



347904

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/19/2023	.	
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The Appropriations Committee on Agriculture, Environment, and General Government (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 365.172, Florida Statutes, is amended to
read:

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

(1) SHORT TITLE.—This section may be cited as the
"Emergency Communications ~~Number E911~~ Act."

(2) LEGISLATIVE INTENT.—It is the intent of the Legislature



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11 to:

12 (a) Establish and implement a comprehensive statewide
13 emergency communications and response capability using modern
14 technologies and methods. ~~telecommunications number system that~~
15 ~~will provide users of voice communications services within the~~
16 ~~state rapid direct access to public safety agencies by accessing~~
17 ~~the telephone number "911."~~

18 (b) Provide funds to counties to pay certain costs
19 associated with their public safety emergency response
20 capabilities and costs incurred to purchase, upgrade, and
21 maintain 911 systems, computer-aided dispatch, and systems to
22 create interoperable radio communications systems ~~E911 or 911~~
23 ~~systems, to contract for E911 services, and to reimburse~~
24 ~~wireless telephone service providers for costs incurred to~~
25 ~~provide 911 or E911 services.~~

26 (c) Levy a reasonable fee on users of voice communications
27 services, unless otherwise provided in this section, to
28 accomplish these purposes.

29 (d) Provide for an Emergency Communications Board ~~E911~~
30 ~~board~~ to administer the fee, with oversight by the office, in a
31 manner that is competitively and technologically neutral as to
32 all ~~voice~~ communications services providers.

33 (e) Ensure that the fee established for emergency
34 communications systems is used exclusively ~~for recovery by~~
35 ~~wireless providers and~~ by counties for costs associated with
36 developing and maintaining emergency communications ~~E911~~ systems
37 and networks in a manner that is competitively and
38 technologically neutral as to all ~~voice~~ communications services
39 providers.



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41 It is further the intent of the Legislature that the fee
42 authorized or imposed by this section not necessarily provide
43 the total funding required for establishing or providing
44 emergency communications systems and services ~~E911 service~~.

45 (3) DEFINITIONS.—Only as used in this section and ss.
46 365.171, 365.173, 365.174, and 365.177, the term:

47 (a) "Authorized expenditures" means expenditures of the
48 fee, as specified in subsection (10).

49 (b) "Automatic location identification" means the
50 capability of the E911 service which enables the automatic
51 display of information that defines the approximate geographic
52 location of the wireless telephone, or the location of the
53 address of the wireline telephone, used to place a 911 call.

54 (c) "Automatic number identification" means the capability
55 of the E911 service which enables the automatic display of the
56 service number used to place a 911 call.

57 (d) "Board" or "Emergency Communications Board" ~~"E911~~
58 ~~Board"~~ means the board ~~of directors of the E911 Board~~
59 established in subsection (5).

60 (e) "Building permit review" means a review for compliance
61 with building construction standards adopted by the local
62 government under chapter 553 and does not include a review for
63 compliance with land development regulations.

64 (f) "Colocation" ~~"Collocation"~~ means the situation when a
65 second or subsequent wireless provider uses an existing
66 structure to locate a second or subsequent antennae. The term
67 includes the ground, platform, or roof installation of equipment
68 enclosures, cabinets, or buildings, and cables, brackets, and



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69 other equipment associated with the location and operation of
70 the antennae.

71 (g) "Computer-Aided Dispatch" or "CAD" means a computerized
72 system within a public safety answering point for entering,
73 tracking, dispatching, and resolving requests for public safety
74 services.

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

78 (i)~~(h)~~ "Enhanced 911" or "E911" means an enhanced 911
79 system or enhanced 911 service that is an emergency telephone
80 system or service that provides a subscriber with 911 service
81 and, in addition, directs 911 calls to appropriate public safety
82 answering points by selective routing based on the geographical
83 location from which the call originated, or as otherwise
84 provided in the state plan under s. 365.171, and that provides
85 for automatic number identification and automatic location-
86 identification features. The 911 ~~E911~~ service provided by a
87 wireless provider means E911 as defined in the order.

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

93 (k)~~(j)~~ "Fee" or "public safety emergency communications
94 systems fee" means the ~~E911~~ fee authorized and imposed under
95 subsections (8) and (9).

96 (l)~~(k)~~ "Fund" means the Emergency Communications Trust
97 ~~Number E911 System~~ Fund established in s. 365.173 and maintained



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98 under this section for the purpose of recovering the costs
99 associated with providing emergency communications services ~~911~~
100 ~~service or E911 service~~, including the costs of implementing the
101 order. The fund shall be segregated into wireless, prepaid
102 wireless, and nonwireless categories.

103 (m) ~~(l)~~ "Historic building, structure, site, object, or
104 district" means any building, structure, site, object, or
105 district that has been officially designated as a historic
106 building, historic structure, historic site, historic object, or
107 historic district through a federal, state, or local designation
108 program.

109 (n) ~~(m)~~ "Land development regulations" means any ordinance
110 enacted by a local government for the regulation of any aspect
111 of development, including an ordinance governing zoning,
112 subdivisions, landscaping, tree protection, or signs, the local
113 government's comprehensive plan, or any other ordinance
114 concerning any aspect of the development of land. The term does
115 not include any building construction standard adopted under and
116 in compliance with chapter 553.

117 (o) ~~(n)~~ "Local exchange carrier" means a "competitive local
118 exchange telecommunications company" or a "local exchange
119 telecommunications company" as defined in s. 364.02.

120 (p) ~~(o)~~ "Local government" means any municipality, county,
121 or political subdivision or agency of a municipality, county, or
122 political subdivision.

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

125 (r) ~~(q)~~ "Mobile telephone number" or "MTN" means the
126 telephone number assigned to a wireless telephone at the time of



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127 initial activation.

128 (s) "Next Generation 911" or "NG911" means an Internet
129 Protocol(IP)-based system composed of managed Emergency Services
130 IP Networks (ESInet), functional elements (applications), and
131 databases that replicate traditional E911 features and functions
132 and provide additional capabilities. The NG911 system is
133 designed to provide access to emergency services from all
134 connected communications sources and provide multimedia data
135 capabilities for PSAPs and other emergency service
136 organizations.

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

140 (u)~~(s)~~ "Office" means the Division of Telecommunications
141 within the Department of Management Services, as designated by
142 the secretary of the department.

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

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

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



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156 Communications Commission relating to the provision of 911
157 services, including Order Number FCC-05-116, adopted May 19,
158 2005.

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

162 (x)~~(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 (y)~~(w)~~ "Public agency" means the state and any
170 municipality, county, municipal corporation, or other
171 governmental entity, public district, or public authority
172 located in whole or in part within this state which provides, or
173 has authority to provide, firefighting, law enforcement,
174 ambulance, medical, or other emergency services.

175 (z)~~(*)~~ "Public safety agency" means a functional division
176 of a public agency which provides firefighting, law enforcement,
177 medical, or other emergency services.

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

183 (bb)~~(z)~~ "Rural county" means any county that has a
184 population of fewer than 75,000.



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

190 ~~(dd)-(bb)~~ "Tower" means any structure designed primarily to
191 support a wireless provider's antennae.

192 ~~(ee)-(cc)~~ "Voice communications services" means two-way
193 voice service, through the use of any technology, which actually
194 provides access to 911 ~~E911~~ services, and includes
195 communications services, as defined in s. 202.11, which actually
196 provide access to 911 ~~E911~~ services and which are required to be
197 included in the provision of 911 ~~E911~~ services pursuant to
198 orders and rules adopted by the Federal Communications
199 Commission. The term includes voice-over-Internet-protocol
200 service. For the purposes of this section, the term "voice-over-
201 Internet-protocol service" or "VoIP service" means
202 interconnected VoIP services having the following
203 characteristics:

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

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

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

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

213 ~~(ff)-(dd)~~ "Voice communications services provider" or



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

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

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

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

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

- 235 1. Is subject to the requirements of the order; or
236 2. Elects to provide wireless 911 service, or E911 service,
237 or NG911 service in this state.

238 (kk)~~(ii)~~ "Wireless service" means "commercial mobile radio
239 service" as provided under ss. 3(27) and 332(d) of the Federal
240 Telecommunications Act of 1996, 47 U.S.C. ss. 151 et seq., and
241 the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-
242 66, August 10, 1993, 107 Stat. 312. The term includes service



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243 provided by any wireless real-time two-way wire communication
244 device, including radio-telephone communications used in
245 cellular telephone service; personal communications service; or
246 the functional or competitive equivalent of a radio-telephone
247 communications line used in cellular telephone service, a
248 personal communications service, or a network radio access line.
249 The term does not include wireless providers that offer mainly
250 dispatch service in a more localized, noncellular configuration;
251 providers offering only data, one-way, or stored-voice services
252 on an interconnected basis; providers of air-to-ground services;
253 or public coast stations.

254 (4) POWERS AND DUTIES OF THE OFFICE.—The office shall
255 oversee the administration of the fee authorized and imposed
256 under subsections (8) and (9).

257 (5) THE EMERGENCY COMMUNICATIONS ~~E911~~ BOARD.—

258 (a) The Emergency Communications ~~E911~~ Board is established,
259 with oversight by the office, to:

260 1. Promote interoperability between public safety answering
261 points by providing guidance and direction to counties and state
262 agencies that operate 911 centers for the deployment of
263 emergency communications infrastructure and the handling of
264 emergency communications information, such as voice, text, data,
265 and images, from receipt at a PSAP to dispatching to responders.

266 2. Establish and administer allocations from the fund
267 dedicated to investing in public safety communications and
268 technology for 911.

269 3. Provide technical assistance and guidance to rural
270 counties as needed.

271 (b) Public safety funding under paragraph (a) must focus



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272 on, but need not be limited to:

273 1. Next Generation 911.

274 2. Emergency Services IP Network (ESInet).

275 3. Computer-Aided Dispatch.

276 4. PSAP technology to interface with:

277 a. Land Mobile Radio (LMR).

278 b. Smart city technology data.

279 c. In-building coverage.

280 5. Emergency communications broadband networks.

281 6. Cybersecurity

282 ~~to administer, with oversight by the office, the fee imposed~~
283 ~~under subsections (8) and (9), including receiving revenues~~
284 ~~derived from the fee; distributing portions of the revenues to~~
285 ~~wireless providers, counties, and the office; accounting for~~
286 ~~receipts, distributions, and income derived by the funds~~
287 ~~maintained in the fund; and providing annual reports to the~~
288 ~~Governor and the Legislature for submission by the office on~~
289 ~~amounts collected and expended, the purposes for which~~
290 ~~expenditures have been made, and the status of E911 service in~~
291 ~~this state. In order to advise and assist the office in~~
292 ~~implementing the purposes of this section, the board, which has~~
293 ~~the power of a body corporate, has the powers enumerated in~~
294 ~~subsection (6).~~

295 (c) ~~(b)~~ The board shall consist of nine ~~11~~ members, one of
296 whom must be the system director designated under s. 365.171(5),
297 or his or her designee, who shall serve as the chair of the
298 board. The remaining eight ~~10~~ members of the board shall be
299 appointed by the Governor. All members must be residents of this
300 state. The board must be composed of four county 911



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301 coordinators, with consideration given to rural, medium, and
302 large counties, and four members from fields that include, but
303 are not limited to, law enforcement, fire response, emergency
304 medical services, public safety dispatch, and
305 telecommunications. The Florida Sheriffs Association, the
306 Florida Police Chiefs Association, and the Florida Association
307 of Counties, in consultation with the county 911 coordinators,
308 may provide recommendations to the Governor for the appointment
309 of the board members and must be composed of 5 county 911
310 coordinators, consisting of a representative from a rural
311 county, a representative from a medium county, a representative
312 from a large county, and 2 at-large representatives recommended
313 by the Florida Association of Counties in consultation with the
314 county 911 coordinators; 3 local exchange carrier member
315 representatives, one of whom must be a representative of the
316 local exchange carrier having the greatest number of access
317 lines in the state and one of whom must be a representative of a
318 certificated competitive local exchange telecommunications
319 company; and 2 member representatives from the wireless
320 telecommunications industry, with consideration given to
321 wireless providers that are not affiliated with local exchange
322 carriers. Not more than one member may be appointed to represent
323 any single provider on the board.

324 (d)(e) The system director, designated under s. 365.171(5),
325 or his or her designee, must be a permanent member of the board.
326 Each of the remaining eight ~~10~~ members of the board shall be
327 appointed to a 4-year term and may not be appointed to more than
328 two successive terms. However, for the purpose of staggering
329 terms, three ~~two~~ of the original board members shall be



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330 appointed to terms of 4 years, three ~~two~~ shall be appointed to
331 terms of 3 years, and two ~~four~~ shall be appointed to terms of 2
332 years, as designated by the Governor. A vacancy on the board
333 shall be filled in the same manner as the original appointment.
334 Current 911 coordinators serving on the board must complete
335 their terms while other positions must be filled immediately.

336 (e) The board shall advocate and develop policy
337 recommendations for ensuring interoperability of and
338 connectivity between public safety communications systems within
339 the state, including, but not limited to, recommendations
340 related to the following:

- 341 1. Call routing accuracy and timeliness of response.
- 342 2. Improved interagency communication and situational
343 awareness.
- 344 3. Improved interagency system connectivity.
- 345 4. Improved response times.
- 346 5. Maximized use of emerging technologies.
- 347 6. Improved lifecycle management of the systems, equipment,
348 and services that enable responders and public safety officials
349 to share information securely.
- 350 7. Governance, policy, and procedure across public safety
351 agencies.
- 352 8. Establishment of resilient and secure emergency
353 communications systems to reduce cybersecurity threats and
354 vulnerabilities.

355 (f) The board shall administer the fee imposed under
356 subsections (8) and (9), including receiving revenues derived
357 from the fee; distributing portions of the revenues to counties
358 and the office; accounting for receipts, distributions, and



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359 income derived by the funds maintained in the fund; and
360 providing annual reports for review and submission to the
361 Governor and the Legislature on amounts collected and expended,
362 the purposes for which expenditures have been made, and the
363 status of emergency communications services in this state.

364 (g) The board may create subcommittees to advise the board,
365 as needed.

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

367 (a) The board shall:

368 1. Administer the public safety emergency communications
369 systems ~~E911~~ fee.

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

371 3. Review and oversee the disbursement of the revenues
372 deposited into the fund as provided in s. 365.173.

373 a. The board may establish a schedule for implementing
374 wireless NG911 systems, public safety radio communications
375 systems, and other public safety communications improvements
376 ~~E911 service by service area,~~ and prioritize disbursements of
377 revenues from the fund to ~~providers and~~ rural counties as
378 provided in s. 365.173(2)(f) ~~s. 365.173(2)(e) and (g)~~ pursuant
379 to the schedule, in order to implement 911 ~~E911~~ services in the
380 most efficient and cost-effective manner.

381 b. For grants made available under s. 365.173(2)(g), the
382 board shall provide 90 days' written notice to all counties and
383 publish electronically an approved application process.

384 Applications must be prioritized based on the availability of
385 grant funds, current system life expectancy, and system
386 replacement needs. The board shall take all actions within its
387 authority to ensure that county recipients of such funds use



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388 these funds only for the purpose for which they have been
389 provided and may take any actions within its authority to secure
390 county repayment of revenues upon a determination that the funds
391 were not used for the purpose for which the funds were
392 disbursed.

393 ~~b. Revenues in the fund which have not been disbursed~~
394 ~~because sworn invoices as required by s. 365.173(2)(c) have not~~
395 ~~been submitted to the board may be used by the board as needed~~
396 ~~to provide grants to counties for the purpose of upgrading E911~~
397 ~~systems. The counties must use the funds only for capital~~
398 ~~expenditures or remotely provided hosted 911 answering point~~
399 ~~call-taking equipment and network services directly attributable~~
400 ~~to establishing and provisioning E911 services, which may~~
401 ~~include next-generation deployment. Prior to the distribution of~~
402 ~~grants, the board shall provide 90 days' written notice to all~~
403 ~~counties and publish electronically an approved application~~
404 ~~process. County grant applications shall be prioritized based on~~
405 ~~the availability of funds, current system life expectancy,~~
406 ~~system replacement needs, and Phase II compliance per the~~
407 ~~Federal Communications Commission. No grants will be available~~
408 ~~to any county for next-generation deployment until all counties~~
409 ~~are Phase II complete. The board shall take all actions within~~
410 ~~its authority to ensure that county recipients of such grants~~
411 ~~use these funds only for the purpose under which they have been~~
412 ~~provided and may take any actions within its authority to secure~~
413 ~~county repayment of grant revenues upon determination that the~~
414 ~~funds were not used for the purpose under which they were~~
415 ~~provided.~~

416 ~~e. When determining the funding provided in a state 911~~



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417 ~~grant application request, the board shall take into account~~
418 ~~information on the amount of carryforward funds retained by the~~
419 ~~counties. The information will be based on the amount of county~~
420 ~~carryforward funds reported in the financial audit required in~~
421 ~~s. 365.173(2) (d). E911 State Grant Program funding requests will~~
422 ~~be limited by any county carryforward funds in excess of the~~
423 ~~allowable 30 percent amount of fee revenue calculated on a 2-~~
424 ~~year basis.~~

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

428 ~~e. After taking the action required in sub-subparagraphs~~
429 ~~a. d., the board may review and, with all members participating~~
430 ~~in the vote, adjust the percentage allocations or adjust the~~
431 ~~amount of the fee as provided under paragraph (8) (g), and, if~~
432 ~~the board determines that the revenues in the wireless category~~
433 ~~exceed the amount needed to reimburse wireless providers for the~~
434 ~~cost to implement E911 services, the board may transfer revenue~~
435 ~~to the counties from the existing funds within the wireless~~
436 ~~category. The board shall disburse the funds equitably to all~~
437 ~~counties using a timeframe and distribution methodology~~
438 ~~established by the board.~~

439 ~~4. Review documentation submitted by wireless providers~~
440 ~~which reflects current and projected funds derived from the fee.~~
441 ~~, and the expenses incurred and expected to be incurred in order~~
442 ~~to comply with the E911 service requirements contained in the~~
443 ~~order for the purposes of:~~

444 ~~a. Ensuring that wireless providers receive fair and~~
445 ~~equitable distributions of funds from the fund.~~



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446 ~~b. Ensuring that wireless providers are not provided~~
447 ~~disbursements from the fund which exceed the costs of providing~~
448 ~~E911 service, including the costs of complying with the order.~~

449 ~~e. Ascertaining the projected costs of compliance with the~~
450 ~~requirements of the order and projected collections of the fee.~~

451 ~~d. Implementing changes to the allocation percentages or~~
452 ~~adjusting the fee under paragraph (8) (h).~~

453 5. Implement changes to the allocation percentages or
454 adjust the fee pursuant to s. 365.173.

455 ~~6.5. Meet monthly in the most efficient and cost-effective~~
456 ~~manner, including telephonically when practical, for the~~
457 ~~business to be conducted. The office shall administer the~~
458 ~~disbursement of funds to counties and provide a monthly report~~
459 ~~of such disbursements to the board, to review and approve or~~
460 ~~reject, in whole or in part, applications submitted by wireless~~
461 ~~providers for recovery of moneys deposited into the wireless~~
462 ~~category, and to authorize the transfer of, and distribute, the~~
463 ~~fee allocation to the counties.~~

464 ~~7.6. Hire and retain employees, which may include an~~
465 ~~independent executive director who shall possess experience in~~
466 ~~the area of telecommunications and emergency 911 issues, for the~~
467 ~~purposes of performing the technical and administrative~~
468 ~~functions for the board.~~

469 ~~8.7. Make and enter into contracts, pursuant to chapter~~
470 ~~287, and execute other instruments necessary or convenient for~~
471 ~~the exercise of the powers and functions of the board.~~

472 ~~9.8. Sue and be sued, and appear and defend in all actions~~
473 ~~and proceedings, in its corporate name to the same extent as a~~
474 ~~natural person.~~



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475 ~~10.9.~~ Adopt, use, and alter a common corporate seal.
476 ~~11.10.~~ Elect or appoint the officers and agents that are
477 required by the affairs of the board.
478 ~~12.11.~~ The board may adopt rules under ss. 120.536(1) and
479 120.54 to implement this section and ss. 365.173 and 365.174.
480 ~~13.12.~~ Provide coordination, support, and technical
481 assistance to counties to promote the deployment of advanced
482 public safety emergency communications ~~911 and E911~~ systems in
483 the state.
484 ~~14.13.~~ Provide coordination and support for educational
485 opportunities related to 911 ~~E911~~ issues for the public safety
486 emergency communications ~~E911~~ community in this state.
487 ~~15.14.~~ Act as an advocate for issues related to public
488 safety emergency communications ~~E911~~ system functions, features,
489 and operations to improve the delivery of public safety
490 emergency communications ~~E911~~ services to the residents of and
491 visitors to this state.
492 ~~16.15.~~ Coordinate input from this state at national forums
493 and associations, to ensure that policies related to public
494 safety emergency communications ~~E911~~ systems and services are
495 consistent with the policies of the public safety emergency
496 communications ~~E911~~ community in this state.
497 ~~17.16.~~ Work cooperatively with the system director
498 established in s. 365.171(5) to enhance the state of public
499 safety emergency communications ~~E911~~ services in this state and
500 to provide unified leadership for all public safety emergency
501 communications ~~E911~~ issues through planning and coordination.
502 ~~18.17.~~ Do all acts and things necessary or convenient to
503 carry out the powers granted in this section in a manner that is



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504 competitively and technologically neutral as to all voice
505 communications services providers, including, but not limited
506 to, consideration of emerging technology and related cost
507 savings, while taking into account embedded costs in current
508 systems.

509 ~~19.18.~~ Have the authority to secure the services of an
510 independent, private attorney via invitation to bid, request for
511 proposals, invitation to negotiate, or professional contracts
512 for legal services already established at the Division of
513 Purchasing of the Department of Management Services.

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

517 (c) By February 28 of each year, the board shall prepare a
518 report for submission by the office to the Governor, the
519 President of the Senate, and the Speaker of the House of
520 Representatives which addresses for the immediately preceding
521 state fiscal year and county fiscal year:

522 1. The annual receipts, including the total amount of fee
523 revenues collected by each provider, the total disbursements of
524 money in the fund, ~~including the amount of fund-reimbursed~~
525 ~~expenses incurred by each wireless provider to comply with the~~
526 ~~order,~~ and the amount of moneys on deposit in the fund.

527 2. Whether the amount of the fee and the allocation
528 percentages set forth in s. 365.173 have been or should be
529 adjusted to comply with the ~~requirements of the order or other~~
530 provisions of this chapter, and the reasons for making or not
531 making a recommended adjustment to the fee.

532 3. Any other issues related to providing emergency



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533 communications ~~E911~~ services.

534 4. The status of emergency communications ~~E911~~ services in
535 this state.

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

537 (a) The board shall issue a request for proposals as
538 provided in chapter 287 for the purpose of retaining an
539 independent accounting firm. The independent accounting firm
540 shall perform all material administrative and accounting tasks
541 and functions required for administering the fee. The request
542 for proposals must include, but need not be limited to:

543 1. A description of the scope and general requirements of
544 the services requested.

545 2. A description of the specific accounting and reporting
546 services required for administering the fund, including
547 processing checks and distributing funds as directed by the
548 board under s. 365.173.

549 3. A description of information to be provided by the
550 proposer, including the proposer's background and qualifications
551 and the proposed cost of the services to be provided.

552 (b) The board shall establish a committee to review
553 requests for proposals which must include the statewide
554 emergency communications systems ~~E911 system~~ director designated
555 under s. 365.171(5), or his or her designee, and two members of
556 the board, ~~one of whom is a county 911 coordinator and one of~~
557 ~~whom represents a voice communications services provider.~~ The
558 review committee shall review the proposals received by the
559 board and recommend an independent accounting firm to the board
560 for final selection. By agreeing to serve on the review
561 committee, each member of the review committee shall verify that



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562 he or she does not have any interest or employment, directly or
563 indirectly, with potential proposers which conflicts in any
564 manner or degree with his or her performance on the committee.

565 (c) The board may secure the services of an independent
566 accounting firm via invitation to bid, request for proposals,
567 invitation to negotiate, or professional contracts already
568 established at the Division of Purchasing, Department of
569 Management Services, for certified public accounting firms, or
570 the board may hire and retain professional accounting staff to
571 accomplish these functions.

572 (8) PUBLIC SAFETY EMERGENCY COMMUNICATIONS SYSTEMS ~~E911~~
573 FEE.—

574 (a) Each voice communications services provider shall
575 collect the fee described in this subsection, except that the
576 fee for prepaid wireless service shall be collected in the
577 manner set forth in subsection (9). Each provider, as part of
578 its monthly billing process, shall bill the fee as follows. The
579 fee may ~~shall~~ not be assessed on any pay telephone in the state.

580 1. Each voice communications service provider other than a
581 wireless provider shall bill the fee to a subscriber based on
582 the number of access lines having access to the 911 ~~E911~~ system,
583 on a service-identifier basis, up to a maximum of 25 access
584 lines per account bill rendered.

585 2. Each voice communications service provider other than a
586 wireless provider shall bill the fee to a subscriber on a basis
587 of five service-identified access lines for each digital
588 transmission link, including primary rate interface service or
589 equivalent Digital-Signal-1-level service, which can be
590 channelized and split into 23 or 24 voice-grade or data-grade



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591 channels for communications, up to a maximum of 25 access lines
592 per account bill rendered.

593 3. Except in the case of prepaid wireless service, each
594 wireless provider shall bill the fee to a subscriber on a per-
595 service-identifier basis for service identifiers whose primary
596 place of use is within this state. The fee may ~~shall~~ not be
597 assessed on or collected from a provider with respect to an end
598 user's service if that end user's service is a prepaid wireless
599 service sold before January 1, 2015.

600 4. Except in the case of prepaid wireless service, each
601 voice communications services provider not addressed under
602 subparagraphs 1., 2., and 3. shall bill the fee on a per-
603 service-identifier basis for service identifiers whose primary
604 place of use is within the state up to a maximum of 25 service
605 identifiers for each account bill rendered.

606
607 The provider may list the fee as a separate entry on each bill,
608 in which case the fee must be identified as a fee for 911 ~~911~~
609 services. A provider shall remit the fee to the board only if
610 the fee is paid by the subscriber. If a provider receives a
611 partial payment for a monthly bill from a subscriber, the amount
612 received shall first be applied to the payment due the provider
613 for providing voice communications service.

614 (b) A provider is not obligated to take any legal action to
615 enforce collection of the fees for which any subscriber is
616 billed. A county subscribing to 911 service remains liable to
617 the provider delivering the 911 service or equipment for any 911
618 service, equipment, operation, or maintenance charge owed by the
619 county to the provider.



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620 (c) For purposes of this subsection, the state and local
621 governments are not subscribers.

622 (d) Each provider may retain 1 percent of the amount of the
623 fees collected as reimbursement for the administrative costs
624 incurred by the provider to bill, collect, and remit the fee.
625 The remainder shall be delivered to the board and deposited by
626 the board into the fund. The board shall distribute the
627 remainder pursuant to s. 365.173.

628 (e) Voice communications services providers billing the fee
629 to subscribers shall deliver revenues from the fee to the board
630 within 60 days after the end of the month in which the fee was
631 billed, together with a monthly report of the number of service
632 identifiers in each county. Each wireless provider and other
633 applicable provider identified in subparagraph (a)4. shall
634 report the number of service identifiers for subscribers whose
635 place of primary use is in each county. All provider subscriber
636 information provided to the board is subject to s. 365.174. If a
637 provider chooses to remit any fee amounts to the board before
638 they are paid by the subscribers, a provider may apply to the
639 board for a refund of, or may take a credit for, any such fees
640 remitted to the board which are not collected by the provider
641 within 6 months following the month in which the fees are
642 charged off for federal income tax purposes as bad debt.

643 (f) The rate of the fee may not exceed 50 cents per month
644 for each service identifier. Effective January 1, 2015, the fee
645 shall be 40 cents per month for each service identifier. The fee
646 shall apply uniformly and be imposed throughout the state,
647 ~~except for those counties that, before July 1, 2007, had adopted~~
648 ~~an ordinance or resolution establishing a fee less than 50 cents~~



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649 ~~per month per access line. In those counties the fee established~~
650 ~~by ordinance may be changed only to the uniform statewide rate~~
651 ~~no sooner than 30 days after notification is made by the~~
652 ~~county's board of county commissioners to the board.~~

653 (g) The board may adjust the allocation percentages for
654 distribution of the fund as provided in s. 365.173. ~~No sooner~~
655 ~~than June 1, 2015, the board may adjust the rate of the fee~~
656 ~~under paragraph (f) based on the criteria in this paragraph and~~
657 ~~paragraph (h).~~ Any adjustment in the rate must be approved by a
658 two-thirds vote of the total number of ~~E911~~ board members. When
659 setting the percentages or contemplating any adjustments to the
660 fee, the board shall consider the following:

661 ~~1. The revenues currently allocated for wireless service~~
662 ~~provider costs for implementing E911 service and projected costs~~
663 ~~for implementing E911 service, including recurring costs for~~
664 ~~Phase I and Phase II and the effect of new technologies;~~

665 ~~1.2.~~ The appropriate level of funding needed to fund the
666 rural grant program provided for in s. 365.173(2)(f) ~~s.~~
667 ~~365.173(2)(g); and~~

668 ~~2.3.~~ The need to fund statewide, regional, and county
669 grants in accordance with sub-subparagraph (6)(a)3.b. and s.
670 365.173(2)(g) ~~s. 365.173(2)(h).~~

671 (h) The board may adjust the allocation percentages or
672 adjust the amount of the fee as provided in paragraph (g) if
673 necessary to ensure full cost recovery or prevent over recovery
674 ~~overrecovery~~ of costs incurred in the provision of 911 ~~E911~~
675 service, including costs incurred or projected to be incurred ~~to~~
676 ~~comply with the order.~~ Any new allocation percentages or reduced
677 or increased fee may not be adjusted for 1 year. In no event



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678 shall the fee exceed 50 cents per month for each service
679 identifier. The fee, and any board adjustment of the fee, shall
680 be uniform throughout the state, ~~except for the counties~~
681 ~~identified in paragraph (f)~~. No less than 90 days before the
682 effective date of any adjustment to the fee, the board shall
683 provide written notice of the adjusted fee amount and effective
684 date to each voice communications services provider from which
685 the board is then receiving the fee.

686 (i) It is the intent of the Legislature that all revenue
687 from the fee be used as specified in s. 365.173(2) (a)-(h) ~~s.~~
688 ~~365.173(2) (a)-(i)~~.

689 (j) State and local taxes do not apply to the fee. The
690 amount of the ~~E911~~ fee collected by a provider may not be
691 included in the base for imposition of any tax, fee, surcharge,
692 or other charge imposed by this state, any political subdivision
693 of this state, or any intergovernmental agency.

694 (k) A local government may not levy the fee or any
695 additional fee on providers or subscribers for the provision of
696 911 ~~E911~~ service.

697 (l) For purposes of this section, the definitions contained
698 in s. 202.11 and the provisions of s. 202.155 apply in the same
699 manner and to the same extent as the definitions and provisions
700 apply to the taxes levied under chapter 202 on mobile
701 communications services.

702 (9) PREPAID WIRELESS PUBLIC SAFETY EMERGENCY COMMUNICATIONS
703 SYSTEMS ~~E911~~ FEE.—

704 (a) Effective January 1, 2015, a prepaid wireless ~~E911~~ fee
705 is imposed per retail transaction at the rate established in
706 paragraph (8) (f). In order to allow sellers of all sizes and



707 technological capabilities adequate time to comply with this
708 subsection, a seller of prepaid wireless service operating in
709 this state before the prepaid wireless ~~E911~~ fee is imposed shall
710 retain 100 percent of the fee collected under this paragraph for
711 the first 2 months to offset the cost of setup.

712 (b) Effective March 1, 2015, the prepaid wireless ~~E911~~ fee
713 imposed under paragraph (a) shall be subject to remittance in
714 accordance with paragraph (g). In no event shall the fee exceed
715 50 cents for each retail transaction. At least 90 days before
716 the effective date of any adjustment to the fee under paragraph
717 (8)(g), the Department of Revenue shall provide written notice
718 of the adjusted fee amount and its effective date to each seller
719 from which the department is then receiving the fee. At least
720 120 days before the effective date of any adjustment to the fee
721 imposed under this subsection, the board shall provide notice to
722 the Department of Revenue of the adjusted fee amount and
723 effective date of the adjustment.

724 (c) The prepaid wireless ~~E911~~ fee shall be collected by the
725 seller from the consumer with respect to each retail transaction
726 occurring in this state. The amount of the prepaid wireless ~~E911~~
727 fee shall be separately stated on an invoice, receipt, or other
728 similar document that is provided to the consumer by the seller
729 or otherwise disclosed to the consumer.

730 (d) For purposes of paragraph (c), a retail transaction
731 that takes place in person by a consumer at a business location
732 of the seller shall be treated as occurring in this state if
733 that business location is in this state. Such transaction is
734 deemed to have occurred in the county of the business location.
735 When a retail transaction does not take place at the seller's



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736 business location, the transaction shall be treated as taking
737 place at the consumer's shipping address or, if no item is
738 shipped, at the consumer's address or the location associated
739 with the consumer's mobile telephone number. Such transaction is
740 deemed to have occurred in the county of the consumer's shipping
741 address when items are shipped to the consumer or, when no items
742 are shipped, the county of the consumer's address or the
743 location associated with the consumer's mobile telephone number.
744 A transaction for which the specific Florida county cannot be
745 determined shall be treated as nonspecific.

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

750 (f) The amount of the prepaid wireless ~~E911~~ fee that is
751 collected by a seller from a consumer and that is separately
752 stated on an invoice, receipt, or similar document provided to
753 the consumer by the seller, may not be included in the base for
754 imposition of any tax, fee, surcharge, or other charge that is
755 imposed by this state, any political subdivision of this state,
756 or any intergovernmental agency.

757 (g) Beginning April 1, 2015, each seller shall file a
758 return and remit the prepaid wireless ~~E911~~ fees collected in the
759 previous month to the Department of Revenue on or before the
760 20th day of the month. If the 20th day falls on a Saturday,
761 Sunday, or legal holiday, payments accompanied by returns are
762 due on the next succeeding day that is not a Saturday, Sunday,
763 or legal holiday observed by federal or state agencies as
764 defined in chapter 683 and s. 7503 of the Internal Revenue Code



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765 of 1986, as amended. A seller may remit the prepaid wireless
766 ~~E911~~ fee by electronic funds transfer and file a fee return with
767 the Department of Revenue that is initiated through an
768 electronic data interchange.

769 1. When a seller is authorized by the Department of Revenue
770 pursuant to s. 212.11(1)(c) or (d) to file a sales and use tax
771 return on a quarterly, semiannual, or annual reporting basis,
772 the seller may file a return and remit the prepaid wireless ~~E911~~
773 fees on or before the 20th day of the month following the
774 authorized reporting period for sales and use tax.

775 2. A seller collecting less than \$50 per month of prepaid
776 wireless ~~E911~~ fees may file a quarterly return for the calendar
777 quarters ending in March, June, September, and December. The
778 seller must file a return and remit the prepaid wireless ~~E911~~
779 fees collected during each calendar quarter on or before the
780 20th day of the month following that calendar quarter.

781 3. A seller must provide the following information on each
782 prepaid wireless ~~E911~~ fee return filed with the Department of
783 Revenue:

784 a. The seller's name, federal identification number,
785 taxpayer identification number issued by the Department of
786 Revenue, business location address and mailing address, and
787 county of the business location in accordance with paragraph
788 (d);

789 b. The reporting period;

790 c. The number of prepaid wireless services sold during the
791 reporting period;

792 d. The amount of prepaid wireless ~~E911~~ fees collected and
793 the amount of any adjustments to the fees collected;



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794 e. The amount of any retailer collection allowance deducted
795 from the amount of prepaid wireless ~~E911~~ fees collected; and

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

797 4. A seller who operates two or more business locations for
798 which returns are required to be filed with the Department of
799 Revenue may file a consolidated return reporting and remitting
800 the prepaid wireless ~~E911~~ fee for all business locations. Such
801 sellers must report the prepaid wireless ~~E911~~ fees collected in
802 each county, in accordance with paragraph (d), on a reporting
803 schedule filed with the fee return.

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

806 6. Except as provided in this section, the Department of
807 Revenue shall administer, collect, and enforce the fee under
808 this subsection pursuant to the same procedures used in the
809 administration, collection, and enforcement of the general state
810 sales tax imposed under chapter 212. The provisions of chapter
811 212 regarding authority to audit and make assessments, keeping
812 of books and records, and interest and penalties on delinquent
813 fees shall apply. The provisions of estimated tax liability in
814 s. 212.11(1)(a) do not apply to the prepaid wireless ~~E911~~ fee.

815 (h) A seller of prepaid wireless services in this state
816 must register with the Department of Revenue for each place of
817 business as required by s. 212.18(3) and the Department of
818 Revenue's administrative rule regarding registration as a sales
819 and use tax dealer. A separate application is required for each
820 place of business. A valid certificate of registration issued by
821 the Department of Revenue to a seller for sales and use tax
822 purposes is sufficient for purposes of the registration



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823 requirement of this subsection. There is no fee for registration
824 for remittance of the prepaid wireless ~~E911~~ fee.

825 (i) The Department of Revenue shall deposit the funds
826 remitted under this subsection into the Audit and Warrant
827 Clearing Trust Fund established in s. 215.199 and retain up to
828 3.2 percent of the funds remitted under this subsection to
829 reimburse its direct costs of administering the collection and
830 remittance of prepaid wireless ~~E911~~ fees. Thereafter, the
831 Department of Revenue shall transfer all remaining funds
832 remitted under this subsection to the Emergency Communications
833 Trust Number ~~E911~~ System Fund monthly for use as provided in s.
834 365.173.

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

838 (k) A provider or seller of prepaid wireless service is not
839 liable for damages to any person resulting from or incurred in
840 connection with providing or failing to provide emergency
841 communications and 911 or ~~E911~~ service or for identifying or
842 failing to identify the telephone number, address, location, or
843 name associated with any person or device that is accessing or
844 attempting to access emergency communications and 911 or ~~E911~~
845 service.

846 (l) A provider or seller of prepaid wireless service is not
847 liable for damages to any person resulting from or incurred in
848 connection with providing any lawful assistance to any
849 investigative or law enforcement officer of the United States,
850 any state, or any political subdivision of any state in
851 connection with any lawful investigation or other law



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852 enforcement activity by such law enforcement officer.

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

856 (n) A local government may not levy the fee or any
857 additional fee on providers or sellers of prepaid wireless
858 service for the provision of 911 ~~E911~~ service.

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

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

862 1. "Consumer" means a person who purchases prepaid wireless
863 service in a retail sale.

864 2. "Prepaid wireless ~~E911~~ fee" means the fee that is
865 required to be collected by a seller from a consumer as provided
866 in this subsection.

867 3. "Provider" means a person that provides prepaid wireless
868 service pursuant to a license issued by the Federal
869 Communications Commission.

870 4. "Retail transaction" means the purchase by a consumer
871 from a seller of prepaid wireless service that may be applied to
872 a single service identifier for use by the consumer. If a
873 consumer makes a purchase of multiple prepaid wireless services
874 in a single transaction, each individual prepaid wireless
875 service shall be considered a separate retail transaction for
876 purposes of calculating the prepaid wireless ~~E911~~ fee.

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

879 (10) AUTHORIZED EXPENDITURES OF PUBLIC SAFETY EMERGENCY
880 COMMUNICATIONS SYSTEMS ~~E911~~ FEE.-



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881 (a) For purposes of this section, emergency communications
882 and 911 ~~E911~~ service includes the functions relating to the
883 receipt and transfer of requests for emergency assistance, ~~of~~
884 database management, call taking, and location verification, ~~and~~
885 call transfer. Department of Health certification and
886 recertification and training costs for ~~911~~ public safety
887 telecommunications, including dispatching, are functions of
888 public safety emergency communications ~~911~~ services.

889 (b) All costs directly attributable to the establishment or
890 provision of emergency communications equipment ~~E911~~ service and
891 contracting for ~~E911~~ services related to a primary or secondary
892 public safety answering point are eligible for expenditure of
893 moneys derived from imposition of the fee authorized by
894 subsections (8) and (9). These costs include the acquisition,
895 implementation, and maintenance of Public Safety Answering Point
896 (PSAP) equipment and 911 ~~E911~~ service features, as defined in
897 the providers' published schedules or the acquisition,
898 installation, and maintenance of other ~~E911~~ equipment,
899 including: circuits; call answering equipment; call transfer
900 equipment; ANI or ALI controllers; ANI or ALI displays; station
901 instruments; NG911 ~~E911~~ telecommunications systems; Emergency
902 Services IP Networks (ESInets); visual call information and
903 storage devices; recording equipment; telephone devices and
904 other equipment for the hearing impaired used in the 911 ~~E911~~
905 system; PSAP backup power systems; consoles; automatic call
906 distributors; ~~and~~ interfaces, including hardware and software,
907 for computer-aided dispatch (CAD) systems, public safety Land
908 Mobile Radio (LMR) systems and radio consoles that provide two-
909 way radio communication with responders, and in-building



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910 ~~coverage; integrated CAD systems for that portion of the systems~~
911 ~~used for E911 call taking; GIS system and software equipment and~~
912 ~~information displays; network clocks; cybersecurity, including~~
913 ~~hardware, software, and services; salary and associated expenses~~
914 ~~for 911 E911 call takers and emergency dispatchers for that~~
915 ~~portion of their time spent taking and transferring E911 calls,~~
916 ~~salary, and associated expenses for a county to employ a full-~~
917 ~~time equivalent 911 E911 coordinator position and a full-time~~
918 ~~equivalent mapping or geographical data position, and technical~~
919 ~~system maintenance, database, and administration personnel for~~
920 ~~the portion of their time spent administrating the emergency~~
921 ~~communications E911 system; emergency medical, fire, and law~~
922 ~~enforcement prearrival instruction software; charts and training~~
923 ~~costs; training costs for PSAP call takers, dispatchers,~~
924 ~~supervisors, and managers in the proper methods and techniques~~
925 ~~used in taking and transferring 911 E911 calls; costs to train~~
926 ~~and educate PSAP employees and the public regarding 911 and~~
927 ~~radio E911 service or NG911 E911 equipment, including fees~~
928 ~~collected by the Department of Health for the certification and~~
929 ~~recertification of 911 public safety telecommunicators as~~
930 ~~required under s. 401.465; and expenses required to develop and~~
931 ~~maintain all information, including ALI and ANI databases, call-~~
932 ~~takers access to smart city technology data, emergency~~
933 ~~communications broadband network information and other~~
934 ~~information source repositories, necessary to properly inform~~
935 ~~call takers as to location address, type of emergency, and other~~
936 ~~information directly relevant to the processing of a request for~~
937 ~~emergency assistance E911 call taking and transferring function.~~
938 ~~Moneys derived from the fee may also be used for next-generation~~



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939 ~~E911 network services, next-generation E911 database services,~~
940 ~~next-generation E911 equipment, and wireless E911 routing~~
941 ~~systems.~~

942 (c) The moneys may not be used to pay for any item not
943 listed in this subsection, including, but not limited to, any
944 capital or operational costs related to responders dispatched to
945 the emergency, and for emergency responses which occur after the
946 ~~call transfer to the responding public safety entity and the~~
947 costs for utilities, constructing, leasing, maintaining, or
948 renovating buildings, except for those building modifications
949 necessary to maintain the security and environmental integrity
950 of the PSAP and emergency communications ~~E911~~ equipment rooms.

951 (11) LIABILITY OF COUNTIES.—A county subscribing to 911
952 service remains liable to the local exchange carrier for any 911
953 service, equipment, operation, or maintenance charge owed by the
954 county to the local exchange carrier. As used in this
955 subsection, the term “local exchange carrier” means a local
956 exchange telecommunications service provider of 911 service or
957 equipment to any county within its certificated area.

958 (12) INDEMNIFICATION AND LIMITATION OF LIABILITY.—A local
959 government may indemnify local exchange carriers against
960 liability in accordance with the published schedules of the
961 company. Notwithstanding an indemnification agreement, a local
962 exchange carrier, voice communications services provider, or
963 other service provider that provides 911, ~~or~~ E911, or NG911
964 service on a retail or wholesale basis is not liable for damages
965 resulting from or in connection with 911, ~~or~~ E911, or NG911
966 service, or for identification of the telephone number, or
967 address, or name associated with any person accessing 911, ~~or~~



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968 E911, or NG911 service, unless the carrier or provider acted
969 with malicious purpose or in a manner exhibiting wanton and
970 willful disregard of the rights, safety, or property of a person
971 when providing such services. A carrier or provider is not
972 liable for damages to any person resulting from or in connection
973 with the carrier's or provider's provision of any lawful
974 assistance to any investigative or law enforcement officer of
975 the United States, this state, or a political subdivision
976 thereof, or of any other state or political subdivision thereof,
977 in connection with any lawful investigation or other law
978 enforcement activity by such law enforcement officer. For
979 purposes of this subsection, the term "911, ~~or~~ E911, or NG911
980 service" means a telecommunications service, voice or nonvoice
981 communications service, or other wireline or wireless service,
982 including, but not limited to, a service using Internet
983 protocol, which provides, in whole or in part, any of the
984 following functions: providing members of the public with the
985 ability to reach an answering point by using the digits 9-1-1;
986 directing 911 calls to answering points by selective routing;
987 providing for automatic number identification and automatic
988 location-identification features; or providing wireless E911
989 services as defined in the order.

990 (13) FACILITATING EMERGENCY COMMUNICATIONS ~~E911~~ SERVICE
991 IMPLEMENTATION.—To balance the public need for reliable
992 emergency communications ~~E911~~ services through reliable wireless
993 systems and the public interest served by governmental zoning
994 and land development regulations and notwithstanding any other
995 law or local ordinance to the contrary, the following standards
996 shall apply to a local government's actions, as a regulatory



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997 body, in the regulation of the placement, construction, or
998 modification of a wireless communications facility. This
999 subsection may ~~shall~~ not, however, be construed to waive or
1000 alter the provisions of s. 286.011 or s. 286.0115. For the
1001 purposes of this subsection only, "local government" shall mean
1002 any municipality or county and any agency of a municipality or
1003 county only. The term "local government" does not, however,
1004 include any airport, as defined by s. 330.27(2), even if it is
1005 owned or controlled by or through a municipality, county, or
1006 agency of a municipality or county. Further, notwithstanding
1007 anything in this section to the contrary, this subsection does
1008 not apply to or control a local government's actions as a
1009 property or structure owner in the use of any property or
1010 structure owned by such entity for the placement, construction,
1011 or modification of wireless communications facilities. In the
1012 use of property or structures owned by the local government,
1013 however, a local government may not use its regulatory authority
1014 so as to avoid compliance with, or in a manner that does not
1015 advance, the provisions of this subsection.

1016 (a) Colocation ~~Collocation~~ among wireless providers is
1017 encouraged by the state.

1018 1.a. Colocations ~~Collocations~~ on towers, including
1019 nonconforming towers, that meet the requirements in sub-sub-
1020 subparagraphs (I), (II), and (III), are subject to only building
1021 permit review, which may include a review for compliance with
1022 this subparagraph. Such colocations ~~collocations~~ are not subject
1023 to any design or placement requirements of the local
1024 government's land development regulations in effect at the time
1025 of the colocation ~~collocation~~ that are more restrictive than



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1026 those in effect at the time of the initial antennae placement
1027 approval, to any other portion of the land development
1028 regulations, or to public hearing review. This sub-subparagraph
1029 may ~~shall~~ not preclude a public hearing for any appeal of the
1030 decision on the colocation ~~collocation~~ application.

1031 (I) The colocation ~~collocation~~ does not increase the height
1032 of the tower to which the antennae are to be attached, measured
1033 to the highest point of any part of the tower or any existing
1034 antenna attached to the tower;

1035 (II) The colocation ~~collocation~~ does not increase the
1036 ground space area, commonly known as the compound, approved in
1037 the site plan for equipment enclosures and ancillary facilities;
1038 and

1039 (III) The colocation ~~collocation~~ consists of antennae,
1040 equipment enclosures, and ancillary facilities that are of a
1041 design and configuration consistent with all applicable
1042 regulations, restrictions, or conditions, if any, applied to the
1043 initial antennae placed on the tower and to its accompanying
1044 equipment enclosures and ancillary facilities and, if
1045 applicable, applied to the tower supporting the antennae. Such
1046 regulations may include the design and aesthetic requirements,
1047 but not procedural requirements, other than those authorized by
1048 this section, of the local government's land development
1049 regulations in effect at the time the initial antennae placement
1050 was approved.

1051 b. Except for a historic building, structure, site, object,
1052 or district, or a tower included in sub-subparagraph a.,
1053 colocations ~~collocations~~ on all other existing structures that
1054 meet the requirements in sub-sub-subparagraphs (I)-(IV) shall be



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1055 subject to no more than building permit review, and an
1056 administrative review for compliance with this subparagraph.
1057 Such colocations ~~collocations~~ are not subject to any portion of
1058 the local government's land development regulations not
1059 addressed herein, or to public hearing review. This sub-
1060 subparagraph may ~~shall~~ not preclude a public hearing for any
1061 appeal of the decision on the colocation ~~collocation~~
1062 application.

1063 (I) The colocation ~~collocation~~ does not increase the height
1064 of the existing structure to which the antennae are to be
1065 attached, measured to the highest point of any part of the
1066 structure or any existing antenna attached to the structure;

1067 (II) The colocation ~~collocation~~ does not increase the
1068 ground space area, otherwise known as the compound, if any,
1069 approved in the site plan for equipment enclosures and ancillary
1070 facilities;

1071 (III) The colocation ~~collocation~~ consists of antennae,
1072 equipment enclosures, and ancillary facilities that are of a
1073 design and configuration consistent with any applicable
1074 structural or aesthetic design requirements and any requirements
1075 for location on the structure, but not prohibitions or
1076 restrictions on the placement of additional colocations
1077 ~~collocations~~ on the existing structure or procedural
1078 requirements, other than those authorized by this section, of
1079 the local government's land development regulations in effect at
1080 the time of the colocation ~~collocation~~ application; and

1081 (IV) The colocation ~~collocation~~ consists of antennae,
1082 equipment enclosures, and ancillary facilities that are of a
1083 design and configuration consistent with all applicable



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1084 restrictions or conditions, if any, that do not conflict with
1085 sub-sub-subparagraph (III) and were applied to the initial
1086 antennae placed on the structure and to its accompanying
1087 equipment enclosures and ancillary facilities and, if
1088 applicable, applied to the structure supporting the antennae.

1089 c. Regulations, restrictions, conditions, or permits of the
1090 local government, acting in its regulatory capacity, that limit
1091 the number of colocations ~~collocations~~ or require review
1092 processes inconsistent with this subsection does ~~shall~~ not apply
1093 to colocations ~~collocations~~ addressed in this subparagraph.

1094 d. If only a portion of the colocation ~~collocation~~ does not
1095 meet the requirements of this subparagraph, such as an increase
1096 in the height of the proposed antennae over the existing
1097 structure height or a proposal to expand the ground space
1098 approved in the site plan for the equipment enclosure, where all
1099 other portions of the colocation ~~collocation~~ meet the
1100 requirements of this subparagraph, that portion of the
1101 colocation ~~collocation~~ only may be reviewed under the local
1102 government's regulations applicable to an initial placement of
1103 that portion of the facility, including, but not limited to, its
1104 land development regulations, and within the review timeframes
1105 of subparagraph (d)2., and the rest of the colocation
1106 ~~collocation~~ shall be reviewed in accordance with this
1107 subparagraph. A colocation ~~collocation~~ proposal under this
1108 subparagraph that increases the ground space area, otherwise
1109 known as the compound, approved in the original site plan for
1110 equipment enclosures and ancillary facilities by no more than a
1111 cumulative amount of 400 square feet or 50 percent of the
1112 original compound size, whichever is greater, shall, however,



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1113 require no more than administrative review for compliance with
1114 the local government's regulations, including, but not limited
1115 to, land development regulations review, and building permit
1116 review, with no public hearing review. This sub-subparagraph
1117 does ~~shall~~ not preclude a public hearing for any appeal of the
1118 decision on the colocation ~~collocation~~ application.

1119 2. If a colocation ~~collocation~~ does not meet the
1120 requirements of subparagraph 1., the local government may review
1121 the application under the local government's regulations,
1122 including, but not limited to, land development regulations,
1123 applicable to the placement of initial antennae and their
1124 accompanying equipment enclosure and ancillary facilities.

1125 3. If a colocation ~~collocation~~ meets the requirements of
1126 subparagraph 1., the colocation may ~~collocation shall~~ not be
1127 considered a modification to an existing structure or an
1128 impermissible modification of a nonconforming structure.

1129 4. The owner of the existing tower on which the proposed
1130 antennae are to be colocated ~~collocated~~ shall remain responsible
1131 for compliance with any applicable condition or requirement of a
1132 permit or agreement, or any applicable condition or requirement
1133 of the land development regulations to which the existing tower
1134 had to comply at the time the tower was permitted, including any
1135 aesthetic requirements, provided the condition or requirement is
1136 not inconsistent with this paragraph.

1137 5. An existing tower, including a nonconforming tower, may
1138 be structurally modified in order to permit colocation
1139 ~~collocation~~ or may be replaced through no more than
1140 administrative review and building permit review, and is not
1141 subject to public hearing review, if the overall height of the



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1142 tower is not increased and, if a replacement, the replacement
1143 tower is a monopole tower or, if the existing tower is a
1144 camouflaged tower, the replacement tower is a like-camouflaged
1145 tower. This subparagraph may ~~shall~~ not preclude a public hearing
1146 for any appeal of the decision on the application.

1147 (b)1. A local government's land development and
1148 construction regulations for wireless communications facilities
1149 and the local government's review of an application for the
1150 placement, construction, or modification of a wireless
1151 communications facility shall only address land development or
1152 zoning issues. In such local government regulations or review,
1153 the local government may not require information on or evaluate
1154 a wireless provider's business decisions about its service,
1155 customer demand for its service, or quality of its service to or
1156 from a particular area or site, unless the wireless provider
1157 voluntarily offers this information to the local government. In
1158 such local government regulations or review, a local government
1159 may not require information on or evaluate the wireless
1160 provider's designed service unless the information or materials
1161 are directly related to an identified land development or zoning
1162 issue or unless the wireless provider voluntarily offers the
1163 information. Information or materials directly related to an
1164 identified land development or zoning issue may include, but are
1165 not limited to, evidence that no existing structure can
1166 reasonably be used for the antennae placement instead of the
1167 construction of a new tower, that residential areas cannot be
1168 served from outside the residential area, as addressed in
1169 subparagraph 3., or that the proposed height of a new tower or
1170 initial antennae placement or a proposed height increase of a



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1171 modified tower, replacement tower, or colocation ~~collocation~~ is
1172 necessary to provide the provider's designed service. Nothing in
1173 this paragraph shall limit the local government from reviewing
1174 any applicable land development or zoning issue addressed in its
1175 adopted regulations that does not conflict with this section,
1176 including, but not limited to, aesthetics, landscaping, land
1177 use-based ~~use-based~~ location priorities, structural design, and
1178 setbacks.

1179 2. Any setback or distance separation required of a tower
1180 may not exceed the minimum distance necessary, as determined by
1181 the local government, to satisfy the structural safety or
1182 aesthetic concerns that are to be protected by the setback or
1183 distance separation.

1184 3. A local government may exclude the placement of wireless
1185 communications facilities in a residential area or residential
1186 zoning district but only in a manner that does not constitute an
1187 actual or effective prohibition of the provider's service in
1188 that residential area or zoning district. If a wireless provider
1189 demonstrates to the satisfaction of the local government that
1190 the provider cannot reasonably provide its service to the
1191 residential area or zone from outside the residential area or
1192 zone, the municipality or county and provider shall cooperate to
1193 determine an appropriate location for a wireless communications
1194 facility of an appropriate design within the residential area or
1195 zone. The local government may require that the wireless
1196 provider reimburse the reasonable costs incurred by the local
1197 government for this cooperative determination. An application
1198 for such cooperative determination may ~~shall~~ not be considered
1199 an application under paragraph (d).



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1200 4. A local government may impose a reasonable fee on
1201 applications to place, construct, or modify a wireless
1202 communications facility only if a similar fee is imposed on
1203 applicants seeking other similar types of zoning, land use, or
1204 building permit review. A local government may impose fees for
1205 the review of applications for wireless communications
1206 facilities by consultants or experts who conduct code compliance
1207 review for the local government but any fee is limited to
1208 specifically identified reasonable expenses incurred in the
1209 review. A local government may impose reasonable surety
1210 requirements to ensure the removal of wireless communications
1211 facilities that are no longer being used.

1212 5. A local government may impose design requirements, such
1213 as requirements for designing towers to support colocation
1214 ~~collocation~~ or aesthetic requirements, except as otherwise
1215 limited in this section, but may ~~shall~~ not impose or require
1216 information on compliance with building code type standards for
1217 the construction or modification of wireless communications
1218 facilities beyond those adopted by the local government under
1219 chapter 553 and that apply to all similar types of construction.

1220 (c) Local governments may not require wireless providers to
1221 provide evidence of a wireless communications facility's
1222 compliance with federal regulations, except evidence of
1223 compliance with applicable Federal Aviation Administration
1224 requirements under 14 C.F.R. part 77, as amended, and evidence
1225 of proper Federal Communications Commission licensure, or other
1226 evidence of Federal Communications Commission authorized
1227 spectrum use, but may request the Federal Communications
1228 Commission to provide information as to a wireless provider's



1229 compliance with federal regulations, as authorized by federal
1230 law.

1231 (d)1. A local government shall grant or deny each properly
1232 completed application for a colocation ~~collocation~~ under
1233 subparagraph (a)1. based on the application's compliance with
1234 the local government's applicable regulations, as provided for
1235 in subparagraph (a)1. and consistent with this subsection, and
1236 within the normal timeframe for a similar building permit review
1237 but in no case later than 45 business days after the date the
1238 application is determined to be properly completed in accordance
1239 with this paragraph.

1240 2. A local government shall grant or deny each properly
1241 completed application for any other wireless communications
1242 facility based on the application's compliance with the local
1243 government's applicable regulations, including but not limited
1244 to land development regulations, consistent with this subsection
1245 and within the normal timeframe for a similar type review but in
1246 no case later than 90 business days after the date the
1247 application is determined to be properly completed in accordance
1248 with this paragraph.

1249 3.a. An application is deemed submitted or resubmitted on
1250 the date the application is received by the local government. If
1251 the local government does not notify the applicant in writing
1252 that the application is not completed in compliance with the
1253 local government's regulations within 20 business days after the
1254 date the application is initially submitted or additional
1255 information resubmitted, the application is deemed, for
1256 administrative purposes only, to be properly completed and
1257 properly submitted. However, the determination may ~~shall~~ not be



1258 deemed as an approval of the application. If the application is
1259 not completed in compliance with the local government's
1260 regulations, the local government shall so notify the applicant
1261 in writing and the notification must indicate with specificity
1262 any deficiencies in the required documents or deficiencies in
1263 the content of the required documents which, if cured, make the
1264 application properly completed. Upon resubmission of information
1265 to cure the stated deficiencies, the local government shall
1266 notify the applicant, in writing, within the normal timeframes
1267 of review, but in no case longer than 20 business days after the
1268 additional information is submitted, of any remaining
1269 deficiencies that must be cured. Deficiencies in document type
1270 or content not specified by the local government do not make the
1271 application incomplete. Notwithstanding this sub-subparagraph,
1272 if a specified deficiency is not properly cured when the
1273 applicant resubmits its application to comply with the notice of
1274 deficiencies, the local government may continue to request the
1275 information until such time as the specified deficiency is
1276 cured. The local government may establish reasonable timeframes
1277 within which the required information to cure the application
1278 deficiency is to be provided or the application will be
1279 considered withdrawn or closed.

1280 b. If the local government fails to grant or deny a
1281 properly completed application for a wireless communications
1282 facility within the timeframes set forth in this paragraph, the
1283 application shall be deemed automatically approved and the
1284 applicant may proceed with placement of the facilities without
1285 interference or penalty. The timeframes specified in
1286 subparagraph 2. may be extended only to the extent that the



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1287 application has not been granted or denied because the local
1288 government's procedures generally applicable to all other
1289 similar types of applications require action by the governing
1290 body and such action has not taken place within the timeframes
1291 specified in subparagraph 2. Under such circumstances, the local
1292 government must act to either grant or deny the application at
1293 its next regularly scheduled meeting or, otherwise, the
1294 application is deemed to be automatically approved.

1295 c. To be effective, a waiver of the timeframes set forth in
1296 this paragraph must be voluntarily agreed to by the applicant
1297 and the local government. A local government may request, but
1298 not require, a waiver of the timeframes by the applicant, except
1299 that, with respect to a specific application, a one-time waiver
1300 may be required in the case of a declared local, state, or
1301 federal emergency that directly affects the administration of
1302 all permitting activities of the local government.

1303 (e) The replacement of or modification to a wireless
1304 communications facility, except a tower, that results in a
1305 wireless communications facility not readily discernibly
1306 different in size, type, and appearance when viewed from ground
1307 level from surrounding properties, and the replacement or
1308 modification of equipment that is not visible from surrounding
1309 properties, all as reasonably determined by the local
1310 government, are subject to no more than applicable building
1311 permit review.

1312 (f) Any other law to the contrary notwithstanding, the
1313 Department of Management Services shall negotiate, in the name
1314 of the state, leases for wireless communications facilities that
1315 provide access to state government-owned property not acquired



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1316 for transportation purposes, and the Department of
1317 Transportation shall negotiate, in the name of the state, leases
1318 for wireless communications facilities that provide access to
1319 property acquired for state rights-of-way. On property acquired
1320 for transportation purposes, leases shall be granted in
1321 accordance with s. 337.251. On other state government-owned
1322 property, leases shall be granted on a space available, first-
1323 come, first-served basis. Payments required by state government
1324 under a lease must be reasonable and must reflect the market
1325 rate for the use of the state government-owned property. The
1326 Department of Management Services and the Department of
1327 Transportation are authorized to adopt rules for the terms and
1328 conditions and granting of any such leases.

1329 (g) If any person adversely affected by any action, or
1330 failure to act, or regulation, or requirement of a local
1331 government in the review or regulation of the wireless
1332 communication facilities files an appeal or brings an
1333 appropriate action in a court or venue of competent
1334 jurisdiction, following the exhaustion of all administrative
1335 remedies, the matter shall be considered on an expedited basis.

1336 (14) MISUSE OF 911, ~~OR~~ E911, OR NG911 SYSTEM; PENALTY.—911,
1337 ~~and E911~~, and NG911 service must be used solely for emergency
1338 communications by the public. Any person who accesses the number
1339 911 for the purpose of making a false alarm or complaint or
1340 reporting false information that could result in the emergency
1341 response of any public safety agency; any person who knowingly
1342 uses or attempts to use such service for a purpose other than
1343 obtaining public safety assistance; or any person who knowingly
1344 uses or attempts to use such service in an effort to avoid any



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1345 charge for service, commits a misdemeanor of the first degree,
1346 punishable as provided in s. 775.082 or s. 775.083. After being
1347 convicted of unauthorized use of such service four times, a
1348 person who continues to engage in such unauthorized use commits
1349 a felony of the third degree, punishable as provided in s.
1350 775.082, s. 775.083, or s. 775.084. In addition, if the value of
1351 the service or the service charge obtained in a manner
1352 prohibited by this subsection exceeds \$100, the person
1353 committing the offense commits a felony of the third degree,
1354 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1355 (15) TEXT-TO-911 SERVICE.—Each county shall develop a
1356 countywide implementation plan addressing text-to-911 services
1357 and, by January 1, 2022, enact a system to allow text-to-911
1358 services.

1359 (16) STATE LAW NOT PREEMPTED.—This section and ss. 365.173
1360 and 365.174 do not alter any state law that otherwise regulates
1361 voice communications services providers.

1362 Section 2. Section 365.173, Florida Statutes, is amended to
1363 read:

1364 365.173 Emergency Communications Trust ~~Number E911 System~~
1365 Fund.—

1366 (1) REVENUES.—

1367 (a) Revenues derived from the fee levied on subscribers
1368 under s. 365.172(8) must be paid by the board into the State
1369 Treasury on or before the 15th day of each month. Such moneys
1370 must be accounted for in a special fund to be designated as the
1371 Emergency Communications Trust ~~Number E911 System~~ Fund, a fund
1372 created in the Division of Telecommunications, or other office
1373 as designated by the Secretary of Management Services.



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1374 (b) Revenues derived from the fee levied on prepaid
1375 wireless service under s. 365.172(9), less the costs of
1376 administering collection of the fee, must be transferred by the
1377 Department of Revenue to the Emergency Communications Trust
1378 ~~Number E911 System~~ Fund on or before the 25th day of each month
1379 following the month of receipt.

1380 (c) For accounting purposes, the Emergency Communications
1381 Trust ~~Number E911 System~~ Fund must be segregated into three
1382 separate categories:

- 1383 1. The wireless category;
1384 2. The nonwireless category; and
1385 3. The prepaid wireless category.

1386 (d) All moneys must be invested by the Chief Financial
1387 Officer pursuant to s. 17.61. All moneys in such fund are to be
1388 expended by the office for the purposes provided in this section
1389 and s. 365.172. These funds are not subject to s. 215.20.

1390 (2) DISTRIBUTION AND USE OF FUNDS.—As determined by the
1391 board pursuant to s. 365.172(8)(f) ~~s. 365.172(8)(g)~~, and subject
1392 to any modifications approved by the board pursuant to s.
1393 365.172(6)(a)3. or (8)(g) ~~s. 365.172(6)(a)3. or (8)(h)~~, the
1394 moneys in the fund shall be distributed and used only as
1395 follows:

1396 (a) Ninety-five ~~Seventy-six~~ percent of the moneys in the
1397 wireless category shall be distributed each month to counties,
1398 based on the total number of service identifiers in each county,
1399 to and shall be used exclusively for payment of:

- 1400 1. ~~authorized expenditures, as specified in s. 365.172(10).~~
1401 2. ~~Costs to comply with the requirements for E911 service~~
1402 ~~contained in the order and any future rules related to the~~



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1403 ~~order.~~

1404 (b) Ninety-six percent of the moneys in the nonwireless
1405 category shall be distributed each month to counties based on
1406 the total number of service identifiers in each county and shall
1407 be used exclusively for payment of authorized expenditures, as
1408 specified in s. 365.172(10).

1409 (c) Sixty-one percent of the moneys in the prepaid wireless
1410 category shall be distributed each month to counties based on
1411 the total amount of fees reported and paid in each county and
1412 shall be used exclusively for payment of authorized
1413 expenditures, as specified in s. 365.172(10). The moneys from
1414 prepaid wireless ~~E911~~ fees identified as nonspecific in
1415 accordance with s. 365.172(9) shall be distributed as determined
1416 by the Emergency Communications ~~E911~~ Board.

1417 (d) Any county that receives funds under paragraphs (a),
1418 (b), and (c) shall establish a fund to be used exclusively for
1419 the receipt and expenditure of the revenues collected under
1420 paragraphs (a), (b), and (c). All fees placed in the fund and
1421 any interest accrued shall be used solely for costs described in
1422 paragraph (a) ~~subparagraphs (a)1. and 2.~~ and may not be reduced,
1423 withheld, or allocated for other purposes. The money collected
1424 and interest earned in this fund shall be appropriated for these
1425 purposes by the county commissioners and incorporated into the
1426 annual county budget. The fund shall be included within the
1427 financial audit performed in accordance with s. 218.39. The
1428 financial audit shall assure that all emergency communications
1429 ~~E911~~ fee revenues, interest, and emergency communications ~~E911~~
1430 grant funding are used for payment of authorized expenditures,
1431 as specified in s. 365.172(10) and as specified in the Emergency



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1432 Communications E911 Board grant and special disbursement
1433 programs. The board may, in accordance with board rules,
1434 withhold future distribution of grant funds or request a return
1435 of all or a portion of funds previously awarded based on
1436 findings from the financial audit. The county is responsible for
1437 all expenditures of revenues distributed from the county
1438 emergency communications E911 fund and shall submit the
1439 financial audit reports to the board for review. A county may
1440 carry forward up to 30 percent of the total funds disbursed to
1441 the county by the board during a county fiscal year for
1442 expenditures for capital outlay, capital improvements, equipment
1443 replacement, or implementation of a hosted system if such
1444 expenditures are made for the purposes specified in paragraph
1445 (a) subparagraphs (a)1. and 2.; however, the 30-percent
1446 limitation does not apply to funds disbursed to a county under
1447 s. 365.172(6)(a)3., and a county may carry forward any
1448 percentage of the funds, except that any grant provided shall
1449 continue to be subject to any condition imposed by the board. In
1450 order to prevent an excess recovery of costs incurred in
1451 providing emergency communications E911 service, a county that
1452 receives funds greater than the permissible emergency
1453 communications E911 costs described in s. 365.172(10), including
1454 the 30-percent carryforward allowance, must return the excess
1455 funds to the E911 board to be allocated under s. 365.172(6)(a).
1456 ~~(c) Twenty percent of the moneys in the wireless category~~
1457 ~~shall be distributed to wireless providers in response to sworn~~
1458 ~~invoices submitted to the board by wireless providers to~~
1459 ~~reimburse such wireless providers for the actual costs incurred~~
1460 ~~to provide 911 or E911 service, including the costs of complying~~



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1461 ~~with the order. Such costs include costs and expenses incurred~~
1462 ~~by wireless providers to design, purchase, lease, program,~~
1463 ~~install, test, upgrade, operate, and maintain all necessary~~
1464 ~~data, hardware, and software required to provide E911 service.~~
1465 ~~Each wireless provider shall submit to the board, by August 1 of~~
1466 ~~each year, a detailed estimate of the capital and operating~~
1467 ~~expenses for which it anticipates that it will seek~~
1468 ~~reimbursement under this paragraph during the ensuing state~~
1469 ~~fiscal year. In order to be eligible for recovery during any~~
1470 ~~ensuing state fiscal year, a wireless provider must submit all~~
1471 ~~sworn invoices for allowable purchases made within the previous~~
1472 ~~calendar year no later than March 31 of the fiscal year. By~~
1473 ~~September 15 of each year, the board shall submit to the~~
1474 ~~Legislature its legislative budget request for funds to be~~
1475 ~~allocated to wireless providers under this paragraph during the~~
1476 ~~ensuing state fiscal year. The budget request shall be based on~~
1477 ~~the information submitted by the wireless providers and~~
1478 ~~estimated surcharge revenues. Distributions of moneys in the~~
1479 ~~fund by the board to wireless providers must be fair and~~
1480 ~~nondiscriminatory. If the total amount of moneys requested by~~
1481 ~~wireless providers pursuant to invoices submitted to the board~~
1482 ~~and approved for payment exceeds the amount in the fund in any~~
1483 ~~month, wireless providers that have invoices approved for~~
1484 ~~payment shall receive a pro rata share of moneys in the fund and~~
1485 ~~the balance of the payments shall be carried over to the~~
1486 ~~following month or months until all of the approved payments are~~
1487 ~~made. The board may adopt rules necessary to address the manner~~
1488 ~~in which pro rata distributions are made when the total amount~~
1489 ~~of funds requested by wireless providers pursuant to invoices~~



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1490 ~~submitted to the board exceeds the total amount of moneys on~~
1491 ~~deposit in the fund.~~

1492 (e) ~~(f)~~ One percent of the moneys in each category of the
1493 fund shall be retained by the board to be applied to costs and
1494 expenses incurred for the purposes of managing, administering,
1495 and overseeing the receipts and disbursements from the fund and
1496 other activities as defined in s. 365.172(6). Any funds retained
1497 for such purposes in a calendar year which are not applied to
1498 such costs and expenses by March 31 of the following year shall
1499 be redistributed as determined by the board.

1500 (f) ~~(g)~~ Three percent of the moneys in each category of the
1501 fund and an additional 1 percent of the moneys collected in the
1502 wireless category shall be used to make monthly distributions to
1503 rural counties for the purpose of providing facilities and
1504 network and service enhancements and assistance for the
1505 emergency communications 911 or E911 systems operated by rural
1506 counties and for the provision of grants by the office to rural
1507 counties for upgrading and replacing emergency communications
1508 ~~E911~~ systems.

1509 (g) ~~(h)~~ Thirty-five percent of the moneys in the prepaid
1510 wireless category shall be retained by the board to provide
1511 state emergency communications E911 grants to be awarded in
1512 accordance with the following order of priority:

1513 1. For all large, medium, and rural counties to upgrade or
1514 replace emergency communications E911 systems.

1515 2. For all large, medium, and rural counties to develop and
1516 maintain statewide 911 routing, geographic, and management
1517 information systems.

1518 3. For all large, medium, and rural counties to develop and



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1519 maintain next-generation 911 services and equipment.

1520 (h)~~(i)~~ If the wireless category has funds remaining in it
1521 on December 31 after disbursements have been made during the
1522 calendar year immediately prior to December 31, the board may
1523 disburse the excess funds in the wireless category in accordance
1524 with s. 365.172(6)(a)3.b.

1525 (3) The Legislature recognizes that the fee authorized
1526 under s. 365.172 may not necessarily provide the total funding
1527 required for establishing or providing the emergency
1528 communications ~~E911~~ service. It is the intent of the Legislature
1529 that all revenue from the fee be used as specified in subsection
1530 (2).

1531 Section 3. Subsection (1) of section 365.177, Florida
1532 Statutes, is amended to read:

1533 365.177 Transfer of E911 calls between systems.—

1534 (1) The office shall develop a plan by December 30, 2023
1535 ~~February 1, 2020~~, to upgrade all 911 public safety answering
1536 points within the state to allow the transfer of an emergency
1537 call from one local, multijurisdictional, or regional E911
1538 system to another local, multijurisdictional, or regional E911
1539 system in the state by December 30, 2033. Such transfer should
1540 include voice, text message, image, video, caller identification
1541 information, location information, and additional standards-
1542 based 911 call information. The plan must prioritize the upgrade
1543 of PSAPs based on the population served by each PSAP, the
1544 capability of a jurisdiction or region to modernize PSAPs beyond
1545 legacy 911 infrastructure, and the ability of a jurisdiction or
1546 region to address interoperability between PSAPs. The plan must
1547 identify and address the projected costs of providing these



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1548 transfer capabilities and project the ability of each county to
1549 meet operational costs based on disbursement of funds under s.
1550 365.173(2)(a), (b), and (c).

1551 Section 4. Subsection (10) of section 212.05965, Florida
1552 Statutes, is amended to read:

1553 212.05965 Taxation of marketplace sales.—

1554 (10) Notwithstanding any other law, the marketplace
1555 provider is also responsible for collecting and remitting any
1556 prepaid wireless public safety emergency communications systems
1557 ~~E911~~ fee under s. 365.172, waste tire fee under s. 403.718, and
1558 lead-acid battery fee under s. 403.7185 at the time of sale for
1559 taxable retail sales made through its marketplace.

1560 Section 5. Section 365.171, Florida Statutes, is amended to
1561 read:

1562 365.171 Emergency communications ~~number E911~~ state plan.—

1563 (1) SHORT TITLE.—This section may be cited as the “Florida
1564 Emergency Communications ~~Number E911~~ State Plan Act.”

1565 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature
1566 that the communications number “911” be the designated emergency
1567 communications number. A public safety agency may not advertise
1568 or otherwise promote the use of any communications number for
1569 emergency response services other than “911.” It is further the
1570 intent of the Legislature to implement and continually update a
1571 cohesive statewide emergency communications ~~number “E911”~~ plan
1572 for enhanced 911 services which will provide citizens with rapid
1573 direct access to public safety agencies by accessing “911” with
1574 the objective of reducing the response time to situations
1575 requiring law enforcement, fire, medical, rescue, and other
1576 emergency services.



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1577 (3) DEFINITIONS.—As used in this section, the term:
1578 (a) "Office" means the Division of Telecommunications
1579 within the Department of Management Services, as designated by
1580 the secretary of the department.
1581 (b) "Local government" means any city, county, or political
1582 subdivision of the state and its agencies.
1583 (c) "Public agency" means the state and any city, county,
1584 city and county, municipal corporation, chartered organization,
1585 public district, or public authority located in whole or in part
1586 within this state which provides, or has authority to provide,
1587 firefighting, law enforcement, ambulance, medical, or other
1588 emergency services.
1589 (d) "Public safety agency" means a functional division of a
1590 public agency which provides firefighting, law enforcement,
1591 medical, or other emergency services.
1592 (4) STATE PLAN.—The office shall develop, maintain, and
1593 implement appropriate modifications for a statewide emergency
1594 communications ~~E911 system~~ plan. The plan shall provide for:
1595 (a) The public agency emergency communications requirements
1596 for each entity of local government in the state.
1597 (b) A system to meet specific local government
1598 requirements. Such system shall include law enforcement,
1599 firefighting, and emergency medical services and may include
1600 other emergency services such as poison control, suicide
1601 prevention, and emergency management services.
1602 (c) Identification of the mutual aid agreements necessary
1603 to obtain an effective emergency communications ~~E911~~ system.
1604 (d) A funding provision that identifies the cost necessary
1605 to implement the emergency communications ~~E911~~ system.



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The office shall be responsible for the implementation and coordination of such plan. The office shall adopt any necessary rules and schedules related to public agencies for implementing and coordinating the plan, pursuant to chapter 120.

(5) SYSTEM DIRECTOR.—The secretary of the department or his or her designee is designated as the director of the statewide emergency communications ~~number E911~~ system and, for the purpose of carrying out the provisions of this section, is authorized to coordinate the activities of the system with state, county, local, and private agencies. The director in implementing the system shall consult, cooperate, and coordinate with local law enforcement agencies.

(6) REGIONAL SYSTEMS.—This section does not prohibit or discourage the formation of multijurisdictional or regional systems; and any system established pursuant to this section may include the jurisdiction, or any portion thereof, of more than one public agency. It is the intent of the Legislature that emergency communications services ~~E911 service~~ be available throughout the state. Expenditure by counties of the ~~E911~~ fee authorized and imposed under s. 365.172 should support this intent to the greatest extent feasible within the context of local service needs and fiscal capability. This section does not prohibit two or more counties from establishing a combined emergency ~~E911~~ communications service by an interlocal agreement and using the fees authorized and imposed by s. 365.172 for such combined ~~E911~~ service.

(7) TELECOMMUNICATIONS INDUSTRY COORDINATION.—The office shall coordinate with the Florida Public Service Commission



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1635 which shall encourage the Florida telecommunications industry to
1636 activate facility modification plans for timely emergency
1637 communications services ~~E911~~ implementation.

1638 (8) COIN TELEPHONES.—The Florida Public Service Commission
1639 shall establish rules to be followed by the telecommunications
1640 companies in this state designed toward encouraging the
1641 provision of coin-free dialing of “911” calls wherever
1642 economically practicable and in the public interest.

1643 (9) SYSTEM APPROVAL.—No emergency communications number
1644 E911 system shall be established and no present system shall be
1645 expanded without prior approval of the office.

1646 (10) COMPLIANCE.—All public agencies shall assist the
1647 office in their efforts to carry out the intent of this section,
1648 and such agencies shall comply with the developed plan.

1649 (11) FEDERAL ASSISTANCE.—The secretary of the department or
1650 his or her designee may apply for and accept federal funding
1651 assistance in the development and implementation of a statewide
1652 emergency communications ~~number E911~~ system.

1653 (12) CONFIDENTIALITY OF RECORDS.—

1654 (a) Any record, recording, or information, or portions
1655 thereof, obtained by a public agency or a public safety agency
1656 for the purpose of providing services in an emergency and which
1657 reveals the name, address, telephone number, or personal
1658 information about, or information which may identify any person
1659 requesting emergency service or reporting an emergency by
1660 accessing an emergency communications ~~E911~~ system is
1661 confidential and exempt from the provisions of s. 119.07(1) and
1662 s. 24(a), Art. I of the State Constitution, except that such
1663 record or information may be disclosed to a public safety



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1664 agency. The exemption applies only to the name, address,
1665 telephone number or personal information about, or information
1666 which may identify any person requesting emergency services or
1667 reporting an emergency while such information is in the custody
1668 of the public agency or public safety agency providing emergency
1669 services. A telecommunications company or commercial mobile
1670 radio service provider is ~~shall~~ not ~~be~~ liable for damages to any
1671 person resulting from or in connection with such telephone
1672 company's or commercial mobile radio service provider's
1673 provision of any lawful assistance to any investigative or law
1674 enforcement officer of the State of Florida or political
1675 subdivisions thereof, of the United States, or of any other
1676 state or political subdivision thereof, in connection with any
1677 lawful investigation or other law enforcement activity by such
1678 law enforcement officer unless the telecommunications company or
1679 commercial mobile radio service provider acted in a wanton and
1680 willful manner.

1681 (b) Notwithstanding paragraph (a), a 911 public safety
1682 telecommunicator, as defined in s. 401.465, may contact any
1683 private person or entity that owns an automated external
1684 defibrillator who has notified the local emergency medical
1685 services medical director or public safety answering point of
1686 such ownership if a confirmed coronary emergency call is taking
1687 place and the location of the coronary emergency is within a
1688 reasonable distance from the location of the defibrillator, and
1689 may provide the location of the coronary emergency to that
1690 person or entity.

1691 Section 6. Paragraph (b) of subsection (2) of section
1692 365.174, Florida Statutes, is amended to read:



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1693 365.174 Proprietary confidential business information.-

1694 (2)

1695 (b) The Department of Revenue may provide information
1696 relative to s. 365.172(9) to the Secretary of Management
1697 Services, or his or her authorized agent, or to the Emergency
1698 Communications E911 Board established in s. 365.172(5) for use
1699 in the conduct of the official business of the Department of
1700 Management Services or the Emergency Communications E911 Board.

1701 Section 7. This act shall take effect July 1, 2023.

1702

1703 ===== T I T L E A M E N D M E N T =====

1704 And the title is amended as follows:

1705 Delete everything before the enacting clause
1706 and insert:

1707 A bill to be entitled
1708 An act relating to emergency communications; amending
1709 s. 365.172, F.S.; revising the short title; revising
1710 legislative intent; revising and providing
1711 definitions; renaming the E911 Board as the Emergency
1712 Communications Board; providing the purpose of the
1713 board; revising the composition of the board;
1714 establishing board responsibilities; requiring the
1715 board to administer fees; authorizing the board to
1716 create subcommittees; authorizing the board to
1717 establish schedules for implementing certain wireless
1718 NG911 systems and improvements; establishing notice
1719 and publication requirements before distribution of
1720 grant funds; providing for priority of county
1721 applications for funds; requiring board oversight of



1722 such funds; eliminating certain authority of the
1723 board; providing for the board's authority to
1724 implement changes to the allocation percentages and
1725 adjust fees; revising the frequency of board meetings;
1726 specifying that the Division of Telecommunications
1727 within the Department of Management Services must
1728 disburse funds to counties and provide a monthly
1729 report of such disbursements; revising the composition
1730 of a committee that reviews requests for proposals
1731 from the board regarding independent accounting firm
1732 selections; revising provisions relating to the public
1733 safety emergency communications systems fee; requiring
1734 uniform application and imposition of the fee;
1735 revising the factors that the board considers when
1736 setting percentages or contemplating adjustments to
1737 the fee; updating provisions relating to the prepaid
1738 wireless public safety emergency communications
1739 systems fee; revising emergency communications and 911
1740 service functions; revising the types of emergency
1741 communications equipment and services that are
1742 eligible for expenditure of moneys derived from the
1743 fee; making technical changes; conforming cross-
1744 references; amending s. 365.173, F.S.; renaming the
1745 Communications Number E911 System Fund as the
1746 Emergency Communications Trust Fund; revising the
1747 percent distribution of the fund to be used
1748 exclusively for payment of certain authorized
1749 expenditures; authorizing the board, pursuant to rule,
1750 to withhold certain distributions of grant funds and



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1751 request a return of all or a portion of such funds
1752 based on a financial audit; removing the percent
1753 distribution to wireless providers; adding a specified
1754 percent distribution to rural counties; amending s.
1755 365.177, F.S.; extending the date by which the
1756 Division of Telecommunications within the Department
1757 of Management Services must develop a plan to upgrade
1758 911 public safety answering points; specifying
1759 components of the required plan; amending ss.
1760 212.05965, 365.171, and 365.174, F.S.; conforming
1761 provisions to changes made by the act; providing an
1762 effective date.