

By the Appropriations Committee on Agriculture, Environment, and General Government; 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 the short title; revising
4 legislative intent; revising and providing
5 definitions; 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 NG911 systems and improvements; establishing notice
13 and publication requirements before distribution of
14 grant funds; 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 and
19 adjust fees; revising the frequency of board meetings;
20 specifying that the Division of Telecommunications
21 within the Department of Management Services must
22 disburse funds to counties and provide a monthly
23 report of such disbursements; revising the composition
24 of a committee that reviews requests for proposals
25 from the board regarding independent accounting firm
26 selections; revising provisions relating to the public
27 safety emergency communications systems fee; requiring
28 uniform application and imposition of the fee;
29 revising the factors that the board considers when

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30 setting percentages or contemplating adjustments to
31 the fee; updating provisions relating to the prepaid
32 wireless public safety emergency communications
33 systems fee; revising emergency communications and 911
34 service functions; revising the types of emergency
35 communications equipment and services that are
36 eligible for expenditure of moneys derived from the
37 fee; making technical changes; conforming cross-
38 references; amending s. 365.173, F.S.; renaming the
39 Communications Number E911 System Fund as the
40 Emergency Communications Trust Fund; revising the
41 percent distribution of the fund to be used
42 exclusively for payment of certain authorized
43 expenditures; authorizing the board, pursuant to rule,
44 to withhold certain distributions of grant funds and
45 request a return of all or a portion of such funds
46 based on a financial audit; removing the percent
47 distribution to wireless providers; adding a specified
48 percent distribution to rural counties; amending s.
49 365.177, F.S.; extending the date by which the
50 Division of Telecommunications within the Department
51 of Management Services must develop a plan to upgrade
52 911 public safety answering points; specifying
53 components of the required plan; amending ss.
54 212.05965, 365.171, and 365.174, F.S.; conforming
55 provisions to changes made by the act; providing an
56 effective date.

57
58 Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

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

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

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

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

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88 (e) Ensure that the fee established for emergency
89 communications systems is used exclusively ~~for recovery by~~
90 ~~wireless providers and~~ by counties for costs associated with
91 developing and maintaining emergency communications ~~E911~~ systems
92 and networks in a manner that is competitively and
93 technologically neutral as to all ~~voice~~ communications services
94 providers.

95
96 It is further the intent of the Legislature that the fee
97 authorized or imposed by this section not necessarily provide
98 the total funding required for establishing or providing
99 emergency communications systems and services ~~E911 service~~.

100 (3) DEFINITIONS.—Only as used in this section and ss.
101 365.171, 365.173, 365.174, and 365.177, the term:

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

104 (b) "Automatic location identification" means the
105 capability of the E911 service which enables the automatic
106 display of information that defines the approximate geographic
107 location of the wireless telephone, or the location of the
108 address of the wireline telephone, used to place a 911 call.

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

112 (d) "Board" or "Emergency Communications Board" ~~"E911~~
113 ~~Board"~~ means the board ~~of directors of the E911 Board~~
114 established in subsection (5).

115 (e) "Building permit review" means a review for compliance
116 with building construction standards adopted by the local

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117 government under chapter 553 and does not include a review for
118 compliance with land development regulations.

119 (f) "Colocation" ~~"Collocation"~~ means the situation when a
120 second or subsequent wireless provider uses an existing
121 structure to locate a second or subsequent antennae. The term
122 includes the ground, platform, or roof installation of equipment
123 enclosures, cabinets, or buildings, and cables, brackets, and
124 other equipment associated with the location and operation of
125 the antennae.

126 (g) "Computer-Aided Dispatch" or "CAD" means a computerized
127 system within a public safety answering point for entering,
128 tracking, dispatching, and resolving requests for public safety
129 services.

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

133 (i) ~~(h)~~ "Enhanced 911" or "E911" means an enhanced 911
134 system or enhanced 911 service that is an emergency telephone
135 system or service that provides a subscriber with 911 service
136 and, in addition, directs 911 calls to appropriate public safety
137 answering points by selective routing based on the geographical
138 location from which the call originated, or as otherwise
139 provided in the state plan under s. 365.171, and that provides
140 for automatic number identification and automatic location-
141 identification features. The 911 ~~E911~~ service provided by a
142 wireless provider means E911 as defined in the order.

143 (j) ~~(i)~~ "Existing structure" means a structure that exists
144 at the time an application for permission to place antennae on a
145 structure is filed with a local government. The term includes

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146 any structure that can structurally support the attachment of
147 antennae in compliance with applicable codes.

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

151 (l)~~(k)~~ "Fund" means the Emergency Communications Trust
152 ~~Number E911 System~~ Fund established in s. 365.173 and maintained
153 under this section for the purpose of recovering the costs
154 associated with providing emergency communications services ~~911~~
155 ~~service or E911 service~~, including the costs of implementing the
156 order. The fund shall be segregated into wireless, prepaid
157 wireless, and nonwireless categories.

158 (m)~~(l)~~ "Historic building, structure, site, object, or
159 district" means any building, structure, site, object, or
160 district that has been officially designated as a historic
161 building, historic structure, historic site, historic object, or
162 historic district through a federal, state, or local designation
163 program.

164 (n)~~(m)~~ "Land development regulations" means any ordinance
165 enacted by a local government for the regulation of any aspect
166 of development, including an ordinance governing zoning,
167 subdivisions, landscaping, tree protection, or signs, the local
168 government's comprehensive plan, or any other ordinance
169 concerning any aspect of the development of land. The term does
170 not include any building construction standard adopted under and
171 in compliance with chapter 553.

172 (o)~~(n)~~ "Local exchange carrier" means a "competitive local
173 exchange telecommunications company" or a "local exchange
174 telecommunications company" as defined in s. 364.02.

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175 (p)~~(o)~~ "Local government" means any municipality, county,
176 or political subdivision or agency of a municipality, county, or
177 political subdivision.

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

180 (r)~~(q)~~ "Mobile telephone number" or "MTN" means the
181 telephone number assigned to a wireless telephone at the time of
182 initial activation.

183 (s) "Next Generation 911" or "NG911" means an Internet
184 Protocol(IP)-based system composed of managed Emergency Services
185 IP Networks (ESInet), functional elements (applications), and
186 databases that replicate traditional E911 features and functions
187 and provide additional capabilities. The NG911 system is
188 designed to provide access to emergency services from all
189 connected communications sources and provide multimedia data
190 capabilities for PSAPs and other emergency service
191 organizations.

192 (t)~~(r)~~ "Nonwireless category" means the revenues to the
193 fund received from voice communications services providers other
194 than wireless providers.

195 (u)~~(s)~~ "Office" means the Division of Telecommunications
196 within the Department of Management Services, as designated by
197 the secretary of the department.

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

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

201 a. Order adopted on June 12, 1996, with an effective date
202 of October 1, 1996, the amendments to s. 20.03 and the creation
203 of s. 20.18 of Title 47 of the Code of Federal Regulations

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204 adopted by the Federal Communications Commission pursuant to
205 such order.

206 b. Memorandum and Order No. FCC 97-402 adopted on December
207 23, 1997.

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

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

210 2. Orders and rules subsequently adopted by the Federal
211 Communications Commission relating to the provision of 911
212 services, including Order Number FCC-05-116, adopted May 19,
213 2005.

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

217 (x)~~(v)~~ "Prepaid wireless service" means a right to access
218 wireless service that allows a caller to contact and interact
219 with 911 to access the 911 system, which service must be paid
220 for in advance and is sold in predetermined units or dollars,
221 which units or dollars expire on a predetermined schedule or are
222 decremented on a predetermined basis in exchange for the right
223 to access wireless service.

224 (y)~~(w)~~ "Public agency" means the state and any
225 municipality, county, municipal corporation, or other
226 governmental entity, public district, or public authority
227 located in whole or in part within this state which provides, or
228 has authority to provide, firefighting, law enforcement,
229 ambulance, medical, or other emergency services.

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

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233 ~~(aa)(y)~~ "Public safety answering point," "PSAP," or
234 "answering point" means the public safety agency that receives
235 incoming 911 requests for assistance and dispatches appropriate
236 public safety agencies to respond to the requests in accordance
237 with the state E911 plan.

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

240 ~~(cc)(aa)~~ "Service identifier" means the service number,
241 access line, or other unique identifier assigned to a subscriber
242 and established by the Federal Communications Commission for
243 purposes of routing calls whereby the subscriber has access to
244 the E911 system.

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

247 ~~(ee)(ee)~~ "Voice communications services" means two-way
248 voice service, through the use of any technology, which actually
249 provides access to 911 ~~E911~~ services, and includes
250 communications services, as defined in s. 202.11, which actually
251 provide access to 911 ~~E911~~ services and which are required to be
252 included in the provision of 911 ~~E911~~ services pursuant to
253 orders and rules adopted by the Federal Communications
254 Commission. The term includes voice-over-Internet-protocol
255 service. For the purposes of this section, the term "voice-over-
256 Internet-protocol service" or "VoIP service" means
257 interconnected VoIP services having the following
258 characteristics:

259 1. The service enables real-time, two-way voice
260 communications;

261 2. The service requires a broadband connection from the

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262 user's locations;

263 3. The service requires IP-compatible customer premises
264 equipment; and

265 4. The service offering allows users generally to receive
266 calls that originate on the public switched telephone network
267 and to terminate calls on the public switched telephone network.

268 (ff)~~(dd)~~ "Voice communications services provider" or
269 "provider" means any person or entity providing voice
270 communications services, except that the term does not include
271 any person or entity that resells voice communications services
272 and was assessed the fee authorized and imposed under subsection
273 (8) by its resale supplier.

274 (gg)~~(ee)~~ "Wireless 911 system" or "wireless 911 service"
275 means an emergency telephone system or service that provides a
276 subscriber with the ability to reach an answering point by
277 accessing the digits 911.

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

281 (ii)~~(gg)~~ "Wireless communications facility" means any
282 equipment or facility used to provide service and may include,
283 but is not limited to, antennae, towers, equipment enclosures,
284 cabling, antenna brackets, and other such equipment. Placing a
285 wireless communications facility on an existing structure does
286 not cause the existing structure to become a wireless
287 communications facility.

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

290 1. Is subject to the requirements of the order; or

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291 2. Elects to provide wireless 911 service, ~~or~~ E911 service,
292 or NG911 service in this state.

293 (k) ~~(ii)~~ "Wireless service" means "commercial mobile radio
294 service" as provided under ss. 3(27) and 332(d) of the Federal
295 Telecommunications Act of 1996, 47 U.S.C. ss. 151 et seq., and
296 the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-
297 66, August 10, 1993, 107 Stat. 312. The term includes service
298 provided by any wireless real-time two-way wire communication
299 device, including radio-telephone communications used in
300 cellular telephone service; personal communications service; or
301 the functional or competitive equivalent of a radio-telephone
302 communications line used in cellular telephone service, a
303 personal communications service, or a network radio access line.
304 The term does not include wireless providers that offer mainly
305 dispatch service in a more localized, noncellular configuration;
306 providers offering only data, one-way, or stored-voice services
307 on an interconnected basis; providers of air-to-ground services;
308 or public coast stations.

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

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

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

315 1. Promote interoperability between public safety answering
316 points by providing guidance and direction to counties and state
317 agencies that operate 911 centers for the deployment of
318 emergency communications infrastructure and the handling of
319 emergency communications information, such as voice, text, data,

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320 and images, from receipt at a PSAP to dispatching to responders.

321 2. Establish and administer allocations from the fund
 322 dedicated to investing in public safety communications and
 323 technology for 911.

324 3. Provide technical assistance and guidance to rural
 325 counties as needed.

326 (b) Public safety funding under paragraph (a) must focus
 327 on, but need not be limited to:

328 1. Next Generation 911.

329 2. Emergency Services IP Network (ESInet).

330 3. Computer-Aided Dispatch.

331 4. PSAP technology to interface with:

332 a. Land Mobile Radio (LMR).

333 b. Smart city technology data.

334 c. In-building coverage.

335 5. Emergency communications broadband networks.

336 6. Cybersecurity

337 ~~to administer, with oversight by the office, the fee imposed~~
 338 ~~under subsections (8) and (9), including receiving revenues~~
 339 ~~derived from the fee; distributing portions of the revenues to~~
 340 ~~wireless providers, counties, and the office; accounting for~~
 341 ~~receipts, distributions, and income derived by the funds~~
 342 ~~maintained in the fund; and providing annual reports to the~~
 343 ~~Governor and the Legislature for submission by the office on~~
 344 ~~amounts collected and expended, the purposes for which~~
 345 ~~expenditures have been made, and the status of E911 service in~~
 346 ~~this state. In order to advise and assist the office in~~
 347 ~~implementing the purposes of this section, the board, which has~~
 348 ~~the power of a body corporate, has the powers enumerated in~~

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349 subsection (6).

350 (c)~~(b)~~ The board shall consist of nine ~~11~~ members, one of
351 whom must be the system director designated under s. 365.171(5),
352 or his or her designee, who shall serve as the chair of the
353 board. The remaining eight ~~10~~ members of the board shall be
354 appointed by the Governor. All members must be residents of this
355 state. The board must be composed of four county 911
356 coordinators, with consideration given to rural, medium, and
357 large counties, and four members from fields that include, but
358 are not limited to, law enforcement, fire response, emergency
359 medical services, public safety dispatch, and
360 telecommunications. The Florida Sheriffs Association, the
361 Florida Police Chiefs Association, and the Florida Association
362 of Counties, in consultation with the county 911 coordinators,
363 may provide recommendations to the Governor for the appointment
364 of the board members and must be composed of 5 county 911
365 coordinators, consisting of a representative from a rural
366 county, a representative from a medium county, a representative
367 from a large county, and 2 at-large representatives recommended
368 by the Florida Association of Counties in consultation with the
369 county 911 coordinators; 3 local exchange carrier member
370 representatives, one of whom must be a representative of the
371 local exchange carrier having the greatest number of access
372 lines in the state and one of whom must be a representative of a
373 certificated competitive local exchange telecommunications
374 company; and 2 member representatives from the wireless
375 telecommunications industry, with consideration given to
376 wireless providers that are not affiliated with local exchange
377 carriers. Not more than one member may be appointed to represent

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378 ~~any single provider on the board.~~

379 (d)~~(e)~~ The system director, designated under s. 365.171(5),
380 or his or her designee, must be a permanent member of the board.
381 Each of the remaining eight ~~10~~ members of the board shall be
382 appointed to a 4-year term and may not be appointed to more than
383 two successive terms. However, for the purpose of staggering
384 terms, three ~~two~~ of the original board members shall be
385 appointed to terms of 4 years, three ~~two~~ shall be appointed to
386 terms of 3 years, and two ~~four~~ shall be appointed to terms of 2
387 years, as designated by the Governor. A vacancy on the board
388 shall be filled in the same manner as the original appointment.
389 Current 911 coordinators serving on the board must complete
390 their terms while other positions must be filled immediately.

391 (e) The board shall advocate and develop policy
392 recommendations for ensuring interoperability of and
393 connectivity between public safety communications systems within
394 the state, including, but not limited to, recommendations
395 related to the following:

- 396 1. Call routing accuracy and timeliness of response.
397 2. Improved interagency communication and situational
398 awareness.
399 3. Improved interagency system connectivity.
400 4. Improved response times.
401 5. Maximized use of emerging technologies.
402 6. Improved lifecycle management of the systems, equipment,
403 and services that enable responders and public safety officials
404 to share information securely.
405 7. Governance, policy, and procedure across public safety
406 agencies.

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407 8. Establishment of resilient and secure emergency
408 communications systems to reduce cybersecurity threats and
409 vulnerabilities.

410 (f) The board shall administer the fee imposed under
411 subsections (8) and (9), including receiving revenues derived
412 from the fee; distributing portions of the revenues to counties
413 and the office; accounting for receipts, distributions, and
414 income derived by the funds maintained in the fund; and
415 providing annual reports for review and submission to the
416 Governor and the Legislature on amounts collected and expended,
417 the purposes for which expenditures have been made, and the
418 status of emergency communications services in this state.

419 (g) The board may create subcommittees to advise the board,
420 as needed.

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

422 (a) The board shall:

423 1. Administer the public safety emergency communications
424 systems ~~E911~~ fee.

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

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

428 a. The board may establish a schedule for implementing
429 wireless NG911 systems, public safety radio communications
430 systems, and other public safety communications improvements
431 ~~E911 service by service area,~~ and prioritize disbursements of
432 revenues from the fund to ~~providers and~~ rural counties as
433 provided in s. 365.173(2)(f) ~~s. 365.173(2)(e) and (g)~~ pursuant
434 to the schedule, in order to implement 911 ~~E911~~ services in the
435 most efficient and cost-effective manner.

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436 b. For grants made available under s. 365.173(2)(g), the
437 board shall provide 90 days' written notice to all counties and
438 publish electronically an approved application process.
439 Applications must be prioritized based on the availability of
440 grant funds, current system life expectancy, and system
441 replacement needs. The board shall take all actions within its
442 authority to ensure that county recipients of such funds use
443 these funds only for the purpose for which they have been
444 provided and may take any actions within its authority to secure
445 county repayment of revenues upon a determination that the funds
446 were not used for the purpose for which the funds were
447 disbursed.

448 ~~b. Revenues in the fund which have not been disbursed~~
449 ~~because sworn invoices as required by s. 365.173(2)(e) have not~~
450 ~~been submitted to the board may be used by the board as needed~~
451 ~~to provide grants to counties for the purpose of upgrading E911~~
452 ~~systems. The counties must use the funds only for capital~~
453 ~~expenditures or remotely provided hosted 911 answering point~~
454 ~~call-taking equipment and network services directly attributable~~
455 ~~to establishing and provisioning E911 services, which may~~
456 ~~include next-generation deployment. Prior to the distribution of~~
457 ~~grants, the board shall provide 90 days' written notice to all~~
458 ~~counties and publish electronically an approved application~~
459 ~~process. County grant applications shall be prioritized based on~~
460 ~~the availability of funds, current system life expectancy,~~
461 ~~system replacement needs, and Phase II compliance per the~~
462 ~~Federal Communications Commission. No grants will be available~~
463 ~~to any county for next-generation deployment until all counties~~
464 ~~are Phase II complete. The board shall take all actions within~~

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465 ~~its authority to ensure that county recipients of such grants~~
466 ~~use these funds only for the purpose under which they have been~~
467 ~~provided and may take any actions within its authority to secure~~
468 ~~county repayment of grant revenues upon determination that the~~
469 ~~funds were not used for the purpose under which they were~~
470 ~~provided.~~

471 ~~e. When determining the funding provided in a state 911~~
472 ~~grant application request, the board shall take into account~~
473 ~~information on the amount of carryforward funds retained by the~~
474 ~~counties. The information will be based on the amount of county~~
475 ~~carryforward funds reported in the financial audit required in~~
476 ~~s. 365.173(2)(d). E911 State Grant Program funding requests will~~
477 ~~be limited by any county carryforward funds in excess of the~~
478 ~~allowable 30 percent amount of fee revenue calculated on a 2-~~
479 ~~year basis.~~

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

483 ~~e. After taking the action required in sub-subparagraphs~~
484 ~~a.-d., the board may review and, with all members participating~~
485 ~~in the vote, adjust the percentage allocations or adjust the~~
486 ~~amount of the fee as provided under paragraph (8)(g), and, if~~
487 ~~the board determines that the revenues in the wireless category~~
488 ~~exceed the amount needed to reimburse wireless providers for the~~
489 ~~cost to implement E911 services, the board may transfer revenue~~
490 ~~to the counties from the existing funds within the wireless~~
491 ~~category. The board shall disburse the funds equitably to all~~
492 ~~counties using a timeframe and distribution methodology~~
493 ~~established by the board.~~

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494 4. Review documentation submitted by wireless providers
495 which reflects current and projected funds derived from the fee,
496 ~~and the expenses incurred and expected to be incurred in order~~
497 ~~to comply with the E911 service requirements contained in the~~
498 ~~order for the purposes of:~~

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

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

504 c. ~~Ascertaining the projected costs of compliance with the~~
505 ~~requirements of the order and projected collections of the fee.~~

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

508 5. Implement changes to the allocation percentages or
509 adjust the fee pursuant to s. 365.173.

510 6.5. Meet monthly in the most efficient and cost-effective
511 manner, including telephonically when practical, for the
512 business to be conducted. The office shall administer the
513 disbursement of funds to counties and provide a monthly report
514 of such disbursements to the board, ~~to review and approve or~~
515 ~~reject, in whole or in part, applications submitted by wireless~~
516 ~~providers for recovery of moneys deposited into the wireless~~
517 ~~category, and to authorize the transfer of, and distribute, the~~
518 ~~fee allocation to the counties.~~

519 7.6. Hire and retain employees, which may include an
520 independent executive director who shall possess experience in
521 the area of telecommunications and emergency 911 issues, for the
522 purposes of performing the technical and administrative

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523 functions for the board.

524 ~~8.7.~~ Make and enter into contracts, pursuant to chapter
525 287, and execute other instruments necessary or convenient for
526 the exercise of the powers and functions of the board.

527 ~~9.8.~~ Sue and be sued, and appear and defend in all actions
528 and proceedings, in its corporate name to the same extent as a
529 natural person.

530 ~~10.9.~~ Adopt, use, and alter a common corporate seal.

531 ~~11.10.~~ Elect or appoint the officers and agents that are
532 required by the affairs of the board.

533 ~~12.11.~~ The board may adopt rules under ss. 120.536(1) and
534 120.54 to implement this section and ss. 365.173 and 365.174.

535 ~~13.12.~~ Provide coordination, support, and technical
536 assistance to counties to promote the deployment of advanced
537 public safety emergency communications ~~911 and E911~~ systems in
538 the state.

539 ~~14.13.~~ Provide coordination and support for educational
540 opportunities related to 911 ~~E911~~ issues for the public safety
541 emergency communications ~~E911~~ community in this state.

542 ~~15.14.~~ Act as an advocate for issues related to public
543 safety emergency communications ~~E911~~ system functions, features,
544 and operations to improve the delivery of public safety
545 emergency communications ~~E911~~ services to the residents of and
546 visitors to this state.

547 ~~16.15.~~ Coordinate input from this state at national forums
548 and associations, to ensure that policies related to public
549 safety emergency communications ~~E911~~ systems and services are
550 consistent with the policies of the public safety emergency
551 communications ~~E911~~ community in this state.

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552 ~~17.16.~~ Work cooperatively with the system director
553 established in s. 365.171(5) to enhance the state of public
554 safety emergency communications ~~E911~~ services in this state and
555 to provide unified leadership for all public safety emergency
556 communications ~~E911~~ issues through planning and coordination.

557 ~~18.17.~~ Do all acts and things necessary or convenient to
558 carry out the powers granted in this section in a manner that is
559 competitively and technologically neutral as to all voice
560 communications services providers, including, but not limited
561 to, consideration of emerging technology and related cost
562 savings, while taking into account embedded costs in current
563 systems.

564 ~~19.18.~~ Have the authority to secure the services of an
565 independent, private attorney via invitation to bid, request for
566 proposals, invitation to negotiate, or professional contracts
567 for legal services already established at the Division of
568 Purchasing of the Department of Management Services.

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

572 (c) By February 28 of each year, the board shall prepare a
573 report for submission by the office to the Governor, the
574 President of the Senate, and the Speaker of the House of
575 Representatives which addresses for the immediately preceding
576 state fiscal year and county fiscal year:

577 1. The annual receipts, including the total amount of fee
578 revenues collected by each provider, the total disbursements of
579 money in the fund, ~~including the amount of fund-reimbursed~~
580 ~~expenses incurred by each wireless provider to comply with the~~

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581 ~~order,~~ and the amount of moneys on deposit in the fund.

582 2. Whether the amount of the fee and the allocation
583 percentages set forth in s. 365.173 have been or should be
584 adjusted to comply with the ~~requirements of the order or other~~
585 provisions of this chapter, and the reasons for making or not
586 making a recommended adjustment to the fee.

587 3. Any other issues related to providing emergency
588 communications ~~E911~~ services.

589 4. The status of emergency communications ~~E911~~ services in
590 this state.

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

592 (a) The board shall issue a request for proposals as
593 provided in chapter 287 for the purpose of retaining an
594 independent accounting firm. The independent accounting firm
595 shall perform all material administrative and accounting tasks
596 and functions required for administering the fee. The request
597 for proposals must include, but need not be limited to:

598 1. A description of the scope and general requirements of
599 the services requested.

600 2. A description of the specific accounting and reporting
601 services required for administering the fund, including
602 processing checks and distributing funds as directed by the
603 board under s. 365.173.

604 3. A description of information to be provided by the
605 proposer, including the proposer's background and qualifications
606 and the proposed cost of the services to be provided.

607 (b) The board shall establish a committee to review
608 requests for proposals which must include the statewide
609 emergency communications systems ~~E911 system~~ director designated

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610 under s. 365.171(5), or his or her designee, and two members of
611 the board, ~~one of whom is a county 911 coordinator and one of~~
612 ~~whom represents a voice communications services provider.~~ The
613 review committee shall review the proposals received by the
614 board and recommend an independent accounting firm to the board
615 for final selection. By agreeing to serve on the review
616 committee, each member of the review committee shall verify that
617 he or she does not have any interest or employment, directly or
618 indirectly, with potential proposers which conflicts in any
619 manner or degree with his or her performance on the committee.

620 (c) The board may secure the services of an independent
621 accounting firm via invitation to bid, request for proposals,
622 invitation to negotiate, or professional contracts already
623 established at the Division of Purchasing, Department of
624 Management Services, for certified public accounting firms, or
625 the board may hire and retain professional accounting staff to
626 accomplish these functions.

627 (8) PUBLIC SAFETY EMERGENCY COMMUNICATIONS SYSTEMS ~~E911~~
628 FEE.—

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

635 1. Each voice communications service provider other than a
636 wireless provider shall bill the fee to a subscriber based on
637 the number of access lines having access to the 911 ~~E911~~ system,
638 on a service-identifier basis, up to a maximum of 25 access

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639 lines per account bill rendered.

640 2. Each voice communications service provider other than a
641 wireless provider shall bill the fee to a subscriber on a basis
642 of five service-identified access lines for each digital
643 transmission link, including primary rate interface service or
644 equivalent Digital-Signal-1-level service, which can be
645 channelized and split into 23 or 24 voice-grade or data-grade
646 channels for communications, up to a maximum of 25 access lines
647 per account bill rendered.

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

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

661
662 The provider may list the fee as a separate entry on each bill,
663 in which case the fee must be identified as a fee for 911 ~~E911~~
664 services. A provider shall remit the fee to the board only if
665 the fee is paid by the subscriber. If a provider receives a
666 partial payment for a monthly bill from a subscriber, the amount
667 received shall first be applied to the payment due the provider

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668 for providing voice communications service.

669 (b) A provider is not obligated to take any legal action to
670 enforce collection of the fees for which any subscriber is
671 billed. A county subscribing to 911 service remains liable to
672 the provider delivering the 911 service or equipment for any 911
673 service, equipment, operation, or maintenance charge owed by the
674 county to the provider.

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

677 (d) Each provider may retain 1 percent of the amount of the
678 fees collected as reimbursement for the administrative costs
679 incurred by the provider to bill, collect, and remit the fee.
680 The remainder shall be delivered to the board and deposited by
681 the board into the fund. The board shall distribute the
682 remainder pursuant to s. 365.173.

683 (e) Voice communications services providers billing the fee
684 to subscribers shall deliver revenues from the fee to the board
685 within 60 days after the end of the month in which the fee was
686 billed, together with a monthly report of the number of service
687 identifiers in each county. Each wireless provider and other
688 applicable provider identified in subparagraph (a)4. shall
689 report the number of service identifiers for subscribers whose
690 place of primary use is in each county. All provider subscriber
691 information provided to the board is subject to s. 365.174. If a
692 provider chooses to remit any fee amounts to the board before
693 they are paid by the subscribers, a provider may apply to the
694 board for a refund of, or may take a credit for, any such fees
695 remitted to the board which are not collected by the provider
696 within 6 months following the month in which the fees are

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697 charged off for federal income tax purposes as bad debt.

698 (f) The rate of the fee may not exceed 50 cents per month
699 for each service identifier. Effective January 1, 2015, the fee
700 shall be 40 cents per month for each service identifier. The fee
701 shall apply uniformly and be imposed throughout the state,
702 ~~except for those counties that, before July 1, 2007, had adopted~~
703 ~~an ordinance or resolution establishing a fee less than 50 cents~~
704 ~~per month per access line. In those counties the fee established~~
705 ~~by ordinance may be changed only to the uniform statewide rate~~
706 ~~no sooner than 30 days after notification is made by the~~
707 ~~county's board of county commissioners to the board.~~

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

716 ~~1. The revenues currently allocated for wireless service~~
717 ~~provider costs for implementing E911 service and projected costs~~
718 ~~for implementing E911 service, including recurring costs for~~
719 ~~Phase I and Phase II and the effect of new technologies;~~

720 1.2. The appropriate level of funding needed to fund the
721 rural grant program provided for in s. 365.173(2)(f) ~~s.~~
722 ~~365.173(2)(g); and~~

723 2.3. The need to fund statewide, regional, and county
724 grants in accordance with sub-subparagraph (6)(a)3.b. and s.
725 365.173(2)(g) ~~s. 365.173(2)(h).~~

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726 (h) The board may adjust the allocation percentages or
727 adjust the amount of the fee as provided in paragraph (g) if
728 necessary to ensure full cost recovery or prevent over recovery
729 ~~overrecovery~~ of costs incurred in the provision of 911 ~~E911~~
730 service, including costs incurred or projected to be incurred ~~to~~
731 ~~comply with the order~~. Any new allocation percentages or reduced
732 or increased fee may not be adjusted for 1 year. In no event
733 shall the fee exceed 50 cents per month for each service
734 identifier. The fee, and any board adjustment of the fee, shall
735 be uniform throughout the state, ~~except for the counties~~
736 ~~identified in paragraph (f)~~. No less than 90 days before the
737 effective date of any adjustment to the fee, the board shall
738 provide written notice of the adjusted fee amount and effective
739 date to each voice communications services provider from which
740 the board is then receiving the fee.

741 (i) It is the intent of the Legislature that all revenue
742 from the fee be used as specified in s. 365.173(2)(a)-(h) ~~s.~~
743 ~~365.173(2)(a)-(i)~~.

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

749 (k) A local government may not levy the fee or any
750 additional fee on providers or subscribers for the provision of
751 911 ~~E911~~ service.

752 (l) For purposes of this section, the definitions contained
753 in s. 202.11 and the provisions of s. 202.155 apply in the same
754 manner and to the same extent as the definitions and provisions

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755 apply to the taxes levied under chapter 202 on mobile
756 communications services.

757 (9) PREPAID WIRELESS PUBLIC SAFETY EMERGENCY COMMUNICATIONS
758 SYSTEMS ~~E911~~ FEE.—

759 (a) Effective January 1, 2015, a prepaid wireless ~~E911~~ fee
760 is imposed per retail transaction at the rate established in
761 paragraph (8)(f). In order to allow sellers of all sizes and
762 technological capabilities adequate time to comply with this
763 subsection, a seller of prepaid wireless service operating in
764 this state before the prepaid wireless ~~E911~~ fee is imposed shall
765 retain 100 percent of the fee collected under this paragraph for
766 the first 2 months to offset the cost of setup.

767 (b) Effective March 1, 2015, the prepaid wireless ~~E911~~ fee
768 imposed under paragraph (a) shall be subject to remittance in
769 accordance with paragraph (g). In no event shall the fee exceed
770 50 cents for each retail transaction. At least 90 days before
771 the effective date of any adjustment to the fee under paragraph
772 (8)(g), the Department of Revenue shall provide written notice
773 of the adjusted fee amount and its effective date to each seller
774 from which the department is then receiving the fee. At least
775 120 days before the effective date of any adjustment to the fee
776 imposed under this subsection, the board shall provide notice to
777 the Department of Revenue of the adjusted fee amount and
778 effective date of the adjustment.

779 (c) The prepaid wireless ~~E911~~ fee shall be collected by the
780 seller from the consumer with respect to each retail transaction
781 occurring in this state. The amount of the prepaid wireless ~~E911~~
782 fee shall be separately stated on an invoice, receipt, or other
783 similar document that is provided to the consumer by the seller

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784 or otherwise disclosed to the consumer.

785 (d) For purposes of paragraph (c), a retail transaction
786 that takes place in person by a consumer at a business location
787 of the seller shall be treated as occurring in this state if
788 that business location is in this state. Such transaction is
789 deemed to have occurred in the county of the business location.
790 When a retail transaction does not take place at the seller's
791 business location, the transaction shall be treated as taking
792 place at the consumer's shipping address or, if no item is
793 shipped, at the consumer's address or the location associated
794 with the consumer's mobile telephone number. Such transaction is
795 deemed to have occurred in the county of the consumer's shipping
796 address when items are shipped to the consumer or, when no items
797 are shipped, the county of the consumer's address or the
798 location associated with the consumer's mobile telephone number.
799 A transaction for which the specific Florida county cannot be
800 determined shall be treated as nonspecific.

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

805 (f) The amount of the prepaid wireless ~~E911~~ fee that is
806 collected by a seller from a consumer and that is separately
807 stated on an invoice, receipt, or similar document provided to
808 the consumer by the seller, may not be included in the base for
809 imposition of any tax, fee, surcharge, or other charge that is
810 imposed by this state, any political subdivision of this state,
811 or any intergovernmental agency.

812 (g) Beginning April 1, 2015, each seller shall file a

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813 return and remit the prepaid wireless ~~E911~~ fees collected in the
814 previous month to the Department of Revenue on or before the
815 20th day of the month. If the 20th day falls on a Saturday,
816 Sunday, or legal holiday, payments accompanied by returns are
817 due on the next succeeding day that is not a Saturday, Sunday,
818 or legal holiday observed by federal or state agencies as
819 defined in chapter 683 and s. 7503 of the Internal Revenue Code
820 of 1986, as amended. A seller may remit the prepaid wireless
821 ~~E911~~ fee by electronic funds transfer and file a fee return with
822 the Department of Revenue that is initiated through an
823 electronic data interchange.

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

830 2. A seller collecting less than \$50 per month of prepaid
831 wireless ~~E911~~ fees may file a quarterly return for the calendar
832 quarters ending in March, June, September, and December. The
833 seller must file a return and remit the prepaid wireless ~~E911~~
834 fees collected during each calendar quarter on or before the
835 20th day of the month following that calendar quarter.

836 3. A seller must provide the following information on each
837 prepaid wireless ~~E911~~ fee return filed with the Department of
838 Revenue:

839 a. The seller's name, federal identification number,
840 taxpayer identification number issued by the Department of
841 Revenue, business location address and mailing address, and

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842 county of the business location in accordance with paragraph
843 (d);

844 b. The reporting period;

845 c. The number of prepaid wireless services sold during the
846 reporting period;

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

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

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

852 4. A seller who operates two or more business locations for
853 which returns are required to be filed with the Department of
854 Revenue may file a consolidated return reporting and remitting
855 the prepaid wireless ~~E911~~ fee for all business locations. Such
856 sellers must report the prepaid wireless ~~E911~~ fees collected in
857 each county, in accordance with paragraph (d), on a reporting
858 schedule filed with the fee return.

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

861 6. Except as provided in this section, the Department of
862 Revenue shall administer, collect, and enforce the fee under
863 this subsection pursuant to the same procedures used in the
864 administration, collection, and enforcement of the general state
865 sales tax imposed under chapter 212. The provisions of chapter
866 212 regarding authority to audit and make assessments, keeping
867 of books and records, and interest and penalties on delinquent
868 fees shall apply. The provisions of estimated tax liability in
869 s. 212.11(1)(a) do not apply to the prepaid wireless ~~E911~~ fee.

870 (h) A seller of prepaid wireless services in this state

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871 must register with the Department of Revenue for each place of
872 business as required by s. 212.18(3) and the Department of
873 Revenue's administrative rule regarding registration as a sales
874 and use tax dealer. A separate application is required for each
875 place of business. A valid certificate of registration issued by
876 the Department of Revenue to a seller for sales and use tax
877 purposes is sufficient for purposes of the registration
878 requirement of this subsection. There is no fee for registration
879 for remittance of the prepaid wireless ~~E911~~ fee.

880 (i) The Department of Revenue shall deposit the funds
881 remitted under this subsection into the Audit and Warrant
882 Clearing Trust Fund established in s. 215.199 and retain up to
883 3.2 percent of the funds remitted under this subsection to
884 reimburse its direct costs of administering the collection and
885 remittance of prepaid wireless ~~E911~~ fees. Thereafter, the
886 Department of Revenue shall transfer all remaining funds
887 remitted under this subsection to the Emergency Communications
888 Trust Number E911 System Fund monthly for use as provided in s.
889 365.173.

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

893 (k) A provider or seller of prepaid wireless service is not
894 liable for damages to any person resulting from or incurred in
895 connection with providing or failing to provide emergency
896 communications and 911 ~~or E911~~ service or for identifying or
897 failing to identify the telephone number, address, location, or
898 name associated with any person or device that is accessing or
899 attempting to access emergency communications and 911 ~~or E911~~

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900 service.

901 (l) A provider or seller of prepaid wireless service is not
902 liable for damages to any person resulting from or incurred in
903 connection with providing any lawful assistance to any
904 investigative or law enforcement officer of the United States,
905 any state, or any political subdivision of any state in
906 connection with any lawful investigation or other law
907 enforcement activity by such law enforcement officer.

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

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

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

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

917 1. "Consumer" means a person who purchases prepaid wireless
918 service in a retail sale.

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

922 3. "Provider" means a person that provides prepaid wireless
923 service pursuant to a license issued by the Federal
924 Communications Commission.

925 4. "Retail transaction" means the purchase by a consumer
926 from a seller of prepaid wireless service that may be applied to
927 a single service identifier for use by the consumer. If a
928 consumer makes a purchase of multiple prepaid wireless services

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929 in a single transaction, each individual prepaid wireless
 930 service shall be considered a separate retail transaction for
 931 purposes of calculating the prepaid wireless ~~E911~~ fee.

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

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

936 (a) For purposes of this section, emergency communications
 937 and 911 ~~E911~~ service includes the functions relating to the
 938 receipt and transfer of requests for emergency assistance, of
 939 database management, call taking, and location verification, ~~and~~
 940 ~~call transfer~~. Department of Health certification and
 941 recertification and training costs for ~~911~~ public safety
 942 telecommunications, including dispatching, are functions of
 943 public safety emergency communications ~~911~~ services.

944 (b) All costs directly attributable to the establishment or
 945 provision of emergency communications equipment ~~E911 service~~ and
 946 ~~contracting for E911 services~~ related to a primary or secondary
 947 public safety answering point are eligible for expenditure of
 948 moneys derived from imposition of the fee authorized by
 949 subsections (8) and (9). These costs include the acquisition,
 950 implementation, and maintenance of Public Safety Answering Point
 951 (PSAP) equipment and 911 ~~E911~~ service features, as defined in
 952 the providers' published schedules or the acquisition,
 953 installation, and maintenance of other ~~E911~~ equipment,
 954 including: circuits; call answering equipment; call transfer
 955 equipment; ANI or ALI controllers; ANI or ALI displays; station
 956 instruments; NG911 ~~E911~~ telecommunications systems; Emergency
 957 Services IP Networks (ESInets); visual call information and

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958 storage devices; recording equipment; telephone devices and
959 other equipment for the hearing impaired used in the 911 ~~E911~~
960 system; PSAP backup power systems; consoles; automatic call
961 distributors; ~~and~~ interfaces, including hardware and software,
962 for computer-aided dispatch (CAD) systems, public safety Land
963 Mobile Radio(LMR) systems and radio consoles that provide two-
964 way radio communication with responders, and in-building
965 coverage; ~~integrated CAD systems for that portion of the systems~~
966 ~~used for E911 call taking;~~ GIS system and software equipment and
967 information displays; network clocks; cybersecurity, including
968 hardware, software, and services; salary and associated expenses
969 for 911 ~~E911~~ call takers and emergency dispatchers ~~for that~~
970 ~~portion of their time spent taking and transferring E911 calls,~~
971 salary, and associated expenses for a county to employ a full-
972 time equivalent 911 ~~E911~~ coordinator position and a full-time
973 equivalent mapping or geographical data position, and technical
974 system maintenance, database, and administration personnel for
975 the portion of their time spent administrating the emergency
976 communications ~~E911~~ system; emergency medical, fire, and law
977 enforcement prearrival instruction software; charts and training
978 costs; training costs for PSAP call takers, dispatchers,
979 supervisors, and managers in the proper methods and techniques
980 used in taking and transferring 911 ~~E911~~ calls; costs to train
981 and educate PSAP employees and the public regarding 911 and
982 radio ~~E911~~ service or NG911 ~~E911~~ equipment, including fees
983 collected by the Department of Health for the certification and
984 recertification of 911 public safety telecommunicators as
985 required under s. 401.465; and expenses required to develop and
986 maintain all information, including ALI and ANI databases, call-

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987 takers access to smart city technology data, emergency
988 communications broadband network information ~~and other~~
989 ~~information source repositories, necessary to properly inform~~
990 ~~call takers as to location address, type of emergency, and other~~
991 ~~information directly relevant to the processing of a request for~~
992 emergency assistance ~~E911 call-taking and transferring function.~~
993 ~~Moneys derived from the fee may also be used for next-generation~~
994 ~~E911 network services, next-generation E911 database services,~~
995 ~~next-generation E911 equipment, and wireless E911 routing~~
996 ~~systems.~~

997 (c) The moneys may not be used to pay for any item not
998 listed in this subsection, including, but not limited to, any
999 capital or operational costs related to responders dispatched to
1000 the emergency, and ~~for emergency responses which occur after the~~
1001 ~~call transfer to the responding public safety entity and the~~
1002 ~~costs for~~ utilities, constructing, leasing, maintaining, or
1003 renovating buildings, except for those building modifications
1004 necessary to maintain the security and environmental integrity
1005 of the PSAP and emergency communications ~~E911~~ equipment rooms.

1006 (11) LIABILITY OF COUNTIES.—A county subscribing to 911
1007 service remains liable to the local exchange carrier for any 911
1008 service, equipment, operation, or maintenance charge owed by the
1009 county to the local exchange carrier. As used in this
1010 subsection, the term "local exchange carrier" means a local
1011 exchange telecommunications service provider of 911 service or
1012 equipment to any county within its certificated area.

1013 (12) INDEMNIFICATION AND LIMITATION OF LIABILITY.—A local
1014 government may indemnify local exchange carriers against
1015 liability in accordance with the published schedules of the

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1016 company. Notwithstanding an indemnification agreement, a local
1017 exchange carrier, voice communications services provider, or
1018 other service provider that provides 911, ~~or~~ E911, or NG911
1019 service on a retail or wholesale basis is not liable for damages
1020 resulting from or in connection with 911, ~~or~~ E911, or NG911
1021 service, or for identification of the telephone number, or
1022 address, or name associated with any person accessing 911, ~~or~~
1023 E911, or NG911 service, unless the carrier or provider acted
1024 with malicious purpose or in a manner exhibiting wanton and
1025 willful disregard of the rights, safety, or property of a person
1026 when providing such services. A carrier or provider is not
1027 liable for damages to any person resulting from or in connection
1028 with the carrier's or provider's provision of any lawful
1029 assistance to any investigative or law enforcement officer of
1030 the United States, this state, or a political subdivision
1031 thereof, or of any other state or political subdivision thereof,
1032 in connection with any lawful investigation or other law
1033 enforcement activity by such law enforcement officer. For
1034 purposes of this subsection, the term "911, ~~or~~ E911, or NG911
1035 service" means a telecommunications service, voice or nonvoice
1036 communications service, or other wireline or wireless service,
1037 including, but not limited to, a service using Internet
1038 protocol, which provides, in whole or in part, any of the
1039 following functions: providing members of the public with the
1040 ability to reach an answering point by using the digits 9-1-1;
1041 directing 911 calls to answering points by selective routing;
1042 providing for automatic number identification and automatic
1043 location-identification features; or providing wireless E911
1044 services as defined in the order.

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1045 (13) FACILITATING EMERGENCY COMMUNICATIONS ~~E911~~ SERVICE
1046 IMPLEMENTATION.—To balance the public need for reliable
1047 emergency communications ~~E911~~ services through reliable wireless
1048 systems and the public interest served by governmental zoning
1049 and land development regulations and notwithstanding any other
1050 law or local ordinance to the contrary, the following standards
1051 shall apply to a local government's actions, as a regulatory
1052 body, in the regulation of the placement, construction, or
1053 modification of a wireless communications facility. This
1054 subsection may ~~shall~~ not, however, be construed to waive or
1055 alter the provisions of s. 286.011 or s. 286.0115. For the
1056 purposes of this subsection only, "local government" shall mean
1057 any municipality or county and any agency of a municipality or
1058 county only. The term "local government" does not, however,
1059 include any airport, as defined by s. 330.27(2), even if it is
1060 owned or controlled by or through a municipality, county, or
1061 agency of a municipality or county. Further, notwithstanding
1062 anything in this section to the contrary, this subsection does
1063 not apply to or control a local government's actions as a
1064 property or structure owner in the use of any property or
1065 structure owned by such entity for the placement, construction,
1066 or modification of wireless communications facilities. In the
1067 use of property or structures owned by the local government,
1068 however, a local government may not use its regulatory authority
1069 so as to avoid compliance with, or in a manner that does not
1070 advance, the provisions of this subsection.

1071 (a) Colocation ~~Collocation~~ among wireless providers is
1072 encouraged by the state.

1073 1.a. Colocations ~~Collocations~~ on towers, including

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1074 nonconforming towers, that meet the requirements in sub-sub-
1075 subparagraphs (I), (II), and (III), are subject to only building
1076 permit review, which may include a review for compliance with
1077 this subparagraph. Such colocations ~~collocations~~ are not subject
1078 to any design or placement requirements of the local
1079 government's land development regulations in effect at the time
1080 of the colocation ~~collocation~~ that are more restrictive than
1081 those in effect at the time of the initial antennae placement
1082 approval, to any other portion of the land development
1083 regulations, or to public hearing review. This sub-subparagraph
1084 may ~~shall~~ not preclude a public hearing for any appeal of the
1085 decision on the colocation ~~collocation~~ application.

1086 (I) The colocation ~~collocation~~ does not increase the height
1087 of the tower to which the antennae are to be attached, measured
1088 to the highest point of any part of the tower or any existing
1089 antenna attached to the tower;

1090 (II) The colocation ~~collocation~~ does not increase the
1091 ground space area, commonly known as the compound, approved in
1092 the site plan for equipment enclosures and ancillary facilities;
1093 and

1094 (III) The colocation ~~collocation~~ consists of antennae,
1095 equipment enclosures, and ancillary facilities that are of a
1096 design and configuration consistent with all applicable
1097 regulations, restrictions, or conditions, if any, applied to the
1098 initial antennae placed on the tower and to its accompanying
1099 equipment enclosures and ancillary facilities and, if
1100 applicable, applied to the tower supporting the antennae. Such
1101 regulations may include the design and aesthetic requirements,
1102 but not procedural requirements, other than those authorized by

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1103 this section, of the local government's land development
1104 regulations in effect at the time the initial antennae placement
1105 was approved.

1106 b. Except for a historic building, structure, site, object,
1107 or district, or a tower included in sub-subparagraph a.,
1108 colocations ~~collocations~~ on all other existing structures that
1109 meet the requirements in sub-sub-subparagraphs (I)-(IV) shall be
1110 subject to no more than building permit review, and an
1111 administrative review for compliance with this subparagraph.
1112 Such colocations ~~collocations~~ are not subject to any portion of
1113 the local government's land development regulations not
1114 addressed herein, or to public hearing review. This sub-
1115 subparagraph may ~~shall~~ not preclude a public hearing for any
1116 appeal of the decision on the colocation ~~collocation~~
1117 application.

1118 (I) The colocation ~~collocation~~ does not increase the height
1119 of the existing structure to which the antennae are to be
1120 attached, measured to the highest point of any part of the
1121 structure or any existing antenna attached to the structure;

1122 (II) The colocation ~~collocation~~ does not increase the
1123 ground space area, otherwise known as the compound, if any,
1124 approved in the site plan for equipment enclosures and ancillary
1125 facilities;

1126 (III) The colocation ~~collocation~~ consists of antennae,
1127 equipment enclosures, and ancillary facilities that are of a
1128 design and configuration consistent with any applicable
1129 structural or aesthetic design requirements and any requirements
1130 for location on the structure, but not prohibitions or
1131 restrictions on the placement of additional colocations

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1132 ~~collocations~~ on the existing structure or procedural
1133 requirements, other than those authorized by this section, of
1134 the local government's land development regulations in effect at
1135 the time of the colocation ~~collocation~~ application; and

1136 (IV) The colocation ~~collocation~~ consists of antennae,
1137 equipment enclosures, and ancillary facilities that are of a
1138 design and configuration consistent with all applicable
1139 restrictions or conditions, if any, that do not conflict with
1140 sub-sub-subparagraph (III) and were applied to the initial
1141 antennae placed on the structure and to its accompanying
1142 equipment enclosures and ancillary facilities and, if
1143 applicable, applied to the structure supporting the antennae.

1144 c. Regulations, restrictions, conditions, or permits of the
1145 local government, acting in its regulatory capacity, that limit
1146 the number of colocations ~~collocations~~ or require review
1147 processes inconsistent with this subsection does ~~shall~~ not apply
1148 to colocations ~~collocations~~ addressed in this subparagraph.

1149 d. If only a portion of the colocation ~~collocation~~ does not
1150 meet the requirements of this subparagraph, such as an increase
1151 in the height of the proposed antennae over the existing
1152 structure height or a proposal to expand the ground space
1153 approved in the site plan for the equipment enclosure, where all
1154 other portions of the colocation ~~collocation~~ meet the
1155 requirements of this subparagraph, that portion of the
1156 colocation ~~collocation~~ only may be reviewed under the local
1157 government's regulations applicable to an initial placement of
1158 that portion of the facility, including, but not limited to, its
1159 land development regulations, and within the review timeframes
1160 of subparagraph (d)2., and the rest of the colocation

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1161 ~~collocation~~ shall be reviewed in accordance with this
1162 subparagraph. A colocation ~~collocation~~ proposal under this
1163 subparagraph that increases the ground space area, otherwise
1164 known as the compound, approved in the original site plan for
1165 equipment enclosures and ancillary facilities by no more than a
1166 cumulative amount of 400 square feet or 50 percent of the
1167 original compound size, whichever is greater, shall, however,
1168 require no more than administrative review for compliance with
1169 the local government's regulations, including, but not limited
1170 to, land development regulations review, and building permit
1171 review, with no public hearing review. This sub-subparagraph
1172 does ~~shall~~ not preclude a public hearing for any appeal of the
1173 decision on the colocation ~~collocation~~ application.

1174 2. If a colocation ~~collocation~~ does not meet the
1175 requirements of subparagraph 1., the local government may review
1176 the application under the local government's regulations,
1177 including, but not limited to, land development regulations,
1178 applicable to the placement of initial antennae and their
1179 accompanying equipment enclosure and ancillary facilities.

1180 3. If a colocation ~~collocation~~ meets the requirements of
1181 subparagraph 1., the colocation may ~~collocation shall~~ not be
1182 considered a modification to an existing structure or an
1183 impermissible modification of a nonconforming structure.

1184 4. The owner of the existing tower on which the proposed
1185 antennae are to be colocated ~~collocated~~ shall remain responsible
1186 for compliance with any applicable condition or requirement of a
1187 permit or agreement, or any applicable condition or requirement
1188 of the land development regulations to which the existing tower
1189 had to comply at the time the tower was permitted, including any

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1190 aesthetic requirements, provided the condition or requirement is
1191 not inconsistent with this paragraph.

1192 5. An existing tower, including a nonconforming tower, may
1193 be structurally modified in order to permit colocation
1194 ~~collocation~~ or may be replaced through no more than
1195 administrative review and building permit review, and is not
1196 subject to public hearing review, if the overall height of the
1197 tower is not increased and, if a replacement, the replacement
1198 tower is a monopole tower or, if the existing tower is a
1199 camouflaged tower, the replacement tower is a like-camouflaged
1200 tower. This subparagraph may ~~shall~~ not preclude a public hearing
1201 for any appeal of the decision on the application.

1202 (b)1. A local government's land development and
1203 construction regulations for wireless communications facilities
1204 and the local government's review of an application for the
1205 placement, construction, or modification of a wireless
1206 communications facility shall only address land development or
1207 zoning issues. In such local government regulations or review,
1208 the local government may not require information on or evaluate
1209 a wireless provider's business decisions about its service,
1210 customer demand for its service, or quality of its service to or
1211 from a particular area or site, unless the wireless provider
1212 voluntarily offers this information to the local government. In
1213 such local government regulations or review, a local government
1214 may not require information on or evaluate the wireless
1215 provider's designed service unless the information or materials
1216 are directly related to an identified land development or zoning
1217 issue or unless the wireless provider voluntarily offers the
1218 information. Information or materials directly related to an

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1219 identified land development or zoning issue may include, but are
1220 not limited to, evidence that no existing structure can
1221 reasonably be used for the antennae placement instead of the
1222 construction of a new tower, that residential areas cannot be
1223 served from outside the residential area, as addressed in
1224 subparagraph 3., or that the proposed height of a new tower or
1225 initial antennae placement or a proposed height increase of a
1226 modified tower, replacement tower, or colocation ~~collocation~~ is
1227 necessary to provide the provider's designed service. Nothing in
1228 this paragraph shall limit the local government from reviewing
1229 any applicable land development or zoning issue addressed in its
1230 adopted regulations that does not conflict with this section,
1231 including, but not limited to, aesthetics, landscaping, land
1232 use-based ~~use-based~~ location priorities, structural design, and
1233 setbacks.

1234 2. Any setback or distance separation required of a tower
1235 may not exceed the minimum distance necessary, as determined by
1236 the local government, to satisfy the structural safety or
1237 aesthetic concerns that are to be protected by the setback or
1238 distance separation.

1239 3. A local government may exclude the placement of wireless
1240 communications facilities in a residential area or residential
1241 zoning district but only in a manner that does not constitute an
1242 actual or effective prohibition of the provider's service in
1243 that residential area or zoning district. If a wireless provider
1244 demonstrates to the satisfaction of the local government that
1245 the provider cannot reasonably provide its service to the
1246 residential area or zone from outside the residential area or
1247 zone, the municipality or county and provider shall cooperate to

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1248 determine an appropriate location for a wireless communications
1249 facility of an appropriate design within the residential area or
1250 zone. The local government may require that the wireless
1251 provider reimburse the reasonable costs incurred by the local
1252 government for this cooperative determination. An application
1253 for such cooperative determination may ~~shall~~ not be considered
1254 an application under paragraph (d).

1255 4. A local government may impose a reasonable fee on
1256 applications to place, construct, or modify a wireless
1257 communications facility only if a similar fee is imposed on
1258 applicants seeking other similar types of zoning, land use, or
1259 building permit review. A local government may impose fees for
1260 the review of applications for wireless communications
1261 facilities by consultants or experts who conduct code compliance
1262 review for the local government but any fee is limited to
1263 specifically identified reasonable expenses incurred in the
1264 review. A local government may impose reasonable surety
1265 requirements to ensure the removal of wireless communications
1266 facilities that are no longer being used.

1267 5. A local government may impose design requirements, such
1268 as requirements for designing towers to support colocation
1269 ~~collocation~~ or aesthetic requirements, except as otherwise
1270 limited in this section, but may ~~shall~~ not impose or require
1271 information on compliance with building code type standards for
1272 the construction or modification of wireless communications
1273 facilities beyond those adopted by the local government under
1274 chapter 553 and that apply to all similar types of construction.

1275 (c) Local governments may not require wireless providers to
1276 provide evidence of a wireless communications facility's

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1277 compliance with federal regulations, except evidence of
1278 compliance with applicable Federal Aviation Administration
1279 requirements under 14 C.F.R. part 77, as amended, and evidence
1280 of proper Federal Communications Commission licensure, or other
1281 evidence of Federal Communications Commission authorized
1282 spectrum use, but may request the Federal Communications
1283 Commission to provide information as to a wireless provider's
1284 compliance with federal regulations, as authorized by federal
1285 law.

1286 (d)1. A local government shall grant or deny each properly
1287 completed application for a colocation ~~collocation~~ under
1288 subparagraph (a)1. based on the application's compliance with
1289 the local government's applicable regulations, as provided for
1290 in subparagraph (a)1. and consistent with this subsection, and
1291 within the normal timeframe for a similar building permit review
1292 but in no case later than 45 business days after the date the
1293 application is determined to be properly completed in accordance
1294 with this paragraph.

1295 2. A local government shall grant or deny each properly
1296 completed application for any other wireless communications
1297 facility based on the application's compliance with the local
1298 government's applicable regulations, including but not limited
1299 to land development regulations, consistent with this subsection
1300 and within the normal timeframe for a similar type review but in
1301 no case later than 90 business days after the date the
1302 application is determined to be properly completed in accordance
1303 with this paragraph.

1304 3.a. An application is deemed submitted or resubmitted on
1305 the date the application is received by the local government. If

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1306 the local government does not notify the applicant in writing
1307 that the application is not completed in compliance with the
1308 local government's regulations within 20 business days after the
1309 date the application is initially submitted or additional
1310 information resubmitted, the application is deemed, for
1311 administrative purposes only, to be properly completed and
1312 properly submitted. However, the determination may ~~shall~~ not be
1313 deemed as an approval of the application. If the application is
1314 not completed in compliance with the local government's
1315 regulations, the local government shall so notify the applicant
1316 in writing and the notification must indicate with specificity
1317 any deficiencies in the required documents or deficiencies in
1318 the content of the required documents which, if cured, make the
1319 application properly completed. Upon resubmission of information
1320 to cure the stated deficiencies, the local government shall
1321 notify the applicant, in writing, within the normal timeframes
1322 of review, but in no case longer than 20 business days after the
1323 additional information is submitted, of any remaining
1324 deficiencies that must be cured. Deficiencies in document type
1325 or content not specified by the local government do not make the
1326 application incomplete. Notwithstanding this sub-subparagraph,
1327 if a specified deficiency is not properly cured when the
1328 applicant resubmits its application to comply with the notice of
1329 deficiencies, the local government may continue to request the
1330 information until such time as the specified deficiency is
1331 cured. The local government may establish reasonable timeframes
1332 within which the required information to cure the application
1333 deficiency is to be provided or the application will be
1334 considered withdrawn or closed.

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1335 b. If the local government fails to grant or deny a
1336 properly completed application for a wireless communications
1337 facility within the timeframes set forth in this paragraph, the
1338 application shall be deemed automatically approved and the
1339 applicant may proceed with placement of the facilities without
1340 interference or penalty. The timeframes specified in
1341 subparagraph 2. may be extended only to the extent that the
1342 application has not been granted or denied because the local
1343 government's procedures generally applicable to all other
1344 similar types of applications require action by the governing
1345 body and such action has not taken place within the timeframes
1346 specified in subparagraph 2. Under such circumstances, the local
1347 government must act to either grant or deny the application at
1348 its next regularly scheduled meeting or, otherwise, the
1349 application is deemed to be automatically approved.

1350 c. To be effective, a waiver of the timeframes set forth in
1351 this paragraph must be voluntarily agreed to by the applicant
1352 and the local government. A local government may request, but
1353 not require, a waiver of the timeframes by the applicant, except
1354 that, with respect to a specific application, a one-time waiver
1355 may be required in the case of a declared local, state, or
1356 federal emergency that directly affects the administration of
1357 all permitting activities of the local government.

1358 (e) The replacement of or modification to a wireless
1359 communications facility, except a tower, that results in a
1360 wireless communications facility not readily discernibly
1361 different in size, type, and appearance when viewed from ground
1362 level from surrounding properties, and the replacement or
1363 modification of equipment that is not visible from surrounding

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1364 properties, all as reasonably determined by the local
1365 government, are subject to no more than applicable building
1366 permit review.

1367 (f) Any other law to the contrary notwithstanding, the
1368 Department of Management Services shall negotiate, in the name
1369 of the state, leases for wireless communications facilities that
1370 provide access to state government-owned property not acquired
1371 for transportation purposes, and the Department of
1372 Transportation shall negotiate, in the name of the state, leases
1373 for wireless communications facilities that provide access to
1374 property acquired for state rights-of-way. On property acquired
1375 for transportation purposes, leases shall be granted in
1376 accordance with s. 337.251. On other state government-owned
1377 property, leases shall be granted on a space available, first-
1378 come, first-served basis. Payments required by state government
1379 under a lease must be reasonable and must reflect the market
1380 rate for the use of the state government-owned property. The
1381 Department of Management Services and the Department of
1382 Transportation are authorized to adopt rules for the terms and
1383 conditions and granting of any such leases.

1384 (g) If any person adversely affected by any action, or
1385 failure to act, or regulation, or requirement of a local
1386 government in the review or regulation of the wireless
1387 communication facilities files an appeal or brings an
1388 appropriate action in a court or venue of competent
1389 jurisdiction, following the exhaustion of all administrative
1390 remedies, the matter shall be considered on an expedited basis.

1391 (14) MISUSE OF 911, ~~OR~~ E911, OR NG911 SYSTEM; PENALTY.—911,
1392 ~~and~~ E911, and NG911 service must be used solely for emergency

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1393 communications by the public. Any person who accesses the number
1394 911 for the purpose of making a false alarm or complaint or
1395 reporting false information that could result in the emergency
1396 response of any public safety agency; any person who knowingly
1397 uses or attempts to use such service for a purpose other than
1398 obtaining public safety assistance; or any person who knowingly
1399 uses or attempts to use such service in an effort to avoid any
1400 charge for service, commits a misdemeanor of the first degree,
1401 punishable as provided in s. 775.082 or s. 775.083. After being
1402 convicted of unauthorized use of such service four times, a
1403 person who continues to engage in such unauthorized use commits
1404 a felony of the third degree, punishable as provided in s.
1405 775.082, s. 775.083, or s. 775.084. In addition, if the value of
1406 the service or the service charge obtained in a manner
1407 prohibited by this subsection exceeds \$100, the person
1408 committing the offense commits a felony of the third degree,
1409 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1410 (15) TEXT-TO-911 SERVICE.—Each county shall develop a
1411 countywide implementation plan addressing text-to-911 services
1412 and, by January 1, 2022, enact a system to allow text-to-911
1413 services.

1414 (16) STATE LAW NOT PREEMPTED.—This section and ss. 365.173
1415 and 365.174 do not alter any state law that otherwise regulates
1416 voice communications services providers.

1417 Section 2. Section 365.173, Florida Statutes, is amended to
1418 read:

1419 365.173 Emergency Communications Trust ~~Number E911 System~~
1420 Fund.—

1421 (1) REVENUES.—

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1422 (a) Revenues derived from the fee levied on subscribers
 1423 under s. 365.172(8) must be paid by the board into the State
 1424 Treasury on or before the 15th day of each month. Such moneys
 1425 must be accounted for in a special fund to be designated as the
 1426 Emergency Communications Trust ~~Number E911-System~~ Fund, a fund
 1427 created in the Division of Telecommunications, or other office
 1428 as designated by the Secretary of Management Services.

1429 (b) Revenues derived from the fee levied on prepaid
 1430 wireless service under s. 365.172(9), less the costs of
 1431 administering collection of the fee, must be transferred by the
 1432 Department of Revenue to the Emergency Communications Trust
 1433 ~~Number E911-System~~ Fund on or before the 25th day of each month
 1434 following the month of receipt.

1435 (c) For accounting purposes, the Emergency Communications
 1436 Trust ~~Number E911-System~~ Fund must be segregated into three
 1437 separate categories:

- 1438 1. The wireless category;
- 1439 2. The nonwireless category; and
- 1440 3. The prepaid wireless category.

1441 (d) All moneys must be invested by the Chief Financial
 1442 Officer pursuant to s. 17.61. All moneys in such fund are to be
 1443 expended by the office for the purposes provided in this section
 1444 and s. 365.172. These funds are not subject to s. 215.20.

1445 (2) DISTRIBUTION AND USE OF FUNDS.—As determined by the
 1446 board pursuant to s. 365.172(8)(f) ~~s. 365.172(8)(g)~~, and subject
 1447 to any modifications approved by the board pursuant to s.
 1448 365.172(6)(a)3. or (8)(g) ~~s. 365.172(6)(a)3. or (8)(h)~~, the
 1449 moneys in the fund shall be distributed and used only as
 1450 follows:

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1451 (a) Ninety-five ~~Seventy-six~~ percent of the moneys in the
1452 wireless category shall be distributed each month to counties,
1453 based on the total number of service identifiers in each county,
1454 to ~~and shall~~ be used exclusively for payment of+

1455 1. authorized expenditures, as specified in s. 365.172(10).

1456 2. ~~Costs to comply with the requirements for E911 service~~
1457 ~~contained in the order and any future rules related to the~~
1458 ~~order.~~

1459 (b) Ninety-six percent of the moneys in the nonwireless
1460 category shall be distributed each month to counties based on
1461 the total number of service identifiers in each county and shall
1462 be used exclusively for payment of authorized expenditures, as
1463 specified in s. 365.172(10).

1464 (c) Sixty-one percent of the moneys in the prepaid wireless
1465 category shall be distributed each month to counties based on
1466 the total amount of fees reported and paid in each county and
1467 shall be used exclusively for payment of authorized
1468 expenditures, as specified in s. 365.172(10). The moneys from
1469 prepaid wireless ~~E911~~ fees identified as nonspecific in
1470 accordance with s. 365.172(9) shall be distributed as determined
1471 by the Emergency Communications ~~E911~~ Board.

1472 (d) Any county that receives funds under paragraphs (a),
1473 (b), and (c) shall establish a fund to be used exclusively for
1474 the receipt and expenditure of the revenues collected under
1475 paragraphs (a), (b), and (c). All fees placed in the fund and
1476 any interest accrued shall be used solely for costs described in
1477 paragraph (a) ~~subparagraphs (a)1. and 2.~~ and may not be reduced,
1478 withheld, or allocated for other purposes. The money collected
1479 and interest earned in this fund shall be appropriated for these

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1480 purposes by the county commissioners and incorporated into the
1481 annual county budget. The fund shall be included within the
1482 financial audit performed in accordance with s. 218.39. The
1483 financial audit shall assure that all emergency communications
1484 ~~E911~~ fee revenues, interest, and emergency communications ~~E911~~
1485 grant funding are used for payment of authorized expenditures,
1486 as specified in s. 365.172(10) and as specified in the Emergency
1487 Communications ~~E911~~ Board grant and special disbursement
1488 programs. The board may, in accordance with board rules,
1489 withhold future distribution of grant funds or request a return
1490 of all or a portion of funds previously awarded based on
1491 findings from the financial audit. The county is responsible for
1492 all expenditures of revenues distributed from the county
1493 emergency communications ~~E911~~ fund and shall submit the
1494 financial audit reports to the board for review. A county may
1495 carry forward up to 30 percent of the total funds disbursed to
1496 the county by the board during a county fiscal year for
1497 expenditures for capital outlay, capital improvements, equipment
1498 replacement, or implementation of a hosted system if such
1499 expenditures are made for the purposes specified in paragraph
1500 (a) subparagraphs (a)1. and 2.; however, the 30-percent
1501 limitation does not apply to funds disbursed to a county under
1502 s. 365.172(6) (a)3., and a county may carry forward any
1503 percentage of the funds, except that any grant provided shall
1504 continue to be subject to any condition imposed by the board. In
1505 order to prevent an excess recovery of costs incurred in
1506 providing emergency communications ~~E911~~ service, a county that
1507 receives funds greater than the permissible emergency
1508 communications ~~E911~~ costs described in s. 365.172(10), including

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1509 the 30-percent carryforward allowance, must return the excess
1510 funds to the ~~E911~~ board to be allocated under s. 365.172(6)(a).

1511 ~~(e) Twenty percent of the moneys in the wireless category~~
1512 ~~shall be distributed to wireless providers in response to sworn~~
1513 ~~invoices submitted to the board by wireless providers to~~
1514 ~~reimburse such wireless providers for the actual costs incurred~~
1515 ~~to provide 911 or E911 service, including the costs of complying~~
1516 ~~with the order. Such costs include costs and expenses incurred~~
1517 ~~by wireless providers to design, purchase, lease, program,~~
1518 ~~install, test, upgrade, operate, and maintain all necessary~~
1519 ~~data, hardware, and software required to provide E911 service.~~
1520 ~~Each wireless provider shall submit to the board, by August 1 of~~
1521 ~~each year, a detailed estimate of the capital and operating~~
1522 ~~expenses for which it anticipates that it will seek~~
1523 ~~reimbursement under this paragraph during the ensuing state~~
1524 ~~fiscal year. In order to be eligible for recovery during any~~
1525 ~~ensuing state fiscal year, a wireless provider must submit all~~
1526 ~~sworn invoices for allowable purchases made within the previous~~
1527 ~~calendar year no later than March 31 of the fiscal year. By~~
1528 ~~September 15 of each year, the board shall submit to the~~
1529 ~~Legislature its legislative budget request for funds to be~~
1530 ~~allocated to wireless providers under this paragraph during the~~
1531 ~~ensuing state fiscal year. The budget request shall be based on~~
1532 ~~the information submitted by the wireless providers and~~
1533 ~~estimated surcharge revenues. Distributions of moneys in the~~
1534 ~~fund by the board to wireless providers must be fair and~~
1535 ~~nondiscriminatory. If the total amount of moneys requested by~~
1536 ~~wireless providers pursuant to invoices submitted to the board~~
1537 ~~and approved for payment exceeds the amount in the fund in any~~

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1538 month, wireless providers that have invoices approved for
1539 payment shall receive a pro rata share of moneys in the fund and
1540 the balance of the payments shall be carried over to the
1541 following month or months until all of the approved payments are
1542 made. The board may adopt rules necessary to address the manner
1543 in which pro rata distributions are made when the total amount
1544 of funds requested by wireless providers pursuant to invoices
1545 submitted to the board exceeds the total amount of moneys on
1546 deposit in the fund.

1547 (e)~~(f)~~ One percent of the moneys in each category of the
1548 fund shall be retained by the board to be applied to costs and
1549 expenses incurred for the purposes of managing, administering,
1550 and overseeing the receipts and disbursements from the fund and
1551 other activities as defined in s. 365.172(6). Any funds retained
1552 for such purposes in a calendar year which are not applied to
1553 such costs and expenses by March 31 of the following year shall
1554 be redistributed as determined by the board.

1555 (f)~~(g)~~ Three percent of the moneys in each category of the
1556 fund and an additional 1 percent of the moneys collected in the
1557 wireless category shall be used to make monthly distributions to
1558 rural counties for the purpose of providing facilities and
1559 network and service enhancements and assistance for the
1560 emergency communications 911 or E911 systems operated by rural
1561 counties and for the provision of grants by the office to rural
1562 counties for upgrading and replacing emergency communications
1563 ~~E911~~ systems.

1564 (g)~~(h)~~ Thirty-five percent of the moneys in the prepaid
1565 wireless category shall be retained by the board to provide
1566 state emergency communications E911 grants to be awarded in

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1567 accordance with the following order of priority:

1568 1. For all large, medium, and rural counties to upgrade or
1569 replace emergency communications ~~E911~~ systems.

1570 2. For all large, medium, and rural counties to develop and
1571 maintain statewide 911 routing, geographic, and management
1572 information systems.

1573 3. For all large, medium, and rural counties to develop and
1574 maintain next-generation 911 services and equipment.

1575 (h) ~~(i)~~ If the wireless category has funds remaining in it
1576 on December 31 after disbursements have been made during the
1577 calendar year immediately prior to December 31, the board may
1578 disburse the excess funds in the wireless category in accordance
1579 with s. 365.172(6)(a)3.b.

1580 (3) The Legislature recognizes that the fee authorized
1581 under s. 365.172 may not necessarily provide the total funding
1582 required for establishing or providing the emergency
1583 communications ~~E911~~ service. It is the intent of the Legislature
1584 that all revenue from the fee be used as specified in subsection
1585 (2).

1586 Section 3. Subsection (1) of section 365.177, Florida
1587 Statutes, is amended to read:

1588 365.177 Transfer of E911 calls between systems.—

1589 (1) The office shall develop a plan by December 30, 2023
1590 ~~February 1, 2020~~, to upgrade all 911 public safety answering
1591 points within the state to allow the transfer of an emergency
1592 call from one local, multijurisdictional, or regional E911
1593 system to another local, multijurisdictional, or regional E911
1594 system in the state by December 30, 2033. Such transfer should
1595 include voice, text message, image, video, caller identification

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1596 information, location information, and additional standards-
1597 based 911 call information. The plan must prioritize the upgrade
1598 of PSAPs based on the population served by each PSAP, the
1599 capability of a jurisdiction or region to modernize PSAPs beyond
1600 legacy 911 infrastructure, and the ability of a jurisdiction or
1601 region to address interoperability between PSAPs. The plan must
1602 identify and address the projected costs of providing these
1603 transfer capabilities and project the ability of each county to
1604 meet operational costs based on disbursement of funds under s.
1605 365.173(2)(a), (b), and (c).

1606 Section 4. Subsection (10) of section 212.05965, Florida
1607 Statutes, is amended to read:

1608 212.05965 Taxation of marketplace sales.—

1609 (10) Notwithstanding any other law, the marketplace
1610 provider is also responsible for collecting and remitting any
1611 prepaid wireless public safety emergency communications systems
1612 ~~E911~~ fee under s. 365.172, waste tire fee under s. 403.718, and
1613 lead-acid battery fee under s. 403.7185 at the time of sale for
1614 taxable retail sales made through its marketplace.

1615 Section 5. Section 365.171, Florida Statutes, is amended to
1616 read:

1617 365.171 Emergency communications ~~number E911~~ state plan.—

1618 (1) SHORT TITLE.—This section may be cited as the “Florida
1619 Emergency Communications ~~Number E911~~ State Plan Act.”

1620 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature
1621 that the communications number “911” be the designated emergency
1622 communications number. A public safety agency may not advertise
1623 or otherwise promote the use of any communications number for
1624 emergency response services other than “911.” It is further the

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1625 intent of the Legislature to implement and continually update a
1626 cohesive statewide emergency communications ~~number "E911"~~ plan
1627 for enhanced 911 services which will provide citizens with rapid
1628 direct access to public safety agencies by accessing "911" with
1629 the objective of reducing the response time to situations
1630 requiring law enforcement, fire, medical, rescue, and other
1631 emergency services.

1632 (3) DEFINITIONS.—As used in this section, the term:

1633 (a) "Office" means the Division of Telecommunications
1634 within the Department of Management Services, as designated by
1635 the secretary of the department.

1636 (b) "Local government" means any city, county, or political
1637 subdivision of the state and its agencies.

1638 (c) "Public agency" means the state and any city, county,
1639 city and county, municipal corporation, chartered organization,
1640 public district, or public authority located in whole or in part
1641 within this state which provides, or has authority to provide,
1642 firefighting, law enforcement, ambulance, medical, or other
1643 emergency services.

1644 (d) "Public safety agency" means a functional division of a
1645 public agency which provides firefighting, law enforcement,
1646 medical, or other emergency services.

1647 (4) STATE PLAN.—The office shall develop, maintain, and
1648 implement appropriate modifications for a statewide emergency
1649 communications ~~E911 system~~ plan. The plan shall provide for:

1650 (a) The public agency emergency communications requirements
1651 for each entity of local government in the state.

1652 (b) A system to meet specific local government
1653 requirements. Such system shall include law enforcement,

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1654 firefighting, and emergency medical services and may include
1655 other emergency services such as poison control, suicide
1656 prevention, and emergency management services.

1657 (c) Identification of the mutual aid agreements necessary
1658 to obtain an effective emergency communications ~~E911~~ system.

1659 (d) A funding provision that identifies the cost necessary
1660 to implement the emergency communications ~~E911~~ system.

1661
1662 The office shall be responsible for the implementation and
1663 coordination of such plan. The office shall adopt any necessary
1664 rules and schedules related to public agencies for implementing
1665 and coordinating the plan, pursuant to chapter 120.

1666 (5) SYSTEM DIRECTOR.—The secretary of the department or his
1667 or her designee is designated as the director of the statewide
1668 emergency communications ~~number E911~~ system and, for the purpose
1669 of carrying out the provisions of this section, is authorized to
1670 coordinate the activities of the system with state, county,
1671 local, and private agencies. The director in implementing the
1672 system shall consult, cooperate, and coordinate with local law
1673 enforcement agencies.

1674 (6) REGIONAL SYSTEMS.—This section does not prohibit or
1675 discourage the formation of multijurisdictional or regional
1676 systems; and any system established pursuant to this section may
1677 include the jurisdiction, or any portion thereof, of more than
1678 one public agency. It is the intent of the Legislature that
1679 emergency communications services ~~E911 service~~ be available
1680 throughout the state. Expenditure by counties of the ~~E911~~ fee
1681 authorized and imposed under s. 365.172 should support this
1682 intent to the greatest extent feasible within the context of

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1683 local service needs and fiscal capability. This section does not
1684 prohibit two or more counties from establishing a combined
1685 emergency ~~E911~~ communications service by an interlocal agreement
1686 and using the fees authorized and imposed by s. 365.172 for such
1687 combined ~~E911~~ service.

1688 (7) TELECOMMUNICATIONS INDUSTRY COORDINATION.—The office
1689 shall coordinate with the Florida Public Service Commission
1690 which shall encourage the Florida telecommunications industry to
1691 activate facility modification plans for timely emergency
1692 communications services ~~E911~~ implementation.

1693 (8) COIN TELEPHONES.—The Florida Public Service Commission
1694 shall establish rules to be followed by the telecommunications
1695 companies in this state designed toward encouraging the
1696 provision of coin-free dialing of "911" calls wherever
1697 economically practicable and in the public interest.

1698 (9) SYSTEM APPROVAL.—No emergency communications number
1699 E911 system shall be established and no present system shall be
1700 expanded without prior approval of the office.

1701 (10) COMPLIANCE.—All public agencies shall assist the
1702 office in their efforts to carry out the intent of this section,
1703 and such agencies shall comply with the developed plan.

1704 (11) FEDERAL ASSISTANCE.—The secretary of the department or
1705 his or her designee may apply for and accept federal funding
1706 assistance in the development and implementation of a statewide
1707 emergency communications ~~number E911~~ system.

1708 (12) CONFIDENTIALITY OF RECORDS.—

1709 (a) Any record, recording, or information, or portions
1710 thereof, obtained by a public agency or a public safety agency
1711 for the purpose of providing services in an emergency and which

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1712 reveals the name, address, telephone number, or personal
1713 information about, or information which may identify any person
1714 requesting emergency service or reporting an emergency by
1715 accessing an emergency communications ~~E-911~~ system is
1716 confidential and exempt from the provisions of s. 119.07(1) and
1717 s. 24(a), Art. I of the State Constitution, except that such
1718 record or information may be disclosed to a public safety
1719 agency. The exemption applies only to the name, address,
1720 telephone number or personal information about, or information
1721 which may identify any person requesting emergency services or
1722 reporting an emergency while such information is in the custody
1723 of the public agency or public safety agency providing emergency
1724 services. A telecommunications company or commercial mobile
1725 radio service provider is ~~shall~~ not be liable for damages to any
1726 person resulting from or in connection with such telephone
1727 company's or commercial mobile radio service provider's
1728 provision of any lawful assistance to any investigative or law
1729 enforcement officer of the State of Florida or political
1730 subdivisions thereof, of the United States, or of any other
1731 state or political subdivision thereof, in connection with any
1732 lawful investigation or other law enforcement activity by such
1733 law enforcement officer unless the telecommunications company or
1734 commercial mobile radio service provider acted in a wanton and
1735 willful manner.

1736 (b) Notwithstanding paragraph (a), a 911 public safety
1737 telecommunicator, as defined in s. 401.465, may contact any
1738 private person or entity that owns an automated external
1739 defibrillator who has notified the local emergency medical
1740 services medical director or public safety answering point of

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1741 such ownership if a confirmed coronary emergency call is taking
1742 place and the location of the coronary emergency is within a
1743 reasonable distance from the location of the defibrillator, and
1744 may provide the location of the coronary emergency to that
1745 person or entity.

1746 Section 6. Paragraph (b) of subsection (2) of section
1747 365.174, Florida Statutes, is amended to read:

1748 365.174 Proprietary confidential business information.—

1749 (2)

1750 (b) The Department of Revenue may provide information
1751 relative to s. 365.172(9) to the Secretary of Management
1752 Services, or his or her authorized agent, or to the Emergency
1753 Communications ~~E911~~ Board established in s. 365.172(5) for use
1754 in the conduct of the official business of the Department of
1755 Management Services or the Emergency Communications ~~E911~~ Board.

1756 Section 7. This act shall take effect July 1, 2023.