to wireless providers in response  
977 to sworn invoices submitted to the board by wireless providers  
978 to reimburse such wireless providers for the actual costs  
979 incurred to provide 911 or E911 service, including the costs of  
980 complying with the order. Such costs include costs and expenses  
981 incurred by wireless providers to design, purchase, lease,  
982 program, install, test, upgrade, operate, and maintain all  
983 necessary data, hardware, and software required to provide E911  
984 service. Each wireless provider shall submit to the board, by  
985 August 1 of each year, a detailed estimate of the capital and  
986 operating expenses for which it anticipates that it will seek  
987 reimbursement under this paragraph during the ensuing state

988 fiscal year. In order to be eligible for recovery during any  
989 ensuing state fiscal year, a wireless provider must submit all  
990 sworn invoices for allowable purchases made within the previous  
991 calendar year no later than March 31 of the fiscal year. By  
992 September 15 of each year, the board shall submit to the  
993 Legislature its legislative budget request for funds to be  
994 allocated to wireless providers under this paragraph during the  
995 ensuing state fiscal year. The budget request shall be based on  
996 the information submitted by the wireless providers and  
997 estimated surcharge revenues. Distributions of moneys in the  
998 fund by the board to wireless providers must be fair and  
999 nondiscriminatory. If the total amount of moneys requested by  
1000 wireless providers pursuant to invoices submitted to the board  
1001 and approved for payment exceeds the amount in the fund in any  
1002 month, wireless providers that have invoices approved for  
1003 payment shall receive a pro rata share of moneys in the fund and  
1004 the balance of the payments shall be carried over to the  
1005 following month or months until all of the approved payments are  
1006 made. The board may adopt rules necessary to address the manner  
1007 in which pro rata distributions are made when the total amount  
1008 of funds requested by wireless providers pursuant to invoices  
1009 submitted to the board exceeds the total amount of moneys on  
1010 deposit in the fund.

1011 ~~(e) Notwithstanding paragraphs (a) and (d), the amount of~~  
1012 ~~money that remained in the wireless 911 system fund on December~~  
1013 ~~31, 2006, must be disbursed to wireless providers for the~~

1014 ~~recovery of allowable costs incurred in previous years ending~~  
1015 ~~December 31, 2006, and in accordance with paragraph (d). In~~  
1016 ~~order to be eligible for recovered costs incurred under~~  
1017 ~~paragraph (d), a wireless provider must submit sworn invoices to~~  
1018 ~~the board by December 31, 2007. The board must disburse the~~  
1019 ~~designated funds in the wireless 911 system fund on or after~~  
1020 ~~January 1, 2008.~~

1021 (f) One percent of the moneys in each category of the fund  
1022 shall be retained by the board to be applied to costs and  
1023 expenses incurred for the purposes of managing, administering,  
1024 and overseeing the receipts and disbursements from the fund and  
1025 other activities as defined in s. 365.172(6). Any funds retained  
1026 for such purposes in a calendar year which are not applied to  
1027 such costs and expenses by March 31 of the following year shall  
1028 be redistributed as determined by the board.

1029 (g) Three ~~Two~~ percent of the moneys in each category of  
1030 the fund shall be used to make monthly distributions to rural  
1031 counties for the purpose of providing facilities and network and  
1032 service enhancements and assistance for the 911 or E911 systems  
1033 operated by rural counties and for the provision of grants by  
1034 the office to rural counties for upgrading and replacing E911  
1035 systems.

1036 (h) Thirty-five percent of the moneys in the prepaid  
1037 wireless category shall be retained by the board to provide  
1038 state E911 grants to be awarded in accordance with the following  
1039 order of priority:



1040 1. For all large, medium, and rural counties to upgrade or  
1041 replace E911 systems.

1042 2. For all large, medium, and rural counties to develop  
1043 and maintain statewide 911 routing, geographic, and management  
1044 information systems.

1045 3. For all large, medium, and rural counties to develop  
1046 and maintain next-generation 911 services and equipment. By  
1047 September 1, 2007, up to \$15 million of the existing 911 system  
1048 fund shall be available for distribution by the board to the  
1049 counties in order to prevent a loss in the ordinary and expected  
1050 time value of money caused by any timing delay in remittance to  
1051 the counties of wireline fees caused by the one-time transfer of  
1052 collecting wireline fees by the counties to the board. All  
1053 disbursements for this purpose must be returned to the fund from  
1054 the future remittance by the nonwireless category.

1055 (i) If the wireless category has funds remaining in it on  
1056 December 31 after disbursements have been made during the  
1057 calendar year immediately prior to December 31, the board may  
1058 disburse the excess funds in the wireless category in accordance  
1059 with s. 365.172(6)(a)3.b.

1060 (3) The Legislature recognizes that the fee authorized  
1061 under s. 365.172 may not necessarily provide the total funding  
1062 required for establishing or providing the E911 service. It is  
1063 the intent of the Legislature that all revenue from the fee be  
1064 used as specified in ~~this~~ subsection (2).

1065 Section 3. Paragraph (a) of subsection (2) of section

1066 401.465, Florida Statutes, is amended to read:  
 1067 401.465 911 public safety telecommunicator certification.—  
 1068 (2) PERSONNEL; STANDARDS AND CERTIFICATION.—  
 1069 (a) Effective October 1, 2012, any person employed as a  
 1070 911 public safety telecommunicator at a public safety answering  
 1071 point, as defined in s. 365.172(3) ~~s. 365.172(3)(a)~~, must be  
 1072 certified by the department.  
 1073 Section 4. For the 2014-2015 fiscal year, the nonrecurring  
 1074 sum of \$250,000 is appropriated from the General Revenue Fund,  
 1075 and the recurring sum of \$190,713 is appropriated from the  
 1076 Operating Trust Fund, to the Department of Revenue for the  
 1077 purposes of administering this act.  
 1078 Section 5. Except as otherwise expressly provided in this  
 1079 act, this act shall take effect July 1, 2014.