

By the Committee on Regulated Industries; and Senator Bradley

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1 A bill to be entitled
2 An act relating to emergency communications; amending
3 s. 365.172, F.S.; revising a short title; revising
4 legislative intent; revising and defining terms;
5 renaming the E911 Board as the Emergency
6 Communications Board; providing the purpose of the
7 board; revising the composition of the board;
8 establishing board responsibilities; requiring the
9 board to administer fees; authorizing the board to
10 create subcommittees; authorizing the board to
11 establish schedules for implementing certain wireless
12 systems and improvements; establishing notice and
13 publication requirements before distribution of
14 revenues; providing for priority of county
15 applications for funds; requiring board oversight of
16 such funds; eliminating certain authority of the
17 board; providing for the board's authority to
18 implement changes to the allocation percentages or to
19 adjust the fee; revising the frequency of board
20 meetings and the business to be conducted at such
21 meetings; revising the composition of a committee that
22 reviews requests for proposals from the board
23 regarding independent accounting firm selection;
24 revising provisions relating to the public safety
25 emergency communications systems fee; requiring
26 uniform application and imposition of the fee;
27 revising the factors that the board considers when
28 setting percentages or contemplating adjustments to
29 the fee; updating provisions relating to the prepaid

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30 wireless public safety emergency communications
 31 systems fee; revising emergency communications and 911
 32 service functions; revising the types of emergency
 33 communications equipment and services that are
 34 eligible for expenditure of moneys derived from the
 35 fee; amending s. 365.173, F.S.; renaming the
 36 Communications Number E911 System Fund as the
 37 Emergency Communications Fund; revising the percent
 38 distribution of the fund; deleting the percent
 39 distribution of wireless providers; adding a specified
 40 percent distribution to rural counties; amending s.
 41 365.177, F.S.; extending the date by which the
 42 Division of Telecommunications within the Department
 43 of Management Services is required to develop a plan
 44 to upgrade 911 public safety answering points;
 45 amending ss. 212.05965, 365.171, and 365.174, F.S.;
 46 conforming provisions to changes made by the act;
 47 providing an effective date.

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

50
 51 Section 1. Section 365.172, Florida Statutes, is amended to
 52 read:

53 365.172 Emergency communications. ~~number "E911."~~

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

56 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature
 57 to:

58 (a) Establish and implement a comprehensive statewide

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59 emergency communications and response capability using modern
60 technologies and methods. ~~telecommunications number system that~~
61 ~~will provide users of voice communications services within the~~
62 ~~state rapid direct access to public safety agencies by accessing~~
63 ~~the telephone number "911."~~

64 (b) Provide funds to counties and state agencies that
65 operate 911 centers to pay certain costs associated with their
66 public safety emergency response capabilities and costs incurred
67 to purchase, upgrade, and maintain 911 systems, computer-aided
68 dispatch, and systems to create interoperable radio
69 communications systems ~~E911 or 911 systems, to contract for E911~~
70 ~~services, and to reimburse wireless telephone service providers~~
71 ~~for costs incurred to provide 911 or E911 services.~~

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

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

79 (e) Ensure that the fee established for emergency
80 communications systems is used exclusively ~~for recovery by~~
81 ~~wireless providers and~~ by counties and state agencies that
82 operate 911 centers for costs associated with developing and
83 maintaining emergency communications ~~E911~~ systems and networks
84 in a manner that is competitively and technologically neutral as
85 to all ~~voice~~ communications services providers.

86
87 It is further the intent of the Legislature that the fee

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88 authorized or imposed by this section not necessarily provide
89 the total funding required for establishing or providing
90 emergency communications systems and services ~~E911 service~~.

91 (3) DEFINITIONS.—Only as used in this section and ss.
92 365.171, 365.173, 365.174, and 365.177, the term:

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

95 (b) "Automatic location identification" means the
96 capability of the E911 service which enables the automatic
97 display of information that defines the approximate geographic
98 location of the wireless telephone, or the location of the
99 address of the wireline telephone, used to place a 911 call.

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

103 (d) "Board" or "Emergency Communications Board" ~~"E911~~
104 ~~Board"~~ means the board ~~of directors of the E911 Board~~
105 established in subsection (5).

106 (e) "Building permit review" means a review for compliance
107 with building construction standards adopted by the local
108 government under chapter 553 and does not include a review for
109 compliance with land development regulations.

110 (f) "Colocation" ~~"Collocation"~~ means the situation when a
111 second or subsequent wireless provider uses an existing
112 structure to locate a second or subsequent antennae. The term
113 includes the ground, platform, or roof installation of equipment
114 enclosures, cabinets, or buildings, and cables, brackets, and
115 other equipment associated with the location and operation of
116 the antennae.

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117 (g) "Computer-aided dispatch" or "CAD" means a computerized
118 system for entering, tracking, dispatching, and resolving
119 requests for public safety services.

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

123 (i)~~(h)~~ "Enhanced 911" or "E911" means an enhanced 911
124 system or enhanced 911 service that is an emergency telephone
125 system or service that provides a subscriber with 911 service
126 and, in addition, directs 911 calls to appropriate public safety
127 answering points by selective routing based on the geographical
128 location from which the call originated, or as otherwise
129 provided in the state plan under s. 365.171, and that provides
130 for automatic number identification and automatic location-
131 identification features. A 911 ~~E911~~ service provided by a
132 wireless provider means E911 as defined in the order.

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

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

141 (l)~~(k)~~ "Fund" means the Emergency Communications ~~Number~~
142 ~~E911 System~~ Fund established in s. 365.173 and maintained under
143 this section for the purpose of recovering the costs associated
144 with providing emergency communications ~~911 service or E911~~
145 ~~service~~, including the costs of implementing the order. The fund

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146 shall be segregated into wireless, prepaid wireless, and
147 nonwireless categories.

148 (m)~~(l)~~ "Historic building, structure, site, object, or
149 district" means any building, structure, site, object, or
150 district that has been officially designated as a historic
151 building, historic structure, historic site, historic object, or
152 historic district through a federal, state, or local designation
153 program.

154 (n)~~(m)~~ "Land development regulations" means any ordinance
155 enacted by a local government for the regulation of any aspect
156 of development, including an ordinance governing zoning,
157 subdivisions, landscaping, tree protection, or signs, the local
158 government's comprehensive plan, or any other ordinance
159 concerning any aspect of the development of land. The term does
160 not include any building construction standard adopted under and
161 in compliance with chapter 553.

162 (o)~~(n)~~ "Local exchange carrier" means a "competitive local
163 exchange telecommunications company" or a "local exchange
164 telecommunications company" as defined in s. 364.02.

165 (p)~~(o)~~ "Local government" means any municipality, county,
166 or political subdivision or agency of a municipality, county, or
167 political subdivision.

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

170 (r)~~(q)~~ "Mobile telephone number" or "MTN" means the
171 telephone number assigned to a wireless telephone at the time of
172 initial activation.

173 (s) "Next Generation 911" or "NG911" means an Internet
174 protocol(IP)-based system comprised of managed emergency

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175 services IP networks (ESInets), functional elements such as
176 applications, and databases that replicate traditional E911
177 features and functions and provides additional capabilities. The
178 NG911 system is designed to provide access to emergency services
179 from all connected communications sources and provide multimedia
180 data capabilities for public safety answering points (PSAPs) and
181 other emergency service organizations.

182 (t)~~(t)~~ "Nonwireless category" means the revenues to the
183 fund received from voice communications services providers other
184 than wireless providers.

185 (u)~~(s)~~ "Office" means the Division of Telecommunications
186 within the Department of Management Services, as designated by
187 the secretary of the department.

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

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

191 a. Order adopted on June 12, 1996, with an effective date
192 of October 1, 1996, the amendments to s. 20.03 and the creation
193 of s. 20.18 of Title 47 of the Code of Federal Regulations
194 adopted by the Federal Communications Commission pursuant to
195 such order.

196 b. Memorandum and Order No. FCC 97-402 adopted on December
197 23, 1997.

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

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

200 2. Orders and rules subsequently adopted by the Federal
201 Communications Commission relating to the provision of 911
202 services, including Order Number FCC-05-116, adopted May 19,
203 2005.

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

207 (x)~~(v)~~ "Prepaid wireless service" means a right to access
208 wireless service that allows a caller to contact and interact
209 with 911 to access the 911 system, which service must be paid
210 for in advance and is sold in predetermined units or dollars,
211 which units or dollars expire on a predetermined schedule or are
212 decremented on a predetermined basis in exchange for the right
213 to access wireless service.

214 (y)~~(w)~~ "Public agency" means the state and any
215 municipality, county, municipal corporation, or other
216 governmental entity, public district, or public authority
217 located in whole or in part within this state which provides, or
218 has authority to provide, firefighting, law enforcement,
219 ambulance, medical, or other emergency services.

220 (z)~~(x)~~ "Public safety agency" means a functional division
221 of a public agency which provides firefighting, law enforcement,
222 medical, or other emergency services.

223 (aa)~~(y)~~ "Public safety answering point," "PSAP," or
224 "answering point" means the public safety agency that receives
225 incoming 911 requests for assistance and dispatches appropriate
226 public safety agencies to respond to the requests in accordance
227 with the state E911 plan.

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

230 (cc)~~(aa)~~ "Service identifier" means the service number,
231 access line, or other unique identifier assigned to a subscriber
232 and established by the Federal Communications Commission for

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233 purposes of routing calls whereby the subscriber has access to
234 the E911 system.

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

237 (ee)~~(cc)~~ "Voice communications services" means two-way
238 voice service, through the use of any technology, which actually
239 provides access to 911 ~~E911~~ services, and includes
240 communications services, as defined in s. 202.11, which actually
241 provide access to 911 ~~E911~~ services and which are required to be
242 included in the provision of 911 ~~E911~~ services pursuant to
243 orders and rules adopted by the Federal Communications
244 Commission. The term includes voice-over-Internet-protocol
245 service. For the purposes of this section, the term "voice-over-
246 Internet-protocol service" or "VoIP service" means
247 interconnected VoIP services having the following
248 characteristics:

249 1. The service enables real-time, two-way voice
250 communications;

251 2. The service requires a broadband connection from the
252 user's locations;

253 3. The service requires IP-compatible customer premises
254 equipment; and

255 4. The service offering allows users generally to receive
256 calls that originate on the public switched telephone network
257 and to terminate calls on the public switched telephone network.

258 (ff)~~(dd)~~ "Voice communications services provider" or
259 "provider" means any person or entity providing voice
260 communications services, except that the term does not include
261 any person or entity that resells voice communications services

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262 and was assessed the fee authorized and imposed under subsection
263 (8) by its resale supplier.

264 (gg)~~(ff)~~ "Wireless 911 system" or "wireless 911 service"
265 means an emergency telephone system or service that provides a
266 subscriber with the ability to reach an answering point by
267 accessing the digits 911.

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

271 (ii)~~(gg)~~ "Wireless communications facility" means any
272 equipment or facility used to provide service and may include,
273 but is not limited to, antennae, towers, equipment enclosures,
274 cabling, antenna brackets, and other such equipment. Placing a
275 wireless communications facility on an existing structure does
276 not cause the existing structure to become a wireless
277 communications facility.

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

- 280 1. Is subject to the requirements of the order; or
281 2. Elects to provide wireless 911 service, ~~or~~ E911 service,
282 or NG911 service in this state.

283 (kk)~~(ii)~~ "Wireless service" means "commercial mobile radio
284 service" as provided under ss. 3(27) and 332(d) of the Federal
285 Telecommunications Act of 1996, 47 U.S.C. ss. 151 et seq., and
286 the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-
287 66, August 10, 1993, 107 Stat. 312. The term includes service
288 provided by any wireless real-time two-way wire communication
289 device, including radio-telephone communications used in
290 cellular telephone service; personal communications service; or

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291 the functional or competitive equivalent of a radio-telephone
292 communications line used in cellular telephone service, a
293 personal communications service, or a network radio access line.
294 The term does not include wireless providers that offer mainly
295 dispatch service in a more localized, noncellular configuration;
296 providers offering only data, one-way, or stored-voice services
297 on an interconnected basis; providers of air-to-ground services;
298 or public coast stations.

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

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

303 (a) The Emergency Communications ~~E911~~ Board is established
304 ~~to administer,~~ with oversight by the office, to:

305 1. Administer governance for how emergency infrastructure
306 and information, such as voice, text, data, and images, are
307 handled from receipt at a PSAP and routing to first responders;

308 2. Establish a financial model for the state and local
309 governments to use existing revenue sources to invest in public
310 safety communication and technology for first responders; and

311 3. Administer a financially sustainable model dedicated to
312 public safety communications and technology which will benefit
313 the state and local governments and all state residents and
314 visitors.

315 (b) Public safety funding under paragraph (a) must focus
316 on, but not be limited to:

317 1. Next Generation 911.

318 2. Emergency services IP network (ESInet).

319 3. Computer-aided dispatch (CAD).

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320 4. Interfaces, including:
321 a. Land mobile radio (LMR);
322 b. Smart city technology data; and
323 c. In-building coverage.
324 5. Public safety broadband networks.
325 6. Cybersecurity.
326 ~~, with oversight by the office, the fee imposed under~~
327 ~~subsections (8) and (9), including receiving revenues derived~~
328 ~~from the fee; distributing portions of the revenues to wireless~~
329 ~~providers, counties, and the office; accounting for receipts,~~
330 ~~distributions, and income derived by the funds maintained in the~~
331 ~~fund; and providing annual reports to the Governor and the~~
332 ~~Legislature for submission by the office on amounts collected~~
333 ~~and expended, the purposes for which expenditures have been~~
334 ~~made, and the status of E911 service in this state. In order to~~
335 ~~advise and assist the office in implementing the purposes of~~
336 ~~this section, the board, which has the power of a body~~
337 ~~corporate, has the powers enumerated in subsection (6).~~
338 (c) ~~(b)~~ The board shall consist of nine ~~11~~ members, one of
339 whom must be the system director designated under s. 365.171(5),
340 or his or her designee, who shall serve as the chair of the
341 board. The remaining eight ~~10~~ members of the board shall be
342 appointed by the Governor. All members shall be Florida
343 residents. Consideration shall be given to members from rural,
344 medium, and large counties and from a broad range of fields,
345 including, but not limited to, members who have experience in
346 law enforcement, fire response, emergency medical services, 911
347 coordination, public safety dispatch, and telecommunications ~~and~~
348 ~~must be composed of 5 county 911 coordinators, consisting of a~~

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349 ~~representative from a rural county, a representative from a~~
350 ~~medium county, a representative from a large county, and 2 at-~~
351 ~~large representatives recommended by the Florida Association of~~
352 ~~Counties in consultation with the county 911 coordinators; 3~~
353 ~~local exchange carrier member representatives, one of whom must~~
354 ~~be a representative of the local exchange carrier having the~~
355 ~~greatest number of access lines in the state and one of whom~~
356 ~~must be a representative of a certificated competitive local~~
357 ~~exchange telecommunications company; and 2 member~~
358 ~~representatives from the wireless telecommunications industry,~~
359 ~~with consideration given to wireless providers that are not~~
360 ~~affiliated with local exchange carriers. Not more than one~~
361 ~~member may be appointed to represent any single provider on the~~
362 ~~board.~~

363 (d) ~~(e)~~ The system director, designated under s. 365.171(5),
364 or his or her designee, must be a permanent member of the board.
365 Each of the remaining eight ~~10~~ members of the board shall be
366 appointed to a 4-year term and may not be appointed to more than
367 two successive terms. However, for the purpose of staggering
368 terms, three ~~two~~ of the original board members shall be
369 appointed to terms of 4 years, three ~~two~~ shall be appointed to
370 terms of 3 years, and two ~~four~~ shall be appointed to terms of 2
371 years, as designated by the Governor. A vacancy on the board
372 shall be filled in the same manner as the original appointment.

373 (e) The board shall be responsible for ensuring
374 interoperability of and connectivity between public safety
375 communication systems within this state, including, but not
376 limited to, the following:

377 1. Call routing accuracy and timeliness of response.

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378 2. Improved interagency communication and situational
379 awareness.

380 3. Improved interagency system connectivity.

381 4. Improved response times.

382 5. Maximized use of emerging technologies.

383 6. Improved lifecycle management of the systems, equipment,
384 and services that enable responders and public safety officials
385 to share information securely.

386 7. Developed governance, policy, and procedure across
387 public safety agencies.

388 8. Established resilient and secure emergency
389 communications systems to reduce cybersecurity threats and
390 vulnerabilities.

391 (f) The board shall administer the fee imposed under
392 subsections (8) and (9), including receiving revenues derived
393 from the fee; distributing portions of the revenues to counties,
394 state agencies that operate 911 centers, and the office;
395 accounting for receipts, distributions, and income derived by
396 the funds maintained in the fund; and providing annual reports
397 for review and submission to the Governor and the Legislature on
398 amounts collected and expended, the purposes for which
399 expenditures have been made, and the status of emergency
400 communications services in this state.

401 (g) The board may create subcommittees to advise the board,
402 as needed.

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

404 (a) The board shall:

405 1. Administer the public safety emergency communications
406 systems ~~E-911~~ fee.

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

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

410 a. The board may establish a schedule for implementing
411 wireless NG911 systems, public safety radio communications
412 systems, and other public safety communications improvements
413 ~~E911 service by service area,~~ and prioritize disbursements of
414 revenues from the fund to ~~providers and~~ rural counties as
415 provided in s. 365.173(2)(f) ~~s. 365.173(2)(e) and (g)~~ pursuant
416 to the schedule, in order to implement 911 ~~E911~~ services in the
417 most efficient and cost-effective manner.

418 b. The board shall provide 90 days' written notice to all
419 counties and state agencies that operate 911 centers and publish
420 electronically an approved application process. Applications
421 shall be prioritized based on the availability of funds, current
422 system life expectancy, and system replacement needs. The board
423 shall take all actions within its authority to ensure that
424 county recipients of such funds use these funds only for the
425 purpose under which they have been provided and may take any
426 actions within its authority to secure county repayment of
427 revenues upon a determination that the funds were not used for
428 the purpose for which the funds were dispersed.

429 ~~b. Revenues in the fund which have not been disbursed~~
430 ~~because sworn invoices as required by s. 365.173(2)(e) have not~~
431 ~~been submitted to the board may be used by the board as needed~~
432 ~~to provide grants to counties for the purpose of upgrading E911~~
433 ~~systems. The counties must use the funds only for capital~~
434 ~~expenditures or remotely provided hosted 911 answering point~~
435 ~~call-taking equipment and network services directly attributable~~

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436 ~~to establishing and provisioning E911 services, which may~~
437 ~~include next-generation deployment. Prior to the distribution of~~
438 ~~grants, the board shall provide 90 days' written notice to all~~
439 ~~counties and publish electronically an approved application~~
440 ~~process. County grant applications shall be prioritized based on~~
441 ~~the availability of funds, current system life expectancy,~~
442 ~~system replacement needs, and Phase II compliance per the~~
443 ~~Federal Communications Commission. No grants will be available~~
444 ~~to any county for next-generation deployment until all counties~~
445 ~~are Phase II complete. The board shall take all actions within~~
446 ~~its authority to ensure that county recipients of such grants~~
447 ~~use these funds only for the purpose under which they have been~~
448 ~~provided and may take any actions within its authority to secure~~
449 ~~county repayment of grant revenues upon determination that the~~
450 ~~funds were not used for the purpose under which they were~~
451 ~~provided.~~

452 ~~e. When determining the funding provided in a state 911~~
453 ~~grant application request, the board shall take into account~~
454 ~~information on the amount of carryforward funds retained by the~~
455 ~~counties. The information will be based on the amount of county~~
456 ~~carryforward funds reported in the financial audit required in~~
457 ~~s. 365.173(2)(d). E911 State Grant Program funding requests will~~
458 ~~be limited by any county carryforward funds in excess of the~~
459 ~~allowable 30 percent amount of fee revenue calculated on a 2-~~
460 ~~year basis.~~

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

464 ~~e. After taking the action required in sub-subparagraphs~~

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465 ~~a. d., the board may review and, with all members participating~~
466 ~~in the vote, adjust the percentage allocations or adjust the~~
467 ~~amount of the fee as provided under paragraph (8) (g), and, if~~
468 ~~the board determines that the revenues in the wireless category~~
469 ~~exceed the amount needed to reimburse wireless providers for the~~
470 ~~cost to implement E911 services, the board may transfer revenue~~
471 ~~to the counties from the existing funds within the wireless~~
472 ~~category. The board shall disburse the funds equitably to all~~
473 ~~counties using a timeframe and distribution methodology~~
474 ~~established by the board.~~

475 4. Review documentation submitted by wireless providers
476 which reflects current and projected funds derived from the fee,
477 and the expenses incurred and expected to be incurred in order
478 to comply with the E911 service requirements contained in the
479 order for the purposes of:

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

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

485 e. ~~Ascertaining the projected costs of compliance with the~~
486 ~~requirements of the order and projected collections of the fee.~~

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

489 5. Implement changes to the allocation percentages or
490 adjust the fee pursuant to s. 365.173.

491 6.5. Meet quarterly ~~monthly~~ in the most efficient and cost-
492 effective manner, including telephonically when practical, for
493 the business to be conducted, to review and authorize the

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494 schedule of fee allocation transfer and distribution to the
495 counties and state agencies that operate 911 centers ~~approve or~~
496 ~~reject, in whole or in part, applications submitted by wireless~~
497 ~~providers for recovery of moneys deposited into the wireless~~
498 ~~category, and to authorize the transfer of, and distribute, the~~
499 ~~fee allocation to the counties.~~

500 ~~7.6.~~ Hire and retain employees, which may include an
501 independent executive director who shall possess experience in
502 the area of telecommunications and emergency 911 issues, for the
503 purposes of performing the technical and administrative
504 functions for the board.

505 ~~8.7.~~ Make and enter into contracts, pursuant to chapter
506 287, and execute other instruments necessary or convenient for
507 the exercise of the powers and functions of the board.

508 ~~9.8.~~ Sue and be sued, and appear and defend in all actions
509 and proceedings, in its corporate name to the same extent as a
510 natural person.

511 ~~10.9.~~ Adopt, use, and alter a common corporate seal.

512 ~~11.10.~~ Elect or appoint the officers and agents that are
513 required by the affairs of the board.

514 ~~12.11.~~ The board may adopt rules under ss. 120.536(1) and
515 120.54 to implement this section and ss. 365.173 and 365.174.

516 ~~13.12.~~ Provide coordination, support, and technical
517 assistance to counties to promote the deployment of advanced
518 public safety emergency communications ~~911 and E911~~ systems in
519 the state.

520 ~~14.13.~~ Provide coordination and support for educational
521 opportunities related to 911 ~~E911~~ issues for the public safety
522 emergency communications ~~E911~~ community in this state.

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523 ~~15.14.~~ Act as an advocate for issues related to public
524 safety emergency communications ~~E911~~ system functions, features,
525 and operations to improve the delivery of public safety
526 emergency communications ~~E911~~ services to the residents of and
527 visitors to this state.

528 ~~16.15.~~ Coordinate input from this state at national forums
529 and associations, to ensure that policies related to public
530 safety emergency communications ~~E911~~ systems and services are
531 consistent with the policies of the public safety emergency
532 communications ~~E911~~ community in this state.

533 ~~17.16.~~ Work cooperatively with the system director
534 established in s. 365.171(5) to enhance the state of public
535 safety emergency communications ~~E911~~ services in this state and
536 to provide unified leadership for all public safety emergency
537 communications ~~E911~~ issues through planning and coordination.

538 ~~18.17.~~ Do all acts and things necessary or convenient to
539 carry out the powers granted in this section in a manner that is
540 competitively and technologically neutral as to all voice
541 communications services providers, including, but not limited
542 to, consideration of emerging technology and related cost
543 savings, while taking into account embedded costs in current
544 systems.

545 ~~19.18.~~ Have the authority to secure the services of an
546 independent, private attorney via invitation to bid, request for
547 proposals, invitation to negotiate, or professional contracts
548 for legal services already established at the Division of
549 Purchasing of the Department of Management Services.

550 (b) Board members shall serve without compensation;
551 however, members are entitled to per diem and travel expenses as

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552 provided in s. 112.061.

553 (c) By February 28 of each year, the board shall prepare a
554 report for submission by the office to the Governor, the
555 President of the Senate, and the Speaker of the House of
556 Representatives which addresses for the immediately preceding
557 state fiscal year and county fiscal year:

558 1. The annual receipts, including the total amount of fee
559 revenues collected by each provider, the total disbursements of
560 money in the fund, ~~including the amount of fund-reimbursed~~
561 ~~expenses incurred by each wireless provider to comply with the~~
562 ~~order,~~ and the amount of moneys on deposit in the fund.

563 2. Whether the amount of the fee and the allocation
564 percentages set forth in s. 365.173 have been or should be
565 adjusted to comply with the ~~requirements of the order or other~~
566 provisions of this chapter, and the reasons for making or not
567 making a recommended adjustment to the fee.

568 3. Any other issues related to providing emergency
569 communications ~~E911~~ services.

570 4. The status of public safety emergency communications
571 ~~E911~~ services in this state.

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

573 (a) The board shall issue a request for proposals as
574 provided in chapter 287 for the purpose of retaining an
575 independent accounting firm. The independent accounting firm
576 shall perform all material administrative and accounting tasks
577 and functions required for administering the fee. The request
578 for proposals must include, but need not be limited to:

579 1. A description of the scope and general requirements of
580 the services requested.

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581 2. A description of the specific accounting and reporting
582 services required for administering the fund, including
583 processing checks and distributing funds as directed by the
584 board under s. 365.173.

585 3. A description of information to be provided by the
586 proposer, including the proposer's background and qualifications
587 and the proposed cost of the services to be provided.

588 (b) The board shall establish a committee to review
589 requests for proposals which must include the statewide
590 emergency communications systems ~~E911 system~~ director designated
591 under s. 365.171(5), or his or her designee, and two members of
592 the board, ~~one of whom is a county 911 coordinator and one of~~
593 ~~whom represents a voice communications services provider.~~ The
594 review committee shall review the proposals received by the
595 board and recommend an independent accounting firm to the board
596 for final selection. By agreeing to serve on the review
597 committee, each member of the review committee shall verify that
598 he or she does not have any interest or employment, directly or
599 indirectly, with potential proposers which conflicts in any
600 manner or degree with his or her performance on the committee.

601 (c) The board may secure the services of an independent
602 accounting firm via invitation to bid, request for proposals,
603 invitation to negotiate, or professional contracts already
604 established at the Division of Purchasing, Department of
605 Management Services, for certified public accounting firms, or
606 the board may hire and retain professional accounting staff to
607 accomplish these functions.

608 (8) PUBLIC SAFETY EMERGENCY COMMUNICATIONS SYSTEMS ~~E911~~
609 FEE.—

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610 (a) Each voice communications services provider shall
611 collect the fee described in this subsection, except that the
612 fee for prepaid wireless service shall be collected in the
613 manner set forth in subsection (9). Each provider, as part of
614 its monthly billing process, shall bill the fee as follows. The
615 fee shall not be assessed on any pay telephone in the state.

616 1. Each voice communications service provider other than a
617 wireless provider shall bill the fee to a subscriber based on
618 the number of access lines having access to the 911 ~~E911~~ system,
619 on a service-identifier basis, up to a maximum of 25 access
620 lines per account bill rendered.

621 2. Each voice communications service provider other than a
622 wireless provider shall bill the fee to a subscriber on a basis
623 of five service-identified access lines for each digital
624 transmission link, including primary rate interface service or
625 equivalent Digital-Signal-1-level service, which can be
626 channelized and split into 23 or 24 voice-grade or data-grade
627 channels for communications, up to a maximum of 25 access lines
628 per account bill rendered.

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

636 4. Except in the case of prepaid wireless service, each
637 voice communications services provider not addressed under
638 subparagraphs 1., 2., and 3. shall bill the fee on a per-

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639 service-identifier basis for service identifiers whose primary
640 place of use is within the state up to a maximum of 25 service
641 identifiers for each account bill rendered.

642
643 The provider may list the fee as a separate entry on each bill,
644 in which case the fee must be identified as a fee for 911 ~~E911~~
645 services. A provider shall remit the fee to the board only if
646 the fee is paid by the subscriber. If a provider receives a
647 partial payment for a monthly bill from a subscriber, the amount
648 received shall first be applied to the payment due the provider
649 for providing voice communications service.

650 (b) A provider is not obligated to take any legal action to
651 enforce collection of the fees for which any subscriber is
652 billed. A county subscribing to 911 service remains liable to
653 the provider delivering the 911 service or equipment for any 911
654 service, equipment, operation, or maintenance charge owed by the
655 county to the provider.

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

658 (d) Each provider may retain 1 percent of the amount of the
659 fees collected as reimbursement for the administrative costs
660 incurred by the provider to bill, collect, and remit the fee.
661 The remainder shall be delivered to the board and deposited by
662 the board into the fund. The board shall distribute the
663 remainder pursuant to s. 365.173.

664 (e) Voice communications services providers billing the fee
665 to subscribers shall deliver revenues from the fee to the board
666 within 60 days after the end of the month in which the fee was
667 billed, together with a monthly report of the number of service

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668 identifiers in each county. Each wireless provider and other
669 applicable provider identified in subparagraph (a)4. shall
670 report the number of service identifiers for subscribers whose
671 place of primary use is in each county. All provider subscriber
672 information provided to the board is subject to s. 365.174. If a
673 provider chooses to remit any fee amounts to the board before
674 they are paid by the subscribers, a provider may apply to the
675 board for a refund of, or may take a credit for, any such fees
676 remitted to the board which are not collected by the provider
677 within 6 months following the month in which the fees are
678 charged off for federal income tax purposes as bad debt.

679 (f) The rate of the fee may not exceed 50 cents per month
680 for each service identifier. Effective January 1, 2015, the fee
681 shall be 40 cents per month for each service identifier. The fee
682 shall apply uniformly and be imposed throughout the state,
683 ~~except for those counties that, before July 1, 2007, had adopted~~
684 ~~an ordinance or resolution establishing a fee less than 50 cents~~
685 ~~per month per access line. In those counties the fee established~~
686 ~~by ordinance may be changed only to the uniform statewide rate~~
687 ~~no sooner than 30 days after notification is made by the~~
688 ~~county's board of county commissioners to the board.~~

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

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697 1. ~~The revenues currently allocated for wireless service~~
698 ~~provider costs for implementing E911 service and projected costs~~
699 ~~for implementing E911 service, including recurring costs for~~
700 ~~Phase I and Phase II and the effect of new technologies;~~

701 ~~2.~~ The appropriate level of funding needed to fund the
702 rural grant program provided for in s. 365.173(2)(f) ~~s.~~
703 ~~365.173(2)(g); and~~

704 ~~2.3.~~ The need to fund statewide, regional, and county
705 grants in accordance with sub-subparagraph (6)(a)3.b. and s.
706 365.173(2)(g) ~~s. 365.173(2)(h).~~

707 (h) The board may adjust the allocation percentages or
708 adjust the amount of the fee as provided in paragraph (g) if
709 necessary to ensure full cost recovery or prevent over recovery
710 ~~overrecovery~~ of costs incurred in the provision of 911 ~~E911~~
711 service, including costs incurred or projected to be incurred ~~to~~
712 ~~comply with the order.~~ Any new allocation percentages or reduced
713 or increased fee may not be adjusted for 1 year. In no event
714 shall the fee exceed 50 cents per month for each service
715 identifier. The fee, and any board adjustment of the fee, shall
716 be uniform throughout the state, ~~except for the counties~~
717 ~~identified in paragraph (f).~~ No less than 90 days before the
718 effective date of any adjustment to the fee, the board shall
719 provide written notice of the adjusted fee amount and effective
720 date to each voice communications services provider from which
721 the board is then receiving the fee.

722 (i) It is the intent of the Legislature that all revenue
723 from the fee be used as specified in s. 365.173(2)(a)-(h) ~~s.~~
724 ~~365.173(2)(a)-(i).~~

725 (j) State and local taxes do not apply to the fee. The

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726 amount of the ~~E911~~ fee collected by a provider may not be
727 included in the base for imposition of any tax, fee, surcharge,
728 or other charge imposed by this state, any political subdivision
729 of this state, or any intergovernmental agency.

730 (k) A local government may not levy the fee or any
731 additional fee on providers or subscribers for the provision of
732 911 ~~E911~~ service.

733 (l) For purposes of this section, the definitions contained
734 in s. 202.11 and the provisions of s. 202.155 apply in the same
735 manner and to the same extent as the definitions and provisions
736 apply to the taxes levied under chapter 202 on mobile
737 communications services.

738 (9) PREPAID WIRELESS PUBLIC SAFETY EMERGENCY COMMUNICATIONS
739 SYSTEMS ~~E911~~ FEE.—

740 (a) ~~Effective January 1, 2015, a prepaid wireless E911 fee~~
741 ~~is imposed per retail transaction at the rate established in~~
742 ~~paragraph (8) (f). In order to allow sellers of all sizes and~~
743 ~~technological capabilities adequate time to comply with this~~
744 ~~subsection, a seller of prepaid wireless service operating in~~
745 ~~this state before the prepaid wireless E911 fee is imposed shall~~
746 ~~retain 100 percent of the fee collected under this paragraph for~~
747 ~~the first 2 months to offset the cost of setup.~~

748 ~~(b)~~ Effective July 1, 2023 ~~March 1, 2015~~, the prepaid
749 wireless ~~E911~~ fee ~~imposed under paragraph (a)~~ shall be subject
750 to remittance in accordance with paragraph (f) ~~(g)~~. In no event
751 shall the fee exceed 50 cents for each retail transaction. At
752 least 90 days before the effective date of any adjustment to the
753 fee under paragraph (8) (g), the Department of Revenue shall
754 provide written notice of the adjusted fee amount and its

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755 effective date to each seller from which the department is then
756 receiving the fee. At least 120 days before the effective date
757 of any adjustment to the fee imposed under this subsection, the
758 board shall provide notice to the Department of Revenue of the
759 adjusted fee amount and effective date of the adjustment.

760 (b)~~(e)~~ The prepaid wireless ~~E911~~ fee shall be collected by
761 the seller from the consumer with respect to each retail
762 transaction occurring in this state. The amount of the prepaid
763 wireless ~~E911~~ fee shall be separately stated on an invoice,
764 receipt, or other similar document that is provided to the
765 consumer by the seller or otherwise disclosed to the consumer.

766 (c)~~(d)~~ For purposes of paragraph (b) ~~(e)~~, a retail
767 transaction that takes place in person by a consumer at a
768 business location of the seller shall be treated as occurring in
769 this state if that business location is in this state. Such
770 transaction is deemed to have occurred in the county of the
771 business location. When a retail transaction does not take place
772 at the seller's business location, the transaction shall be
773 treated as taking place at the consumer's shipping address or,
774 if no item is shipped, at the consumer's address or the location
775 associated with the consumer's mobile telephone number. Such
776 transaction is deemed to have occurred in the county of the
777 consumer's shipping address when items are shipped to the
778 consumer or, when no items are shipped, the county of the
779 consumer's address or the location associated with the
780 consumer's mobile telephone number. A transaction for which the
781 specific Florida county cannot be determined shall be treated as
782 nonspecific.

783 (d)~~(e)~~ If a prepaid wireless device is sold for a single,

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784 nonitemized price with a prepaid wireless service of 10 minutes
785 or less or \$5 or less, the seller may elect not to apply the
786 prepaid wireless ~~E911~~ fee to the transaction.

787 (e)~~(f)~~ The amount of the prepaid wireless ~~E911~~ fee that is
788 collected by a seller from a consumer and that is separately
789 stated on an invoice, receipt, or similar document provided to
790 the consumer by the seller, may not be included in the base for
791 imposition of any tax, fee, surcharge, or other charge that is
792 imposed by this state, any political subdivision of this state,
793 or any intergovernmental agency.

794 (f)~~(g)~~ Beginning July 1, 2023 ~~April 1, 2015~~, each seller
795 shall file a return and remit the prepaid wireless ~~E911~~ fees
796 collected in the previous month to the Department of Revenue on
797 or before the 20th day of the month. If the 20th day falls on a
798 Saturday, Sunday, or legal holiday, payments accompanied by
799 returns are due on the next succeeding day that is not a
800 Saturday, Sunday, or legal holiday observed by federal or state
801 agencies as defined in chapter 683 and s. 7503 of the Internal
802 Revenue Code of 1986, as amended. A seller may remit the prepaid
803 wireless ~~E911~~ fee by electronic funds transfer and file a fee
804 return with the Department of Revenue that is initiated through
805 an electronic data interchange.

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

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

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813 wireless ~~E911~~ fees may file a quarterly return for the calendar
814 quarters ending in March, June, September, and December. The
815 seller must file a return and remit the prepaid wireless ~~E911~~
816 fees collected during each calendar quarter on or before the
817 20th day of the month following that calendar quarter.

818 3. A seller must provide the following information on each
819 prepaid wireless ~~E911~~ fee return filed with the Department of
820 Revenue:

821 a. The seller's name, federal identification number,
822 taxpayer identification number issued by the Department of
823 Revenue, business location address and mailing address, and
824 county of the business location in accordance with paragraph (c)
825 ~~(d)~~;

826 b. The reporting period;

827 c. The number of prepaid wireless services sold during the
828 reporting period;

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

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

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

834 4. A seller who operates two or more business locations for
835 which returns are required to be filed with the Department of
836 Revenue may file a consolidated return reporting and remitting
837 the prepaid wireless ~~E911~~ fee for all business locations. Such
838 sellers must report the prepaid wireless ~~E911~~ fees collected in
839 each county, in accordance with paragraph (c) ~~(d)~~, on a
840 reporting schedule filed with the fee return.

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

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

843 6. Except as provided in this section, the Department of
844 Revenue shall administer, collect, and enforce the fee under
845 this subsection pursuant to the same procedures used in the
846 administration, collection, and enforcement of the general state
847 sales tax imposed under chapter 212. The provisions of chapter
848 212 regarding authority to audit and make assessments, keeping
849 of books and records, and interest and penalties on delinquent
850 fees shall apply. The provisions of estimated tax liability in
851 s. 212.11(1)(a) do not apply to the prepaid wireless ~~E911~~ fee.

852 (g)~~(h)~~ A seller of prepaid wireless services in this state
853 must register with the Department of Revenue for each place of
854 business as required by s. 212.18(3) and the Department of
855 Revenue's administrative rule regarding registration as a sales
856 and use tax dealer. A separate application is required for each
857 place of business. A valid certificate of registration issued by
858 the Department of Revenue to a seller for sales and use tax
859 purposes is sufficient for purposes of the registration
860 requirement of this subsection. There is no fee for registration
861 for remittance of the prepaid wireless ~~E911~~ fee.

862 (h)~~(i)~~ The Department of Revenue shall deposit the funds
863 remitted under this subsection into the Audit and Warrant
864 Clearing Trust Fund established in s. 215.199 and retain up to
865 3.2 percent of the funds remitted under this subsection to
866 reimburse its direct costs of administering the collection and
867 remittance of prepaid wireless ~~E911~~ fees. Thereafter, the
868 Department of Revenue shall transfer all remaining funds
869 remitted under this subsection to the Emergency Communications
870 ~~Number E911 System~~ Fund monthly for use as provided in s.

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871 365.173.

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

875 (j)~~(k)~~ A provider or seller of prepaid wireless service is
876 not liable for damages to any person resulting from or incurred
877 in connection with providing or failing to provide emergency
878 communications and 911 ~~or E911~~ service or for identifying or
879 failing to identify the telephone number, address, location, or
880 name associated with any person or device that is accessing or
881 attempting to access emergency communications and 911 ~~or E911~~
882 service.

883 (k)~~(l)~~ A provider or seller of prepaid wireless service is
884 not liable for damages to any person resulting from or incurred
885 in connection with providing any lawful assistance to any
886 investigative or law enforcement officer of the United States,
887 any state, or any political subdivision of any state in
888 connection with any lawful investigation or other law
889 enforcement activity by such law enforcement officer.

890 (l)~~(m)~~ The limitations of liability under this subsection
891 for providers and sellers are in addition to any other
892 limitation of liability provided for under this section.

893 (m)~~(n)~~ A local government may not levy the fee or any
894 additional fee on providers or sellers of prepaid wireless
895 service for the provision of 911 ~~E911~~ service.

896 (n)~~(o)~~ For purposes of this section, the state and local
897 governments are not consumers.

898 (o)~~(p)~~ For purposes of this subsection, the term:

899 1. "Consumer" means a person who purchases prepaid wireless

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900 service in a retail sale.

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

904 3. "Provider" means a person that provides prepaid wireless
 905 service pursuant to a license issued by the Federal
 906 Communications Commission.

907 4. "Retail transaction" means the purchase by a consumer
 908 from a seller of prepaid wireless service that may be applied to
 909 a single service identifier for use by the consumer. If a
 910 consumer makes a purchase of multiple prepaid wireless services
 911 in a single transaction, each individual prepaid wireless
 912 service shall be considered a separate retail transaction for
 913 purposes of calculating the prepaid wireless ~~E911~~ fee.

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

916 (10) AUTHORIZED EXPENDITURES OF PUBLIC SAFETY EMERGENCY
 917 COMMUNICATIONS SYSTEMS ~~E911~~ FEE.—

918 (a) For purposes of this section, emergency communications
 919 and 911 ~~E911~~ service includes the functions relating to the
 920 receipt and transfer of requests for emergency assistance, of
 921 database management, call taking, and location verification, ~~and~~
 922 ~~call transfer~~. Department of Health certification and
 923 recertification and training costs for ~~911~~ public safety
 924 telecommunications, including dispatching, are functions of
 925 public safety emergency telecommunications ~~911~~ services.

926 (b) All costs directly attributable to the establishment or
 927 provision of emergency communications equipment ~~E911~~ service and
 928 ~~contracting for ~~E911~~ services~~ related to a primary or secondary

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929 public safety answering point (PSAP) are eligible for
930 expenditure of moneys derived from imposition of the fee
931 authorized by subsections (8) and (9). These costs include the
932 acquisition, implementation, and maintenance of PSAP ~~Public~~
933 ~~Safety Answering Point (PSAP)~~ equipment and ~~E911 service~~
934 features, as defined in the providers' published schedules or
935 the acquisition, installation, and maintenance of other ~~E911~~
936 equipment, including: circuits; call answering equipment; call
937 transfer equipment; ANI or ALI controllers; ANI or ALI displays;
938 station instruments; NG911 ~~E911~~ telecommunications systems;
939 emergency services IP network (ESInet); visual call information
940 and storage devices; recording equipment; telephone devices and
941 other equipment for the hearing impaired used in the E911
942 system; PSAP backup power systems; consoles; automatic call
943 distributors; ~~and~~ interfaces, including hardware and software,
944 for computer-aided dispatch (CAD) systems, for public safety
945 land mobile radio systems (LMR) and radio consoles that provide
946 two-way radio communication with responders, and for in-building
947 coverage; integrated CAD systems for that portion of the systems
948 used for E911 call taking; GIS system and software equipment and
949 information displays; network clocks; cybersecurity, including
950 hardware, software, and services; salary and associated expenses
951 for 911 ~~E911~~ call takers and emergency dispatchers ~~for that~~
952 ~~portion of their time spent taking and transferring E911 calls,~~
953 salary, and associated expenses for a county to employ a full-
954 time equivalent 911 ~~E911~~ coordinator position and a full-time
955 equivalent mapping or geographical data position, and technical
956 system maintenance, database, and administration personnel for
957 the portion of their time spent administrating the emergency

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958 communications ~~E911~~ system; emergency medical, fire, and law
959 enforcement prearrival instruction software; charts and training
960 costs; training costs for PSAP call takers, dispatchers,
961 supervisors, and managers in the proper methods and techniques
962 used in taking and transferring 911 ~~E911~~ calls; costs to train
963 and educate PSAP employees regarding 911 and radio ~~E911~~ service
964 or NG911 ~~E911~~ equipment, including fees collected by the
965 Department of Health for the certification and recertification
966 of 911 public safety telecommunicators as required under s.
967 401.465; and expenses required to develop and maintain all
968 information, including ALI and ANI databases and other
969 information source repositories, necessary to properly inform
970 call takers as to location address, type of emergency, smart
971 city technology data, public safety broadband networks, and
972 other information directly relevant to the processing of a
973 request for emergency assistance ~~E911 call-taking and~~
974 ~~transferring function. Moneys derived from the fee may also be~~
975 ~~used for next-generation E911 network services, next-generation~~
976 ~~E911 database services, next-generation E911 equipment, and~~
977 ~~wireless E911 routing systems.~~

978 (c) The moneys may not be used to pay for any item not
979 listed in this subsection, including, but not limited to, any
980 capital or operational ~~costs for emergency responses which occur~~
981 ~~after the call transfer to the responding public safety entity~~
982 ~~and the costs for~~ utilities, constructing, leasing, maintaining,
983 or renovating buildings, except for those building modifications
984 necessary to maintain the security and environmental integrity
985 of the PSAP and emergency communications ~~E911~~ equipment rooms.

986 (11) LIABILITY OF COUNTIES.—A county subscribing to 911

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987 service remains liable to the local exchange carrier for any 911
988 service, equipment, operation, or maintenance charge owed by the
989 county to the local exchange carrier. As used in this
990 subsection, the term "local exchange carrier" means a local
991 exchange telecommunications service provider of 911 service or
992 equipment to any county within its certificated area.

993 (12) INDEMNIFICATION AND LIMITATION OF LIABILITY.—A local
994 government may indemnify local exchange carriers against
995 liability in accordance with the published schedules of the
996 company. Notwithstanding an indemnification agreement, a local
997 exchange carrier, voice communications services provider, or
998 other service provider that provides 911, ~~or~~ E911, or NG911
999 service on a retail or wholesale basis is not liable for damages
1000 resulting from or in connection with 911, ~~or~~ E911, or NG911
1001 service, or for identification of the telephone number, or
1002 address, or name associated with any person accessing 911, ~~or~~
1003 E911, or NG911 service, unless the carrier or provider acted
1004 with malicious purpose or in a manner exhibiting wanton and
1005 willful disregard of the rights, safety, or property of a person
1006 when providing such services. A carrier or provider is not
1007 liable for damages to any person resulting from or in connection
1008 with the carrier's or provider's provision of any lawful
1009 assistance to any investigative or law enforcement officer of
1010 the United States, this state, or a political subdivision
1011 thereof, or of any other state or political subdivision thereof,
1012 in connection with any lawful investigation or other law
1013 enforcement activity by such law enforcement officer. For
1014 purposes of this subsection, the term "911, ~~or~~ E911, or NG911
1015 service" means a telecommunications service, voice or nonvoice

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1016 communications service, or other wireline or wireless service,
1017 including, but not limited to, a service using Internet
1018 protocol, which provides, in whole or in part, any of the
1019 following functions: providing members of the public with the
1020 ability to reach an answering point by using the digits 9-1-1;
1021 directing 911 calls to answering points by selective routing;
1022 providing for automatic number identification and automatic
1023 location-identification features; or providing wireless E911
1024 services as defined in the order.

1025 (13) FACILITATING EMERGENCY COMMUNICATIONS ~~E911~~ SERVICE
1026 IMPLEMENTATION.—To balance the public need for reliable
1027 emergency communications ~~E911~~ services through reliable wireless
1028 systems and the public interest served by governmental zoning
1029 and land development regulations and notwithstanding any other
1030 law or local ordinance to the contrary, the following standards
1031 shall apply to a local government's actions, as a regulatory
1032 body, in the regulation of the placement, construction, or
1033 modification of a wireless communications facility. This
1034 subsection shall not, however, be construed to waive or alter
1035 the provisions of s. 286.011 or s. 286.0115. For the purposes of
1036 this subsection only, "local government" shall mean any
1037 municipality or county and any agency of a municipality or
1038 county only. The term "local government" does not, however,
1039 include any airport, as defined by s. 330.27(2), even if it is
1040 owned or controlled by or through a municipality, county, or
1041 agency of a municipality or county. Further, notwithstanding
1042 anything in this section to the contrary, this subsection does
1043 not apply to or control a local government's actions as a
1044 property or structure owner in the use of any property or

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1045 structure owned by such entity for the placement, construction,
1046 or modification of wireless communications facilities. In the
1047 use of property or structures owned by the local government,
1048 however, a local government may not use its regulatory authority
1049 so as to avoid compliance with, or in a manner that does not
1050 advance, the provisions of this subsection.

1051 (a) Colocation ~~Collocation~~ among wireless providers is
1052 encouraged by the state.

1053 1.a. Colocations ~~Collocations~~ on towers, including
1054 nonconforming towers, that meet the requirements in sub-sub-
1055 subparagraphs (I), (II), and (III), are subject to only building
1056 permit review, which may include a review for compliance with
1057 this subparagraph. Such colocations ~~collocations~~ are not subject
1058 to any design or placement requirements of the local
1059 government's land development regulations in effect at the time
1060 of the colocation ~~collocation~~ that are more restrictive than
1061 those in effect at the time of the initial antennae placement
1062 approval, to any other portion of the land development
1063 regulations, or to public hearing review. This sub-subparagraph
1064 shall not preclude a public hearing for any appeal of the
1065 decision on the colocation ~~collocation~~ application.

1066 (I) The colocation ~~collocation~~ does not increase the height
1067 of the tower to which the antennae are to be attached, measured
1068 to the highest point of any part of the tower or any existing
1069 antenna attached to the tower;

1070 (II) The colocation ~~collocation~~ does not increase the
1071 ground space area, commonly known as the compound, approved in
1072 the site plan for equipment enclosures and ancillary facilities;
1073 and

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1074 (III) The colocation ~~collocation~~ consists of antennae,
1075 equipment enclosures, and ancillary facilities that are of a
1076 design and configuration consistent with all applicable
1077 regulations, restrictions, or conditions, if any, applied to the
1078 initial antennae placed on the tower and to its accompanying
1079 equipment enclosures and ancillary facilities and, if
1080 applicable, applied to the tower supporting the antennae. Such
1081 regulations may include the design and aesthetic requirements,
1082 but not procedural requirements, other than those authorized by
1083 this section, of the local government's land development
1084 regulations in effect at the time the initial antennae placement
1085 was approved.

1086 b. Except for a historic building, structure, site, object,
1087 or district, or a tower included in sub-subparagraph a.,
1088 colocations ~~collocations~~ on all other existing structures that
1089 meet the requirements in sub-sub-subparagraphs (I)-(IV) shall be
1090 subject to no more than building permit review, and an
1091 administrative review for compliance with this subparagraph.
1092 Such colocations ~~collocations~~ are not subject to any portion of
1093 the local government's land development regulations not
1094 addressed herein, or to public hearing review. This sub-
1095 subparagraph shall not preclude a public hearing for any appeal
1096 of the decision on the colocation ~~collocation~~ application.

1097 (I) The colocation ~~collocation~~ does not increase the height
1098 of the existing structure to which the antennae are to be
1099 attached, measured to the highest point of any part of the
1100 structure or any existing antenna attached to the structure;

1101 (II) The colocation ~~collocation~~ does not increase the
1102 ground space area, otherwise known as the compound, if any,

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1103 approved in the site plan for equipment enclosures and ancillary
1104 facilities;

1105 (III) The colocation ~~collocation~~ consists of antennae,
1106 equipment enclosures, and ancillary facilities that are of a
1107 design and configuration consistent with any applicable
1108 structural or aesthetic design requirements and any requirements
1109 for location on the structure, but not prohibitions or
1110 restrictions on the placement of additional colocations
1111 ~~collocations~~ on the existing structure or procedural
1112 requirements, other than those authorized by this section, of
1113 the local government's land development regulations in effect at
1114 the time of the colocation ~~collocation~~ application; and

1115 (IV) The colocation ~~collocation~~ consists of antennae,
1116 equipment enclosures, and ancillary facilities that are of a
1117 design and configuration consistent with all applicable
1118 restrictions or conditions, if any, that do not conflict with
1119 sub-sub-subparagraph (III) and were applied to the initial
1120 antennae placed on the structure and to its accompanying
1121 equipment enclosures and ancillary facilities and, if
1122 applicable, applied to the structure supporting the antennae.

1123 c. Regulations, restrictions, conditions, or permits of the
1124 local government, acting in its regulatory capacity, that limit
1125 the number of colocations ~~collocations~~ or require review
1126 processes inconsistent with this subsection shall not apply to
1127 colocations ~~collocations~~ addressed in this subparagraph.

1128 d. If only a portion of the colocation ~~collocation~~ does not
1129 meet the requirements of this subparagraph, such as an increase
1130 in the height of the proposed antennae over the existing
1131 structure height or a proposal to expand the ground space

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1132 approved in the site plan for the equipment enclosure, where all
1133 other portions of the colocation ~~collocation~~ meet the
1134 requirements of this subparagraph, that portion of the
1135 colocation ~~collocation~~ only may be reviewed under the local
1136 government's regulations applicable to an initial placement of
1137 that portion of the facility, including, but not limited to, its
1138 land development regulations, and within the review timeframes
1139 of subparagraph (d)2., and the rest of the colocation
1140 ~~collocation~~ shall be reviewed in accordance with this
1141 subparagraph. A colocation ~~collocation~~ proposal under this
1142 subparagraph that increases the ground space area, otherwise
1143 known as the compound, approved in the original site plan for
1144 equipment enclosures and ancillary facilities by no more than a
1145 cumulative amount of 400 square feet or 50 percent of the
1146 original compound size, whichever is greater, shall, however,
1147 require no more than administrative review for compliance with
1148 the local government's regulations, including, but not limited
1149 to, land development regulations review, and building permit
1150 review, with no public hearing review. This sub-subparagraph
1151 shall not preclude a public hearing for any appeal of the
1152 decision on the colocation ~~collocation~~ application.

1153 2. If a colocation ~~collocation~~ does not meet the
1154 requirements of subparagraph 1., the local government may review
1155 the application under the local government's regulations,
1156 including, but not limited to, land development regulations,
1157 applicable to the placement of initial antennae and their
1158 accompanying equipment enclosure and ancillary facilities.

1159 3. If a colocation ~~collocation~~ meets the requirements of
1160 subparagraph 1., the colocation is ~~collocation shall~~ not be

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1161 ~~considered~~ a modification to an existing structure or an
1162 impermissible modification of a nonconforming structure.

1163 4. The owner of the existing tower on which the proposed
1164 antennae are to be colocated ~~collocated~~ shall remain responsible
1165 for compliance with any applicable condition or requirement of a
1166 permit or agreement, or any applicable condition or requirement
1167 of the land development regulations to which the existing tower
1168 had to comply at the time the tower was permitted, including any
1169 aesthetic requirements, provided the condition or requirement is
1170 not inconsistent with this paragraph.

1171 5. An existing tower, including a nonconforming tower, may
1172 be structurally modified in order to permit colocation
1173 ~~collocation~~ or may be replaced through no more than
1174 administrative review and building permit review, and is not
1175 subject to public hearing review, if the overall height of the
1176 tower is not increased and, if a replacement, the replacement
1177 tower is a monopole tower or, if the existing tower is a
1178 camouflaged tower, the replacement tower is a like-camouflaged
1179 tower. This subparagraph shall not preclude a public hearing for
1180 any appeal of the decision on the application.

1181 (b)1. A local government's land development and
1182 construction regulations for wireless communications facilities
1183 and the local government's review of an application for the
1184 placement, construction, or modification of a wireless
1185 communications facility shall only address land development or
1186 zoning issues. In such local government regulations or review,
1187 the local government may not require information on or evaluate
1188 a wireless provider's business decisions about its service,
1189 customer demand for its service, or quality of its service to or

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1190 from a particular area or site, unless the wireless provider
1191 voluntarily offers this information to the local government. In
1192 such local government regulations or review, a local government
1193 may not require information on or evaluate the wireless
1194 provider's designed service unless the information or materials
1195 are directly related to an identified land development or zoning
1196 issue or unless the wireless provider voluntarily offers the
1197 information. Information or materials directly related to an
1198 identified land development or zoning issue may include, but are
1199 not limited to, evidence that no existing structure can
1200 reasonably be used for the antennae placement instead of the
1201 construction of a new tower, that residential areas cannot be
1202 served from outside the residential area, as addressed in
1203 subparagraph 3., or that the proposed height of a new tower or
1204 initial antennae placement or a proposed height increase of a
1205 modified tower, replacement tower, or colocation ~~collocation~~ is
1206 necessary to provide the provider's designed service. Nothing in
1207 this paragraph shall limit the local government from reviewing
1208 any applicable land development or zoning issue addressed in its
1209 adopted regulations that does not conflict with this section,
1210 including, but not limited to, aesthetics, landscaping, land
1211 use-based ~~land use-based~~ location priorities, structural design,
1212 and setbacks.

1213 2. Any setback or distance separation required of a tower
1214 may not exceed the minimum distance necessary, as determined by
1215 the local government, to satisfy the structural safety or
1216 aesthetic concerns that are to be protected by the setback or
1217 distance separation.

1218 3. A local government may exclude the placement of wireless

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1219 communications facilities in a residential area or residential
1220 zoning district but only in a manner that does not constitute an
1221 actual or effective prohibition of the provider's service in
1222 that residential area or zoning district. If a wireless provider
1223 demonstrates to the satisfaction of the local government that
1224 the provider cannot reasonably provide its service to the
1225 residential area or zone from outside the residential area or
1226 zone, the municipality or county and provider shall cooperate to
1227 determine an appropriate location for a wireless communications
1228 facility of an appropriate design within the residential area or
1229 zone. The local government may require that the wireless
1230 provider reimburse the reasonable costs incurred by the local
1231 government for this cooperative determination. An application
1232 for such cooperative determination shall not be considered an
1233 application under paragraph (d).

1234 4. A local government may impose a reasonable fee on
1235 applications to place, construct, or modify a wireless
1236 communications facility only if a similar fee is imposed on
1237 applicants seeking other similar types of zoning, land use, or
1238 building permit review. A local government may impose fees for
1239 the review of applications for wireless communications
1240 facilities by consultants or experts who conduct code compliance
1241 review for the local government but any fee is limited to
1242 specifically identified reasonable expenses incurred in the
1243 review. A local government may impose reasonable surety
1244 requirements to ensure the removal of wireless communications
1245 facilities that are no longer being used.

1246 5. A local government may impose design requirements, such
1247 as requirements for designing towers to support colocation

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1248 ~~collocation~~ or aesthetic requirements, except as otherwise
1249 limited in this section, but shall not impose or require
1250 information on compliance with building code type standards for
1251 the construction or modification of wireless communications
1252 facilities beyond those adopted by the local government under
1253 chapter 553 and that apply to all similar types of construction.

1254 (c) Local governments may not require wireless providers to
1255 provide evidence of a wireless communications facility's
1256 compliance with federal regulations, except evidence of
1257 compliance with applicable Federal Aviation Administration
1258 requirements under 14 C.F.R. part 77, as amended, and evidence
1259 of proper Federal Communications Commission licensure, or other
1260 evidence of Federal Communications Commission authorized
1261 spectrum use, but may request the Federal Communications
1262 Commission to provide information as to a wireless provider's
1263 compliance with federal regulations, as authorized by federal
1264 law.

1265 (d)1. A local government shall grant or deny each properly
1266 completed application for a colocation ~~collocation~~ under
1267 subparagraph (a)1. based on the application's compliance with
1268 the local government's applicable regulations, as provided for
1269 in subparagraph (a)1. and consistent with this subsection, and
1270 within the normal timeframe for a similar building permit review
1271 but in no case later than 45 business days after the date the
1272 application is determined to be properly completed in accordance
1273 with this paragraph.

1274 2. A local government shall grant or deny each properly
1275 completed application for any other wireless communications
1276 facility based on the application's compliance with the local

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1277 government's applicable regulations, including but not limited
1278 to land development regulations, consistent with this subsection
1279 and within the normal timeframe for a similar type review but in
1280 no case later than 90 business days after the date the
1281 application is determined to be properly completed in accordance
1282 with this paragraph.

1283 3.a. An application is deemed submitted or resubmitted on
1284 the date the application is received by the local government. If
1285 the local government does not notify the applicant in writing
1286 that the application is not completed in compliance with the
1287 local government's regulations within 20 business days after the
1288 date the application is initially submitted or additional
1289 information resubmitted, the application is deemed, for
1290 administrative purposes only, to be properly completed and
1291 properly submitted. However, the determination shall not be
1292 deemed as an approval of the application. If the application is
1293 not completed in compliance with the local government's
1294 regulations, the local government shall so notify the applicant
1295 in writing and the notification must indicate with specificity
1296 any deficiencies in the required documents or deficiencies in
1297 the content of the required documents which, if cured, make the
1298 application properly completed. Upon resubmission of information
1299 to cure the stated deficiencies, the local government shall
1300 notify the applicant, in writing, within the normal timeframes
1301 of review, but in no case longer than 20 business days after the
1302 additional information is submitted, of any remaining
1303 deficiencies that must be cured. Deficiencies in document type
1304 or content not specified by the local government do not make the
1305 application incomplete. Notwithstanding this sub-subparagraph,

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1306 if a specified deficiency is not properly cured when the
1307 applicant resubmits its application to comply with the notice of
1308 deficiencies, the local government may continue to request the
1309 information until such time as the specified deficiency is
1310 cured. The local government may establish reasonable timeframes
1311 within which the required information to cure the application
1312 deficiency is to be provided or the application will be
1313 considered withdrawn or closed.

1314 b. If the local government fails to grant or deny a
1315 properly completed application for a wireless communications
1316 facility within the timeframes set forth in this paragraph, the
1317 application shall be deemed automatically approved and the
1318 applicant may proceed with placement of the facilities without
1319 interference or penalty. The timeframes specified in
1320 subparagraph 2. may be extended only to the extent that the
1321 application has not been granted or denied because the local
1322 government's procedures generally applicable to all other
1323 similar types of applications require action by the governing
1324 body and such action has not taken place within the timeframes
1325 specified in subparagraph 2. Under such circumstances, the local
1326 government must act to either grant or deny the application at
1327 its next regularly scheduled meeting or, otherwise, the
1328 application is deemed to be automatically approved.

1329 c. To be effective, a waiver of the timeframes set forth in
1330 this paragraph must be voluntarily agreed to by the applicant
1331 and the local government. A local government may request, but
1332 not require, a waiver of the timeframes by the applicant, except
1333 that, with respect to a specific application, a one-time waiver
1334 may be required in the case of a declared local, state, or

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1335 federal emergency that directly affects the administration of
1336 all permitting activities of the local government.

1337 (e) The replacement of or modification to a wireless
1338 communications facility, except a tower, that results in a
1339 wireless communications facility not readily discernibly
1340 different in size, type, and appearance when viewed from ground
1341 level from surrounding properties, and the replacement or
1342 modification of equipment that is not visible from surrounding
1343 properties, all as reasonably determined by the local
1344 government, are subject to no more than applicable building
1345 permit review.

1346 (f) Any other law to the contrary notwithstanding, the
1347 Department of Management Services shall negotiate, in the name
1348 of the state, leases for wireless communications facilities that
1349 provide access to state government-owned property not acquired
1350 for transportation purposes, and the Department of
1351 Transportation shall negotiate, in the name of the state, leases
1352 for wireless communications facilities that provide access to
1353 property acquired for state rights-of-way. On property acquired
1354 for transportation purposes, leases shall be granted in
1355 accordance with s. 337.251. On other state government-owned
1356 property, leases shall be granted on a space available, first-
1357 come, first-served basis. Payments required by state government
1358 under a lease must be reasonable and must reflect the market
1359 rate for the use of the state government-owned property. The
1360 Department of Management Services and the Department of
1361 Transportation are authorized to adopt rules for the terms and
1362 conditions and granting of any such leases.

1363 (g) If any person adversely affected by any action, or

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1364 failure to act, or regulation, or requirement of a local
1365 government in the review or regulation of the wireless
1366 communication facilities files an appeal or brings an
1367 appropriate action in a court or venue of competent
1368 jurisdiction, following the exhaustion of all administrative
1369 remedies, the matter shall be considered on an expedited basis.

1370 (14) MISUSE OF 911, ~~OR~~ E911, OR NG911 SYSTEM; PENALTY.—911,
1371 ~~and E911,~~ and NG911 service must be used solely for emergency
1372 communications by the public. Any person who accesses the number
1373 911 for the purpose of making a false alarm or complaint or
1374 reporting false information that could result in the emergency
1375 response of any public safety agency; any person who knowingly
1376 uses or attempts to use such service for a purpose other than
1377 obtaining public safety assistance; or any person who knowingly
1378 uses or attempts to use such service in an effort to avoid any
1379 charge for service, commits a misdemeanor of the first degree,
1380 punishable as provided in s. 775.082 or s. 775.083. After being
1381 convicted of unauthorized use of such service four times, a
1382 person who continues to engage in such unauthorized use commits
1383 a felony of the third degree, punishable as provided in s.
1384 775.082, s. 775.083, or s. 775.084. In addition, if the value of
1385 the service or the service charge obtained in a manner
1386 prohibited by this subsection exceeds \$100, the person
1387 committing the offense commits a felony of the third degree,
1388 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1389 (15) TEXT-TO-911 SERVICE.—Each county shall develop a
1390 countywide implementation plan addressing text-to-911 services
1391 and, by January 1, 2022, enact a system to allow text-to-911
1392 services.

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1393 (16) STATE LAW NOT PREEMPTED.—This section and ss. 365.173
1394 and 365.174 do not alter any state law that otherwise regulates
1395 voice communications services providers.

1396 Section 2. Section 365.173, Florida Statutes, is amended to
1397 read:

1398 365.173 Emergency Communications ~~Number E911 System~~ Fund.—

1399 (1) REVENUES.—

1400 (a) Revenues derived from the fee levied on subscribers
1401 under s. 365.172(8) must be paid by the board into the State
1402 Treasury on or before the 15th day of each month. Such moneys
1403 must be accounted for in a special fund to be designated as the
1404 Emergency Communications ~~Number E911 System~~ Fund, a fund created
1405 in the Division of Telecommunications, or other office as
1406 designated by the Secretary of Management Services.

1407 (b) Revenues derived from the fee levied on prepaid
1408 wireless service under s. 365.172(9), less the costs of
1409 administering collection of the fee, must be transferred by the
1410 Department of Revenue to the Emergency Communications ~~Number~~
1411 ~~E911 System~~ Fund on or before the 25th day of each month
1412 following the month of receipt.

1413 (c) For accounting purposes, the Emergency Communications
1414 ~~Number E911 System~~ Fund must be segregated into three separate
1415 categories:

- 1416 1. The wireless category;
- 1417 2. The nonwireless category; and
- 1418 3. The prepaid wireless category.

1419 (d) All moneys must be invested by the Chief Financial
1420 Officer pursuant to s. 17.61. All moneys in such fund are to be
1421 expended by the office for the purposes provided in this section

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1422 and s. 365.172. These funds are not subject to s. 215.20.

1423 (2) DISTRIBUTION AND USE OF FUNDS.—As determined by the
1424 board pursuant to s. 365.172(8)(g), and subject to any
1425 modifications approved by the board pursuant to s.
1426 365.172(6)(a)3. or (8)(h), the moneys in the fund shall be
1427 distributed and used only as follows:

1428 (a) Ninety-four ~~Seventy-six~~ percent of the moneys in the
1429 wireless category shall be distributed each month to counties,
1430 based on the total number of service identifiers in each county,
1431 and 1 percent shall be distributed each month to state agencies
1432 that operate 911 centers. The distributions ~~and~~ shall be used
1433 exclusively for payment of:

1434 ~~1. authorized expenditures, as specified in s. 365.172(10).~~

1435 ~~2. Costs to comply with the requirements for E911 service~~
1436 ~~contained in the order and any future rules related to the~~
1437 ~~order.~~

1438 (b) Ninety-six percent of the moneys in the nonwireless
1439 category shall be distributed each month to counties based on
1440 the total number of service identifiers in each county and shall
1441 be used exclusively for payment of authorized expenditures, as
1442 specified in s. 365.172(10).

1443 (c) Sixty-one percent of the moneys in the prepaid wireless
1444 category shall be distributed each month to counties based on
1445 the total amount of fees reported and paid in each county and
1446 shall be used exclusively for payment of authorized
1447 expenditures, as specified in s. 365.172(10). The moneys from
1448 prepaid wireless ~~E911~~ fees identified as nonspecific in
1449 accordance with s. 365.172(9) shall be distributed as determined
1450 by the Emergency Communications ~~E911~~ Board.

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1451 (d) Any county that receives funds under paragraphs (a),
1452 (b), and (c) shall establish a fund to be used exclusively for
1453 the receipt and expenditure of the revenues collected under
1454 paragraphs (a), (b), and (c). All fees placed in the fund and
1455 any interest accrued shall be used solely for costs described in
1456 subparagraphs (a)1. and 2. and may not be reduced, withheld, or
1457 allocated for other purposes. The money collected and interest
1458 earned in this fund shall be appropriated for these purposes by
1459 the county commissioners and incorporated into the annual county
1460 budget. The fund shall be included within the financial audit
1461 performed in accordance with s. 218.39. The financial audit
1462 shall assure that all emergency communications ~~E911~~ fee
1463 revenues, interest, and emergency communications ~~E911~~ grant
1464 funding are used for payment of authorized expenditures, as
1465 specified in s. 365.172(10) and as specified in the Emergency
1466 Communications ~~E911~~ Board grant and special disbursement
1467 programs. The county is responsible for all expenditures of
1468 revenues distributed from the county emergency communications
1469 ~~E911~~ fund and shall submit the financial audit reports to the
1470 board for review. A county may carry forward up to 30 percent of
1471 the total funds disbursed to the county by the board during a
1472 county fiscal year for expenditures for capital outlay, capital
1473 improvements, equipment replacement, or implementation of a
1474 hosted system if such expenditures are made for the purposes
1475 specified in subparagraphs (a)1. and 2.; however, the 30-percent
1476 limitation does not apply to funds disbursed to a county under
1477 s. 365.172(6)(a)3., and a county may carry forward any
1478 percentage of the funds, except that any grant provided shall
1479 continue to be subject to any condition imposed by the board. In

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1480 order to prevent an excess recovery of costs incurred in
1481 providing emergency communications ~~E911~~ service, a county that
1482 receives funds greater than the permissible emergency
1483 communications ~~E911~~ costs described in s. 365.172(10), including
1484 the 30-percent carryforward allowance, must return the excess
1485 funds to the ~~E911~~ board to be allocated under s. 365.172(6)(a).

1486 (e) ~~Twenty percent of the moneys in the wireless category~~
1487 ~~shall be distributed to wireless providers in response to sworn~~
1488 ~~invoices submitted to the board by wireless providers to~~
1489 ~~reimburse such wireless providers for the actual costs incurred~~
1490 ~~to provide 911 or E911 service, including the costs of complying~~
1491 ~~with the order. Such costs include costs and expenses incurred~~
1492 ~~by wireless providers to design, purchase, lease, program,~~
1493 ~~install, test, upgrade, operate, and maintain all necessary~~
1494 ~~data, hardware, and software required to provide E911 service.~~
1495 ~~Each wireless provider shall submit to the board, by August 1 of~~
1496 ~~each year, a detailed estimate of the capital and operating~~
1497 ~~expenses for which it anticipates that it will seek~~
1498 ~~reimbursement under this paragraph during the ensuing state~~
1499 ~~fiscal year. In order to be eligible for recovery during any~~
1500 ~~ensuing state fiscal year, a wireless provider must submit all~~
1501 ~~sworn invoices for allowable purchases made within the previous~~
1502 ~~calendar year no later than March 31 of the fiscal year. By~~
1503 ~~September 15 of each year, the board shall submit to the~~
1504 ~~Legislature its legislative budget request for funds to be~~
1505 ~~allocated to wireless providers under this paragraph during the~~
1506 ~~ensuing state fiscal year. The budget request shall be based on~~
1507 ~~the information submitted by the wireless providers and~~
1508 ~~estimated surcharge revenues. Distributions of moneys in the~~

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1509 ~~fund by the board to wireless providers must be fair and~~
1510 ~~nondiscriminatory. If the total amount of moneys requested by~~
1511 ~~wireless providers pursuant to invoices submitted to the board~~
1512 ~~and approved for payment exceeds the amount in the fund in any~~
1513 ~~month, wireless providers that have invoices approved for~~
1514 ~~payment shall receive a pro rata share of moneys in the fund and~~
1515 ~~the balance of the payments shall be carried over to the~~
1516 ~~following month or months until all of the approved payments are~~
1517 ~~made. The board may adopt rules necessary to address the manner~~
1518 ~~in which pro rata distributions are made when the total amount~~
1519 ~~of funds requested by wireless providers pursuant to invoices~~
1520 ~~submitted to the board exceeds the total amount of moneys on~~
1521 ~~deposit in the fund.~~

1522 ~~(f)~~ One percent of the moneys in each category of the fund
1523 shall be retained by the board to be applied to costs and
1524 expenses incurred for the purposes of managing, administering,
1525 and overseeing the receipts and disbursements from the fund and
1526 other activities as defined in s. 365.172(6). Any funds retained
1527 for such purposes in a calendar year which are not applied to
1528 such costs and expenses by March 31 of the following year shall
1529 be redistributed as determined by the board.

1530 ~~(f)(g)~~ Three percent of the moneys in each category of the
1531 fund and an additional 1 percent of the moneys collected in the
1532 wireless category shall be used to make monthly distributions to
1533 rural counties for the purpose of providing facilities and
1534 network and service enhancements and assistance for the
1535 emergency communications 911 or E911 systems operated by rural
1536 counties and for the provision of grants by the office to rural
1537 counties for upgrading and replacing emergency communications

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1538 ~~E911~~ systems.

1539 (g)~~(h)~~ Thirty-five percent of the moneys in the prepaid
1540 wireless category shall be retained by the board to provide
1541 state emergency communications ~~E911~~ grants to be awarded in
1542 accordance with the following order of priority:

1543 1. For all large, medium, and rural counties to upgrade or
1544 replace emergency communications ~~E911~~ systems.

1545 2. For all large, medium, and rural counties to develop and
1546 maintain statewide 911 routing, geographic, and management
1547 information systems.

1548 3. For all large, medium, and rural counties to develop and
1549 maintain next-generation 911 services and equipment.

1550 (h)~~(i)~~ If the wireless category has funds remaining in it
1551 on December 31 after disbursements have been made during the
1552 calendar year immediately before ~~prior to~~ December 31, the board
1553 may disburse the excess funds in the wireless category in
1554 accordance with s. 365.172(6)(a)3.b.

1555 (3) The Legislature recognizes that the fee authorized
1556 under s. 365.172 may not necessarily provide the total funding
1557 required for establishing or providing the emergency
1558 communications ~~E911~~ service. It is the intent of the Legislature
1559 that all revenue from the fee be used as specified in subsection
1560 (2).

1561 Section 3. Subsection (1) of section 365.177, Florida
1562 Statutes, is amended to read:

1563 365.177 Transfer of E911 calls between systems.—

1564 (1) The office shall develop a plan by December 30, 2023
1565 ~~February 1, 2020~~, to upgrade 911 public safety answering points
1566 within the state to allow the transfer of an emergency call from

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1567 one local, multijurisdictional, or regional E911 system to
1568 another local, multijurisdictional, or regional E911 system in
1569 the state. Such transfer should include voice, text message,
1570 image, video, caller identification information, location
1571 information, and additional standards-based 911 call
1572 information.

1573 Section 4. Subsection (10) of section 212.05965, Florida
1574 Statutes, is amended to read:

1575 212.05965 Taxation of marketplace sales.—

1576 (10) Notwithstanding any other law, the marketplace
1577 provider is also responsible for collecting and remitting any
1578 prepaid wireless public safety emergency communications systems
1579 ~~E911~~ fee under s. 365.172, waste tire fee under s. 403.718, and
1580 lead-acid battery fee under s. 403.7185 at the time of sale for
1581 taxable retail sales made through its marketplace.

1582 Section 5. Section 365.171, Florida Statutes, is amended to
1583 read:

1584 365.171 Emergency communications ~~number E911~~ state plan.—

1585 (1) SHORT TITLE.—This section may be cited as the "Florida
1586 Emergency Communications ~~Number E911~~ State Plan Act."

1587 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature
1588 that the communications number "911" be the designated emergency
1589 communications number. A public safety agency may not advertise
1590 or otherwise promote the use of any communications number for
1591 emergency response services other than "911." It is further the
1592 intent of the Legislature to implement and continually update a
1593 cohesive statewide emergency communications ~~number "E911"~~ plan
1594 for enhanced 911 services which will provide citizens with rapid
1595 direct access to public safety agencies by accessing "911" with

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1596 the objective of reducing the response time to situations
1597 requiring law enforcement, fire, medical, rescue, and other
1598 emergency services.

1599 (3) DEFINITIONS.—As used in this section, the term:

1600 (a) "Office" means the Division of Telecommunications
1601 within the Department of Management Services, as designated by
1602 the secretary of the department.

1603 (b) "Local government" means any city, county, or political
1604 subdivision of the state and its agencies.

1605 (c) "Public agency" means the state and any city, county,
1606 city and county, municipal corporation, chartered organization,
1607 public district, or public authority located in whole or in part
1608 within this state which provides, or has authority to provide,
1609 firefighting, law enforcement, ambulance, medical, or other
1610 emergency services.

1611 (d) "Public safety agency" means a functional division of a
1612 public agency which provides firefighting, law enforcement,
1613 medical, or other emergency services.

1614 (4) STATE PLAN.—The office shall develop, maintain, and
1615 implement appropriate modifications for a statewide emergency
1616 communications ~~E911 system~~ plan. The plan shall provide for:

1617 (a) The public agency emergency communications requirements
1618 for each entity of local government in the state.

1619 (b) A system to meet specific local government
1620 requirements. Such system shall include law enforcement,
1621 firefighting, and emergency medical services and may include
1622 other emergency services such as poison control, suicide
1623 prevention, and emergency management services.

1624 (c) Identification of the mutual aid agreements necessary

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1625 to obtain an effective emergency communications systems ~~E911~~
1626 ~~system~~.

1627 (d) A funding provision that identifies the cost necessary
1628 to implement the emergency communications ~~E911~~ system.
1629

1630 The office shall be responsible for the implementation and
1631 coordination of such plan. The office shall adopt any necessary
1632 rules and schedules related to public agencies for implementing
1633 and coordinating the plan, pursuant to chapter 120.

1634 (5) SYSTEM DIRECTOR.—The secretary of the department or his
1635 or her designee is designated as the director of the statewide
1636 emergency communications ~~number E911~~ system and, for the purpose
1637 of carrying out the provisions of this section, is authorized to
1638 coordinate the activities of the system with state, county,
1639 local, and private agencies. The director in implementing the
1640 system shall consult, cooperate, and coordinate with local law
1641 enforcement agencies.

1642 (6) REGIONAL SYSTEMS.—This section does not prohibit or
1643 discourage the formation of multijurisdictional or regional
1644 systems; and any system established pursuant to this section may
1645 include the jurisdiction, or any portion thereof, of more than
1646 one public agency. It is the intent of the Legislature that
1647 emergency communications services ~~E911 service~~ be available
1648 throughout the state. Expenditure by counties of the ~~E911~~ fee
1649 authorized and imposed under s. 365.172 should support this
1650 intent to the greatest extent feasible within the context of
1651 local service needs and fiscal capability. This section does not
1652 prohibit two or more counties from establishing a combined
1653 emergency ~~E911~~ communications service by an interlocal agreement

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1654 and using the fees authorized and imposed by s. 365.172 for such
1655 combined ~~E911~~ service.

1656 (7) TELECOMMUNICATIONS INDUSTRY COORDINATION.—The office
1657 shall coordinate with the Florida Public Service Commission
1658 which shall encourage the Florida telecommunications industry to
1659 activate facility modification plans for timely emergency
1660 communications services ~~E911~~ implementation.

1661 (8) COIN TELEPHONES.—The Florida Public Service Commission
1662 shall establish rules to be followed by the telecommunications
1663 companies in this state designed toward encouraging the
1664 provision of coin-free dialing of "911" calls wherever
1665 economically practicable and in the public interest.

1666 (9) SYSTEM APPROVAL.—No emergency communications number
1667 E911 system shall be established and no present system shall be
1668 expanded without prior approval of the office.

1669 (10) COMPLIANCE.—All public agencies shall assist the
1670 office in their efforts to carry out the intent of this section,
1671 and such agencies shall comply with the developed plan.

1672 (11) FEDERAL ASSISTANCE.—The secretary of the department or
1673 his or her designee may apply for and accept federal funding
1674 assistance in the development and implementation of a statewide
1675 emergency communications ~~number E911~~ system.

1676 (12) CONFIDENTIALITY OF RECORDS.—

1677 (a) Any record, recording, or information, or portions
1678 thereof, obtained by a public agency or a public safety agency
1679 for the purpose of providing services in an emergency and which
1680 reveals the name, address, telephone number, or personal
1681 information about, or information which may identify any person
1682 requesting emergency service or reporting an emergency by

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1683 accessing an emergency communications ~~E911~~ system is
1684 confidential and exempt from the provisions of s. 119.07(1) and
1685 s. 24(a), Art. I of the State Constitution, except that such
1686 record or information may be disclosed to a public safety
1687 agency. The exemption applies only to the name, address,
1688 telephone number or personal information about, or information
1689 which may identify any person requesting emergency services or
1690 reporting an emergency while such information is in the custody
1691 of the public agency or public safety agency providing emergency
1692 services. A telecommunications company or commercial mobile
1693 radio service provider shall not be liable for damages to any
1694 person resulting from or in connection with such telephone
1695 company's or commercial mobile radio service provider's
1696 provision of any lawful assistance to any investigative or law
1697 enforcement officer of the State of Florida or political
1698 subdivisions thereof, of the United States, or of any other
1699 state or political subdivision thereof, in connection with any
1700 lawful investigation or other law enforcement activity by such
1701 law enforcement officer unless the telecommunications company or
1702 commercial mobile radio service provider acted in a wanton and
1703 willful manner.

1704 (b) Notwithstanding paragraph (a), a 911 public safety
1705 telecommunicator, as defined in s. 401.465, may contact any
1706 private person or entity that owns an automated external
1707 defibrillator who has notified the local emergency medical
1708 services medical director or public safety answering point of
1709 such ownership if a confirmed coronary emergency call is taking
1710 place and the location of the coronary emergency is within a
1711 reasonable distance from the location of the defibrillator, and

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1712 may provide the location of the coronary emergency to that
1713 person or entity.

1714 Section 6. Paragraph (b) of subsection (2) of section
1715 365.174, Florida Statutes, is amended to read:

1716 365.174 Proprietary confidential business information.—

1717 (2)

1718 (b) The Department of Revenue may provide information
1719 relative to s. 365.172(9) to the Secretary of Management
1720 Services, or his or her authorized agent, or to the Emergency
1721 Communications ~~E911~~ Board established in s. 365.172(5) for use
1722 in the conduct of the official business of the Department of
1723 Management Services or the Emergency Communications ~~E911~~ Board.

1724 Section 7. This act shall take effect July 1, 2023.