

**By** the Committee on Fiscal Policy; 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 NG911  
12      systems and improvements; establishing notice and  
13      publication requirements before distribution of grant  
14      funds; providing for priority of county applications  
15      for funds; requiring board oversight of such funds;  
16      eliminating certain authority of the board; providing  
17      for the board's authority to implement changes to the  
18      allocation percentages and adjust fees; revising the  
19      frequency of board meetings; specifying that the  
20      Division of Telecommunications within the Department  
21      of Management Services must disburse funds to counties  
22      and provide a monthly report of such disbursements;  
23      revising the composition of a committee that reviews  
24      requests for proposals from the board regarding  
25      independent accounting firm selections; revising  
26      provisions relating to the public safety emergency  
27      communications systems fee; requiring uniform  
28      application and imposition of the fee; revising the  
29      factors that the board considers when setting

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

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

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

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88 manner that is competitively and technologically neutral as to  
89 all ~~voice~~ communications services providers.

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

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

102 (3) DEFINITIONS.—Only as used in this section and ss.  
103 365.171, 365.173, 365.174, and 365.177, the term:

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

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

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

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

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117 (e) "Building permit review" means a review for compliance  
118 with building construction standards adopted by the local  
119 government under chapter 553 and does not include a review for  
120 compliance with land development regulations.

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

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

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

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

145 (j) ~~(i)~~ "Existing structure" means a structure that exists

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146 at the time an application for permission to place antennae on a  
147 structure is filed with a local government. The term includes  
148 any structure that can structurally support the attachment of  
149 antennae in compliance with applicable codes.

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

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

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

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

174 (o)~~(n)~~ "Local exchange carrier" means a "competitive local

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175 exchange telecommunications company" or a "local exchange  
176 telecommunications company" as defined in s. 364.02.

177 (p)~~(e)~~ "Local government" means any municipality, county,  
178 or political subdivision or agency of a municipality, county, or  
179 political subdivision.

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

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

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

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

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

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

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

203 a. Order adopted on June 12, 1996, with an effective date

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204 of October 1, 1996, the amendments to s. 20.03 and the creation  
205 of s. 20.18 of Title 47 of the Code of Federal Regulations  
206 adopted by the Federal Communications Commission pursuant to  
207 such order.

208 b. Memorandum and Order No. FCC 97-402 adopted on December  
209 23, 1997.

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

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

212 2. Orders and rules subsequently adopted by the Federal  
213 Communications Commission relating to the provision of 911  
214 services, including Order Number FCC-05-116, adopted May 19,  
215 2005.

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

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

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

232 (z)~~(x)~~ "Public safety agency" means a functional division



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233 of a public agency which provides firefighting, law enforcement,  
234 medical, or other emergency services.

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

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

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

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

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

261 1. The service enables real-time, two-way voice

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262 communications;

263 2. The service requires a broadband connection from the  
264 user's locations;

265 3. The service requires IP-compatible customer premises  
266 equipment; and

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

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

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

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

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

290 (jj)~~(hh)~~ "Wireless provider" means a person who provides

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291 wireless service and:

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

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

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

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

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

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

317 1. Promote interoperability between public safety answering  
318 points by providing guidance and direction to counties and state  
319 agencies that operate 911 centers for the deployment of

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320 emergency communications infrastructure and the handling of  
321 emergency communications information, such as voice, text, data,  
322 and images, from receipt at a PSAP to dispatching to responders.

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

326 3. Provide technical assistance and guidance to rural  
327 counties as needed.

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

330 1. Next Generation 911.

331 2. Emergency Services IP Network (ESInet).

332 3. Computer-Aided Dispatch.

333 4. PSAP technology to interface with:

334 a. Land Mobile Radio (LMR).

335 b. Smart city technology data.

336 c. In-building coverage.

337 5. Emergency communications broadband networks.

338 6. Cybersecurity

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

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349 implementing the purposes of this section, the board, which has  
350 the power of a body corporate, has the powers enumerated in  
351 subsection (6).

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

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378 ~~wireless providers that are not affiliated with local exchange~~  
379 ~~carriers. Not more than one member may be appointed to represent~~  
380 ~~any single provider on the board.~~

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

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

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

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407 7. Governance, policy, and procedure across public safety  
408 agencies.

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

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

421 (g) The board may create subcommittees to advise the board,  
422 as needed.

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

424 (a) The board shall:

425 1. Administer the public safety emergency communications  
426 systems ~~E911~~ fee.

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

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

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

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436 to the schedule, in order to implement 911 ~~E911~~ services in the  
437 most efficient and cost-effective manner.

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

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



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465 ~~to any county for next-generation deployment until all counties~~  
466 ~~are Phase II complete. The board shall take all actions within~~  
467 ~~its authority to ensure that county recipients of such grants~~  
468 ~~use these funds only for the purpose under which they have been~~  
469 ~~provided and may take any actions within its authority to secure~~  
470 ~~county repayment of grant revenues upon determination that the~~  
471 ~~funds were not used for the purpose under which they were~~  
472 ~~provided.~~

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

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

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

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494 ~~counties using a timeframe and distribution methodology~~  
495 ~~established by the board.~~

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

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

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

506 ~~c. Ascertaining the projected costs of compliance with the~~  
507 ~~requirements of the order and projected collections of the fee.~~

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

510 5. Implement changes to the allocation percentages or  
511 adjust the fee pursuant to s. 365.173.

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

521 7.6. Hire and retain employees, which may include an  
522 independent executive director who shall possess experience in

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523 the area of telecommunications and emergency 911 issues, for the  
524 purposes of performing the technical and administrative  
525 functions for the board.

526 ~~8.7.~~ Make and enter into contracts, pursuant to chapter  
527 287, and execute other instruments necessary or convenient for  
528 the exercise of the powers and functions of the board.

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

532 ~~10.9.~~ Adopt, use, and alter a common corporate seal.

533 ~~11.10.~~ Elect or appoint the officers and agents that are  
534 required by the affairs of the board.

535 ~~12.11.~~ The board may adopt rules under ss. 120.536(1) and  
536 120.54 to implement this section and ss. 365.173 and 365.174.

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

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

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

549 ~~16.15.~~ Coordinate input from this state at national forums  
550 and associations, to ensure that policies related to public  
551 safety emergency communications E911 systems and services are

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552 consistent with the policies of the public safety emergency  
553 communications ~~E911~~ community in this state.

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

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

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

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

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

579 1. The annual receipts, including the total amount of fee  
580 revenues collected by each provider, the total disbursements of

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581 money in the fund, ~~including the amount of fund-reimbursed~~  
582 ~~expenses incurred by each wireless provider to comply with the~~  
583 ~~order~~, and the amount of moneys on deposit in the fund.

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

589 3. Any other issues related to providing emergency  
590 communications ~~E911~~ services.

591 4. The status of emergency communications ~~E911~~ services in  
592 this state.

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

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

600 1. A description of the scope and general requirements of  
601 the services requested.

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

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

609 (b) The board shall establish a committee to review

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610 requests for proposals which must include the statewide  
611 emergency communications systems ~~E911 system~~ director designated  
612 under s. 365.171(5), or his or her designee, and two members of  
613 the board, ~~one of whom is a county 911 coordinator and one of~~  
614 ~~whom represents a voice communications services provider~~. The  
615 review committee shall review the proposals received by the  
616 board and recommend an independent accounting firm to the board  
617 for final selection. By agreeing to serve on the review  
618 committee, each member of the review committee shall verify that  
619 he or she does not have any interest or employment, directly or  
620 indirectly, with potential proposers which conflicts in any  
621 manner or degree with his or her performance on the committee.

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

629 (8) PUBLIC SAFETY EMERGENCY COMMUNICATIONS SYSTEMS ~~E911~~  
630 FEE.—

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

637 1. Each voice communications service provider other than a  
638 wireless provider shall bill the fee to a subscriber based on

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639 the number of access lines having access to the 911 ~~E911~~ system,  
640 on a service-identifier basis, up to a maximum of 25 access  
641 lines per account bill rendered.

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

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

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

663

664 The provider may list the fee as a separate entry on each bill,  
665 in which case the fee must be identified as a fee for 911 ~~E911~~  
666 services. A provider shall remit the fee to the board only if  
667 the fee is paid by the subscriber. If a provider receives a

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668 partial payment for a monthly bill from a subscriber, the amount  
669 received shall first be applied to the payment due the provider  
670 for providing voice communications service.

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

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

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

685 (e) Voice communications services providers billing the fee  
686 to subscribers shall deliver revenues from the fee to the board  
687 within 60 days after the end of the month in which the fee was  
688 billed, together with a monthly report of the number of service  
689 identifiers in each county. Each wireless provider and other  
690 applicable provider identified in subparagraph (a)4. shall  
691 report the number of service identifiers for subscribers whose  
692 place of primary use is in each county. All provider subscriber  
693 information provided to the board is subject to s. 365.174. If a  
694 provider chooses to remit any fee amounts to the board before  
695 they are paid by the subscribers, a provider may apply to the  
696 board for a refund of, or may take a credit for, any such fees



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697 remitted to the board which are not collected by the provider  
698 within 6 months following the month in which the fees are  
699 charged off for federal income tax purposes as bad debt.

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

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

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

722 ~~1.2.~~ The appropriate level of funding needed to fund the  
723 rural grant program provided for in s. 365.173(2)(f) ~~s.~~  
724 ~~365.173(2)(g); and~~

725 ~~2.3.~~ The need to fund statewide, regional, and county

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726 grants in accordance with sub-subparagraph (6) (a) 3.b. and s.  
727 365.173(2) (g) ~~s. 365.173(2) (h)~~.

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

743 (i) It is the intent of the Legislature that all revenue  
744 from the fee be used as specified in s. 365.173(2) (a)-(h) ~~s.~~  
745 ~~365.173(2) (a)-(i)~~.

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

751 (k) A local government may not levy the fee or any  
752 additional fee on providers or subscribers for the provision of  
753 911 ~~E911~~ service.

754 (l) For purposes of this section, the definitions contained

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755 in s. 202.11 and the provisions of s. 202.155 apply in the same  
756 manner and to the same extent as the definitions and provisions  
757 apply to the taxes levied under chapter 202 on mobile  
758 communications services.

759 (9) PREPAID WIRELESS PUBLIC SAFETY EMERGENCY COMMUNICATIONS  
760 SYSTEMS ~~E911~~ FEE.—

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

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

781 (c) The prepaid wireless ~~E911~~ fee shall be collected by the  
782 seller from the consumer with respect to each retail transaction  
783 occurring in this state. The amount of the prepaid wireless ~~E911~~

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784 fee shall be separately stated on an invoice, receipt, or other  
785 similar document that is provided to the consumer by the seller  
786 or otherwise disclosed to the consumer.

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

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

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

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813 or any intergovernmental agency.

814 (g) Beginning April 1, 2015, each seller shall file a  
815 return and remit the prepaid wireless ~~E911~~ fees collected in the  
816 previous month to the Department of Revenue on or before the  
817 20th day of the month. If the 20th day falls on a Saturday,  
818 Sunday, or legal holiday, payments accompanied by returns are  
819 due on the next succeeding day that is not a Saturday, Sunday,  
820 or legal holiday observed by federal or state agencies as  
821 defined in chapter 683 and s. 7503 of the Internal Revenue Code  
822 of 1986, as amended. A seller may remit the prepaid wireless  
823 ~~E911~~ fee by electronic funds transfer and file a fee return with  
824 the Department of Revenue that is initiated through an  
825 electronic data interchange.

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

832 2. A seller collecting less than \$50 per month of prepaid  
833 wireless ~~E911~~ fees may file a quarterly return for the calendar  
834 quarters ending in March, June, September, and December. The  
835 seller must file a return and remit the prepaid wireless ~~E911~~  
836 fees collected during each calendar quarter on or before the  
837 20th day of the month following that calendar quarter.

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

841 a. The seller's name, federal identification number,

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842 taxpayer identification number issued by the Department of  
843 Revenue, business location address and mailing address, and  
844 county of the business location in accordance with paragraph  
845 (d);

846       b. The reporting period;

847       c. The number of prepaid wireless services sold during the  
848 reporting period;

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

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

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

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

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

863       6. Except as provided in this section, the Department of  
864 Revenue shall administer, collect, and enforce the fee under  
865 this subsection pursuant to the same procedures used in the  
866 administration, collection, and enforcement of the general state  
867 sales tax imposed under chapter 212. The provisions of chapter  
868 212 regarding authority to audit and make assessments, keeping  
869 of books and records, and interest and penalties on delinquent  
870 fees shall apply. The provisions of estimated tax liability in

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871 s. 212.11(1)(a) do not apply to the prepaid wireless ~~E911~~ fee.

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

882 (i) The Department of Revenue shall deposit the funds  
883 remitted under this subsection into the Audit and Warrant  
884 Clearing Trust Fund established in s. 215.199 and retain up to  
885 3.2 percent of the funds remitted under this subsection to  
886 reimburse its direct costs of administering the collection and  
887 remittance of prepaid wireless ~~E911~~ fees. Thereafter, the  
888 Department of Revenue shall transfer all remaining funds  
889 remitted under this subsection to the Emergency Communications  
890 Trust Number E911 System Fund monthly for use as provided in s.  
891 365.173.

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

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

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900 name associated with any person or device that is accessing or  
901 attempting to access emergency communications and 911 ~~or E911~~  
902 service.

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

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

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

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

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

919 1. "Consumer" means a person who purchases prepaid wireless  
920 service in a retail sale.

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

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

927 4. "Retail transaction" means the purchase by a consumer  
928 from a seller of prepaid wireless service that may be applied to



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929 a single service identifier for use by the consumer. If a  
 930 consumer makes a purchase of multiple prepaid wireless services  
 931 in a single transaction, each individual prepaid wireless  
 932 service shall be considered a separate retail transaction for  
 933 purposes of calculating the prepaid wireless ~~E911~~ fee.

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

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

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

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

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

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987 required under s. 401.465; and expenses required to develop and  
988 maintain all information, including ALI and ANI databases, call-  
989 takers access to smart city technology data, emergency  
990 communications broadband network information and other  
991 information source repositories, necessary to properly inform  
992 call takers as to location address, type of emergency, and other  
993 information directly relevant to the processing of a request for  
994 emergency assistance. An expenditure for a large-scale project  
995 may be made only if the decision supporting the expenditure was  
996 made in cooperation with the head of each law enforcement agency  
997 served by the primary PSAP in each county ~~E911 call-taking and~~  
998 ~~transferring function. Moneys derived from the fee may also be~~  
999 ~~used for next-generation E911 network services, next-generation~~  
1000 ~~E911 database services, next-generation E911 equipment, and~~  
1001 ~~wireless E911 routing systems.~~

1002 (c) The moneys may not be used to pay for any item not  
1003 listed in this subsection, including, but not limited to, any  
1004 capital or operational costs related to responders dispatched to  
1005 the emergency, and ~~for emergency responses which occur after the~~  
1006 ~~call transfer to the responding public safety entity and the~~  
1007 ~~costs for~~ utilities, constructing, leasing, maintaining, or  
1008 renovating buildings, except for those building modifications  
1009 necessary to maintain the security and environmental integrity  
1010 of the PSAP and emergency communications ~~E911~~ equipment rooms.

1011 (11) LIABILITY OF COUNTIES.—A county subscribing to 911  
1012 service remains liable to the local exchange carrier for any 911  
1013 service, equipment, operation, or maintenance charge owed by the  
1014 county to the local exchange carrier. As used in this  
1015 subsection, the term "local exchange carrier" means a local

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1016 exchange telecommunications service provider of 911 service or  
1017 equipment to any county within its certificated area.

1018 (12) INDEMNIFICATION AND LIMITATION OF LIABILITY.—A local  
1019 government may indemnify local exchange carriers against  
1020 liability in accordance with the published schedules of the  
1021 company. Notwithstanding an indemnification agreement, a local  
1022 exchange carrier, voice communications services provider, or  
1023 other service provider that provides 911, ~~or~~ E911, or NG911  
1024 service on a retail or wholesale basis is not liable for damages  
1025 resulting from or in connection with 911, ~~or~~ E911, or NG911  
1026 service, or for identification of the telephone number, or  
1027 address, or name associated with any person accessing 911, ~~or~~  
1028 E911, or NG911 service, unless the carrier or provider acted  
1029 with malicious purpose or in a manner exhibiting wanton and  
1030 willful disregard of the rights, safety, or property of a person  
1031 when providing such services. A carrier or provider is not  
1032 liable for damages to any person resulting from or in connection  
1033 with the carrier's or provider's provision of any lawful  
1034 assistance to any investigative or law enforcement officer of  
1035 the United States, this state, or a political subdivision  
1036 thereof, or of any other state or political subdivision thereof,  
1037 in connection with any lawful investigation or other law  
1038 enforcement activity by such law enforcement officer. For  
1039 purposes of this subsection, the term "911, ~~or~~ E911, or NG911  
1040 service" means a telecommunications service, voice or nonvoice  
1041 communications service, or other wireline or wireless service,  
1042 including, but not limited to, a service using Internet  
1043 protocol, which provides, in whole or in part, any of the  
1044 following functions: providing members of the public with the

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1045 ability to reach an answering point by using the digits 9-1-1;  
1046 directing 911 calls to answering points by selective routing;  
1047 providing for automatic number identification and automatic  
1048 location-identification features; or providing wireless E911  
1049 services as defined in the order.

1050 (13) FACILITATING EMERGENCY COMMUNICATIONS ~~E911~~ SERVICE  
1051 IMPLEMENTATION.—To balance the public need for reliable  
1052 emergency communications ~~E911~~ services through reliable wireless  
1053 systems and the public interest served by governmental zoning  
1054 and land development regulations and notwithstanding any other  
1055 law or local ordinance to the contrary, the following standards  
1056 shall apply to a local government's actions, as a regulatory  
1057 body, in the regulation of the placement, construction, or  
1058 modification of a wireless communications facility. This  
1059 subsection may ~~shall~~ not, however, be construed to waive or  
1060 alter the provisions of s. 286.011 or s. 286.0115. For the  
1061 purposes of this subsection only, "local government" shall mean  
1062 any municipality or county and any agency of a municipality or  
1063 county only. The term "local government" does not, however,  
1064 include any airport, as defined by s. 330.27(2), even if it is  
1065 owned or controlled by or through a municipality, county, or  
1066 agency of a municipality or county. Further, notwithstanding  
1067 anything in this section to the contrary, this subsection does  
1068 not apply to or control a local government's actions as a  
1069 property or structure owner in the use of any property or  
1070 structure owned by such entity for the placement, construction,  
1071 or modification of wireless communications facilities. In the  
1072 use of property or structures owned by the local government,  
1073 however, a local government may not use its regulatory authority

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1074 so as to avoid compliance with, or in a manner that does not  
1075 advance, the provisions of this subsection.

1076 (a) Colocation ~~Collocation~~ among wireless providers is  
1077 encouraged by the state.

1078 1.a. Colocations ~~Collocations~~ on towers, including  
1079 nonconforming towers, that meet the requirements in sub-sub-  
1080 subparagraphs (I), (II), and (III), are subject to only building  
1081 permit review, which may include a review for compliance with  
1082 this subparagraph. Such colocations ~~collocations~~ are not subject  
1083 to any design or placement requirements of the local  
1084 government's land development regulations in effect at the time  
1085 of the colocation ~~collocation~~ that are more restrictive than  
1086 those in effect at the time of the initial antennae placement  
1087 approval, to any other portion of the land development  
1088 regulations, or to public hearing review. This sub-subparagraph  
1089 may shall not preclude a public hearing for any appeal of the  
1090 decision on the colocation ~~collocation~~ application.

1091 (I) The colocation ~~collocation~~ does not increase the height  
1092 of the tower to which the antennae are to be attached, measured  
1093 to the highest point of any part of the tower or any existing  
1094 antenna attached to the tower;

1095 (II) The colocation ~~collocation~~ does not increase the  
1096 ground space area, commonly known as the compound, approved in  
1097 the site plan for equipment enclosures and ancillary facilities;  
1098 and

1099 (III) The colocation ~~collocation~~ consists of antennae,  
1100 equipment enclosures, and ancillary facilities that are of a  
1101 design and configuration consistent with all applicable  
1102 regulations, restrictions, or conditions, if any, applied to the

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1103 initial antennae placed on the tower and to its accompanying  
1104 equipment enclosures and ancillary facilities and, if  
1105 applicable, applied to the tower supporting the antennae. Such  
1106 regulations may include the design and aesthetic requirements,  
1107 but not procedural requirements, other than those authorized by  
1108 this section, of the local government's land development  
1109 regulations in effect at the time the initial antennae placement  
1110 was approved.

1111 b. Except for a historic building, structure, site, object,  
1112 or district, or a tower included in sub-subparagraph a.,  
1113 colocations ~~collocations~~ on all other existing structures that  
1114 meet the requirements in sub-sub-subparagraphs (I)-(IV) shall be  
1115 subject to no more than building permit review, and an  
1116 administrative review for compliance with this subparagraph.  
1117 Such colocations ~~collocations~~ are not subject to any portion of  
1118 the local government's land development regulations not  
1119 addressed herein, or to public hearing review. This sub-  
1120 subparagraph may ~~shall~~ not preclude a public hearing for any  
1121 appeal of the decision on the colocation ~~collocation~~  
1122 application.

1123 (I) The colocation ~~collocation~~ does not increase the height  
1124 of the existing structure to which the antennae are to be  
1125 attached, measured to the highest point of any part of the  
1126 structure or any existing antenna attached to the structure;

1127 (II) The colocation ~~collocation~~ does not increase the  
1128 ground space area, otherwise known as the compound, if any,  
1129 approved in the site plan for equipment enclosures and ancillary  
1130 facilities;

1131 (III) The colocation ~~collocation~~ consists of antennae,

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1132 equipment enclosures, and ancillary facilities that are of a  
1133 design and configuration consistent with any applicable  
1134 structural or aesthetic design requirements and any requirements  
1135 for location on the structure, but not prohibitions or  
1136 restrictions on the placement of additional colocations  
1137 ~~colocations~~ on the existing structure or procedural  
1138 requirements, other than those authorized by this section, of  
1139 the local government's land development regulations in effect at  
1140 the time of the colocation ~~collocation~~ application; and

1141 (IV) The colocation ~~collocation~~ consists of antennae,  
1142 equipment enclosures, and ancillary facilities that are of a  
1143 design and configuration consistent with all applicable  
1144 restrictions or conditions, if any, that do not conflict with  
1145 sub-sub-subparagraph (III) and were applied to the initial  
1146 antennae placed on the structure and to its accompanying  
1147 equipment enclosures and ancillary facilities and, if  
1148 applicable, applied to the structure supporting the antennae.

1149 c. Regulations, restrictions, conditions, or permits of the  
1150 local government, acting in its regulatory capacity, that limit  
1151 the number of colocations ~~collocations~~ or require review  
1152 processes inconsistent with this subsection does ~~shall~~ not apply  
1153 to colocations ~~collocations~~ addressed in this subparagraph.

1154 d. If only a portion of the colocation ~~collocation~~ does not  
1155 meet the requirements of this subparagraph, such as an increase  
1156 in the height of the proposed antennae over the existing  
1157 structure height or a proposal to expand the ground space  
1158 approved in the site plan for the equipment enclosure, where all  
1159 other portions of the colocation ~~collocation~~ meet the  
1160 requirements of this subparagraph, that portion of the



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1161 colocation ~~collocation~~ only may be reviewed under the local  
1162 government's regulations applicable to an initial placement of  
1163 that portion of the facility, including, but not limited to, its  
1164 land development regulations, and within the review timeframes  
1165 of subparagraph (d)2., and the rest of the colocation  
1166 ~~collocation~~ shall be reviewed in accordance with this  
1167 subparagraph. A colocation ~~collocation~~ proposal under this  
1168 subparagraph that increases the ground space area, otherwise  
1169 known as the compound, approved in the original site plan for  
1170 equipment enclosures and ancillary facilities by no more than a  
1171 cumulative amount of 400 square feet or 50 percent of the  
1172 original compound size, whichever is greater, shall, however,  
1173 require no more than administrative review for compliance with  
1174 the local government's regulations, including, but not limited  
1175 to, land development regulations review, and building permit  
1176 review, with no public hearing review. This sub-subparagraph  
1177 does shall not preclude a public hearing for any appeal of the  
1178 decision on the colocation ~~collocation~~ application.

1179         2. If a colocation ~~collocation~~ does not meet the  
1180 requirements of subparagraph 1., the local government may review  
1181 the application under the local government's regulations,  
1182 including, but not limited to, land development regulations,  
1183 applicable to the placement of initial antennae and their  
1184 accompanying equipment enclosure and ancillary facilities.

1185         3. If a colocation ~~collocation~~ meets the requirements of  
1186 subparagraph 1., the colocation may ~~collocation shall~~ not be  
1187 considered a modification to an existing structure or an  
1188 impermissible modification of a nonconforming structure.

1189         4. The owner of the existing tower on which the proposed

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1190 antennae are to be colocated ~~collocated~~ shall remain responsible  
1191 for compliance with any applicable condition or requirement of a  
1192 permit or agreement, or any applicable condition or requirement  
1193 of the land development regulations to which the existing tower  
1194 had to comply at the time the tower was permitted, including any  
1195 aesthetic requirements, provided the condition or requirement is  
1196 not inconsistent with this paragraph.

1197       5. An existing tower, including a nonconforming tower, may  
1198 be structurally modified in order to permit colocation  
1199 ~~collocation~~ or may be replaced through no more than  
1200 administrative review and building permit review, and is not  
1201 subject to public hearing review, if the overall height of the  
1202 tower is not increased and, if a replacement, the replacement  
1203 tower is a monopole tower or, if the existing tower is a  
1204 camouflaged tower, the replacement tower is a like-camouflaged  
1205 tower. This subparagraph may ~~shall~~ not preclude a public hearing  
1206 for any appeal of the decision on the application.

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

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1219 may not require information on or evaluate the wireless  
1220 provider's designed service unless the information or materials  
1221 are directly related to an identified land development or zoning  
1222 issue or unless the wireless provider voluntarily offers the  
1223 information. Information or materials directly related to an  
1224 identified land development or zoning issue may include, but are  
1225 not limited to, evidence that no existing structure can  
1226 reasonably be used for the antennae placement instead of the  
1227 construction of a new tower, that residential areas cannot be  
1228 served from outside the residential area, as addressed in  
1229 subparagraph 3., or that the proposed height of a new tower or  
1230 initial antennae placement or a proposed height increase of a  
1231 modified tower, replacement tower, or colocation ~~collocation~~ is  
1232 necessary to provide the provider's designed service. Nothing in  
1233 this paragraph shall limit the local government from reviewing  
1234 any applicable land development or zoning issue addressed in its  
1235 adopted regulations that does not conflict with this section,  
1236 including, but not limited to, aesthetics, landscaping, land  
1237 use-based ~~use-based~~ location priorities, structural design, and  
1238 setbacks.

1239         2. Any setback or distance separation required of a tower  
1240 may not exceed the minimum distance necessary, as determined by  
1241 the local government, to satisfy the structural safety or  
1242 aesthetic concerns that are to be protected by the setback or  
1243 distance separation.

1244         3. A local government may exclude the placement of wireless  
1245 communications facilities in a residential area or residential  
1246 zoning district but only in a manner that does not constitute an  
1247 actual or effective prohibition of the provider's service in

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1248 that residential area or zoning district. If a wireless provider  
1249 demonstrates to the satisfaction of the local government that  
1250 the provider cannot reasonably provide its service to the  
1251 residential area or zone from outside the residential area or  
1252 zone, the municipality or county and provider shall cooperate to  
1253 determine an appropriate location for a wireless communications  
1254 facility of an appropriate design within the residential area or  
1255 zone. The local government may require that the wireless  
1256 provider reimburse the reasonable costs incurred by the local  
1257 government for this cooperative determination. An application  
1258 for such cooperative determination may ~~shall~~ not be considered  
1259 an application under paragraph (d).

1260 4. A local government may impose a reasonable fee on  
1261 applications to place, construct, or modify a wireless  
1262 communications facility only if a similar fee is imposed on  
1263 applicants seeking other similar types of zoning, land use, or  
1264 building permit review. A local government may impose fees for  
1265 the review of applications for wireless communications  
1266 facilities by consultants or experts who conduct code compliance  
1267 review for the local government but any fee is limited to  
1268 specifically identified reasonable expenses incurred in the  
1269 review. A local government may impose reasonable surety  
1270 requirements to ensure the removal of wireless communications  
1271 facilities that are no longer being used.

1272 5. A local government may impose design requirements, such  
1273 as requirements for designing towers to support colocation  
1274 ~~collocation~~ or aesthetic requirements, except as otherwise  
1275 limited in this section, but may ~~shall~~ not impose or require  
1276 information on compliance with building code type standards for

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1277 the construction or modification of wireless communications  
1278 facilities beyond those adopted by the local government under  
1279 chapter 553 and that apply to all similar types of construction.

1280 (c) Local governments may not require wireless providers to  
1281 provide evidence of a wireless communications facility's  
1282 compliance with federal regulations, except evidence of  
1283 compliance with applicable Federal Aviation Administration  
1284 requirements under 14 C.F.R. part 77, as amended, and evidence  
1285 of proper Federal Communications Commission licensure, or other  
1286 evidence of Federal Communications Commission authorized  
1287 spectrum use, but may request the Federal Communications  
1288 Commission to provide information as to a wireless provider's  
1289 compliance with federal regulations, as authorized by federal  
1290 law.

1291 (d)1. A local government shall grant or deny each properly  
1292 completed application for a colocation ~~collocation~~ under  
1293 subparagraph (a)1. based on the application's compliance with  
1294 the local government's applicable regulations, as provided for  
1295 in subparagraph (a)1. and consistent with this subsection, and  
1296 within the normal timeframe for a similar building permit review  
1297 but in no case later than 45 business days after the date the  
1298 application is determined to be properly completed in accordance  
1299 with this paragraph.

1300 2. A local government shall grant or deny each properly  
1301 completed application for any other wireless communications  
1302 facility based on the application's compliance with the local  
1303 government's applicable regulations, including but not limited  
1304 to land development regulations, consistent with this subsection  
1305 and within the normal timeframe for a similar type review but in

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1306 no case later than 90 business days after the date the  
1307 application is determined to be properly completed in accordance  
1308 with this paragraph.

1309 3.a. An application is deemed submitted or resubmitted on  
1310 the date the application is received by the local government. If  
1311 the local government does not notify the applicant in writing  
1312 that the application is not completed in compliance with the  
1313 local government's regulations within 20 business days after the  
1314 date the application is initially submitted or additional  
1315 information resubmitted, the application is deemed, for  
1316 administrative purposes only, to be properly completed and  
1317 properly submitted. However, the determination may ~~shall~~ not be  
1318 deemed as an approval of the application. If the application is  
1319 not completed in compliance with the local government's  
1320 regulations, the local government shall so notify the applicant  
1321 in writing and the notification must indicate with specificity  
1322 any deficiencies in the required documents or deficiencies in  
1323 the content of the required documents which, if cured, make the  
1324 application properly completed. Upon resubmission of information  
1325 to cure the stated deficiencies, the local government shall  
1326 notify the applicant, in writing, within the normal timeframes  
1327 of review, but in no case longer than 20 business days after the  
1328 additional information is submitted, of any remaining  
1329 deficiencies that must be cured. Deficiencies in document type  
1330 or content not specified by the local government do not make the  
1331 application incomplete. Notwithstanding this sub-subparagraph,  
1332 if a specified deficiency is not properly cured when the  
1333 applicant resubmits its application to comply with the notice of  
1334 deficiencies, the local government may continue to request the

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1335 information until such time as the specified deficiency is  
1336 cured. The local government may establish reasonable timeframes  
1337 within which the required information to cure the application  
1338 deficiency is to be provided or the application will be  
1339 considered withdrawn or closed.

1340       b. If the local government fails to grant or deny a  
1341 properly completed application for a wireless communications  
1342 facility within the timeframes set forth in this paragraph, the  
1343 application shall be deemed automatically approved and the  
1344 applicant may proceed with placement of the facilities without  
1345 interference or penalty. The timeframes specified in  
1346 subparagraph 2. may be extended only to the extent that the  
1347 application has not been granted or denied because the local  
1348 government's procedures generally applicable to all other  
1349 similar types of applications require action by the governing  
1350 body and such action has not taken place within the timeframes  
1351 specified in subparagraph 2. Under such circumstances, the local  
1352 government must act to either grant or deny the application at  
1353 its next regularly scheduled meeting or, otherwise, the  
1354 application is deemed to be automatically approved.

1355       c. To be effective, a waiver of the timeframes set forth in  
1356 this paragraph must be voluntarily agreed to by the applicant  
1357 and the local government. A local government may request, but  
1358 not require, a waiver of the timeframes by the applicant, except  
1359 that, with respect to a specific application, a one-time waiver  
1360 may be required in the case of a declared local, state, or  
1361 federal emergency that directly affects the administration of  
1362 all permitting activities of the local government.

1363       (e) The replacement of or modification to a wireless

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1364 communications facility, except a tower, that results in a  
1365 wireless communications facility not readily discernibly  
1366 different in size, type, and appearance when viewed from ground  
1367 level from surrounding properties, and the replacement or  
1368 modification of equipment that is not visible from surrounding  
1369 properties, all as reasonably determined by the local  
1370 government, are subject to no more than applicable building  
1371 permit review.

1372 (f) Any other law to the contrary notwithstanding, the  
1373 Department of Management Services shall negotiate, in the name  
1374 of the state, leases for wireless communications facilities that  
1375 provide access to state government-owned property not acquired  
1376 for transportation purposes, and the Department of  
1377 Transportation shall negotiate, in the name of the state, leases  
1378 for wireless communications facilities that provide access to  
1379 property acquired for state rights-of-way. On property acquired  
1380 for transportation purposes, leases shall be granted in  
1381 accordance with s. 337.251. On other state government-owned  
1382 property, leases shall be granted on a space available, first-  
1383 come, first-served basis. Payments required by state government  
1384 under a lease must be reasonable and must reflect the market  
1385 rate for the use of the state government-owned property. The  
1386 Department of Management Services and the Department of  
1387 Transportation are authorized to adopt rules for the terms and  
1388 conditions and granting of any such leases.

1389 (g) If any person adversely affected by any action, or  
1390 failure to act, or regulation, or requirement of a local  
1391 government in the review or regulation of the wireless  
1392 communication facilities files an appeal or brings an



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1393 appropriate action in a court or venue of competent  
1394 jurisdiction, following the exhaustion of all administrative  
1395 remedies, the matter shall be considered on an expedited basis.

1396 (14) MISUSE OF 911, ~~OR E911~~, OR NG911 SYSTEM; PENALTY.—911,  
1397 ~~and E911~~, and NG911 service must be used solely for emergency  
1398 communications by the public. Any person who accesses the number  
1399 911 for the purpose of making a false alarm or complaint or  
1400 reporting false information that could result in the emergency  
1401 response of any public safety agency; any person who knowingly  
1402 uses or attempts to use such service for a purpose other than  
1403 obtaining public safety assistance; or any person who knowingly  
1404 uses or attempts to use such service in an effort to avoid any  
1405 charge for service, commits a misdemeanor of the first degree,  
1406 punishable as provided in s. 775.082 or s. 775.083. After being  
1407 convicted of unauthorized use of such service four times, a  
1408 person who continues to engage in such unauthorized use commits  
1409 a felony of the third degree, punishable as provided in s.  
1410 775.082, s. 775.083, or s. 775.084. In addition, if the value of  
1411 the service or the service charge obtained in a manner  
1412 prohibited by this subsection exceeds \$100, the person  
1413 committing the offense commits a felony of the third degree,  
1414 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1415 (15) TEXT-TO-911 SERVICE.—Each county shall develop a  
1416 countywide implementation plan addressing text-to-911 services  
1417 and, by January 1, 2022, enact a system to allow text-to-911  
1418 services.

1419 (16) STATE LAW NOT PREEMPTED.—This section and ss. 365.173  
1420 and 365.174 do not alter any state law that otherwise regulates  
1421 voice communications services providers.

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1422 Section 2. Section 365.173, Florida Statutes, is amended to  
1423 read:

1424 365.173 Emergency Communications Trust ~~Number E911 System~~  
1425 Fund.—

1426 (1) REVENUES.—

1427 (a) Revenues derived from the fee levied on subscribers  
1428 under s. 365.172(8) must be paid by the board into the State  
1429 Treasury on or before the 15th day of each month. Such moneys  
1430 must be accounted for in a special fund to be designated as the  
1431 Emergency Communications Trust ~~Number E911 System~~ Fund, a fund  
1432 created in the Division of Telecommunications, or other office  
1433 as designated by the Secretary of Management Services.

1434 (b) Revenues derived from the fee levied on prepaid  
1435 wireless service under s. 365.172(9), less the costs of  
1436 administering collection of the fee, must be transferred by the  
1437 Department of Revenue to the Emergency Communications Trust  
1438 ~~Number E911 System~~ Fund on or before the 25th day of each month  
1439 following the month of receipt.

1440 (c) For accounting purposes, the Emergency Communications  
1441 Trust ~~Number E911 System~~ Fund must be segregated into three  
1442 separate categories:

- 1443 1. The wireless category;
- 1444 2. The nonwireless category; and
- 1445 3. The prepaid wireless category.

1446 (d) All moneys must be invested by the Chief Financial  
1447 Officer pursuant to s. 17.61. All moneys in such fund are to be  
1448 expended by the office for the purposes provided in this section  
1449 and s. 365.172. These funds are not subject to s. 215.20.

1450 (2) DISTRIBUTION AND USE OF FUNDS.—As determined by the

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1451 board pursuant to s. 365.172(8)(f) ~~s. 365.172(8)(g)~~, and subject  
1452 to any modifications approved by the board pursuant to s.  
1453 365.172(6)(a)3. or (8)(g) ~~s. 365.172(6)(a)3. or (8)(h)~~, the  
1454 moneys in the fund shall be distributed and used only as  
1455 follows:

1456 (a) Ninety-five ~~Seventy-six~~ percent of the moneys in the  
1457 wireless category shall be distributed each month to counties,  
1458 based on the total number of service identifiers in each county,  
1459 to and shall be used exclusively for payment of:

1460 1. ~~authorized expenditures, as specified in s. 365.172(10).~~

1461 2. ~~Costs to comply with the requirements for E911 service~~  
1462 ~~contained in the order and any future rules related to the~~  
1463 ~~order.~~

1464 (b) Ninety-six percent of the moneys in the nonwireless  
1465 category shall be distributed each month to counties based on  
1466 the total number of service identifiers in each county and shall  
1467 be used exclusively for payment of authorized expenditures, as  
1468 specified in s. 365.172(10).

1469 (c) Sixty-one percent of the moneys in the prepaid wireless  
1470 category shall be distributed each month to counties based on  
1471 the total amount of fees reported and paid in each county and  
1472 shall be used exclusively for payment of authorized  
1473 expenditures, as specified in s. 365.172(10). The moneys from  
1474 prepaid wireless ~~E911~~ fees identified as nonspecific in  
1475 accordance with s. 365.172(9) shall be distributed as determined  
1476 by the Emergency Communications ~~E911~~ Board.

1477 (d) Any county that receives funds under paragraphs (a),  
1478 (b), and (c) shall establish a fund to be used exclusively for  
1479 the receipt and expenditure of the revenues collected under

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

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1509 continue to be subject to any condition imposed by the board. In  
1510 order to prevent an excess recovery of costs incurred in  
1511 providing emergency communications ~~E911~~ service, a county that  
1512 receives funds greater than the permissible emergency  
1513 communications ~~E911~~ costs described in s. 365.172(10), including  
1514 the 30-percent carryforward allowance, must return the excess  
1515 funds to the ~~E911~~ board to be allocated under s. 365.172(6)(a).

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

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1538 ~~estimated surcharge revenues. Distributions of moneys in the~~  
1539 ~~fund by the board to wireless providers must be fair and~~  
1540 ~~nondiscriminatory. If the total amount of moneys requested by~~  
1541 ~~wireless providers pursuant to invoices submitted to the board~~  
1542 ~~and approved for payment exceeds the amount in the fund in any~~  
1543 ~~month, wireless providers that have invoices approved for~~  
1544 ~~payment shall receive a pro rata share of moneys in the fund and~~  
1545 ~~the balance of the payments shall be carried over to the~~  
1546 ~~following month or months until all of the approved payments are~~  
1547 ~~made. The board may adopt rules necessary to address the manner~~  
1548 ~~in which pro rata distributions are made when the total amount~~  
1549 ~~of funds requested by wireless providers pursuant to invoices~~  
1550 ~~submitted to the board exceeds the total amount of moneys on~~  
1551 ~~deposit in the fund.~~

1552 (e) ~~(f)~~ One percent of the moneys in each category of the  
1553 fund shall be retained by the board to be applied to costs and  
1554 expenses incurred for the purposes of managing, administering,  
1555 and overseeing the receipts and disbursements from the fund and  
1556 other activities as defined in s. 365.172(6). Any funds retained  
1557 for such purposes in a calendar year which are not applied to  
1558 such costs and expenses by March 31 of the following year shall  
1559 be redistributed as determined by the board.

1560 (f) ~~(g)~~ Three percent of the moneys in each category of the  
1561 fund and an additional 1 percent of the moneys collected in the  
1562 wireless category shall be used to make monthly distributions to  
1563 rural counties for the purpose of providing facilities and  
1564 network and service enhancements and assistance for the  
1565 emergency communications 911 or E911 systems operated by rural  
1566 counties and for the provision of grants by the office to rural

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1567 counties for upgrading and replacing emergency communications  
1568 ~~E911~~ systems.

1569 (g)~~(h)~~ Thirty-five percent of the moneys in the prepaid  
1570 wireless category shall be retained by the board to provide  
1571 state emergency communications ~~E911~~ grants to be awarded in  
1572 accordance with the following order of priority:

1573 1. For all large, medium, and rural counties to upgrade or  
1574 replace emergency communications ~~E911~~ systems.

1575 2. For all large, medium, and rural counties to develop and  
1576 maintain statewide 911 routing, geographic, and management  
1577 information systems.

1578 3. For all large, medium, and rural counties to develop and  
1579 maintain next-generation 911 services and equipment.

1580 (h)~~(i)~~ If the wireless category has funds remaining in it  
1581 on December 31 after disbursements have been made during the  
1582 calendar year immediately prior to December 31, the board may  
1583 disburse the excess funds in the wireless category in accordance  
1584 with s. 365.172(6)(a)3.b.

1585 (3) The Legislature recognizes that the fee authorized  
1586 under s. 365.172 may not necessarily provide the total funding  
1587 required for establishing or providing the emergency  
1588 communications ~~E911~~ service. It is the intent of the Legislature  
1589 that all revenue from the fee be used as specified in subsection  
1590 (2).

1591 Section 3. Subsection (1) of section 365.177, Florida  
1592 Statutes, is amended to read:

1593 365.177 Transfer of E911 calls between systems.—

1594 (1) The office shall develop a plan by December 30, 2023  
1595 ~~February 1, 2020~~, to upgrade all 911 public safety answering

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1596 points within the state to allow the transfer of an emergency  
 1597 call from one local, multijurisdictional, or regional E911  
 1598 system to another local, multijurisdictional, or regional E911  
 1599 system in the state by December 30, 2033. Such transfer should  
 1600 include voice, text message, image, video, caller identification  
 1601 information, location information, and additional standards-  
 1602 based 911 call information. The plan must prioritize the upgrade  
 1603 of PSAPs based on the population served by each PSAP, the  
 1604 capability of a jurisdiction or region to modernize PSAPs beyond  
 1605 legacy 911 infrastructure, and the ability of a jurisdiction or  
 1606 region to address interoperability between PSAPs. The plan must  
 1607 identify and address the projected costs of providing these  
 1608 transfer capabilities and project the ability of each county to  
 1609 meet operational costs based on disbursement of funds under s.  
 1610 365.173(2) (a), (b), and (c).

1611 Section 4. Subsection (10) of section 212.05965, Florida  
 1612 Statutes, is amended to read:

1613 212.05965 Taxation of marketplace sales.—

1614 (10) Notwithstanding any other law, the marketplace  
 1615 provider is also responsible for collecting and remitting any  
 1616 prepaid wireless public safety emergency communications systems  
 1617 ~~E911~~ fee under s. 365.172, waste tire fee under s. 403.718, and  
 1618 lead-acid battery fee under s. 403.7185 at the time of sale for  
 1619 taxable retail sales made through its marketplace.

1620 Section 5. Section 365.171, Florida Statutes, is amended to  
 1621 read:

1622 365.171 Emergency communications ~~number E911~~ state plan.—

1623 (1) SHORT TITLE.—This section may be cited as the “Florida  
 1624 Emergency Communications ~~Number E911~~ State Plan Act.”



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1625 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature  
1626 that the communications number "911" be the designated emergency  
1627 communications number. A public safety agency may not advertise  
1628 or otherwise promote the use of any communications number for  
1629 emergency response services other than "911." It is further the  
1630 intent of the Legislature to implement and continually update a  
1631 cohesive statewide emergency communications ~~number "E911"~~ plan  
1632 for enhanced 911 services which will provide citizens with rapid  
1633 direct access to public safety agencies by accessing "911" with  
1634 the objective of reducing the response time to situations  
1635 requiring law enforcement, fire, medical, rescue, and other  
1636 emergency services.

1637 (3) DEFINITIONS.—As used in this section, the term:

1638 (a) "Office" means the Division of Telecommunications  
1639 within the Department of Management Services, as designated by  
1640 the secretary of the department.

1641 (b) "Local government" means any city, county, or political  
1642 subdivision of the state and its agencies.

1643 (c) "Public agency" means the state and any city, county,  
1644 city and county, municipal corporation, chartered organization,  
1645 public district, or public authority located in whole or in part  
1646 within this state which provides, or has authority to provide,  
1647 firefighting, law enforcement, ambulance, medical, or other  
1648 emergency services.

1649 (d) "Public safety agency" means a functional division of a  
1650 public agency which provides firefighting, law enforcement,  
1651 medical, or other emergency services.

1652 (4) STATE PLAN.—The office shall develop, maintain, and  
1653 implement appropriate modifications for a statewide emergency

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1654 communications ~~E911 system~~ plan. The plan shall provide for:

1655 (a) The public agency emergency communications requirements  
1656 for each entity of local government in the state.

1657 (b) A system to meet specific local government  
1658 requirements. Such system shall include law enforcement,  
1659 firefighting, and emergency medical services and may include  
1660 other emergency services such as poison control, suicide  
1661 prevention, and emergency management services.

1662 (c) Identification of the mutual aid agreements necessary  
1663 to obtain an effective emergency communications ~~E911~~ system.

1664 (d) A funding provision that identifies the cost necessary  
1665 to implement the emergency communications ~~E911~~ system.

1666  
1667 The office shall be responsible for the implementation and  
1668 coordination of such plan. The office shall adopt any necessary  
1669 rules and schedules related to public agencies for implementing  
1670 and coordinating the plan, pursuant to chapter 120.

1671 (5) SYSTEM DIRECTOR.—The secretary of the department or his  
1672 or her designee is designated as the director of the statewide  
1673 emergency communications ~~number E911~~ system and, for the purpose  
1674 of carrying out the provisions of this section, is authorized to  
1675 coordinate the activities of the system with state, county,  
1676 local, and private agencies. The director in implementing the  
1677 system shall consult, cooperate, and coordinate with local law  
1678 enforcement agencies.

1679 (6) REGIONAL SYSTEMS.—This section does not prohibit or  
1680 discourage the formation of multijurisdictional or regional  
1681 systems; and any system established pursuant to this section may  
1682 include the jurisdiction, or any portion thereof, of more than

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1683 one public agency. It is the intent of the Legislature that  
1684 emergency communications services ~~E911 service~~ be available  
1685 throughout the state. Expenditure by counties of the ~~E911~~ fee  
1686 authorized and imposed under s. 365.172 should support this  
1687 intent to the greatest extent feasible within the context of  
1688 local service needs and fiscal capability. This section does not  
1689 prohibit two or more counties from establishing a combined  
1690 emergency ~~E911~~ communications service by an interlocal agreement  
1691 and using the fees authorized and imposed by s. 365.172 for such  
1692 combined ~~E911~~ service.

1693 (7) TELECOMMUNICATIONS INDUSTRY COORDINATION.—The office  
1694 shall coordinate with the Florida Public Service Commission  
1695 which shall encourage the Florida telecommunications industry to  
1696 activate facility modification plans for timely emergency  
1697 communications services ~~E911~~ implementation.

1698 (8) COIN TELEPHONES.—The Florida Public Service Commission  
1699 shall establish rules to be followed by the telecommunications  
1700 companies in this state designed toward encouraging the  
1701 provision of coin-free dialing of "911" calls wherever  
1702 economically practicable and in the public interest.

1703 (9) SYSTEM APPROVAL.—No emergency communications number  
1704 E911 system shall be established and no present system shall be  
1705 expanded without prior approval of the office.

1706 (10) COMPLIANCE.—All public agencies shall assist the  
1707 office in their efforts to carry out the intent of this section,  
1708 and such agencies shall comply with the developed plan.

1709 (11) FEDERAL ASSISTANCE.—The secretary of the department or  
1710 his or her designee may apply for and accept federal funding  
1711 assistance in the development and implementation of a statewide

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1712 emergency communications ~~number E911~~ system.

1713 (12) CONFIDENTIALITY OF RECORDS.—

1714 (a) Any record, recording, or information, or portions  
1715 thereof, obtained by a public agency or a public safety agency  
1716 for the purpose of providing services in an emergency and which  
1717 reveals the name, address, telephone number, or personal  
1718 information about, or information which may identify any person  
1719 requesting emergency service or reporting an emergency by  
1720 accessing an emergency communications ~~E911~~ system is  
1721 confidential and exempt from the provisions of s. 119.07(1) and  
1722 s. 24(a), Art. I of the State Constitution, except that such  
1723 record or information may be disclosed to a public safety  
1724 agency. The exemption applies only to the name, address,  
1725 telephone number or personal information about, or information  
1726 which may identify any person requesting emergency services or  
1727 reporting an emergency while such information is in the custody  
1728 of the public agency or public safety agency providing emergency  
1729 services. A telecommunications company or commercial mobile  
1730 radio service provider is ~~shall~~ not ~~be~~ liable for damages to any  
1731 person resulting from or in connection with such telephone  
1732 company's or commercial mobile radio service provider's  
1733 provision of any lawful assistance to any investigative or law  
1734 enforcement officer of the State of Florida or political  
1735 subdivisions thereof, of the United States, or of any other  
1736 state or political subdivision thereof, in connection with any  
1737 lawful investigation or other law enforcement activity by such  
1738 law enforcement officer unless the telecommunications company or  
1739 commercial mobile radio service provider acted in a wanton and  
1740 willful manner.

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1741 (b) Notwithstanding paragraph (a), a 911 public safety  
1742 telecommunicator, as defined in s. 401.465, may contact any  
1743 private person or entity that owns an automated external  
1744 defibrillator who has notified the local emergency medical  
1745 services medical director or public safety answering point of  
1746 such ownership if a confirmed coronary emergency call is taking  
1747 place and the location of the coronary emergency is within a  
1748 reasonable distance from the location of the defibrillator, and  
1749 may provide the location of the coronary emergency to that  
1750 person or entity.

1751 Section 6. Paragraph (b) of subsection (2) of section  
1752 365.174, Florida Statutes, is amended to read:

1753 365.174 Proprietary confidential business information.—

1754 (2)

1755 (b) The Department of Revenue may provide information  
1756 relative to s. 365.172(9) to the Secretary of Management  
1757 Services, or his or her authorized agent, or to the Emergency  
1758 Communications ~~E911~~ Board established in s. 365.172(5) for use  
1759 in the conduct of the official business of the Department of  
1760 Management Services or the Emergency Communications ~~E911~~ Board.

1761 Section 7. This act shall take effect July 1, 2023.