

By the Committee on Appropriations; and Senator Hays

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1                                   A bill to be entitled  
2       An act relating to emergency communication systems;  
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 imposition of 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 appropriations; providing effective dates.

48  
49 Be It Enacted by the Legislature of the State of Florida:

50  
51 Section 1. Subsections (3) through (8) and present  
52 subsection (9) of section 365.172, Florida Statutes, are  
53 amended, present subsections (9) through (14) of that section  
54 are renumbered as subsections (10) through (15), respectively,  
55 and a new subsection (9) is added to that section, to read:

56 365.172 Emergency communications number ~~"E911."~~

57 (3) DEFINITIONS.—Only as used in this section and ss.  
58 365.171, 365.173, and 365.174, the term:

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

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

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

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

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

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

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

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

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

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

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

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

112            (l)~~(m)~~ "Historic building, structure, site, object, or  
113 district" means any building, structure, site, object, or  
114 district that has been officially designated as a historic  
115 building, historic structure, historic site, historic object, or  
116 historic district through a federal, state, or local designation

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117 program.

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

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

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

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

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

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

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

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

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

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

151 b. Memorandum and Order No. FCC 97-402 adopted on December  
152 23, 1997.

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

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

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

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

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

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

171 (w) "Public agency" means the state and any municipality,  
172 county, municipal corporation, or other governmental entity,  
173 public district, or public authority located in whole or in part  
174 within this state which provides, or has authority to provide,

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175 firefighting, law enforcement, ambulance, medical, or other  
176 emergency services.

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

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

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

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

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

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

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204 following characteristics:

205 1. The service enables real-time, two-way voice  
206 communications;

207 2. The service requires a broadband connection from the  
208 user's locations;

209 3. The service requires IP-compatible customer premises  
210 equipment; and

211 4. The service offering allows users generally to receive  
212 calls that originate on the public switched telephone network  
213 and to terminate calls on the public switched telephone network.

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

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

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

227 (gg)~~(ff)~~ "Wireless communications facility" means any  
228 equipment or facility used to provide service and may include,  
229 but is not limited to, antennae, towers, equipment enclosures,  
230 cabling, antenna brackets, and other such equipment. Placing a  
231 wireless communications facility on an existing structure does  
232 not cause the existing structure to become a wireless



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233 communications facility.

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

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

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

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

259 (5) THE E911 BOARD.—

260 (a) The E911 Board is established to administer, with  
261 oversight by the office, the fee imposed under subsections

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

273 (b) The board shall consist of 11 members, one of whom must  
274 be the system director designated under s. 365.171(5), or his or  
275 her designee, who shall serve as the chair of the board. The  
276 remaining 10 members of the board shall be appointed by the  
277 Governor and must be composed of 5 county 911 coordinators,  
278 consisting of a representative from a rural county, a  
279 representative from a medium county, a representative from a  
280 large county, and 2 at-large representatives recommended by the  
281 Florida Association of Counties in consultation with the county  
282 911 coordinators; 3 local exchange carrier member  
283 representatives, one of whom must be a representative of the  
284 local exchange carrier having the greatest number of access  
285 lines in the state and one of whom must be a representative of a  
286 certificated competitive local exchange telecommunications  
287 company; and 2 member representatives from the wireless  
288 telecommunications industry, with consideration given to  
289 wireless providers that are not affiliated with local exchange  
290 carriers. Not more than one member may be appointed to represent

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291 any single provider on the board.

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

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

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

309 (a) The board shall:

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

314 a. The board may establish a schedule for implementing  
315 wireless E911 service by service area, and prioritize  
316 disbursements of revenues from the fund to providers and rural  
317 counties as provided in s. 365.173(2)(e) ~~s. 365.173(2)(d)~~ and  
318 (g) pursuant to the schedule, in order to implement E911  
319 services in the most efficient and cost-effective manner.

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

343 c. When determining the funding provided in a state 911  
344 grant application request, the board shall take into account  
345 information on the amount of carryforward funds retained by the  
346 counties. The information will be based on the amount of county  
347 carryforward funds reported in the financial audit required in  
348 s. 365.173(2)(d). E911 State Grant Program funding requests will

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349 be limited by any county carryforward funds in excess of the  
350 allowable 30 percent amount of fee revenue calculated on a 2-  
351 year basis.

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

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

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

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

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

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

388 c. Ascertaining the projected costs of compliance with the  
389 requirements of the order and projected collections of the fee.

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

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

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

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

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

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

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

413           11. The board may adopt rules under ss. 120.536(1) and  
414 120.54 to implement this section and ss. 365.173 and 365.174.

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

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

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

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

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

432           17. Do all acts and things necessary or convenient to carry  
433 out the powers granted in this section in a manner that is  
434 competitively and technologically neutral as to all voice  
435 communications services providers, including, but not limited

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436 to, consideration of emerging technology and related cost  
 437 savings, while taking into account embedded costs in current  
 438 systems.

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

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

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

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

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

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

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

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



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

471 1. A description of the scope and general requirements of  
472 the services requested.

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

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

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

493 (c) ~~After July 1, 2004,~~ The board may secure the services

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494 of an independent accounting firm via invitation to bid, request  
495 for proposals, invitation to negotiate, or professional  
496 contracts already established at the Division of Purchasing,  
497 Department of Management Services, for certified public  
498 accounting firms, or the board may hire and retain professional  
499 accounting staff to accomplish these functions.

500 (8) E911 FEE.—

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

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

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

520 3. Except in the case of prepaid wireless service, each  
521 wireless provider shall bill the fee to a subscriber on a per-  
522 service-identifier basis for service identifiers whose primary

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523 place of use is within this state. ~~Before July 1, 2013,~~ The fee  
524 shall not be assessed on or collected from a provider with  
525 respect to an end user's service if that end user's service is a  
526 prepaid wireless service sold before January 1, 2015 ~~calling~~  
527 ~~arrangement that is subject to s. 212.05(1)(e).~~

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

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

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

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

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

545  
546 The provider may list the fee as a separate entry on each bill,  
547 in which case the fee must be identified as a fee for E911  
548 services. A provider shall remit the fee to the board only if  
549 the fee is paid by the subscriber. If a provider receives a  
550 partial payment for a monthly bill from a subscriber, the amount  
551 received shall first be applied to the payment due the provider

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552 for providing voice communications service.

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

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

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

567 (e) ~~Effective September 1, 2007,~~ Voice communications  
568 services providers billing the fee to subscribers shall deliver  
569 revenues from the fee to the board within 60 days after the end  
570 of the month in which the fee was billed, together with a  
571 monthly report of the number of service identifiers in each  
572 county. Each wireless provider and other applicable provider  
573 identified in subparagraph (a)4. shall report the number of  
574 service identifiers for subscribers whose place of primary use  
575 is in each county. All provider subscriber information provided  
576 to the board is subject to s. 365.174. If a provider chooses to  
577 remit any fee amounts to the board before they are paid by the  
578 subscribers, a provider may apply to the board for a refund of,  
579 or may take a credit for, any such fees remitted to the board  
580 which are not collected by the provider within 6 months

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581 following the month in which the fees are charged off for  
582 federal income tax purposes as bad debt.

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

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

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

606 1. The revenues currently allocated for wireless service  
607 provider costs for implementing E911 service and projected costs  
608 for implementing E911 service, including recurring costs for  
609 Phase I and Phase II and the effect of new technologies;

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

612 3. The need to fund statewide, regional, and county grants  
613 in accordance with sub-subparagraph (6)(a)3.b. and s.  
614 365.173(2)(h).

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

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

632 (j) State and local taxes do not apply to the fee. The  
633 amount of the E911 fee collected by a provider may not be  
634 included in the base for imposition of any tax, fee, surcharge,  
635 or other charge imposed by this state, any political subdivision  
636 of this state, or any governmental agency.

637 (k) A local government may not levy the fee or any  
638 additional fee on providers or subscribers for the provision of

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639 E911 service.

640 (1) For purposes of this section, the definitions contained  
641 in s. 202.11 and the provisions of s. 202.155 apply in the same  
642 manner and to the same extent as the definitions and provisions  
643 apply to the taxes levied under chapter 202 on mobile  
644 communications services.

645 (9) PREPAID WIRELESS E911 FEE.—

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

654 (b) Effective March 1, 2015, the prepaid wireless E911 fee  
655 imposed under paragraph (a) shall be subject to remittance in  
656 accordance with paragraph (g). In no event shall the fee exceed  
657 50 cents for each retail transaction. At least 90 days before  
658 the effective date of any adjustment to the fee under paragraph  
659 (8) (g), the Department of Revenue shall provide written notice  
660 of the adjusted fee amount and its effective date to each seller  
661 from which the department is then receiving the fee. At least  
662 120 days before the effective date of any adjustment to the fee  
663 imposed under this subsection, the board shall provide notice to  
664 the Department of Revenue of the adjusted fee amount and  
665 effective date of the adjustment.

666 (c) The prepaid wireless E911 fee shall be collected by the  
667 seller from the consumer with respect to each retail transaction

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668 occurring in this state. The amount of the prepaid wireless E911  
669 fee shall be separately stated on an invoice, receipt, or other  
670 similar document that is provided to the consumer by the seller  
671 or otherwise disclosed to the consumer.

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

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

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



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697 imposed by this state, any political subdivision of this state,  
698 or any intergovernmental agency.

699 (g) Beginning April 1, 2015, each seller shall file a  
700 return and remit the prepaid wireless E911 fees collected in the  
701 previous month to the Department of Revenue on or before the  
702 20th day of the month. If the 20th day falls on a Saturday,  
703 Sunday, or legal holiday, payments accompanied by returns are  
704 due on the next succeeding day that is not a Saturday, Sunday,  
705 or legal holiday observed by federal or state agencies as  
706 defined in chapter 683 and s. 7503 of the Internal Revenue Code  
707 of 1986, as amended. A seller may remit the prepaid wireless  
708 E911 fee by electronic funds transfer and file a fee return with  
709 the Department of Revenue that is initiated through an  
710 electronic data interchange.

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

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

723 3. A seller must provide the following information on each  
724 prepaid wireless E911 fee return filed with the Department of  
725 Revenue:

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726 a. The seller's name, federal identification number,  
727 taxpayer identification number issued by the Department of  
728 Revenue, business location address and mailing address, and  
729 county of the business location in accordance with paragraph  
730 (d);

731 b. The reporting period;

732 c. The number of prepaid wireless services sold during the  
733 reporting period;

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

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

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

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

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

748 6. The Department of Revenue shall administer, collect, and  
749 enforce the fee under this subsection pursuant to the same  
750 procedures used in the administration, collection, and  
751 enforcement of the general state sales tax imposed under chapter  
752 212, except as provided in this section. The provisions of  
753 chapter 212, regarding authority to audit and make assessments,  
754 keeping of books and records, and interest and penalties on

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755 delinquent fees shall apply. The provision of estimated tax  
756 liability in s. 212.11(1)(a) shall not apply to the prepaid  
757 wireless E911 fee.

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

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

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

781 (k) A provider or seller of prepaid wireless service is not  
782 liable for damages to any person resulting from or incurred in  
783 connection with providing or failing to provide 911 or E911

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

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

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

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

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

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

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

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

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

812 4. "Retail transaction" means the purchase by a consumer

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

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

821 (10)(9) AUTHORIZED EXPENDITURES OF E911 FEE.-

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

828 (b) All costs directly attributable to the establishment or  
 829 provision of E911 service and contracting for E911 services are  
 830 eligible for expenditure of moneys derived from imposition of  
 831 the fee authorized by subsections (8) and (9) ~~this section.~~  
 832 These costs include the acquisition, implementation, and  
 833 maintenance of Public Safety Answering Point (PSAP) equipment  
 834 and E911 service features, as defined in the providers'  
 835 published schedules ~~Public Service Commission's lawfully~~  
 836 ~~approved 911 and E911 and related tariffs~~ or the acquisition,  
 837 installation, and maintenance of other E911 equipment,  
 838 including: circuits; call answering equipment;; call transfer  
 839 equipment;; ANI or ALI controllers;; ~~ALI controllers,~~ ANI or ALI  
 840 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 March 1, 2015, section 365.173,  
883 Florida Statutes, is amended to read:

884 365.173 Emergency Communications Number E911 System Fund.—

885 (1) REVENUES.—

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

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

899 (c) For accounting purposes, the Emergency Communications

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900 Number E911 System Fund must be segregated into three ~~two~~  
 901 separate categories:

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

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

904 3. The prepaid wireless category.

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

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

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

918 1. Authorized expenditures, as specified in s. 365.172(10)  
 919 ~~s. 365.172(9)~~.

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

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

928 (c) Sixty-one percent of the moneys in the prepaid wireless



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

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

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

970 (e) ~~(d)~~ Twenty ~~Thirty~~ percent of the moneys in the wireless  
971 category shall be distributed to wireless providers in response  
972 to sworn invoices submitted to the board by wireless providers  
973 to reimburse such wireless providers for the actual costs  
974 incurred to provide 911 or E911 service, including the costs of  
975 complying with the order. Such costs include costs and expenses  
976 incurred by wireless providers to design, purchase, lease,  
977 program, install, test, upgrade, operate, and maintain all  
978 necessary data, hardware, and software required to provide E911  
979 service. Each wireless provider shall submit to the board, by  
980 August 1 of each year, a detailed estimate of the capital and  
981 operating expenses for which it anticipates that it will seek  
982 reimbursement under this paragraph during the ensuing state  
983 fiscal year. In order to be eligible for recovery during any  
984 ensuing state fiscal year, a wireless provider must submit all  
985 sworn invoices for allowable purchases made within the previous  
986 calendar year no later than March 31 of the fiscal year. By

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987 September 15 of each year, the board shall submit to the  
988 Legislature its legislative budget request for funds to be  
989 allocated to wireless providers under this paragraph during the  
990 ensuing state fiscal year. The budget request shall be based on  
991 the information submitted by the wireless providers and  
992 estimated surcharge revenues. Distributions of moneys in the  
993 fund by the board to wireless providers must be fair and  
994 nondiscriminatory. If the total amount of moneys requested by  
995 wireless providers pursuant to invoices submitted to the board  
996 and approved for payment exceeds the amount in the fund in any  
997 month, wireless providers that have invoices approved for  
998 payment shall receive a pro rata share of moneys in the fund and  
999 the balance of the payments shall be carried over to the  
1000 following month or months until all of the approved payments are  
1001 made. The board may adopt rules necessary to address the manner  
1002 in which pro rata distributions are made when the total amount  
1003 of funds requested by wireless providers pursuant to invoices  
1004 submitted to the board exceeds the total amount of moneys on  
1005 deposit in the fund.

1006 ~~(e) Notwithstanding paragraphs (a) and (d), the amount of~~  
1007 ~~money that remained in the wireless 911 system fund on December~~  
1008 ~~31, 2006, must be disbursed to wireless providers for the~~  
1009 ~~recovery of allowable costs incurred in previous years ending~~  
1010 ~~December 31, 2006, and in accordance with paragraph (d). In~~  
1011 ~~order to be eligible for recovered costs incurred under~~  
1012 ~~paragraph (d), a wireless provider must submit sworn invoices to~~  
1013 ~~the board by December 31, 2007. The board must disburse the~~  
1014 ~~designated funds in the wireless 911 system fund on or after~~  
1015 ~~January 1, 2008.~~

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1016 (f) One percent of the moneys in each category of the fund  
1017 shall be retained by the board to be applied to costs and  
1018 expenses incurred for the purposes of managing, administering,  
1019 and overseeing the receipts and disbursements from the fund and  
1020 other activities as defined in s. 365.172(6). Any funds retained  
1021 for such purposes in a calendar year which are not applied to  
1022 such costs and expenses by March 31 of the following year shall  
1023 be redistributed as determined by the board.

1024 (g) Three ~~Two~~ percent of the moneys in each category of the  
1025 fund shall be used to make monthly distributions to rural  
1026 counties for the purpose of providing facilities and network and  
1027 service enhancements and assistance for the 911 or E911 systems  
1028 operated by rural counties and for the provision of grants by  
1029 the office to rural counties for upgrading and replacing E911  
1030 systems.

1031 (h) Thirty-five percent of the moneys in the prepaid  
1032 wireless category shall be retained by the board to provide  
1033 state E911 grants to be awarded in accordance with the following  
1034 order of priority:

1035 1. For all large, medium, and rural counties to upgrade or  
1036 replace E911 systems.

1037 2. For all large, medium, and rural counties to develop and  
1038 maintain statewide 911 routing, geographic, and management  
1039 information systems.

1040 3. For all large, medium, and rural counties to develop and  
1041 maintain next-generation 911 services and equipment ~~By September~~  
1042 ~~1, 2007, up to \$15 million of the existing 911 system fund shall~~  
1043 ~~be available for distribution by the board to the counties in~~  
1044 ~~order to prevent a loss in the ordinary and expected time value~~

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1045 ~~of money caused by any timing delay in remittance to the~~  
1046 ~~counties of wireline fees caused by the one-time transfer of~~  
1047 ~~collecting wireline fees by the counties to the board. All~~  
1048 ~~disbursements for this purpose must be returned to the fund from~~  
1049 ~~the future remittance by the nonwireless category.~~

1050 (i) If the wireless category has funds remaining in it on  
1051 December 31 after disbursements have been made during the  
1052 calendar year immediately prior to December 31, the board may  
1053 disburse the excess funds in the wireless category in accordance  
1054 with s. 365.172(6)(a)3.b.

1055 (3) The Legislature recognizes that the fee authorized  
1056 under s. 365.172 may not necessarily provide the total funding  
1057 required for establishing or providing the E911 service. It is  
1058 the intent of the Legislature that all revenue from the fee be  
1059 used as specified in ~~this~~ subsection (2).

1060 Section 3. Paragraph (a) of subsection (2) of section  
1061 401.465, Florida Statutes, is amended to read:

1062 401.465 911 public safety telecommunicator certification.—

1063 (2) PERSONNEL; STANDARDS AND CERTIFICATION.—

1064 (a) Effective October 1, 2012, any person employed as a 911  
1065 public safety telecommunicator at a public safety answering  
1066 point, as defined in s. 365.172(3) ~~s. 365.172(3)(a)~~, must be  
1067 certified by the department.

1068 Section 4. For the 2014-2015 fiscal year, the nonrecurring  
1069 sum of \$250,000 is appropriated from the General Revenue Fund,  
1070 and the recurring sum of \$190,713 is appropriated from the  
1071 Operating Trust Fund, to the Department of Revenue for the  
1072 purpose of administering this act.

1073 Section 5. Except as otherwise expressly provided in this

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1074

act, this act shall take effect July, 1, 2014.