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1
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."~~

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)-(o)~~ "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)~~(*)~~ "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)(c) 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 may ~~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 ~~(c) 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.