

By Senator Hays

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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
27 returns and remitting fees to the Department of
28 Revenue; providing that the Department of Revenue is
29 the agent for the E911 Board for purposes of

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30 collecting the prepaid wireless E911 fee; requiring
31 sellers of prepaid wireless services to register with
32 the department; providing for distribution of funds
33 remitted; limiting liability of provider or seller of
34 prepaid wireless service; prohibiting a local
35 government from imposing a fee on sellers of prepaid
36 wireless services; providing that the state and local
37 governments are not consumers for certain purposes;
38 providing definitions for specified purposes; revising
39 provisions for authorized expenditures of the E911
40 fee; providing that certain costs of the Department of
41 Health are functions of 911 services; amending s.
42 365.173, F.S.; revising provisions for accounting,
43 distribution, use, and auditing of the Emergency
44 Communications Number E911 System Fund; providing for
45 a prepaid wireless category in such fund; amending s.
46 401.465, F.S.; conforming a cross-reference; providing
47 a directive to the Division of Law Revision and
48 Information; providing an appropriation; providing
49 effective dates.

50
51 Be It Enacted by the Legislature of the State of Florida:

52
53 Section 1. Subsections (3) through (9) of section 365.172,
54 Florida Statutes, are amended, present subsections (9) through
55 (14) of that section are renumbered as subsections (10) through
56 (15), respectively, and a new subsection (9) is added to that
57 section, to read:

58 365.172 Emergency communications number ~~"E911."~~

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59 (3) DEFINITIONS.—Only as used in this section and ss.
60 365.171, 365.173, and 365.174, the term:

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

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

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

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

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

76 (e)~~(f)~~ "Building permit review" means a review for
77 compliance with building construction standards adopted by the
78 local government under chapter 553 and does not include a review
79 for compliance with land development regulations.

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

87 (g)~~(h)~~ "Designed service" means the configuration and

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88 manner of deployment of service the wireless provider has
89 designed for an area as part of its network.

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

101 (i)~~(j)~~ "Existing structure" means a structure that exists
102 at the time an application for permission to place antennae on a
103 structure is filed with a local government. The term includes
104 any structure that can structurally support the attachment of
105 antennae in compliance with applicable codes.

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

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

114 (l)~~(m)~~ "Historic building, structure, site, object, or
115 district" means any building, structure, site, object, or
116 district that has been officially designated as a historic

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117 building, historic structure, historic site, historic object, or
118 historic district through a federal, state, or local designation
119 program.

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

128 (n)~~(o)~~ "Local exchange carrier" means a "competitive local
129 exchange telecommunications company" or a "local exchange
130 telecommunications company" as defined in s. 364.02.

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

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

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

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

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

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

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

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

153 b. Memorandum and Order No. FCC 97-402 adopted on December
154 23, 1997.

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

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

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

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

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

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

173 (w) "Public agency" means the state and any municipality,
174 county, municipal corporation, or other governmental entity,

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175 public district, or public authority located in whole or in part
176 within this state which provides, or has authority to provide,
177 firefighting, law enforcement, ambulance, medical, or other
178 emergency services.

179 (x) "Public safety agency" means a functional division of a
180 public agency which provides firefighting, law enforcement,
181 medical, or other emergency services.

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

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

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

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

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

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204 section, the term "voice-over-Internet-protocol service" or
205 "VoIP service" means interconnected VoIP services having the
206 following characteristics:

- 207 1. The service enables real-time, two-way voice
208 communications;
- 209 2. The service requires a broadband connection from the
210 user's locations;
- 211 3. The service requires IP-compatible customer premises
212 equipment; and
- 213 4. The service offering allows users generally to receive
214 calls that originate on the public switched telephone network
215 and to terminate calls on the public switched telephone network.

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

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

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

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

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

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

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

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

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

261 (5) THE E911 BOARD.—

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

275 (b) The board shall consist of 11 members, one of whom must
276 be the system director designated under s. 365.171(5), or his or
277 her designee, who shall serve as the chair of the board. The
278 remaining 10 members of the board shall be appointed by the
279 Governor and must be composed of 5 county 911 coordinators,
280 consisting of a representative from a rural county, a
281 representative from a medium county, a representative from a
282 large county, and 2 at-large representatives recommended by the
283 Florida Association of Counties in consultation with the county
284 911 coordinators; 3 local exchange carrier member
285 representatives, one of whom must be a representative of the
286 local exchange carrier having the greatest number of access
287 lines in the state and one of whom must be a representative of a
288 certificated competitive local exchange telecommunications
289 company; and 2 member representatives from the wireless
290 telecommunications industry, with consideration given to

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291 wireless providers that are not affiliated with local exchange
292 carriers. Not more than one member may be appointed to represent
293 any single provider on the board.

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

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

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

311 (a) The board shall:

- 312 1. Administer the E911 fee.
- 313 2. Implement, maintain, and oversee the fund.
- 314 3. Review and oversee the disbursement of the revenues
315 deposited into the fund as provided in s. 365.173.

316 a. The board may establish a schedule for implementing
317 wireless E911 service by service area, and prioritize
318 disbursements of revenues from the fund to providers and rural
319 counties as provided in s. 365.173(2)(e) ~~s. 365.173(2)(d)~~ and

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320 (g) pursuant to the schedule, in order to implement E911
321 services in the most efficient and cost-effective manner.

322 b. Revenues in the fund which have not been disbursed
323 because sworn invoices as required by s. 365.173(2)(e) ~~s.~~
324 ~~365.173(2)(d)~~ have not been submitted to the board may be used
325 by the board as needed to provide grants to counties for the
326 purpose of upgrading E911 systems. The counties must use the
327 funds only for capital expenditures or remotely provided hosted
328 911 answering point call-taking equipment and network services
329 directly attributable to establishing and provisioning E911
330 services, which may include next-generation deployment. Prior to
331 the distribution of grants, the board shall provide 90 days'
332 written notice to all counties and publish electronically an
333 approved application process. County grant applications shall be
334 prioritized based on the availability of funds, current system
335 life expectancy, system replacement needs, and Phase II
336 compliance per the Federal Communications Commission. No grants
337 will be available to any county for next-generation deployment
338 until all counties are Phase II complete. The board shall take
339 all actions within its authority to ensure that county
340 recipients of such grants use these funds only for the purpose
341 under which they have been provided and may take any actions
342 within its authority to secure county repayment of grant
343 revenues upon determination that the funds were not used for the
344 purpose under which they were provided.

345 c. When determining the funding provided in a state 911
346 grant application request, the board shall take into account
347 information on the amount of carryforward funds retained by the
348 counties. The information will be based on the amount of county

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349 carryforward funds reported in the financial audit required in
350 s. 365.173(2)(d). E911 State Grant Program funding requests will
351 be limited by any county carryforward funds in excess of the
352 allowable 30 percent amount of fee revenue calculated on a 2-
353 year basis.

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

357 ~~d. By September 1, 2007, the board shall authorize the~~
358 ~~transfer of up to \$15 million to the counties from existing~~
359 ~~money within the fund established under s. 365.173(1). The money~~
360 ~~shall be disbursed equitably to all of the counties using a~~
361 ~~timeframe and distribution methodology established by the board~~
362 ~~before September 1, 2007, in order to prevent a loss to the~~
363 ~~counties in the ordinary and expected time value of money caused~~
364 ~~by any timing delay in remittance to the counties of wireline~~
365 ~~fees caused by the one-time transfer of collecting wireline fees~~
366 ~~by the counties to the board. All disbursements for this purpose~~
367 ~~must be returned to the fund from future remittances by the~~
368 ~~nonwireless category.~~

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

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378 equitably to all counties using a timeframe and distribution
379 methodology established by the board.

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

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

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

390 c. Ascertaining the projected costs of compliance with the
391 requirements of the order and projected collections of the fee.

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

394 5. Meet monthly in the most efficient and cost-effective
395 manner, including telephonically when practical, for the
396 business to be conducted, to review and approve or reject, in
397 whole or in part, applications submitted by wireless providers
398 for recovery of moneys deposited into the wireless category, and
399 to authorize the transfer of, and distribute, the fee allocation
400 to the counties.

401 6. Hire and retain employees, which may include an
402 independent executive director who shall possess experience in
403 the area of telecommunications and emergency 911 issues, for the
404 purposes of performing the technical and administrative
405 functions for the board.

406 7. Make and enter into contracts, pursuant to chapter 287,

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407 and execute other instruments necessary or convenient for the
408 exercise of the powers and functions of the board.

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

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

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

415 11. The board may adopt rules under ss. 120.536(1) and
416 120.54 to implement this section and ss. 365.173 and 365.174.

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

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

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

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

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

434 17. Do all acts and things necessary or convenient to carry
435 out the powers granted in this section in a manner that is

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436 competitively and technologically neutral as to all voice
437 communications services providers, including, but not limited
438 to, consideration of emerging technology and related cost
439 savings, while taking into account embedded costs in current
440 systems.

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

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

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

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

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

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

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

466 (7) REQUEST FOR PROPOSALS FOR INDEPENDENT ACCOUNTING FIRM.-

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

473 1. A description of the scope and general requirements of
474 the services requested.

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

479 3. A description of information to be provided by the
480 proposer, including the proposer's background and qualifications
481 and the proposed cost of the services to be provided.

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

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494 her performance on the committee.

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

502 (8) E911 FEE.—

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

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

514 2. Each voice communications service provider other than a
515 wireless provider shall bill the fee to a subscriber on a basis
516 of five service-identified access lines for each digital
517 transmission link, including primary rate interface service or
518 equivalent Digital-Signal-1-level service, which can be
519 channelized and split into 23 or 24 voice-grade or data-grade
520 channels for communications, up to a maximum of 25 access lines
521 per account bill rendered.

522 3. Except in the case of prepaid wireless service, each

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523 wireless provider shall bill the fee to a subscriber on a per-
524 service-identifier basis for service identifiers whose primary
525 place of use is within this state. ~~Before July 1, 2013,~~ The fee
526 shall not be assessed on or collected from a provider with
527 respect to an end user's service if that end user's service is a
528 prepaid wireless service before the fee under subsection (9)
529 takes effect ~~calling arrangement that is subject to s.~~
530 ~~212.05(1)(e).~~

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

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

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

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

542 4. Except in the case of prepaid wireless service, each ~~The~~
543 ~~voice communications services provider providers~~ not addressed
544 under subparagraphs 1., 2., and 3. shall bill the fee on a per-
545 service-identifier basis for service identifiers whose primary
546 place of use is within the state up to a maximum of 25 service
547 identifiers for each account bill rendered.

548
549 The provider may list the fee as a separate entry on each bill,
550 in which case the fee must be identified as a fee for E911
551 services. A provider shall remit the fee to the board only if

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552 the fee is paid by the subscriber. If a provider receives a
553 partial payment for a monthly bill from a subscriber, the amount
554 received shall first be applied to the payment due the provider
555 for providing voice communications service.

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

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

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

570 (e) ~~Effective September 1, 2007,~~ Voice communications
571 services providers billing the fee to subscribers shall deliver
572 revenues from the fee to the board within 60 days after the end
573 of the month in which the fee was billed, together with a
574 monthly report of the number of service identifiers in each
575 county. Each wireless provider and other applicable provider
576 identified in subparagraph (a)4. shall report the number of
577 service identifiers for subscribers whose place of primary use
578 is in each county. All provider subscriber information provided
579 to the board is subject to s. 365.174. If a provider chooses to
580 remit any fee amounts to the board before they are paid by the

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581 subscribers, a provider may apply to the board for a refund of,
582 or may take a credit for, any such fees remitted to the board
583 which are not collected by the provider within 6 months
584 following the month in which the fees are charged off for
585 federal income tax purposes as bad debt.

586 (f) The rate of the fee ~~shall be set by the board after~~
587 ~~considering the factors set forth in paragraphs (h) and (i), but~~
588 may not exceed 50 cents per month for per each service
589 identifier. Effective on the first day of the month following
590 180 days after this act takes effect, the fee shall be 46 cents
591 per month for each service identifier. The fee shall apply
592 uniformly and be imposed throughout the state, except for those
593 counties that, before July 1, 2007, had adopted an ordinance or
594 resolution establishing a fee less than 50 cents per month per
595 access line. In those counties the fee established by ordinance
596 may be changed only to the uniform statewide rate no sooner than
597 30 days after notification is made by the county's board of
598 county commissioners to the board.

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

601 ~~(g)(h) No later than November 1, 2007,~~ The board may adjust
602 the allocation percentages for distribution of the fund as
603 provided in s. 365.173. No sooner than 1 year after the fee is
604 imposed under paragraph (9)(a), the board may adjust the rate of
605 the fee under paragraph (f) based on the criteria in this
606 paragraph and paragraph (h). Any adjustment in the rate must be
607 approved by a two-thirds vote of the total number of E911 board
608 members. When setting the percentages or and contemplating any
609 adjustments to the fee, the board shall consider the following:

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

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

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

619 (h)-(i) The board may adjust the allocation percentages or
620 adjust the amount of the fee as provided in paragraph (g), ~~or~~
621 ~~both~~, if necessary to ensure full cost recovery or prevent
622 overrecovery of costs incurred in the provision of E911 service,
623 including costs incurred or projected to be incurred to comply
624 with the order. Any new allocation percentages or reduced or
625 increased fee may not be adjusted for 1 year. In no event shall
626 the fee may not exceed 50 cents per month for ~~per~~ each service
627 identifier. ~~The board-established~~ fee, and any board adjustment
628 of the fee, shall be uniform throughout the state, except for
629 the counties identified in paragraph (f). No less than 90 days
630 before the effective date of any adjustment to the fee, the
631 board shall provide written notice of the adjusted fee amount
632 and effective date to each voice communications services
633 provider from which the board is then receiving the fee.

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

636 (j) State and local taxes do not apply to the fee. The
637 amount of the E911 fee collected by a provider may not be
638 included in the base for measuring any tax, fee, surcharge, or

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639 other charge imposed by this state, any political subdivision of
640 this state, or any governmental agency.

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

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

649 (9) PREPAID WIRELESS E911 FEE.—

650 (a) Effective on the first day of the month following 120
651 days after this act takes effect, a prepaid wireless E911 fee is
652 imposed per retail transaction at the rate of 46 cents. In order
653 to allow sellers of all sizes and technological capabilities
654 adequate time to comply with this subsection, a seller of
655 prepaid wireless service operating in this state before the
656 prepaid wireless E911 fee is imposed shall retain 100 percent of
657 the fee collected under this paragraph for the first 2 months to
658 offset the cost of setup.

659 (b) Effective on the first day of the month following 180
660 days after this act takes effect, the prepaid wireless E911 fee
661 is imposed per retail transaction at the rate established in
662 paragraphs (8) (f)-(h) and shall be remitted in accordance with
663 paragraph (g). In no event shall the fee exceed 50 cents for
664 each retail transaction. At least 90 days before the effective
665 date of any adjustment to the fee under paragraph (8) (g), the
666 Department of Revenue shall provide written notice of the
667 adjusted fee amount and its effective date to each seller from

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668 which the department is then receiving the fee. At least 120
669 days before the effective date of any adjustment to the fee
670 imposed under this subsection, the board shall provide notice to
671 the Department of Revenue of the adjusted fee amount and
672 effective date of the adjustment.

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

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

695 (e) If a prepaid wireless device is sold for a single,
696 nonitemized price with a prepaid wireless service of 10 minutes

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697 or less or \$5 or less, the seller may elect not to apply the
698 wireless E911 fee to the transaction.

699 (f) The amount of the prepaid wireless E911 fee that is
700 collected by a seller from a consumer and that is separately
701 stated on an invoice, receipt, or similar document provided to
702 the consumer by the seller, may not be included in the base for
703 measuring any tax, fee, surcharge, or other charge that is
704 imposed by this state, any political subdivision of this state,
705 or any intergovernmental agency.

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

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

725 2. A seller collecting less than \$50 per month of prepaid

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726 wireless E911 fees may file a quarterly return for the calendar
727 quarters ending in March, June, September, and December. The
728 seller must file a return and remit the prepaid wireless E911
729 fees collected during each calendar quarter on or before the
730 20th day of the month following that calendar quarter.

731 3. A seller must provide the following information on each
732 prepaid wireless E911 fee return filed with the Department of
733 Revenue:

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

739 b. The reporting period;

740 c. The number of prepaid wireless services sold during the
741 reporting period;

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

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

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

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

754 5. A return is not required for a reporting period when no

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755 prepaid wireless E911 fee is to be remitted for that period.

756 6. The Department of Revenue serves as an agent of the E911
757 Board for collection of the prepaid wireless E911 fee, and the
758 board retains the authority to administer the fee as provided in
759 this section and s. 365.173.

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

770 (i) The Department of Revenue shall deposit the funds
771 remitted under this subsection into the Audit and Warrant
772 Clearing Trust Fund established in s. 215.199 and retain up to
773 3.2 percent of the funds remitted under this subsection to
774 reimburse its direct costs of administering the collection and
775 remittance of prepaid wireless fees. Thereafter, the Department
776 of Revenue shall transfer all remaining funds remitted under
777 this subsection to the Emergency Communications Number E911
778 System Fund monthly for use as provided in s. 365.173.

779 (j) A seller may retain 5 percent of the prepaid wireless
780 E911 fees that are collected under paragraph (b) by the seller
781 from consumers as a retailer collection allowance.

782 (k) A provider or seller of prepaid wireless service is not
783 liable for damages to any person resulting from or incurred in

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784 connection with providing or failing to provide 911 or E911
785 service or for identifying or failing to identify the telephone
786 number, address, location, or name associated with any person or
787 device that is accessing or attempting to access 911 or E911
788 service.

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

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

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

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

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

805 1. "Consumer" means a person who purchases prepaid wireless
806 service in a retail sale.

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

810 3. "Provider" means a person that provides prepaid wireless
811 service pursuant to a license issued by the Federal
812 Communications Commission.

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

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

822 (10) ~~(9)~~ AUTHORIZED EXPENDITURES OF E911 FEE.—

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

829 (b) All costs directly attributable to the establishment or
830 provision of E911 service and contracting for E911 services are
831 eligible for expenditure of moneys derived from imposition of
832 the fee authorized by this section. These costs include the
833 acquisition, implementation, and maintenance of Public Safety
834 Answering Point (PSAP) equipment and E911 service features, as
835 defined in the providers' published schedules ~~Public Service~~
836 ~~Commission's lawfully approved 911 and E911 and related tariffs~~
837 or the acquisition, installation, and maintenance of other E911
838 equipment, including: circuits; call answering equipment;; call
839 transfer equipment;; ANI or ALI controllers;; ~~ALI controllers,~~
840 ANI or ALI displays;; ~~ALI displays,~~ station instruments;; E911
841 telecommunications systems;; visual call information and storage

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842 devices;; recording equipment;; telephone devices and other
843 equipment for the hearing impaired used in the E911 system;;
844 PSAP backup power systems;; consoles;; automatic call
845 distributors, and interfaces, including hardware and software,
846 for computer-aided dispatch (CAD) systems;; integrated CAD
847 systems for that portion of the systems used for E911 call
848 taking; GIS system and software equipment and information
849 displays; network clocks;; salary and associated expenses for
850 E911 call takers for that portion of their time spent taking and
851 transferring E911 calls, salary, and associated expenses for a
852 county to employ a full-time equivalent E911 coordinator
853 position and a full-time equivalent mapping or geographical data
854 position, and technical system maintenance, database, and
855 administration personnel ~~and a staff assistant position per~~
856 ~~county~~ for the portion of their time spent administrating the
857 E911 system; emergency medical, fire, and law enforcement
858 prearrival instruction software; charts and training costs;
859 training costs for PSAP call takers, supervisors, and managers
860 in the proper methods and techniques used in taking and
861 transferring E911 calls;; costs to train and educate PSAP
862 employees regarding E911 service or E911 equipment, including
863 fees collected by the Department of Health for the certification
864 and recertification of 911 public safety telecommunicators as
865 required under s. 401.465;; and expenses required to develop and
866 maintain all information, including ALI and ANI databases and
867 other information source repositories, necessary to properly
868 inform call takers as to location address, type of emergency,
869 and other information directly relevant to the E911 call-taking
870 and transferring function. Moneys derived from the fee may also

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871 be used for next-generation E911 network services, next-
 872 generation E911 database services, next-generation E911
 873 equipment, and wireless E911 routing systems.

874 (c) The moneys may not be used to pay for any item not
 875 listed in this subsection, including, but not limited to, any
 876 capital or operational costs for emergency responses which occur
 877 after the call transfer to the responding public safety entity
 878 and the costs for constructing, leasing, maintaining, or
 879 renovating buildings, except for those building modifications
 880 necessary to maintain the security and environmental integrity
 881 of the PSAP and E911 equipment rooms.

882 Section 2. Effective on the date that the prepaid wireless
 883 E911 fee is imposed and remitted to the state under section
 884 365.172(9)(b), Florida Statutes, as amended by this act, section
 885 365.173, Florida Statutes, is amended to read:

886 365.173 Emergency Communications Number E911 System Fund.—

887 (1) REVENUES.—

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

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

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900 following the month of receipt. ~~and,~~

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

904 1. ~~(a)~~ The wireless category; ~~and~~

905 2. ~~(b)~~ The nonwireless category; and

906 3. The prepaid wireless category.

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

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

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

920 1. Authorized expenditures, as specified in s. 365.172(10)
 921 ~~s. 365.172(9)~~.

922 2. Costs to comply with the requirements for E911 service
 923 contained in the order and any future rules related to the
 924 order.

925 (b) Ninety-six ~~Ninety-seven~~ percent of the moneys in the
 926 nonwireless category shall be distributed each month to counties
 927 based on the total number of service identifiers in each county
 928 and shall be used exclusively for payment of authorized

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929 expenditures, as specified in s. 365.172(10) ~~s. 365.172(9)~~.

930 (c) Sixty-one percent of the moneys in the prepaid wireless
931 category shall be distributed each month to counties based on
932 the total amount of fees reported and paid in each county and
933 shall be used exclusively for payment of authorized
934 expenditures, as specified in s. 365.172(10). The moneys from
935 prepaid wireless fees identified as nonspecific in accordance
936 with s. 365.172(9) shall be distributed as determined by the
937 E911 Board.

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

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

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

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

1008 ~~(c) Notwithstanding paragraphs (a) and (d), the amount of~~
1009 ~~money that remained in the wireless 911 system fund on December~~
1010 ~~31, 2006, must be disbursed to wireless providers for the~~
1011 ~~recovery of allowable costs incurred in previous years ending~~
1012 ~~December 31, 2006, and in accordance with paragraph (d). In~~
1013 ~~order to be eligible for recovered costs incurred under~~
1014 ~~paragraph (d), a wireless provider must submit sworn invoices to~~
1015 ~~the board by December 31, 2007. The board must disburse the~~

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1016 ~~designated funds in the wireless 911 system fund on or after~~
1017 ~~January 1, 2008.~~

1018 (f) One percent of the moneys in each category of the fund
1019 shall be retained by the board to be applied to costs and
1020 expenses incurred for the purposes of managing, administering,
1021 and overseeing the receipts and disbursements from the fund and
1022 other activities as defined in s. 365.172(6). Any funds retained
1023 for such purposes in a calendar year which are not applied to
1024 such costs and expenses by March 31 of the following year shall
1025 be redistributed as determined by the board.

1026 (g) Three ~~Two~~ percent of the moneys in each category of the
1027 fund shall be used to make monthly distributions to rural
1028 counties for the purpose of providing facilities and network and
1029 service enhancements and assistance for the 911 or E911 systems
1030 operated by rural counties and for the provision of grants by
1031 the office to rural counties for upgrading and replacing E911
1032 systems.

1033 (h) Thirty-five percent of the moneys in the prepaid
1034 wireless category shall be retained by the board to provide
1035 state E911 grants to be awarded in accordance with the following
1036 order of priority:

1037 1. For all large, medium, and rural counties to upgrade or
1038 replace E911 systems.

1039 2. For all large, medium, and rural counties to develop and
1040 maintain statewide 911 routing, geographic, and management
1041 information systems.

1042 3. For all large, medium, and rural counties to develop and
1043 maintain next-generation 911 services and equipment. By
1044 ~~September 1, 2007, up to \$15 million of the existing 911 system~~

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1045 ~~fund shall be available for distribution by the board to the~~
1046 ~~counties in order to prevent a loss in the ordinary and expected~~
1047 ~~time value of money caused by any timing delay in remittance to~~
1048 ~~the counties of wireline fees caused by the one-time transfer of~~
1049 ~~collecting wireline fees by the counties to the board. All~~
1050 ~~disbursements for this purpose must be returned to the fund from~~
1051 ~~the future remittance by the nonwireless category.~~

1052 (i) If the wireless category has funds remaining in it on
1053 December 31 after disbursements have been made during the
1054 calendar year immediately prior to December 31, the board may
1055 disburse the excess funds in the wireless category in accordance
1056 with s. 365.172(6)(a)3.b.

1057 (3) The Legislature recognizes that the fee authorized
1058 under s. 365.172 may not necessarily provide the total funding
1059 required for establishing or providing the E911 service. It is
1060 the intent of the Legislature that all revenue from the fee be
1061 used as specified in ~~this~~ subsection (2).

1062 Section 3. Paragraph (a) of subsection (2) of section
1063 401.465, Florida Statutes, is amended to read:

1064 401.465 911 public safety telecommunicator certification.-

1065 (2) PERSONNEL; STANDARDS AND CERTIFICATION.-

1066 (a) Effective October 1, 2012, any person employed as a 911
1067 public safety telecommunicator at a public safety answering
1068 point, as defined in s. 365.172(3) ~~s. 365.172(3)(a)~~, must be
1069 certified by the department.

1070 Section 4. The Division of Law Revision and Information is
1071 directed to replace the phrase "on the first day of the month
1072 following 120 days after this act takes effect" or the phrase
1073 "on the first day of the month following 180 days after this act

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1074 takes effect" wherever it occurs in this act with the respective
1075 date.

1076 Section 5. For the 2014-2015 fiscal year, the nonrecurring
1077 sum of \$500,000 is appropriated from the General Revenue Fund to
1078 the Department of Revenue for the purposes of administering this
1079 act.

1080 Section 6. Except as otherwise expressly provided in this
1081 act, this act shall take effect upon becoming a law.