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1
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.

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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

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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

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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

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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.

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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,

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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:

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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

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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~~

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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

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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.—

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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

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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~~

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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

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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.

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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.

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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

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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

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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

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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

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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

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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

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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

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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.—

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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.

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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

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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.

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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.

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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

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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.

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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

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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;;
 849 PSAP 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

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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;~~;~~ costs to train and educate PSAP
867 employees regarding E911 service or E911 equipment, including
868 fees collected by the Department of Health for the certification
869 and recertification of 911 public safety telecommunicators as
870 required under s. 401.465;~~;~~ and expenses required to develop and
871 maintain all information, including ALI and ANI databases and
872 other information source repositories, necessary to properly
873 inform call takers as to location address, type of emergency,
874 and other information directly relevant to the E911 call-taking
875 and transferring function. Moneys derived from the fee may also
876 be used for next-generation E911 network services, next-
877 generation E911 database services, next-generation E911
878 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

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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.

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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

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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~~

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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

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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~~

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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:

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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

ENROLLED

CS/CS/HB 175

2014 Legislature

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.