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

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59 effective date.

60  
61 Be It Enacted by the Legislature of the State of Florida:

62  
63 Section 1. Section 365.172, Florida Statutes, is amended to  
64 read:

65 365.172 Emergency communications. number "E911."~~number "E911."~~

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

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

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

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

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

87 (d) Provide for an Emergency Communications Board ~~E911~~

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88 ~~board~~ to administer the fee, with oversight by the office, in a  
89 manner that is competitively and technologically neutral as to  
90 all ~~voice~~ communications services providers.

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

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

103 (3) DEFINITIONS.—Only as used in this section and ss.  
104 365.171, 365.173, 365.174, and 365.177, the term:

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

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

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

115 (d) "Board" or "Emergency Communications Board" ~~"E911~~  
116 ~~Board"~~ means the board ~~of directors of the E911 Board~~

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117 established in subsection (5).

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

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

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

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

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

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

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

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

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

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

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175        (o)~~(n)~~ "Local exchange carrier" means a "competitive local  
176 exchange telecommunications company" or a "local exchange  
177 telecommunications company" as defined in s. 364.02.

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

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

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

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

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

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

201        (v)~~(t)~~ "Order" means:

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

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204 a. Order adopted on June 12, 1996, with an effective date  
205 of October 1, 1996, the amendments to s. 20.03 and the creation  
206 of s. 20.18 of Title 47 of the Code of Federal Regulations  
207 adopted by the Federal Communications Commission pursuant to  
208 such order.

209 b. Memorandum and Order No. FCC 97-402 adopted on December  
210 23, 1997.

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

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

213 2. Orders and rules subsequently adopted by the Federal  
214 Communications Commission relating to the provision of 911  
215 services, including Order Number FCC-05-116, adopted May 19,  
216 2005.

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

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

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



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

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

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

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

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

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

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262           1. The service enables real-time, two-way voice  
263 communications;

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

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

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

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

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

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

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

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

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

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

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

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

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

- 318 1. Promote interoperability between public safety answering  
319 points by providing guidance and direction to counties and state

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320 agencies that operate 911 centers for the deployment of  
321 emergency communications infrastructure and the handling of  
322 emergency communications information, such as voice, text, data,  
323 and images, from receipt at a PSAP to dispatching to responders.

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

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

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

331 1. Next Generation 911.

332 2. Emergency Services IP Network (ESInet).

333 3. Computer-Aided Dispatch.

334 4. PSAP technology to interface with:

335 a. Land Mobile Radio (LMR).

336 b. Smart city technology data.

337 c. In-building coverage.

338 5. Emergency communications broadband networks.

339 6. Cybersecurity

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

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349 ~~this state.~~ In order to advise and assist the office in  
350 implementing the purposes of this section, the board, which has  
351 the power of a body corporate, has the powers enumerated in  
352 subsection (6).

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

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

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

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

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

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407 to share information securely.

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

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

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

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

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

425 (a) The board shall:

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

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

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

431 a. The board may establish a schedule for implementing  
432 NG911 systems, public safety radio communications systems, and  
433 other public safety communications improvements ~~wireless E911~~  
434 ~~service by service area,~~ and prioritize disbursements of  
435 revenues from the fund to ~~providers and~~ rural counties as

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436 provided in s. 365.173(2)(f) ~~s. 365.173(2)(e) and (g)~~ pursuant  
437 to the schedule, in order to implement 911 ~~E911~~ services in the  
438 most efficient and cost-effective manner.

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

451 ~~b. Revenues in the fund which have not been disbursed~~  
452 ~~because sworn invoices as required by s. 365.173(2)(e) have not~~  
453 ~~been submitted to the board may be used by the board as needed~~  
454 ~~to provide grants to counties for the purpose of upgrading E911~~  
455 ~~systems. The counties must use the funds only for capital~~  
456 ~~expenditures or remotely provided hosted 911 answering point~~  
457 ~~call-taking equipment and network services directly attributable~~  
458 ~~to establishing and provisioning E911 services, which may~~  
459 ~~include next-generation deployment. Prior to the distribution of~~  
460 ~~grants, the board shall provide 90 days' written notice to all~~  
461 ~~counties and publish electronically an approved application~~  
462 ~~process. County grant applications shall be prioritized based on~~  
463 ~~the availability of funds, current system life expectancy,~~  
464 ~~system replacement needs, and Phase II compliance per the~~



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465 ~~Federal Communications Commission. No grants will be available~~  
466 ~~to any county for next-generation deployment until all counties~~  
467 ~~are Phase II complete. The board shall take all actions within~~  
468 ~~its authority to ensure that county recipients of such grants~~  
469 ~~use these funds only for the purpose under which they have been~~  
470 ~~provided and may take any actions within its authority to secure~~  
471 ~~county repayment of grant revenues upon determination that the~~  
472 ~~funds were not used for the purpose under which they were~~  
473 ~~provided.~~

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

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

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

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494 ~~category. The board shall disburse the funds equitably to all~~  
495 ~~counties using a timeframe and distribution methodology~~  
496 ~~established by the board.~~

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

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

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

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

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

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

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

522 7.6. Hire and retain employees, which may include an

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523 independent executive director who shall possess experience in  
524 the area of telecommunications and emergency 911 issues, for the  
525 purposes of performing the technical and administrative  
526 functions for the board.

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

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

533 ~~10.9.~~ Adopt, use, and alter a common corporate seal.

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

536 ~~12.11.~~ The board may adopt rules under ss. 120.536(1) and  
537 120.54 to implement this section and ss. 365.173 and 365.174.

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

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

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

550 ~~16.15.~~ Coordinate input from this state at national forums  
551 and associations, to ensure that policies related to public

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552 safety emergency communications ~~E911~~ systems and services are  
553 consistent with the policies of the public safety emergency  
554 communications ~~E911~~ community in this state.

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

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

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

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

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

580 1. The annual receipts, including the total amount of fee

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

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

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

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

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

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

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

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

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

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

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

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

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

638 1. Each voice communications service provider other than a

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

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

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

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

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

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668 the fee is paid by the subscriber. If a provider receives a  
669 partial payment for a monthly bill from a subscriber, the amount  
670 received shall first be applied to the payment due the provider  
671 for providing voice communications service.

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

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

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

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



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697 board for a refund of, or may take a credit for, any such fees  
698 remitted to the board which are not collected by the provider  
699 within 6 months following the month in which the fees are  
700 charged off for federal income tax purposes as bad debt.

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

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

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

723 1.2. The appropriate level of funding needed to fund the  
724 rural grant program provided for in s. 365.173(2)(f) ~~s.~~  
725 ~~365.173(2)(g);~~ and

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726 ~~2.3.~~ The need to fund statewide, regional, and county  
727 grants in accordance with sub-subparagraph (6) (a)3.b. and s.  
728 365.173(2) (g) ~~s. 365.173(2) (h)~~.

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

744 (i) It is the intent of the Legislature that all revenue  
745 from the fee be used as specified in s. 365.173(2) (a)-(h) ~~s.~~  
746 ~~365.173(2) (a)-(i)~~.

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

752 (k) A local government may not levy the fee or any  
753 additional fee on providers or subscribers for the provision of  
754 911 ~~E911~~ service.

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755 (1) For purposes of this section, the definitions contained  
756 in s. 202.11 and the provisions of s. 202.155 apply in the same  
757 manner and to the same extent as the definitions and provisions  
758 apply to the taxes levied under chapter 202 on mobile  
759 communications services.

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

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

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

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

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784 occurring in this state. The amount of the prepaid wireless ~~E911~~  
785 fee shall be separately stated on an invoice, receipt, or other  
786 similar document that is provided to the consumer by the seller  
787 or otherwise disclosed to the consumer.

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

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

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

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813 imposed by this state, any political subdivision of this state,  
814 or any intergovernmental agency.

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

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

833 2. A seller collecting less than \$50 per month of prepaid  
834 wireless ~~E911~~ fees may file a quarterly return for the calendar  
835 quarters ending in March, June, September, and December. The  
836 seller must file a return and remit the prepaid wireless ~~E911~~  
837 fees collected during each calendar quarter on or before the  
838 20th day of the month following that calendar quarter.

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

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842           a. The seller's name, federal identification number,  
843 taxpayer identification number issued by the Department of  
844 Revenue, business location address and mailing address, and  
845 county of the business location in accordance with paragraph  
846 (d);

847           b. The reporting period;

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

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

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

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

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

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

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

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871 fees shall apply. The provisions of estimated tax liability in  
872 s. 212.11(1)(a) do not apply to the prepaid wireless ~~E911~~ fee.

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

883 (i) The Department of Revenue shall deposit the funds  
884 remitted under this subsection into the Audit and Warrant  
885 Clearing Trust Fund established in s. 215.199 and retain up to  
886 3.2 percent of the funds remitted under this subsection to  
887 reimburse its direct costs of administering the collection and  
888 remittance of prepaid wireless ~~E911~~ fees. Thereafter, the  
889 Department of Revenue shall transfer all remaining funds  
890 remitted under this subsection to the Emergency Communications  
891 Trust Number ~~E911~~ System Fund monthly for use as provided in s.  
892 365.173.

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

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

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900 failing to identify the telephone number, address, location, or  
901 name associated with any person or device that is accessing or  
902 attempting to access emergency communications and 911 ~~or E911~~  
903 service.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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987 recertification of 911 public safety telecommunicators as  
988 required under s. 401.465; and expenses required to develop and  
989 maintain all information, including ALI and ANI databases, call-  
990 takers access to smart city technology data, emergency  
991 communications broadband network information and other  
992 information source repositories, necessary to properly inform  
993 call takers as to location address, type of emergency, and other  
994 information directly relevant to the processing of a request for  
995 emergency assistance. Changes, modifications, or upgrades to the  
996 emergency communications systems or services must be made in  
997 cooperation and coordination with the head of each public safety  
998 agency, or their designee, served by the primary PSAP in each  
999 county E911 call-taking and transferring function. Moneys  
1000 derived from the fee may also be used for next-generation E911  
1001 network services, next-generation E911 database services, next-  
1002 generation E911 equipment, and wireless E911 routing systems.

1003 (c) The moneys may not be used to pay for any item not  
1004 listed in this subsection, including, but not limited to, any  
1005 capital or operational costs related to responders dispatched to  
1006 the emergency, and for emergency responses which occur after the  
1007 call transfer to the responding public safety entity and the  
1008 costs for utilities, constructing, leasing, maintaining, or  
1009 renovating buildings, except for those building modifications  
1010 necessary to maintain the security and environmental integrity  
1011 of the PSAP and emergency communications E911 equipment rooms.

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

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1016 subsection, the term "local exchange carrier" means a local  
1017 exchange telecommunications service provider of 911 service or  
1018 equipment to any county within its certificated area.

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

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1045 following functions: providing members of the public with the  
1046 ability to reach an answering point by using the digits 9-1-1;  
1047 directing 911 calls to answering points by selective routing;  
1048 providing for automatic number identification and automatic  
1049 location-identification features; or providing wireless E911  
1050 services as defined in the order.

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

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1074 however, a local government may not use its regulatory authority  
1075 so as to avoid compliance with, or in a manner that does not  
1076 advance, the provisions of this subsection.

1077 (a) Colocation ~~Collocation~~ among wireless providers is  
1078 encouraged by the state.

1079 1.a. Colocations ~~Collocations~~ on towers, including  
1080 nonconforming towers, that meet the requirements in sub-sub-  
1081 subparagraphs (I), (II), and (III), are subject to only building  
1082 permit review, which may include a review for compliance with  
1083 this subparagraph. Such colocations ~~collocations~~ are not subject  
1084 to any design or placement requirements of the local  
1085 government's land development regulations in effect at the time  
1086 of the colocation ~~collocation~~ that are more restrictive than  
1087 those in effect at the time of the initial antennae placement  
1088 approval, to any other portion of the land development  
1089 regulations, or to public hearing review. This sub-subparagraph  
1090 may shall not preclude a public hearing for any appeal of the  
1091 decision on the colocation ~~collocation~~ application.

1092 (I) The colocation ~~collocation~~ does not increase the height  
1093 of the tower to which the antennae are to be attached, measured  
1094 to the highest point of any part of the tower or any existing  
1095 antenna attached to the tower;

1096 (II) The colocation ~~collocation~~ does not increase the  
1097 ground space area, commonly known as the compound, approved in  
1098 the site plan for equipment enclosures and ancillary facilities;  
1099 and

1100 (III) The colocation ~~collocation~~ consists of antennae,  
1101 equipment enclosures, and ancillary facilities that are of a  
1102 design and configuration consistent with all applicable

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1103 regulations, restrictions, or conditions, if any, applied to the  
1104 initial antennae placed on the tower and to its accompanying  
1105 equipment enclosures and ancillary facilities and, if  
1106 applicable, applied to the tower supporting the antennae. Such  
1107 regulations may include the design and aesthetic requirements,  
1108 but not procedural requirements, other than those authorized by  
1109 this section, of the local government's land development  
1110 regulations in effect at the time the initial antennae placement  
1111 was approved.

1112 b. Except for a historic building, structure, site, object,  
1113 or district, or a tower included in sub-subparagraph a.,  
1114 colocations ~~collocations~~ on all other existing structures that  
1115 meet the requirements in sub-sub-subparagraphs (I)-(IV) shall be  
1116 subject to no more than building permit review, and an  
1117 administrative review for compliance with this subparagraph.  
1118 Such colocations ~~collocations~~ are not subject to any portion of  
1119 the local government's land development regulations not  
1120 addressed herein, or to public hearing review. This sub-  
1121 subparagraph may ~~shall~~ not preclude a public hearing for any  
1122 appeal of the decision on the colocation ~~collocation~~  
1123 application.

1124 (I) The colocation ~~collocation~~ does not increase the height  
1125 of the existing structure to which the antennae are to be  
1126 attached, measured to the highest point of any part of the  
1127 structure or any existing antenna attached to the structure;

1128 (II) The colocation ~~collocation~~ does not increase the  
1129 ground space area, otherwise known as the compound, if any,  
1130 approved in the site plan for equipment enclosures and ancillary  
1131 facilities;

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1132 (III) The colocation ~~collocation~~ consists of antennae,  
1133 equipment enclosures, and ancillary facilities that are of a  
1134 design and configuration consistent with any applicable  
1135 structural or aesthetic design requirements and any requirements  
1136 for location on the structure, but not prohibitions or  
1137 restrictions on the placement of additional colocations  
1138 ~~collocations~~ on the existing structure or procedural  
1139 requirements, other than those authorized by this section, of  
1140 the local government's land development regulations in effect at  
1141 the time of the colocation ~~collocation~~ application; and

1142 (IV) The colocation ~~collocation~~ consists of antennae,  
1143 equipment enclosures, and ancillary facilities that are of a  
1144 design and configuration consistent with all applicable  
1145 restrictions or conditions, if any, that do not conflict with  
1146 sub-sub-subparagraph (III) and were applied to the initial  
1147 antennae placed on the structure and to its accompanying  
1148 equipment enclosures and ancillary facilities and, if  
1149 applicable, applied to the structure supporting the antennae.

1150 c. Regulations, restrictions, conditions, or permits of the  
1151 local government, acting in its regulatory capacity, that limit  
1152 the number of colocations ~~collocations~~ or require review  
1153 processes inconsistent with this subsection does ~~shall~~ not apply  
1154 to colocations ~~collocations~~ addressed in this subparagraph.

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



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1161 requirements of this subparagraph, that portion of the  
1162 colocation ~~collocation~~ only may be reviewed under the local  
1163 government's regulations applicable to an initial placement of  
1164 that portion of the facility, including, but not limited to, its  
1165 land development regulations, and within the review timeframes  
1166 of subparagraph (d)2., and the rest of the colocation  
1167 ~~collocation~~ shall be reviewed in accordance with this  
1168 subparagraph. A colocation ~~collocation~~ proposal under this  
1169 subparagraph that increases the ground space area, otherwise  
1170 known as the compound, approved in the original site plan for  
1171 equipment enclosures and ancillary facilities by no more than a  
1172 cumulative amount of 400 square feet or 50 percent of the  
1173 original compound size, whichever is greater, shall, however,  
1174 require no more than administrative review for compliance with  
1175 the local government's regulations, including, but not limited  
1176 to, land development regulations review, and building permit  
1177 review, with no public hearing review. This sub-subparagraph  
1178 does ~~shall~~ not preclude a public hearing for any appeal of the  
1179 decision on the colocation ~~collocation~~ application.

1180 2. If a colocation ~~collocation~~ does not meet the  
1181 requirements of subparagraph 1., the local government may review  
1182 the application under the local government's regulations,  
1183 including, but not limited to, land development regulations,  
1184 applicable to the placement of initial antennae and their  
1185 accompanying equipment enclosure and ancillary facilities.

1186 3. If a colocation ~~collocation~~ meets the requirements of  
1187 subparagraph 1., the colocation ~~collocation~~ ~~shall~~ not be  
1188 considered a modification to an existing structure or an  
1189 impermissible modification of a nonconforming structure.

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1190 4. The owner of the existing tower on which the proposed  
1191 antennae are to be colocated ~~collocated~~ shall remain responsible  
1192 for compliance with any applicable condition or requirement of a  
1193 permit or agreement, or any applicable condition or requirement  
1194 of the land development regulations to which the existing tower  
1195 had to comply at the time the tower was permitted, including any  
1196 aesthetic requirements, provided the condition or requirement is  
1197 not inconsistent with this paragraph.

1198 5. An existing tower, including a nonconforming tower, may  
1199 be structurally modified in order to permit colocation  
1200 ~~collocation~~ or may be replaced through no more than  
1201 administrative review and building permit review, and is not  
1202 subject to public hearing review, if the overall height of the  
1203 tower is not increased and, if a replacement, the replacement  
1204 tower is a monopole tower or, if the existing tower is a  
1205 camouflaged tower, the replacement tower is a like-camouflaged  
1206 tower. This subparagraph may ~~shall~~ not preclude a public hearing  
1207 for any appeal of the decision on the application.

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

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1219 such local government regulations or review, a local government  
1220 may not require information on or evaluate the wireless  
1221 provider's designed service unless the information or materials  
1222 are directly related to an identified land development or zoning  
1223 issue or unless the wireless provider voluntarily offers the  
1224 information. Information or materials directly related to an  
1225 identified land development or zoning issue may include, but are  
1226 not limited to, evidence that no existing structure can  
1227 reasonably be used for the antennae placement instead of the  
1228 construction of a new tower, that residential areas cannot be  
1229 served from outside the residential area, as addressed in  
1230 subparagraph 3., or that the proposed height of a new tower or  
1231 initial antennae placement or a proposed height increase of a  
1232 modified tower, replacement tower, or colocation ~~collocation~~ is  
1233 necessary to provide the provider's designed service. Nothing in  
1234 this paragraph shall limit the local government from reviewing  
1235 any applicable land development or zoning issue addressed in its  
1236 adopted regulations that does not conflict with this section,  
1237 including, but not limited to, aesthetics, landscaping, land  
1238 use-based ~~use-based~~ location priorities, structural design, and  
1239 setbacks.

1240 2. Any setback or distance separation required of a tower  
1241 may not exceed the minimum distance necessary, as determined by  
1242 the local government, to satisfy the structural safety or  
1243 aesthetic concerns that are to be protected by the setback or  
1244 distance separation.

1245 3. A local government may exclude the placement of wireless  
1246 communications facilities in a residential area or residential  
1247 zoning district but only in a manner that does not constitute an

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1248 actual or effective prohibition of the provider's service in  
1249 that residential area or zoning district. If a wireless provider  
1250 demonstrates to the satisfaction of the local government that  
1251 the provider cannot reasonably provide its service to the  
1252 residential area or zone from outside the residential area or  
1253 zone, the municipality or county and provider shall cooperate to  
1254 determine an appropriate location for a wireless communications  
1255 facility of an appropriate design within the residential area or  
1256 zone. The local government may require that the wireless  
1257 provider reimburse the reasonable costs incurred by the local  
1258 government for this cooperative determination. An application  
1259 for such cooperative determination may ~~shall~~ not be considered  
1260 an application under paragraph (d).

1261 4. A local government may impose a reasonable fee on  
1262 applications to place, construct, or modify a wireless  
1263 communications facility only if a similar fee is imposed on  
1264 applicants seeking other similar types of zoning, land use, or  
1265 building permit review. A local government may impose fees for  
1266 the review of applications for wireless communications  
1267 facilities by consultants or experts who conduct code compliance  
1268 review for the local government but any fee is limited to  
1269 specifically identified reasonable expenses incurred in the  
1270 review. A local government may impose reasonable surety  
1271 requirements to ensure the removal of wireless communications  
1272 facilities that are no longer being used.

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

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1277 information on compliance with building code type standards for  
1278 the construction or modification of wireless communications  
1279 facilities beyond those adopted by the local government under  
1280 chapter 553 and that apply to all similar types of construction.

1281 (c) Local governments may not require wireless providers to  
1282 provide evidence of a wireless communications facility's  
1283 compliance with federal regulations, except evidence of  
1284 compliance with applicable Federal Aviation Administration  
1285 requirements under 14 C.F.R. part 77, as amended, and evidence  
1286 of proper Federal Communications Commission licensure, or other  
1287 evidence of Federal Communications Commission authorized  
1288 spectrum use, but may request the Federal Communications  
1289 Commission to provide information as to a wireless provider's  
1290 compliance with federal regulations, as authorized by federal  
1291 law.

1292 (d)1. A local government shall grant or deny each properly  
1293 completed application for a colocation ~~collocation~~ under  
1294 subparagraph (a)1. based on the application's compliance with  
1295 the local government's applicable regulations, as provided for  
1296 in subparagraph (a)1. and consistent with this subsection, and  
1297 within the normal timeframe for a similar building permit review  
1298 but in no case later than 45 business days after the date the  
1299 application is determined to be properly completed in accordance  
1300 with this paragraph.

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

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1306 and within the normal timeframe for a similar type review but in  
1307 no case later than 90 business days after the date the  
1308 application is determined to be properly completed in accordance  
1309 with this paragraph.

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

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1335 deficiencies, the local government may continue to request the  
1336 information until such time as the specified deficiency is  
1337 cured. The local government may establish reasonable timeframes  
1338 within which the required information to cure the application  
1339 deficiency is to be provided or the application will be  
1340 considered withdrawn or closed.

1341       b. If the local government fails to grant or deny a  
1342 properly completed application for a wireless communications  
1343 facility within the timeframes set forth in this paragraph, the  
1344 application shall be deemed automatically approved and the  
1345 applicant may proceed with placement of the facilities without  
1346 interference or penalty. The timeframes specified in  
1347 subparagraph 2. may be extended only to the extent that the  
1348 application has not been granted or denied because the local  
1349 government's procedures generally applicable to all other  
1350 similar types of applications require action by the governing  
1351 body and such action has not taken place within the timeframes  
1352 specified in subparagraph 2. Under such circumstances, the local  
1353 government must act to either grant or deny the application at  
1354 its next regularly scheduled meeting or, otherwise, the  
1355 application is deemed to be automatically approved.

1356       c. To be effective, a waiver of the timeframes set forth in  
1357 this paragraph must be voluntarily agreed to by the applicant  
1358 and the local government. A local government may request, but  
1359 not require, a waiver of the timeframes by the applicant, except  
1360 that, with respect to a specific application, a one-time waiver  
1361 may be required in the case of a declared local, state, or  
1362 federal emergency that directly affects the administration of  
1363 all permitting activities of the local government.

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1364 (e) The replacement of or modification to a wireless  
1365 communications facility, except a tower, that results in a  
1366 wireless communications facility not readily discernibly  
1367 different in size, type, and appearance when viewed from ground  
1368 level from surrounding properties, and the replacement or  
1369 modification of equipment that is not visible from surrounding  
1370 properties, all as reasonably determined by the local  
1371 government, are subject to no more than applicable building  
1372 permit review.

1373 (f) Any other law to the contrary notwithstanding, the  
1374 Department of Management Services shall negotiate, in the name  
1375 of the state, leases for wireless communications facilities that  
1376 provide access to state government-owned property not acquired  
1377 for transportation purposes, and the Department of  
1378 Transportation shall negotiate, in the name of the state, leases  
1379 for wireless communications facilities that provide access to  
1380 property acquired for state rights-of-way. On property acquired  
1381 for transportation purposes, leases shall be granted in  
1382 accordance with s. 337.251. On other state government-owned  
1383 property, leases shall be granted on a space available, first-  
1384 come, first-served basis. Payments required by state government  
1385 under a lease must be reasonable and must reflect the market  
1386 rate for the use of the state government-owned property. The  
1387 Department of Management Services and the Department of  
1388 Transportation are authorized to adopt rules for the terms and  
1389 conditions and granting of any such leases.

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



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1393 communication facilities files an appeal or brings an  
1394 appropriate action in a court or venue of competent  
1395 jurisdiction, following the exhaustion of all administrative  
1396 remedies, the matter shall be considered on an expedited basis.

1397 (14) MISUSE OF 911, ~~OR E911~~, OR NG911 SYSTEM; PENALTY.—911,  
1398 ~~and E911~~, and NG911 service must be used solely for emergency  
1399 communications by the public. Any person who accesses the number  
1400 911 for the purpose of making a false alarm or complaint or  
1401 reporting false information that could result in the emergency  
1402 response of any public safety agency; any person who knowingly  
1403 uses or attempts to use such service for a purpose other than  
1404 obtaining public safety assistance; or any person who knowingly  
1405 uses or attempts to use such service in an effort to avoid any  
1406 charge for service, commits a misdemeanor of the first degree,  
1407 punishable as provided in s. 775.082 or s. 775.083. After being  
1408 convicted of unauthorized use of such service four times, a  
1409 person who continues to engage in such unauthorized use commits  
1410 a felony of the third degree, punishable as provided in s.  
1411 775.082, s. 775.083, or s. 775.084. In addition, if the value of  
1412 the service or the service charge obtained in a manner  
1413 prohibited by this subsection exceeds \$100, the person  
1414 committing the offense commits a felony of the third degree,  
1415 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1416 (15) TEXT-TO-911 SERVICE.—Each county shall develop a  
1417 countywide implementation plan addressing text-to-911 services  
1418 and, by January 1, 2022, enact a system to allow text-to-911  
1419 services.

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

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1422 voice communications services providers.

1423 Section 2. Section 365.173, Florida Statutes, is amended to  
1424 read:

1425 365.173 Emergency Communications Trust ~~Number E911 System~~  
1426 Fund.—

1427 (1) REVENUES.—

1428 (a) Revenues derived from the fee levied on subscribers  
1429 under s. 365.172(8) must be paid by the board into the State  
1430 Treasury on or before the 15th day of each month. Such moneys  
1431 must be accounted for in a special fund to be designated as the  
1432 Emergency Communications Trust ~~Number E911 System~~ Fund, a fund  
1433 created in the Division of Telecommunications, or other office  
1434 as designated by the Secretary of Management Services.

1435 (b) Revenues derived from the fee levied on prepaid  
1436 wireless service under s. 365.172(9), less the costs of  
1437 administering collection of the fee, must be transferred by the  
1438 Department of Revenue to the Emergency Communications Trust  
1439 ~~Number E911 System~~ Fund on or before the 25th day of each month  
1440 following the month of receipt.

1441 (c) For accounting purposes, the Emergency Communications  
1442 Trust ~~Number E911 System~~ Fund must be segregated into three  
1443 separate categories:

- 1444 1. The wireless category;
- 1445 2. The nonwireless category; and
- 1446 3. The prepaid wireless category.

1447 (d) All moneys must be invested by the Chief Financial  
1448 Officer pursuant to s. 17.61. All moneys in such fund are to be  
1449 expended by the office for the purposes provided in this section  
1450 and s. 365.172. These funds are not subject to s. 215.20.

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1451 (2) DISTRIBUTION AND USE OF FUNDS.—As determined by the  
1452 board pursuant to s. 365.172(8)(f) ~~s. 365.172(8)(g)~~, and subject  
1453 to any modifications approved by the board pursuant to s.  
1454 365.172(6)(a)3. or (8)(g) ~~s. 365.172(6)(a)3. or (8)(h)~~, the  
1455 moneys in the fund shall be distributed and used only as  
1456 follows:

1457 (a) Ninety-five ~~Seventy-six~~ percent of the moneys in the  
1458 wireless category shall be distributed each month to counties,  
1459 based on the total number of service identifiers in each county,  
1460 to and shall be used exclusively for payment of:

1461 ~~1. authorized expenditures, as specified in s. 365.172(10).~~

1462 ~~2. Costs to comply with the requirements for E911 service~~  
1463 ~~contained in the order and any future rules related to the~~  
1464 ~~order.~~

1465 (b) Ninety-six percent of the moneys in the nonwireless  
1466 category shall be distributed each month to counties based on  
1467 the total number of service identifiers in each county and shall  
1468 be used exclusively for payment of authorized expenditures, as  
1469 specified in s. 365.172(10).

1470 (c) Sixty-one percent of the moneys in the prepaid wireless  
1471 category shall be distributed each month to counties based on  
1472 the total amount of fees reported and paid in each county and  
1473 shall be used exclusively for payment of authorized  
1474 expenditures, as specified in s. 365.172(10). The moneys from  
1475 prepaid wireless ~~E911~~ fees identified as nonspecific in  
1476 accordance with s. 365.172(9) shall be distributed as determined  
1477 by the Emergency Communications ~~E911~~ Board.

1478 (d) Any county that receives funds under paragraphs (a),  
1479 (b), and (c) shall establish a fund to be used exclusively for

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

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1509 percentage of the funds, except that any grant provided shall  
1510 continue to be subject to any condition imposed by the board. In  
1511 order to prevent an excess recovery of costs incurred in  
1512 providing emergency communications ~~E911~~ service, a county that  
1513 receives funds greater than the permissible emergency  
1514 communications ~~E911~~ costs described in s. 365.172(10), including  
1515 the 30-percent carryforward allowance, must return the excess  
1516 funds to the ~~E911~~ board to be allocated under s. 365.172(6)(a).

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

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1538 ~~the information submitted by the wireless providers and~~  
1539 ~~estimated surcharge revenues. Distributions of moneys in the~~  
1540 ~~fund by the board to wireless providers must be fair and~~  
1541 ~~nondiscriminatory. If the total amount of moneys requested by~~  
1542 ~~wireless providers pursuant to invoices submitted to the board~~  
1543 ~~and approved for payment exceeds the amount in the fund in any~~  
1544 ~~month, wireless providers that have invoices approved for~~  
1545 ~~payment shall receive a pro rata share of moneys in the fund and~~  
1546 ~~the balance of the payments shall be carried over to the~~  
1547 ~~following month or months until all of the approved payments are~~  
1548 ~~made. The board may adopt rules necessary to address the manner~~  
1549 ~~in which pro rata distributions are made when the total amount~~  
1550 ~~of funds requested by wireless providers pursuant to invoices~~  
1551 ~~submitted to the board exceeds the total amount of moneys on~~  
1552 ~~deposit in the fund.~~

1553 ~~(e)-(f)~~ One percent of the moneys in each category of the  
1554 fund shall be retained by the board to be applied to costs and  
1555 expenses incurred for the purposes of managing, administering,  
1556 and overseeing the receipts and disbursements from the fund and  
1557 other activities as defined in s. 365.172(6). Any funds retained  
1558 for such purposes in a calendar year which are not applied to  
1559 such costs and expenses by March 31 of the following year shall  
1560 be redistributed as determined by the board.

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

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1567 counties and for the provision of grants by the office to rural  
1568 counties for upgrading and replacing emergency communications  
1569 ~~E911~~ systems.

1570 (g)~~(h)~~ Thirty-five percent of the moneys in the prepaid  
1571 wireless category shall be retained by the board to provide  
1572 state emergency communications ~~E911~~ grants to be awarded in  
1573 accordance with the following order of priority:

1574 1. For all large, medium, and rural counties to upgrade or  
1575 replace emergency communications ~~E911~~ systems.

1576 2. For all large, medium, and rural counties to develop and  
1577 maintain statewide 911 routing, geographic, and management  
1578 information systems.

1579 3. For all large, medium, and rural counties to develop and  
1580 maintain next-generation 911 services and equipment.

1581 (h)~~(i)~~ If the wireless category has funds remaining in it  
1582 on December 31 after disbursements have been made during the  
1583 calendar year immediately prior to December 31, the board may  
1584 disburse the excess funds in the wireless category in accordance  
1585 with s. 365.172(6)(a)3.b.

1586 (3) The Legislature recognizes that the fee authorized  
1587 under s. 365.172 may not necessarily provide the total funding  
1588 required for establishing or providing the emergency  
1589 communications ~~E911~~ service. It is the intent of the Legislature  
1590 that all revenue from the fee be used as specified in subsection  
1591 (2).

1592 Section 3. Subsection (1) of section 365.177, Florida  
1593 Statutes, is amended to read:

1594 365.177 Transfer of E911 calls between systems.—

1595 (1) The office shall develop a plan by December 30, 2023

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1596 ~~February 1, 2020~~, to upgrade all 911 public safety answering  
1597 points within the state to allow the transfer of an emergency  
1598 call from one local, multijurisdictional, or regional E911  
1599 system to another local, multijurisdictional, or regional E911  
1600 system in the state by December 30, 2033. Such transfer should  
1601 include voice, text message, image, video, caller identification  
1602 information, location information, and additional standards-  
1603 based 911 call information. The plan must prioritize the upgrade  
1604 of PSAPs based on the population served by each PSAP, the  
1605 capability of a jurisdiction or region to modernize PSAPs beyond  
1606 legacy 911 infrastructure, and the ability of a jurisdiction or  
1607 region to address interoperability between PSAPs. The plan must  
1608 identify and address the projected costs of providing these  
1609 transfer capabilities and project the ability of each county to  
1610 meet operational costs based on disbursement of funds under s.  
1611 365.173(2)(a), (b), and (c).

1612 Section 4. Subsection (10) of section 212.05965, Florida  
1613 Statutes, is amended to read:

1614 212.05965 Taxation of marketplace sales.—

1615 (10) Notwithstanding any other law, the marketplace  
1616 provider is also responsible for collecting and remitting any  
1617 prepaid wireless public safety emergency communications systems  
1618 ~~E911~~ fee under s. 365.172, waste tire fee under s. 403.718, and  
1619 lead-acid battery fee under s. 403.7185 at the time of sale for  
1620 taxable retail sales made through its marketplace.

1621 Section 5. Section 365.171, Florida Statutes, is amended to  
1622 read:

1623 365.171 Emergency communications ~~number E911~~ state plan.—

1624 (1) SHORT TITLE.—This section may be cited as the "Florida



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1625 Emergency Communications ~~Number E911~~ State Plan Act."

1626 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature  
1627 that the communications number "911" be the designated emergency  
1628 communications number. A public safety agency may not advertise  
1629 or otherwise promote the use of any communications number for  
1630 emergency response services other than "911." It is further the  
1631 intent of the Legislature to implement and continually update a  
1632 cohesive statewide emergency communications ~~number "E911"~~ plan  
1633 for enhanced 911 services which will provide citizens with rapid  
1634 direct access to public safety agencies by accessing "911" with  
1635 the objective of reducing the response time to situations  
1636 requiring law enforcement, fire, medical, rescue, and other  
1637 emergency services.

1638 (3) DEFINITIONS.—As used in this section, the term:

1639 (a) "Office" means the Division of Telecommunications  
1640 within the Department of Management Services, as designated by  
1641 the secretary of the department.

1642 (b) "Local government" means any city, county, or political  
1643 subdivision of the state and its agencies.

1644 (c) "Public agency" means the state and any city, county,  
1645 city and county, municipal corporation, chartered organization,  
1646 public district, or public authority located in whole or in part  
1647 within this state which provides, or has authority to provide,  
1648 firefighting, law enforcement, ambulance, medical, or other  
1649 emergency services.

1650 (d) "Public safety agency" means a functional division of a  
1651 public agency which provides firefighting, law enforcement,  
1652 medical, or other emergency services.

1653 (4) STATE PLAN.—The office shall develop, maintain, and

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1654 implement appropriate modifications for a statewide emergency  
1655 communications ~~E911 system~~ plan. The plan shall provide for:

1656 (a) The public agency emergency communications requirements  
1657 for each entity of local government in the state.

1658 (b) A system to meet specific local government  
1659 requirements. Such system shall include law enforcement,  
1660 firefighting, and emergency medical services and may include  
1661 other emergency services such as poison control, suicide  
1662 prevention, and emergency management services.

1663 (c) Identification of the mutual aid agreements necessary  
1664 to obtain an effective emergency communications ~~E911~~ system.

1665 (d) A funding provision that identifies the cost necessary  
1666 to implement the emergency communications ~~E911~~ system.

1667

1668 The office shall be responsible for the implementation and  
1669 coordination of such plan. The office shall adopt any necessary  
1670 rules and schedules related to public agencies for implementing  
1671 and coordinating the plan, pursuant to chapter 120.

1672 (5) SYSTEM DIRECTOR.—The secretary of the department or his  
1673 or her designee is designated as the director of the statewide  
1674 emergency communications ~~number E911~~ system and, for the purpose  
1675 of carrying out the provisions of this section, is authorized to  
1676 coordinate the activities of the system with state, county,  
1677 local, and private agencies. The director in implementing the  
1678 system shall consult, cooperate, and coordinate with local law  
1679 enforcement agencies.

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

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1683 include the jurisdiction, or any portion thereof, of more than  
1684 one public agency. It is the intent of the Legislature that  
1685 emergency communications services ~~E911 service~~ be available  
1686 throughout the state. Expenditure by counties of the ~~E911~~ fee  
1687 authorized and imposed under s. 365.172 should support this  
1688 intent to the greatest extent feasible within the context of  
1689 local service needs and fiscal capability. This section does not  
1690 prohibit two or more counties from establishing a combined  
1691 emergency ~~E911~~ communications service by an interlocal agreement  
1692 and using the fees authorized and imposed by s. 365.172 for such  
1693 combined ~~E911~~ service.

1694 (7) TELECOMMUNICATIONS INDUSTRY COORDINATION.—The office  
1695 shall coordinate with the Florida Public Service Commission  
1696 which shall encourage the Florida telecommunications industry to  
1697 activate facility modification plans for timely emergency  
1698 communications services ~~E911~~ implementation.

1699 (8) COIN TELEPHONES.—The Florida Public Service Commission  
1700 shall establish rules to be followed by the telecommunications  
1701 companies in this state designed toward encouraging the  
1702 provision of coin-free dialing of "911" calls wherever  
1703 economically practicable and in the public interest.

1704 (9) SYSTEM APPROVAL.—No emergency communications number  
1705 E911 system shall be established and no present system shall be  
1706 expanded without prior approval of the office.

1707 (10) COMPLIANCE.—All public agencies shall assist the  
1708 office in their efforts to carry out the intent of this section,  
1709 and such agencies shall comply with the developed plan.

1710 (11) FEDERAL ASSISTANCE.—The secretary of the department or  
1711 his or her designee may apply for and accept federal funding

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1712 assistance in the development and implementation of a statewide  
1713 emergency communications ~~number E911~~ system.

1714 (12) CONFIDENTIALITY OF RECORDS.—

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

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1741 willful manner.

1742 (b) Notwithstanding paragraph (a), a 911 public safety  
1743 telecommunicator, as defined in s. 401.465, may contact any  
1744 private person or entity that owns an automated external  
1745 defibrillator who has notified the local emergency medical  
1746 services medical director or public safety answering point of  
1747 such ownership if a confirmed coronary emergency call is taking  
1748 place and the location of the coronary emergency is within a  
1749 reasonable distance from the location of the defibrillator, and  
1750 may provide the location of the coronary emergency to that  
1751 person or entity.

1752 Section 6. Paragraph (b) of subsection (2) of section  
1753 365.174, Florida Statutes, is amended to read:

1754 365.174 Proprietary confidential business information.—  
1755 (2)

1756 (b) The Department of Revenue may provide information  
1757 relative to s. 365.172(9) to the Secretary of Management  
1758 Services, or his or her authorized agent, or to the Emergency  
1759 Communications ~~E911~~ Board established in s. 365.172(5) for use  
1760 in the conduct of the official business of the Department of  
1761 Management Services or the Emergency Communications ~~E911~~ Board.

1762 Section 7. This act shall take effect July 1, 2023.