

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Energy, Communications &  
 2 Cybersecurity Subcommittee  
 3 Representative McFarland offered the following:

**Amendment**

6 Remove everything after the enacting clause and insert:  
 7 Section 1. Section 365.172, Florida Statutes, is amended  
 8 to read:

9 365.172 Emergency communications. ~~number "E911."~~

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

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

14 (a) Establish and implement a comprehensive statewide  
 15 emergency communications and response capability using modern  
 16 technologies and methods. ~~telecommunications number system that~~

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17 ~~will provide users of voice communications services within the~~  
18 ~~state rapid direct access to public safety agencies by accessing~~  
19 ~~the telephone number "911."~~

20 (b) Provide funds to counties and state agencies that  
21 operate 911 centers to pay certain costs associated with their  
22 public safety emergency response capabilities and costs incurred  
23 to purchase, upgrade, and maintain 911 systems, computer aided  
24 dispatch, and systems to create interoperable radio  
25 communications systems ~~E911 or 911 systems, to contract for E911~~  
26 ~~services, and to reimburse wireless telephone service providers~~  
27 ~~for costs incurred to provide 911 or E911 services.~~

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

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

35 (e) Ensure that the fee established for emergency  
36 communications systems is used exclusively ~~for recovery by~~  
37 ~~wireless providers and~~ by counties and state agencies that  
38 operate 911 centers for costs associated with developing and  
39 maintaining emergency communications ~~E911~~ systems and networks  
40 in a manner that is competitively and technologically neutral as  
41 to all ~~voice~~ communications services providers.

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42  
43 It is further the intent of the Legislature that the fee  
44 authorized or imposed by this section not necessarily provide  
45 the total funding required for establishing or providing  
46 emergency communications systems and services ~~E911 service~~.

47 (3) DEFINITIONS.—Only as used in this section and ss.  
48 365.171, 365.173, 365.174, and 365.177, the term:

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

51 (b) "Automatic location identification" means the  
52 capability of the E911 service which enables the automatic  
53 display of information that defines the approximate geographic  
54 location of the wireless telephone, or the location of the  
55 address of the wireline telephone, used to place a 911 call.

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

59 (d) "Board" or "Emergency Communications Board" ~~"E911~~  
60 ~~Board"~~ means the board ~~of directors of the E911 Board~~  
61 established in subsection (5).

62 (e) "Building permit review" means a review for compliance  
63 with building construction standards adopted by the local  
64 government under chapter 553 and does not include a review for  
65 compliance with land development regulations.

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66 (f) "Collocation" means the situation when a second or  
67 subsequent wireless provider uses an existing structure to  
68 locate a second or subsequent antennae. The term includes the  
69 ground, platform, or roof installation of equipment enclosures,  
70 cabinets, or buildings, and cables, brackets, and other  
71 equipment associated with the location and operation of the  
72 antennae.

73 (g) "Computer Aided Dispatch" or "CAD" means a  
74 computerized system for entering, tracking, dispatching, and  
75 resolving requests for public safety services.

76 (h)-(g) "Designed service" means the configuration and  
77 manner of deployment of service the wireless provider has  
78 designed for an area as part of its network.

79 (i)-(h) "Enhanced 911" or "E911" means an enhanced 911  
80 system or enhanced 911 service that is an emergency telephone  
81 system or service that provides a subscriber with 911 service  
82 and, in addition, directs 911 calls to appropriate public safety  
83 answering points by selective routing based on the geographical  
84 location from which the call originated, or as otherwise  
85 provided in the state plan under s. 365.171, and that provides  
86 for automatic number identification and automatic location-  
87 identification features. 911 ~~E911~~ service provided by a wireless  
88 provider means E911 as defined in the order.

89 (j)-(i) "Existing structure" means a structure that exists  
90 at the time an application for permission to place antennae on a

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91 structure is filed with a local government. The term includes  
92 any structure that can structurally support the attachment of  
93 antennae in compliance with applicable codes.

94 ~~(k)-(j)~~ "Fee" or "public safety emergency communications  
95 systems fee" means the ~~E911~~ fee authorized and imposed under  
96 subsections (8) and (9).

97 ~~(l)-(k)~~ "Fund" means the Emergency Communications ~~Number~~  
98 ~~E911 System~~ Fund established in s. 365.173 and maintained under  
99 this section for the purpose of recovering the costs associated  
100 with providing emergency communications ~~911 service or E911~~  
101 ~~service~~, including the costs of implementing the order. The fund  
102 shall be segregated into wireless, prepaid wireless, and  
103 nonwireless categories.

104 ~~(m)-(l)~~ "Historic building, structure, site, object, or  
105 district" means any building, structure, site, object, or  
106 district that has been officially designated as a historic  
107 building, historic structure, historic site, historic object, or  
108 historic district through a federal, state, or local designation  
109 program.

110 ~~(n)-(m)~~ "Land development regulations" means any ordinance  
111 enacted by a local government for the regulation of any aspect  
112 of development, including an ordinance governing zoning,  
113 subdivisions, landscaping, tree protection, or signs, the local  
114 government's comprehensive plan, or any other ordinance  
115 concerning any aspect of the development of land. The term does

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116 not include any building construction standard adopted under and  
117 in compliance with chapter 553.

118 ~~(o)-(n)~~ "Local exchange carrier" means a "competitive local  
119 exchange telecommunications company" or a "local exchange  
120 telecommunications company" as defined in s. 364.02.

121 ~~(p)-(o)~~ "Local government" means any municipality, county,  
122 or political subdivision or agency of a municipality, county, or  
123 political subdivision.

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

126 ~~(r)-(q)~~ "Mobile telephone number" or "MTN" means the  
127 telephone number assigned to a wireless telephone at the time of  
128 initial activation.

129 (s) "Next Generation 911" or "NG911" means an Internet  
130 Protocol(IP)-based system comprised of managed Emergency  
131 Services IP networks (ESInets), functional elements  
132 (applications), and databases that replicate traditional E911  
133 features and functions and provides additional capabilities. The  
134 NG911 system is designed to provide access to emergency services  
135 from all connected communications sources and provide multimedia  
136 data capabilities for Public Safety Answering Points (PSAPs) and  
137 other emergency service organizations.

138 ~~(t)-(r)~~ "Nonwireless category" means the revenues to the  
139 fund received from voice communications services providers other  
140 than wireless providers.

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141 ~~(u)(s)~~ "Office" means the Division of Telecommunications  
142 within the Department of Management Services, as designated by  
143 the secretary of the department.

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

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

147 a. Order adopted on June 12, 1996, with an effective date  
148 of October 1, 1996, the amendments to s. 20.03 and the creation  
149 of s. 20.18 of Title 47 of the Code of Federal Regulations  
150 adopted by the Federal Communications Commission pursuant to  
151 such order.

152 b. Memorandum and Order No. FCC 97-402 adopted on December  
153 23, 1997.

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

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

156 2. Orders and rules subsequently adopted by the Federal  
157 Communications Commission relating to the provision of 911  
158 services, including Order Number FCC-05-116, adopted May 19,  
159 2005.

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

163 ~~(x)(v)~~ "Prepaid wireless service" means a right to access  
164 wireless service that allows a caller to contact and interact  
165 with 911 to access the 911 system, which service must be paid

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166 for in advance and is sold in predetermined units or dollars,  
167 which units or dollars expire on a predetermined schedule or are  
168 decremented on a predetermined basis in exchange for the right  
169 to access wireless service.

170 ~~(y)(w)~~ "Public agency" means the state and any  
171 municipality, county, municipal corporation, or other  
172 governmental entity, public district, or public authority  
173 located in whole or in part within this state which provides, or  
174 has authority to provide, firefighting, law enforcement,  
175 ambulance, medical, or other emergency services.

176 ~~(z)(\*)~~ "Public safety agency" means a functional division  
177 of a public agency which provides firefighting, law enforcement,  
178 medical, or other emergency services.

179 ~~(aa)(y)~~ "Public safety answering point," "PSAP," or  
180 "answering point" means the public safety agency that receives  
181 incoming 911 requests for assistance and dispatches appropriate  
182 public safety agencies to respond to the requests in accordance  
183 with the state E911 plan.

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

186 ~~(cc)(aa)~~ "Service identifier" means the service number,  
187 access line, or other unique identifier assigned to a subscriber  
188 and established by the Federal Communications Commission for  
189 purposes of routing calls whereby the subscriber has access to  
190 the E911 system.

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

193 ~~(ee)~~ ~~(cc)~~ "Voice communications services" means two-way  
194 voice service, through the use of any technology, which actually  
195 provides access to 911 ~~E911~~ services, and includes  
196 communications services, as defined in s. 202.11, which actually  
197 provide access to 911 ~~E911~~ services and which are required to be  
198 included in the provision of 911 ~~E911~~ services pursuant to  
199 orders and rules adopted by the Federal Communications  
200 Commission. The term includes voice-over-Internet-protocol  
201 service. For the purposes of this section, the term "voice-over-  
202 Internet-protocol service" or "VoIP service" means  
203 interconnected VoIP services having the following  
204 characteristics:

- 205 1. The service enables real-time, two-way voice  
206 communications;
- 207 2. The service requires a broadband connection from the  
208 user's locations;
- 209 3. The service requires IP-compatible customer premises  
210 equipment; and
- 211 4. The service offering allows users generally to receive  
212 calls that originate on the public switched telephone network  
213 and to terminate calls on the public switched telephone network.

214 ~~(ff)~~ ~~(dd)~~ "Voice communications services provider" or  
215 "provider" means any person or entity providing voice

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216 communications services, except that the term does not include  
217 any person or entity that resells voice communications services  
218 and was assessed the fee authorized and imposed under subsection  
219 (8) by its resale supplier.

220 (gg)~~(ee)~~ "Wireless 911 system" or "wireless 911 service"  
221 means an emergency telephone system or service that provides a  
222 subscriber with the ability to reach an answering point by  
223 accessing the digits 911.

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

227 (ii)~~(gg)~~ "Wireless communications facility" means any  
228 equipment or facility used to provide service and may include,  
229 but is not limited to, antennae, towers, equipment enclosures,  
230 cabling, antenna brackets, and other such equipment. Placing a  
231 wireless communications facility on an existing structure does  
232 not cause the existing structure to become a wireless  
233 communications facility.

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

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

239 (kk)~~(ii)~~ "Wireless service" means "commercial mobile radio  
240 service" as provided under ss. 3(27) and 332(d) of the Federal

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241 Telecommunications Act of 1996, 47 U.S.C. ss. 151 et seq., and  
242 the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-  
243 66, August 10, 1993, 107 Stat. 312. The term includes service  
244 provided by any wireless real-time two-way wire communication  
245 device, including radio-telephone communications used in  
246 cellular telephone service; personal communications service; or  
247 the functional or competitive equivalent of a radio-telephone  
248 communications line used in cellular telephone service, a  
249 personal communications service, or a network radio access line.  
250 The term does not include wireless providers that offer mainly  
251 dispatch service in a more localized, noncellular configuration;  
252 providers offering only data, one-way, or stored-voice services  
253 on an interconnected basis; providers of air-to-ground services;  
254 or public coast stations.

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

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

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

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

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- 264        2. Establish a financial model for the state and local  
265 governments to use existing revenue sources to invest in public  
266 safety communication and technology for first responders; and  
267        3. Administer a financially sustainable model dedicated to  
268 public safety communications and technology that will benefit  
269 the state and local governments and all state residents and  
270 visitors.  
271        (b) Public safety funding under paragraph (a) must focus  
272 on, but not be limited to:  
273            1. Next Generation 911.  
274            2. Emergency Services IP Network (ESInet).  
275            3. Computer Aided Dispatch (CAD).  
276            4. Interfaces  
277                a. Land Mobile Radio (LMR).  
278                b. Smart City Technology.  
279                c. In-Building Coverage.  
280            5. Public Safety Broadband Networks.  
281            6. Cyber Security.  
282  ~~, with oversight by the office, the fee imposed under~~  
283  ~~subsections (8) and (9), including receiving revenues derived~~  
284  ~~from the fee; distributing portions of the revenues to wireless~~  
285  ~~providers, counties, and the office; accounting for receipts,~~  
286  ~~distributions, and income derived by the funds maintained in the~~  
287  ~~fund; and providing annual reports to the Governor and the~~  
288  ~~Legislature for submission by the office on amounts collected~~

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289 ~~and expended, the purposes for which expenditures have been~~  
290 ~~made, and the status of E911 service in this state.~~ In order to  
291 advise and assist the office in implementing the purposes of  
292 this section, the board, which has the power of a body  
293 corporate, has the powers enumerated in subsection (6).

294 ~~(c)(b)~~ The board shall consist of 9 ~~11~~ members, one of  
295 whom must be the system director designated under s. 365.171(5),  
296 or his or her designee, who shall serve as the chair of the  
297 board. The remaining 8 ~~10~~ members of the board shall be  
298 appointed by the Governor. All members shall be Florida  
299 residents. Consideration should be given for members from rural,  
300 medium, and large counties and from a broad range of fields  
301 including, but not limited to, experience in law enforcement,  
302 fire response, emergency medical services, 911 coordination,  
303 public safety dispatch, and telecommunications ~~and must be~~  
304 ~~composed of 5 county 911 coordinators, consisting of a~~  
305 ~~representative from a rural county, a representative from a~~  
306 ~~medium county, a representative from a large county, and 2 at-~~  
307 ~~large representatives recommended by the Florida Association of~~  
308 ~~Counties in consultation with the county 911 coordinators; 3~~  
309 ~~local exchange carrier member representatives, one of whom must~~  
310 ~~be a representative of the local exchange carrier having the~~  
311 ~~greatest number of access lines in the state and one of whom~~  
312 ~~must be a representative of a certificated competitive local~~  
313 ~~exchange telecommunications company; and 2 member~~

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314 ~~representatives from the wireless telecommunications industry,~~  
315 ~~with consideration given to wireless providers that are not~~  
316 ~~affiliated with local exchange carriers. Not more than one~~  
317 ~~member may be appointed to represent any single provider on the~~  
318 ~~board.~~

319 (d)~~(e)~~ The system director, designated under s.  
320 365.171(5), or his or her designee, must be a permanent member  
321 of the board. Each of the remaining 8 ~~10~~ members of the board  
322 shall be appointed to a 4-year term and may not be appointed to  
323 more than two successive terms. However, for the purpose of  
324 staggering terms, three ~~two~~ of the original board members shall  
325 be appointed to terms of 4 years, three ~~two~~ shall be appointed  
326 to terms of 3 years, and two ~~four~~ shall be appointed to terms of  
327 2 years, as designated by the Governor. A vacancy on the board  
328 shall be filled in the same manner as the original appointment.

329 (e) The board shall be responsible for ensuring  
330 interoperability of and connectivity between public safety  
331 communication systems within the state, including, but not  
332 limited to, the following:

- 333 1. Call routing accuracy and timeliness of response.  
334 2. Improved interagency communication and situational  
335 awareness.  
336 3. Improved interagency system connectivity.  
337 3. Improved response times.  
338 4. Maximized use of emerging technologies.

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339 5. Improved lifecycle management of the systems,  
340 equipment, and services that enable responders and public safety  
341 officials to share information securely.

342 6. Developed governance, policy, and procedure across  
343 public safety agencies.

344 7. Established resilient and secure emergency  
345 communication systems to reduce cybersecurity threats and  
346 vulnerabilities.

347 (f) The board shall administer the fee imposed under  
348 subsections (8) and (9), including receiving revenues derived  
349 from the fee; distributing portions of the revenues to counties,  
350 state agencies that operate 911 centers, and the office;  
351 accounting for receipts, distributions, and income derived by  
352 the funds maintained in the fund; and providing annual reports  
353 for review and submission to the Governor and the Legislature on  
354 amounts collected and expended, the purposes for which  
355 expenditures have been made, and the status of emergency  
356 communications services in this state.

357 (g) The board may create subcommittees to advise the  
358 board, as needed.

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

360 (a) The board shall:

361 1. Administer the public safety emergency communications  
362 systems ~~E911~~ fee.

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

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

366 a. The board may establish a schedule for implementing  
367 wireless NG911 systems, public safety radio communications  
368 systems, and other public safety communications improvements  
369 ~~E911 service by service area,~~ and prioritize disbursements of  
370 revenues from the fund to ~~providers and~~ rural counties as  
371 provided in s. 365.173(2)(f) ~~s. 365.173(2)(e) and (g)~~ pursuant  
372 to the schedule, in order to implement 911 ~~E911~~ services in the  
373 most efficient and cost-effective manner.

374 b. The board shall provide 90 days' written notice to all  
375 counties and state agencies that operate 911 centers and publish  
376 electronically an approved application process. Applications  
377 shall be prioritized based on the availability of funds, current  
378 system life expectancy, and system replacement needs. The board  
379 shall take all actions within its authority to ensure that  
380 county recipients of such funds use these funds only for the  
381 purpose under which they have been provided and may take any  
382 actions within its authority to secure county repayment of  
383 revenues upon a determination that the funds were not used for  
384 the purpose for which the funds were dispersed.

385 ~~b. Revenues in the fund which have not been disbursed~~  
386 ~~because sworn invoices as required by s. 365.173(2)(e) have not~~  
387 ~~been submitted to the board may be used by the board as needed~~  
388 ~~to provide grants to counties for the purpose of upgrading E911~~

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389 ~~systems. The counties must use the funds only for capital~~  
390 ~~expenditures or remotely provided hosted 911 answering point~~  
391 ~~call-taking equipment and network services directly attributable~~  
392 ~~to establishing and provisioning E911 services, which may~~  
393 ~~include next-generation deployment. Prior to the distribution of~~  
394 ~~grants, the board shall provide 90 days' written notice to all~~  
395 ~~counties and publish electronically an approved application~~  
396 ~~process. County grant applications shall be prioritized based on~~  
397 ~~the availability of funds, current system life expectancy,~~  
398 ~~system replacement needs, and Phase II compliance per the~~  
399 ~~Federal Communications Commission. No grants will be available~~  
400 ~~to any county for next-generation deployment until all counties~~  
401 ~~are Phase II complete. The board shall take all actions within~~  
402 ~~its authority to ensure that county recipients of such grants~~  
403 ~~use these funds only for the purpose under which they have been~~  
404 ~~provided and may take any actions within its authority to secure~~  
405 ~~county repayment of grant revenues upon determination that the~~  
406 ~~funds were not used for the purpose under which they were~~  
407 ~~provided.~~

408 ~~e. When determining the funding provided in a state 911~~  
409 ~~grant application request, the board shall take into account~~  
410 ~~information on the amount of carryforward funds retained by the~~  
411 ~~counties. The information will be based on the amount of county~~  
412 ~~carryforward funds reported in the financial audit required in~~  
413 ~~s. 365.173(2)(d). E911 State Grant Program funding requests will~~

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414 ~~be limited by any county carryforward funds in excess of the~~  
415 ~~allowable 30 percent amount of fee revenue calculated on a 2-~~  
416 ~~year basis.~~

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

420 ~~e. After taking the action required in sub-subparagraphs~~  
421 ~~a.-d., the board may review and, with all members participating~~  
422 ~~in the vote, adjust the percentage allocations or adjust the~~  
423 ~~amount of the fee as provided under paragraph (8)(g), and, if~~  
424 ~~the board determines that the revenues in the wireless category~~  
425 ~~exceed the amount needed to reimburse wireless providers for the~~  
426 ~~cost to implement E911 services, the board may transfer revenue~~  
427 ~~to the counties from the existing funds within the wireless~~  
428 ~~category. The board shall disburse the funds equitably to all~~  
429 ~~counties using a timeframe and distribution methodology~~  
430 ~~established by the board.~~

431 4. Review documentation submitted by wireless providers  
432 which reflects current and projected funds derived from the fee.  
433 ~~, and the expenses incurred and expected to be incurred in order~~  
434 ~~to comply with the E911 service requirements contained in the~~  
435 ~~order for the purposes of:~~

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

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

441 ~~e. Ascertaining the projected costs of compliance with the~~  
442 ~~requirements of the order and projected collections of the fee.~~

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

445 5. Implement changes to the allocation percentages or  
446 adjust the fee pursuant to s. 365.173.

447 ~~6.5. Meet quarterly ~~monthly~~ in the most efficient and~~  
448 ~~cost-effective manner, including telephonically when practical,~~  
449 ~~for the business to be conducted, to review and authorize the~~  
450 ~~schedule of fee allocation transfer and distribution to the~~  
451 ~~counties and state agencies that operate 911 centers ~~approve or~~~~  
452 ~~reject, in whole or in part, applications submitted by wireless~~  
453 ~~providers for recovery of moneys deposited into the wireless~~  
454 ~~category, and to authorize the transfer of, and distribute, the~~  
455 ~~fee allocation to the counties.~~

456 ~~7.6. Hire and retain employees, which may include an~~  
457 ~~independent executive director who shall possess experience in~~  
458 ~~the area of telecommunications and emergency 911 issues, for the~~  
459 ~~purposes of performing the technical and administrative~~  
460 ~~functions for the board.~~

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461 ~~8.7.~~ Make and enter into contracts, pursuant to chapter  
462 287, and execute other instruments necessary or convenient for  
463 the exercise of the powers and functions of the board.

464 ~~9.8.~~ Sue and be sued, and appear and defend in all actions  
465 and proceedings, in its corporate name to the same extent as a  
466 natural person.

467 ~~10.9.~~ Adopt, use, and alter a common corporate seal.

468 ~~11.10.~~ Elect or appoint the officers and agents that are  
469 required by the affairs of the board.

470 ~~12.11.~~ The board may adopt rules under ss. 120.536(1) and  
471 120.54 to implement this section and ss. 365.173 and 365.174.

472 ~~13.12.~~ Provide coordination, support, and technical  
473 assistance to counties to promote the deployment of advanced  
474 public safety emergency communications ~~911 and E911~~ systems in  
475 the state.

476 ~~14.13.~~ Provide coordination and support for educational  
477 opportunities related to 911 ~~E911~~ issues for the public safety  
478 emergency communications ~~E911~~ community in this state.

479 ~~15.14.~~ Act as an advocate for issues related to public  
480 safety emergency communications ~~E911~~ system functions, features,  
481 and operations to improve the delivery of public safety  
482 emergency communications ~~E911~~ services to the residents of and  
483 visitors to this state.

484 ~~16.15.~~ Coordinate input from this state at national forums  
485 and associations, to ensure that policies related to public

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486 safety emergency communications ~~E911~~ systems and services are  
487 consistent with the policies of the public safety emergency  
488 communications ~~E911~~ community in this state.

489 ~~17.16.~~ Work cooperatively with the system director  
490 established in s. 365.171(5) to enhance the state of public  
491 safety emergency communications ~~E911~~ services in this state and  
492 to provide unified leadership for all public safety emergency  
493 communications ~~E911~~ issues through planning and coordination.

494 ~~18.17.~~ Do all acts and things necessary or convenient to  
495 carry out the powers granted in this section in a manner that is  
496 competitively and technologically neutral as to all voice  
497 communications services providers, including, but not limited  
498 to, consideration of emerging technology and related cost  
499 savings, while taking into account embedded costs in current  
500 systems.

501 ~~19.18.~~ Have the authority to secure the services of an  
502 independent, private attorney via invitation to bid, request for  
503 proposals, invitation to negotiate, or professional contracts  
504 for legal services already established at the Division of  
505 Purchasing of the Department of Management Services.

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

509 (c) By February 28 of each year, the board shall prepare a  
510 report for submission by the office to the Governor, the

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511 President of the Senate, and the Speaker of the House of  
512 Representatives which addresses for the immediately preceding  
513 state fiscal year and county fiscal year:

514 1. The annual receipts, including the total amount of fee  
515 revenues collected by each provider, the total disbursements of  
516 money in the fund, ~~including the amount of fund-reimbursed~~  
517 ~~expenses incurred by each wireless provider to comply with the~~  
518 ~~order~~, and the amount of moneys on deposit in the fund.

519 2. Whether the amount of the fee and the allocation  
520 percentages set forth in s. 365.173 have been or should be  
521 adjusted to comply with the ~~requirements of the order or other~~  
522 provisions of this chapter, and the reasons for making or not  
523 making a recommended adjustment to the fee.

524 3. Any other issues related to providing emergency  
525 communications ~~E911~~ services.

526 4. The status of public safety emergency communications  
527 ~~E911~~ services in this state.

528 (7) REQUEST FOR PROPOSALS FOR INDEPENDENT ACCOUNTING  
529 FIRM.—

530 (a) The board shall issue a request for proposals as  
531 provided in chapter 287 for the purpose of retaining an  
532 independent accounting firm. The independent accounting firm  
533 shall perform all material administrative and accounting tasks  
534 and functions required for administering the fee. The request  
535 for proposals must include, but need not be limited to:

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536 1. A description of the scope and general requirements of  
537 the services requested.

538 2. A description of the specific accounting and reporting  
539 services required for administering the fund, including  
540 processing checks and distributing funds as directed by the  
541 board under s. 365.173.

542 3. A description of information to be provided by the  
543 proposer, including the proposer's background and qualifications  
544 and the proposed cost of the services to be provided.

545 (b) The board shall establish a committee to review  
546 requests for proposals which must include the statewide  
547 emergency communications systems ~~E911 system~~ director designated  
548 under s. 365.171(5), or his or her designee, and two members of  
549 the board, ~~one of whom is a county 911 coordinator and one of~~  
550 ~~whom represents a voice communications services provider~~. The  
551 review committee shall review the proposals received by the  
552 board and recommend an independent accounting firm to the board  
553 for final selection. By agreeing to serve on the review  
554 committee, each member of the review committee shall verify that  
555 he or she does not have any interest or employment, directly or  
556 indirectly, with potential proposers which conflicts in any  
557 manner or degree with his or her performance on the committee.

558 (c) The board may secure the services of an independent  
559 accounting firm via invitation to bid, request for proposals,  
560 invitation to negotiate, or professional contracts already

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561 established at the Division of Purchasing, Department of  
562 Management Services, for certified public accounting firms, or  
563 the board may hire and retain professional accounting staff to  
564 accomplish these functions.

565 (8) PUBLIC SAFETY EMERGENCY COMMUNICATIONS SYSTEMS ~~E-911~~  
566 FEE.—

567 (a) Each voice communications services provider shall  
568 collect the fee described in this subsection, except that the  
569 fee for prepaid wireless service shall be collected in the  
570 manner set forth in subsection (9). Each provider, as part of  
571 its monthly billing process, shall bill the fee as follows. The  
572 fee shall not be assessed on any pay telephone in the state.

573 1. Each voice communications service provider other than a  
574 wireless provider shall bill the fee to a subscriber based on  
575 the number of access lines having access to the 911 ~~E-911~~ system,  
576 on a service-identifier basis, up to a maximum of 25 access  
577 lines per account bill rendered.

578 2. Each voice communications service provider other than a  
579 wireless provider shall bill the fee to a subscriber on a basis  
580 of five service-identified access lines for each digital  
581 transmission link, including primary rate interface service or  
582 equivalent Digital-Signal-1-level service, which can be  
583 channelized and split into 23 or 24 voice-grade or data-grade  
584 channels for communications, up to a maximum of 25 access lines  
585 per account bill rendered.

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

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

599  
600 The provider may list the fee as a separate entry on each bill,  
601 in which case the fee must be identified as a fee for 911 ~~E911~~  
602 services. A provider shall remit the fee to the board only if  
603 the fee is paid by the subscriber. If a provider receives a  
604 partial payment for a monthly bill from a subscriber, the amount  
605 received shall first be applied to the payment due the provider  
606 for providing voice communications service.

607           (b) A provider is not obligated to take any legal action  
608 to enforce collection of the fees for which any subscriber is  
609 billed. A county subscribing to 911 service remains liable to  
610 the provider delivering the 911 service or equipment for any 911

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611 service, equipment, operation, or maintenance charge owed by the  
612 county to the provider.

613 ~~(b)-(e)~~ For purposes of this subsection, the state and  
614 local governments are not subscribers.

615 ~~(c)-(d)~~ Each provider may retain 1 percent of the amount of  
616 the fees collected as reimbursement for the administrative costs  
617 incurred by the provider to bill, collect, and remit the fee.  
618 The remainder shall be delivered to the board and deposited by  
619 the board into the fund. The board shall distribute the  
620 remainder pursuant to s. 365.173.

621 ~~(d)-(e)~~ Voice communications services providers billing the  
622 fee to subscribers shall deliver revenues from the fee to the  
623 board within 60 days after the end of the month in which the fee  
624 was billed, together with a monthly report of the number of  
625 service identifiers in each county. Each wireless provider and  
626 other applicable provider identified in subparagraph (a)4. shall  
627 report the number of service identifiers for subscribers whose  
628 place of primary use is in each county. All provider subscriber  
629 information provided to the board is subject to s. 365.174. If a  
630 provider chooses to remit any fee amounts to the board before  
631 they are paid by the subscribers, a provider may apply to the  
632 board for a refund of, or may take a credit for, any such fees  
633 remitted to the board which are not collected by the provider  
634 within 6 months following the month in which the fees are  
635 charged off for federal income tax purposes as bad debt.

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636        ~~(e)-(f)~~ The rate of the fee may not exceed 50 cents per  
637 month for each service identifier. Effective January 1, 2015,  
638 the fee shall be 40 cents per month for each service identifier.  
639 The fee shall apply uniformly and be imposed throughout the  
640 state, ~~except for those counties that, before July 1, 2007, had~~  
641 ~~adopted an ordinance or resolution establishing a fee less than~~  
642 ~~50 cents per month per access line. In those counties the fee~~  
643 ~~established by ordinance may be changed only to the uniform~~  
644 ~~statewide rate no sooner than 30 days after notification is made~~  
645 ~~by the county's board of county commissioners to the board.~~

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

654        ~~1. The revenues currently allocated for wireless service~~  
655 ~~provider costs for implementing E911 service and projected costs~~  
656 ~~for implementing E911 service, including recurring costs for~~  
657 ~~Phase I and Phase II and the effect of new technologies;~~

658        ~~1.2.~~ The appropriate level of funding needed to fund the  
659 rural grant program provided for in s. 365.173(2)(f) ~~s.~~  
660 ~~365.173(2)(g);~~ and

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661 ~~2.3.~~ The need to fund statewide, regional, and county  
662 grants in accordance with sub-subparagraph (6)(a)3.b. and s.  
663 365.173(2)(g) ~~s. 365.173(2)(h)~~.

664 ~~(g)(h)~~ The board may adjust the allocation percentages or  
665 adjust the amount of the fee as provided in paragraph ~~(f)~~ ~~(g)~~ if  
666 necessary to ensure full cost recovery or prevent over recovery  
667 ~~overrecovery~~ of costs incurred in the provision of 911 ~~E911~~  
668 service, including costs incurred or projected to be incurred ~~to~~  
669 ~~comply with the order~~. Any new allocation percentages or reduced  
670 or increased fee may not be adjusted for 1 year. In no event  
671 shall the fee exceed 50 cents per month for each service  
672 identifier. The fee, and any board adjustment of the fee, shall  
673 be uniform throughout the state, ~~except for the counties~~  
674 ~~identified in paragraph (f)~~. No less than 90 days before the  
675 effective date of any adjustment to the fee, the board shall  
676 provide written notice of the adjusted fee amount and effective  
677 date to each voice communications services provider from which  
678 the board is then receiving the fee.

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

682 ~~(i)(j)~~ State and local taxes do not apply to the fee. The  
683 amount of the ~~E911~~ fee collected by a provider may not be  
684 included in the base for imposition of any tax, fee, surcharge,

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685 or other charge imposed by this state, any political subdivision  
686 of this state, or any intergovernmental agency.

687 ~~(j)-(k)~~ A local government may not levy the fee or any  
688 additional fee on providers or subscribers for the provision of  
689 911 ~~E911~~ service.

690 ~~(k)-(l)~~ For purposes of this section, the definitions  
691 contained in s. 202.11 and the provisions of s. 202.155 apply in  
692 the same manner and to the same extent as the definitions and  
693 provisions apply to the taxes levied under chapter 202 on mobile  
694 communications services.

695 (9) PREPAID WIRELESS PUBLIC SAFETY EMERGENCY  
696 COMMUNICATIONS SYSTEMS ~~E911~~ FEE.—

697 ~~(a) Effective January 1, 2015, a prepaid wireless E911 fee~~  
698 ~~is imposed per retail transaction at the rate established in~~  
699 ~~paragraph (8)(f). In order to allow sellers of all sizes and~~  
700 ~~technological capabilities adequate time to comply with this~~  
701 ~~subsection, a seller of prepaid wireless service operating in~~  
702 ~~this state before the prepaid wireless E911 fee is imposed shall~~  
703 ~~retain 100 percent of the fee collected under this paragraph for~~  
704 ~~the first 2 months to offset the cost of setup.~~

705 ~~(a)-(b)~~ Effective July 1, 2023 ~~March 1, 2015~~, the prepaid  
706 wireless ~~E911~~ fee ~~imposed under paragraph (a)~~ shall be subject  
707 to remittance in accordance with paragraph (f) ~~(g)~~. In no event  
708 shall the fee exceed 50 cents for each retail transaction. At  
709 least 90 days before the effective date of any adjustment to the

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710 fee under paragraph (8)(f) ~~(8)(g)~~, the Department of Revenue  
711 shall provide written notice of the adjusted fee amount and its  
712 effective date to each seller from which the department is then  
713 receiving the fee. At least 120 days before the effective date  
714 of any adjustment to the fee imposed under this subsection, the  
715 board shall provide notice to the Department of Revenue of the  
716 adjusted fee amount and effective date of the adjustment.

717 (b)(e) The prepaid wireless ~~E911~~ fee shall be collected by  
718 the seller from the consumer with respect to each retail  
719 transaction occurring in this state. The amount of the prepaid  
720 wireless ~~E911~~ fee shall be separately stated on an invoice,  
721 receipt, or other similar document that is provided to the  
722 consumer by the seller or otherwise disclosed to the consumer.

723 (c)(d) For purposes of paragraph (b) ~~(e)~~, a retail  
724 transaction that takes place in person by a consumer at a  
725 business location of the seller shall be treated as occurring in  
726 this state if that business location is in this state. Such  
727 transaction is deemed to have occurred in the county of the  
728 business location. When a retail transaction does not take place  
729 at the seller's business location, the transaction shall be  
730 treated as taking place at the consumer's shipping address or,  
731 if no item is shipped, at the consumer's address or the location  
732 associated with the consumer's mobile telephone number. Such  
733 transaction is deemed to have occurred in the county of the  
734 consumer's shipping address when items are shipped to the

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735 consumer or, when no items are shipped, the county of the  
736 consumer's address or the location associated with the  
737 consumer's mobile telephone number. A transaction for which the  
738 specific Florida county cannot be determined shall be treated as  
739 nonspecific.

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

744 (e)~~(f)~~ The amount of the prepaid wireless ~~E911~~ fee that is  
745 collected by a seller from a consumer and that is separately  
746 stated on an invoice, receipt, or similar document provided to  
747 the consumer by the seller, may not be included in the base for  
748 imposition of any tax, fee, surcharge, or other charge that is  
749 imposed by this state, any political subdivision of this state,  
750 or any intergovernmental agency.

751 (f)~~(g)~~ Beginning July 1, 2023 ~~April 1, 2015~~, each seller  
752 shall file a return and remit the prepaid wireless ~~E911~~ fees  
753 collected in the previous month to the Department of Revenue on  
754 or before the 20th day of the month. If the 20th day falls on a  
755 Saturday, Sunday, or legal holiday, payments accompanied by  
756 returns are due on the next succeeding day that is not a  
757 Saturday, Sunday, or legal holiday observed by federal or state  
758 agencies as defined in chapter 683 and s. 7503 of the Internal  
759 Revenue Code of 1986, as amended. A seller may remit the prepaid

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760 wireless ~~E911~~ fee by electronic funds transfer and file a fee  
761 return with the Department of Revenue that is initiated through  
762 an electronic data interchange.

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

769 2. A seller collecting less than \$50 per month of prepaid  
770 wireless ~~E911~~ fees may file a quarterly return for the calendar  
771 quarters ending in March, June, September, and December. The  
772 seller must file a return and remit the prepaid wireless ~~E911~~  
773 fees collected during each calendar quarter on or before the  
774 20th day of the month following that calendar quarter.

775 3. A seller must provide the following information on each  
776 prepaid wireless ~~E911~~ fee return filed with the Department of  
777 Revenue:

778 a. The seller's name, federal identification number,  
779 taxpayer identification number issued by the Department of  
780 Revenue, business location address and mailing address, and  
781 county of the business location in accordance with paragraph (c)  
782 ~~(d)~~;

783 b. The reporting period;



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784 c. The number of prepaid wireless services sold during the  
785 reporting period;

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

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

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

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

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

801 6. Except as provided in this section, the Department of  
802 Revenue shall administer, collect, and enforce the fee under  
803 this subsection pursuant to the same procedures used in the  
804 administration, collection, and enforcement of the general state  
805 sales tax imposed under chapter 212. The provisions of chapter  
806 212 regarding authority to audit and make assessments, keeping  
807 of books and records, and interest and penalties on delinquent

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

810 ~~(g)-(h)~~ A seller of prepaid wireless services in this state  
811 must register with the Department of Revenue for each place of  
812 business as required by s. 212.18(3) and the Department of  
813 Revenue's administrative rule regarding registration as a sales  
814 and use tax dealer. A separate application is required for each  
815 place of business. A valid certificate of registration issued by  
816 the Department of Revenue to a seller for sales and use tax  
817 purposes is sufficient for purposes of the registration  
818 requirement of this subsection. There is no fee for registration  
819 for remittance of the prepaid wireless ~~E911~~ fee.

820 ~~(h)-(i)~~ The Department of Revenue shall deposit the funds  
821 remitted under this subsection into the Audit and Warrant  
822 Clearing Trust Fund established in s. 215.199 and retain up to  
823 3.2 percent of the funds remitted under this subsection to  
824 reimburse its direct costs of administering the collection and  
825 remittance of prepaid wireless ~~E911~~ fees. Thereafter, the  
826 Department of Revenue shall transfer all remaining funds  
827 remitted under this subsection to the Emergency Communications  
828 ~~Number E911 System~~ Fund monthly for use as provided in s.  
829 365.173.

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

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833        ~~(j)(k)~~ A provider or seller of prepaid wireless service is  
834 not liable for damages to any person resulting from or incurred  
835 in connection with providing or failing to provide emergency  
836 communications and 911 or E911 service or for identifying or  
837 failing to identify the telephone number, address, location, or  
838 name associated with any person or device that is accessing or  
839 attempting to access emergency communications and 911 or E911  
840 service.

841        ~~(k)(l)~~ A provider or seller of prepaid wireless service is  
842 not liable for damages to any person resulting from or incurred  
843 in connection with providing any lawful assistance to any  
844 investigative or law enforcement officer of the United States,  
845 any state, or any political subdivision of any state in  
846 connection with any lawful investigation or other law  
847 enforcement activity by such law enforcement officer.

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

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

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

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

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- 857 1. "Consumer" means a person who purchases prepaid  
858 wireless service in a retail sale.
- 859 2. "Prepaid wireless ~~E911~~ fee" means the fee that is  
860 required to be collected by a seller from a consumer as provided  
861 in this subsection.
- 862 3. "Provider" means a person that provides prepaid  
863 wireless service pursuant to a license issued by the Federal  
864 Communications Commission.
- 865 4. "Retail transaction" means the purchase by a consumer  
866 from a seller of prepaid wireless service that may be applied to  
867 a single service identifier for use by the consumer. If a  
868 consumer makes a purchase of multiple prepaid wireless services  
869 in a single transaction, each individual prepaid wireless  
870 service shall be considered a separate retail transaction for  
871 purposes of calculating the prepaid wireless ~~E911~~ fee.
- 872 5. "Seller" means a person who makes retail sales of  
873 prepaid wireless services to a consumer.
- 874 (10) AUTHORIZED EXPENDITURES OF PUBLIC SAFETY EMERGENCY  
875 COMMUNICATIONS SYSTEMS ~~E911~~ FEE.—
- 876 (a) For purposes of this section, emergency communications  
877 and 911 ~~E911~~ service includes the functions relating to the  
878 receipt and transfer of requests for emergency assistance, of  
879 database management, call taking, and location verification, ~~and~~  
880 ~~call transfer~~. Department of Health certification and  
881 recertification and training costs for ~~911~~ public safety

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882 telecommunications, including dispatching, are functions of  
883 public safety emergency telecommunications ~~911~~ services.

884 (b) All costs directly attributable to the establishment  
885 or provision of emergency communications equipment ~~E911 service~~  
886 and ~~contracting for E911 services~~ related to a primary or  
887 secondary Public Safety Answering Point (PSAP) are eligible for  
888 expenditure of moneys derived from imposition of the fee  
889 authorized by subsections (8) and (9). These costs include the  
890 acquisition, implementation, and maintenance of PSAP ~~Public~~  
891 ~~Safety Answering Point (PSAP)~~ equipment and 911 service ~~E911~~  
892 ~~service~~ features, as defined in the providers' published  
893 schedules or the acquisition, installation, and maintenance of  
894 other ~~E911~~ equipment, including: circuits; call answering  
895 equipment; call transfer equipment; ANI or ALI controllers; ANI  
896 or ALI displays; station instruments; NG911 ~~E911~~  
897 telecommunications systems; Emergency Services IP Network  
898 ESInet; visual call information and storage devices; recording  
899 equipment; telephone devices and other equipment for the hearing  
900 impaired used in the E911 system; PSAP backup power systems;  
901 consoles; automatic call distributors; ~~and~~ interfaces,  
902 including hardware and software, for computer-aided dispatch  
903 (CAD) systems, ~~and~~ public safety land mobile radio systems (LMR)  
904 and radio consoles that provide two-way radio communication with  
905 responders, and in-building coverage ~~integrated CAD systems for~~  
906 ~~that portion of the systems used for E911 call taking; GIS~~

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907 system and software equipment and information displays; network  
908 clocks; cybersecurity, including hardware, software, and  
909 services; salary and associated expenses for 911 ~~E911~~ call  
910 takers and emergency dispatchers ~~for that portion of their time~~  
911 ~~spent taking and transferring E911 calls~~, salary, and associated  
912 expenses for a county to employ a full-time equivalent 911 ~~E911~~  
913 coordinator position and a full-time equivalent mapping or  
914 geographical data position, and technical system maintenance,  
915 database, and administration personnel for the portion of their  
916 time spent administrating the emergency communications ~~E911~~  
917 system; emergency medical, fire, and law enforcement prearrival  
918 instruction software; charts and training costs; training costs  
919 for PSAP call takers, dispatchers, supervisors, and managers in  
920 the proper methods and techniques used in taking and  
921 transferring 911 ~~E911~~ calls; costs to train and educate PSAP  
922 employees regarding 911 and radio ~~E911~~ service or NG911 ~~E911~~  
923 equipment, including fees collected by the Department of Health  
924 for the certification and recertification of 911 public safety  
925 telecommunicators as required under s. 401.465; and expenses  
926 required to develop and maintain all information, including ALI  
927 and ANI databases and other information source repositories,  
928 necessary to properly inform call takers as to location address,  
929 type of emergency, smart city technology data, public safety  
930 broadband networks, and other information directly relevant to  
931 the processing of a request for emergency assistance ~~E911 call-~~

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932 ~~taking and transferring function. Moneys derived from the fee~~  
933 ~~may also be used for next-generation E911 network services,~~  
934 ~~next-generation E911 database services, next-generation E911~~  
935 ~~equipment, and wireless E911 routing systems.~~

936 (c) The moneys may not be used to pay for any item not  
937 listed in this subsection, including, but not limited to, any  
938 capital or operational ~~costs for emergency responses which occur~~  
939 ~~after the call transfer to the responding public safety entity~~  
940 ~~and the costs for utilities, constructing, leasing, maintaining,~~  
941 ~~or renovating buildings, except for those building modifications~~  
942 ~~necessary to maintain the security and environmental integrity~~  
943 ~~of the PSAP and emergency communications ~~E911~~ equipment rooms.~~

944 (11) LIABILITY OF COUNTIES.—A county subscribing to 911  
945 service remains liable to the local exchange carrier for any 911  
946 service, equipment, operation, or maintenance charge owed by the  
947 county to the local exchange carrier. As used in this  
948 subsection, the term "local exchange carrier" means a local  
949 exchange telecommunications service provider of 911 service or  
950 equipment to any county within its certificated area.

951 (12) INDEMNIFICATION AND LIMITATION OF LIABILITY.—A local  
952 government may indemnify local exchange carriers against  
953 liability in accordance with the published schedules of the  
954 company. Notwithstanding an indemnification agreement, a local  
955 exchange carrier, voice communications services provider, or  
956 other service provider that provides 911, ~~or~~ E911, or NG911

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957 service on a retail or wholesale basis is not liable for damages  
958 resulting from or in connection with 911, ~~or~~ E911, or NG911  
959 service, or for identification of the telephone number, or  
960 address, or name associated with any person accessing 911, ~~or~~  
961 E911, or NG911 service, unless the carrier or provider acted  
962 with malicious purpose or in a manner exhibiting wanton and  
963 willful disregard of the rights, safety, or property of a person  
964 when providing such services. A carrier or provider is not  
965 liable for damages to any person resulting from or in connection  
966 with the carrier's or provider's provision of any lawful  
967 assistance to any investigative or law enforcement officer of  
968 the United States, this state, or a political subdivision  
969 thereof, or of any other state or political subdivision thereof,  
970 in connection with any lawful investigation or other law  
971 enforcement activity by such law enforcement officer. For  
972 purposes of this subsection, the term "911, ~~or~~ E911, or NG911  
973 service" means a telecommunications service, voice or nonvoice  
974 communications service, or other wireline or wireless service,  
975 including, but not limited to, a service using Internet  
976 protocol, which provides, in whole or in part, any of the  
977 following functions: providing members of the public with the  
978 ability to reach an answering point by using the digits 9-1-1;  
979 directing 911 calls to answering points by selective routing;  
980 providing for automatic number identification and automatic



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981 location-identification features; or providing wireless E911  
982 services as defined in the order.

983 (13) FACILITATING EMERGENCY COMMUNICATIONS ~~E911~~ SERVICE  
984 IMPLEMENTATION.—To balance the public need for reliable  
985 emergency communications ~~E911~~ services through reliable wireless  
986 systems and the public interest served by governmental zoning  
987 and land development regulations and notwithstanding any other  
988 law or local ordinance to the contrary, the following standards  
989 shall apply to a local government's actions, as a regulatory  
990 body, in the regulation of the placement, construction, or  
991 modification of a wireless communications facility. This  
992 subsection shall not, however, be construed to waive or alter  
993 the provisions of s. 286.011 or s. 286.0115. For the purposes of  
994 this subsection only, "local government" shall mean any  
995 municipality or county and any agency of a municipality or  
996 county only. The term "local government" does not, however,  
997 include any airport, as defined by s. 330.27(2), even if it is  
998 owned or controlled by or through a municipality, county, or  
999 agency of a municipality or county. Further, notwithstanding  
1000 anything in this section to the contrary, this subsection does  
1001 not apply to or control a local government's actions as a  
1002 property or structure owner in the use of any property or  
1003 structure owned by such entity for the placement, construction,  
1004 or modification of wireless communications facilities. In the  
1005 use of property or structures owned by the local government,

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1006 however, a local government may not use its regulatory authority  
1007 so as to avoid compliance with, or in a manner that does not  
1008 advance, the provisions of this subsection.

1009 (a) Collocation among wireless providers is encouraged by  
1010 the state.

1011 1.a. Collocations on towers, including nonconforming  
1012 towers, that meet the requirements in sub-sub-subparagraphs (I),  
1013 (II), and (III), are subject to only building permit review,  
1014 which may include a review for compliance with this  
1015 subparagraph. Such collocations are not subject to any design or  
1016 placement requirements of the local government's land  
1017 development regulations in effect at the time of the collocation  
1018 that are more restrictive than those in effect at the time of  
1019 the initial antennae placement approval, to any other portion of  
1020 the land development regulations, or to public hearing review.  
1021 This sub-subparagraph shall not preclude a public hearing for  
1022 any appeal of the decision on the collocation application.

1023 (I) The collocation does not increase the height of the  
1024 tower to which the antennae are to be attached, measured to the  
1025 highest point of any part of the tower or any existing antenna  
1026 attached to the tower;

1027 (II) The collocation does not increase the ground space  
1028 area, commonly known as the compound, approved in the site plan  
1029 for equipment enclosures and ancillary facilities; and

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1030 (III) The collocation consists of antennae, equipment  
1031 enclosures, and ancillary facilities that are of a design and  
1032 configuration consistent with all applicable regulations,  
1033 restrictions, or conditions, if any, applied to the initial  
1034 antennae placed on the tower and to its accompanying equipment  
1035 enclosures and ancillary facilities and, if applicable, applied  
1036 to the tower supporting the antennae. Such regulations may  
1037 include the design and aesthetic requirements, but not  
1038 procedural requirements, other than those authorized by this  
1039 section, of the local government's land development regulations  
1040 in effect at the time the initial antennae placement was  
1041 approved.

1042 b. Except for a historic building, structure, site,  
1043 object, or district, or a tower included in sub-subparagraph a.,  
1044 collocations on all other existing structures that meet the  
1045 requirements in sub-sub-subparagraphs (I)-(IV) shall be subject  
1046 to no more than building permit review, and an administrative  
1047 review for compliance with this subparagraph. Such collocations  
1048 are not subject to any portion of the local government's land  
1049 development regulations not addressed herein, or to public  
1050 hearing review. This sub-subparagraph shall not preclude a  
1051 public hearing for any appeal of the decision on the collocation  
1052 application.

1053 (I) The collocation does not increase the height of the  
1054 existing structure to which the antennae are to be attached,

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1055 measured to the highest point of any part of the structure or  
1056 any existing antenna attached to the structure;

1057 (II) The collocation does not increase the ground space  
1058 area, otherwise known as the compound, if any, approved in the  
1059 site plan for equipment enclosures and ancillary facilities;

1060 (III) The collocation consists of antennae, equipment  
1061 enclosures, and ancillary facilities that are of a design and  
1062 configuration consistent with any applicable structural or  
1063 aesthetic design requirements and any requirements for location  
1064 on the structure, but not prohibitions or restrictions on the  
1065 placement of additional collocations on the existing structure  
1066 or procedural requirements, other than those authorized by this  
1067 section, of the local government's land development regulations  
1068 in effect at the time of the collocation application; and

1069 (IV) The collocation consists of antennae, equipment  
1070 enclosures, and ancillary facilities that are of a design and  
1071 configuration consistent with all applicable restrictions or  
1072 conditions, if any, that do not conflict with sub-sub-  
1073 subparagraph (III) and were applied to the initial antennae  
1074 placed on the structure and to its accompanying equipment  
1075 enclosures and ancillary facilities and, if applicable, applied  
1076 to the structure supporting the antennae.

1077 c. Regulations, restrictions, conditions, or permits of  
1078 the local government, acting in its regulatory capacity, that  
1079 limit the number of collocations or require review processes

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1080 inconsistent with this subsection shall not apply to  
1081 collocations addressed in this subparagraph.

1082 d. If only a portion of the collocation does not meet the  
1083 requirements of this subparagraph, such as an increase in the  
1084 height of the proposed antennae over the existing structure  
1085 height or a proposal to expand the ground space approved in the  
1086 site plan for the equipment enclosure, where all other portions  
1087 of the collocation meet the requirements of this subparagraph,  
1088 that portion of the collocation only may be reviewed under the  
1089 local government's regulations applicable to an initial  
1090 placement of that portion of the facility, including, but not  
1091 limited to, its land development regulations, and within the  
1092 review timeframes of subparagraph (d)2., and the rest of the  
1093 collocation shall be reviewed in accordance with this  
1094 subparagraph. A collocation proposal under this subparagraph  
1095 that increases the ground space area, otherwise known as the  
1096 compound, approved in the original site plan for equipment  
1097 enclosures and ancillary facilities by no more than a cumulative  
1098 amount of 400 square feet or 50 percent of the original compound  
1099 size, whichever is greater, shall, however, require no more than  
1100 administrative review for compliance with the local government's  
1101 regulations, including, but not limited to, land development  
1102 regulations review, and building permit review, with no public  
1103 hearing review. This sub-subparagraph shall not preclude a

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1104 public hearing for any appeal of the decision on the collocation  
1105 application.

1106 2. If a collocation does not meet the requirements of  
1107 subparagraph 1., the local government may review the application  
1108 under the local government's regulations, including, but not  
1109 limited to, land development regulations, applicable to the  
1110 placement of initial antennae and their accompanying equipment  
1111 enclosure and ancillary facilities.

1112 3. If a collocation meets the requirements of subparagraph  
1113 1., the collocation shall not be considered a modification to an  
1114 existing structure or an impermissible modification of a  
1115 nonconforming structure.

1116 4. The owner of the existing tower on which the proposed  
1117 antennae are to be collocated shall remain responsible for  
1118 compliance with any applicable condition or requirement of a  
1119 permit or agreement, or any applicable condition or requirement  
1120 of the land development regulations to which the existing tower  
1121 had to comply at the time the tower was permitted, including any  
1122 aesthetic requirements, provided the condition or requirement is  
1123 not inconsistent with this paragraph.

1124 5. An existing tower, including a nonconforming tower, may  
1125 be structurally modified in order to permit collocation or may  
1126 be replaced through no more than administrative review and  
1127 building permit review, and is not subject to public hearing  
1128 review, if the overall height of the tower is not increased and,

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1129 | if a replacement, the replacement tower is a monopole tower or,  
1130 | if the existing tower is a camouflaged tower, the replacement  
1131 | tower is a like-camouflaged tower. This subparagraph shall not  
1132 | preclude a public hearing for any appeal of the decision on the  
1133 | application.

1134 |       (b)1. A local government's land development and  
1135 | construction regulations for wireless communications facilities  
1136 | and the local government's review of an application for the  
1137 | placement, construction, or modification of a wireless  
1138 | communications facility shall only address land development or  
1139 | zoning issues. In such local government regulations or review,  
1140 | the local government may not require information on or evaluate  
1141 | a wireless provider's business decisions about its service,  
1142 | customer demand for its service, or quality of its service to or  
1143 | from a particular area or site, unless the wireless provider  
1144 | voluntarily offers this information to the local government. In  
1145 | such local government regulations or review, a local government  
1146 | may not require information on or evaluate the wireless  
1147 | provider's designed service unless the information or materials  
1148 | are directly related to an identified land development or zoning  
1149 | issue or unless the wireless provider voluntarily offers the  
1150 | information. Information or materials directly related to an  
1151 | identified land development or zoning issue may include, but are  
1152 | not limited to, evidence that no existing structure can  
1153 | reasonably be used for the antennae placement instead of the

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1154 construction of a new tower, that residential areas cannot be  
1155 served from outside the residential area, as addressed in  
1156 subparagraph 3., or that the proposed height of a new tower or  
1157 initial antennae placement or a proposed height increase of a  
1158 modified tower, replacement tower, or collocation is necessary  
1159 to provide the provider's designed service. Nothing in this  
1160 paragraph shall limit the local government from reviewing any  
1161 applicable land development or zoning issue addressed in its  
1162 adopted regulations that does not conflict with this section,  
1163 including, but not limited to, aesthetics, landscaping, land  
1164 use-based ~~land use based~~ location priorities, structural design,  
1165 and setbacks.

1166 2. Any setback or distance separation required of a tower  
1167 may not exceed the minimum distance necessary, as determined by  
1168 the local government, to satisfy the structural safety or  
1169 aesthetic concerns that are to be protected by the setback or  
1170 distance separation.

1171 3. A local government may exclude the placement of  
1172 wireless communications facilities in a residential area or  
1173 residential zoning district but only in a manner that does not  
1174 constitute an actual or effective prohibition of the provider's  
1175 service in that residential area or zoning district. If a  
1176 wireless provider demonstrates to the satisfaction of the local  
1177 government that the provider cannot reasonably provide its  
1178 service to the residential area or zone from outside the

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1179 residential area or zone, the municipality or county and  
1180 provider shall cooperate to determine an appropriate location  
1181 for a wireless communications facility of an appropriate design  
1182 within the residential area or zone. The local government may  
1183 require that the wireless provider reimburse the reasonable  
1184 costs incurred by the local government for this cooperative  
1185 determination. An application for such cooperative determination  
1186 shall not be considered an application under paragraph (d).

1187 4. A local government may impose a reasonable fee on  
1188 applications to place, construct, or modify a wireless  
1189 communications facility only if a similar fee is imposed on  
1190 applicants seeking other similar types of zoning, land use, or  
1191 building permit review. A local government may impose fees for  
1192 the review of applications for wireless communications  
1193 facilities by consultants or experts who conduct code compliance  
1194 review for the local government but any fee is limited to  
1195 specifically identified reasonable expenses incurred in the  
1196 review. A local government may impose reasonable surety  
1197 requirements to ensure the removal of wireless communications  
1198 facilities that are no longer being used.

1199 5. A local government may impose design requirements, such  
1200 as requirements for designing towers to support collocation or  
1201 aesthetic requirements, except as otherwise limited in this  
1202 section, but shall not impose or require information on  
1203 compliance with building code type standards for the

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1204 construction or modification of wireless communications  
1205 facilities beyond those adopted by the local government under  
1206 chapter 553 and that apply to all similar types of construction.

1207 (c) Local governments may not require wireless providers  
1208 to provide evidence of a wireless communications facility's  
1209 compliance with federal regulations, except evidence of  
1210 compliance with applicable Federal Aviation Administration  
1211 requirements under 14 C.F.R. part 77, as amended, and evidence  
1212 of proper Federal Communications Commission licensure, or other  
1213 evidence of Federal Communications Commission authorized  
1214 spectrum use, but may request the Federal Communications  
1215 Commission to provide information as to a wireless provider's  
1216 compliance with federal regulations, as authorized by federal  
1217 law.

1218 (d)1. A local government shall grant or deny each properly  
1219 completed application for a collocation under subparagraph (a)1.  
1220 based on the application's compliance with the local  
1221 government's applicable regulations, as provided for in  
1222 subparagraph (a)1. and consistent with this subsection, and  
1223 within the normal timeframe for a similar building permit review  
1224 but in no case later than 45 business days after the date the  
1225 application is determined to be properly completed in accordance  
1226 with this paragraph.

1227 2. A local government shall grant or deny each properly  
1228 completed application for any other wireless communications

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1229 facility based on the application's compliance with the local  
1230 government's applicable regulations, including but not limited  
1231 to land development regulations, consistent with this subsection  
1232 and within the normal timeframe for a similar type review but in  
1233 no case later than 90 business days after the date the  
1234 application is determined to be properly completed in accordance  
1235 with this paragraph.

1236 3.a. An application is deemed submitted or resubmitted on  
1237 the date the application is received by the local government. If  
1238 the local government does not notify the applicant in writing  
1239 that the application is not completed in compliance with the  
1240 local government's regulations within 20 business days after the  
1241 date the application is initially submitted or additional  
1242 information resubmitted, the application is deemed, for  
1243 administrative purposes only, to be properly completed and  
1244 properly submitted. However, the determination shall not be  
1245 deemed as an approval of the application. If the application is  
1246 not completed in compliance with the local government's  
1247 regulations, the local government shall so notify the applicant  
1248 in writing and the notification must indicate with specificity  
1249 any deficiencies in the required documents or deficiencies in  
1250 the content of the required documents which, if cured, make the  
1251 application properly completed. Upon resubmission of information  
1252 to cure the stated deficiencies, the local government shall  
1253 notify the applicant, in writing, within the normal timeframes

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1254 of review, but in no case longer than 20 business days after the  
1255 additional information is submitted, of any remaining  
1256 deficiencies that must be cured. Deficiencies in document type  
1257 or content not specified by the local government do not make the  
1258 application incomplete. Notwithstanding this sub-subparagraph,  
1259 if a specified deficiency is not properly cured when the  
1260 applicant resubmits its application to comply with the notice of  
1261 deficiencies, the local government may continue to request the  
1262 information until such time as the specified deficiency is  
1263 cured. The local government may establish reasonable timeframes  
1264 within which the required information to cure the application  
1265 deficiency is to be provided or the application will be  
1266 considered withdrawn or closed.

1267       b. If the local government fails to grant or deny a  
1268 properly completed application for a wireless communications  
1269 facility within the timeframes set forth in this paragraph, the  
1270 application shall be deemed automatically approved and the  
1271 applicant may proceed with placement of the facilities without  
1272 interference or penalty. The timeframes specified in  
1273 subparagraph 2. may be extended only to the extent that the  
1274 application has not been granted or denied because the local  
1275 government's procedures generally applicable to all other  
1276 similar types of applications require action by the governing  
1277 body and such action has not taken place within the timeframes  
1278 specified in subparagraph 2. Under such circumstances, the local

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1279 government must act to either grant or deny the application at  
1280 its next regularly scheduled meeting or, otherwise, the  
1281 application is deemed to be automatically approved.

1282 c. To be effective, a waiver of the timeframes set forth  
1283 in this paragraph must be voluntarily agreed to by the applicant  
1284 and the local government. A local government may request, but  
1285 not require, a waiver of the timeframes by the applicant, except  
1286 that, with respect to a specific application, a one-time waiver  
1287 may be required in the case of a declared local, state, or  
1288 federal emergency that directly affects the administration of  
1289 all permitting activities of the local government.

1290 (e) The replacement of or modification to a wireless  
1291 communications facility, except a tower, that results in a  
1292 wireless communications facility not readily discernibly  
1293 different in size, type, and appearance when viewed from ground  
1294 level from surrounding properties, and the replacement or  
1295 modification of equipment that is not visible from surrounding  
1296 properties, all as reasonably determined by the local  
1297 government, are subject to no more than applicable building  
1298 permit review.

1299 (f) Any other law to the contrary notwithstanding, the  
1300 Department of Management Services shall negotiate, in the name  
1301 of the state, leases for wireless communications facilities that  
1302 provide access to state government-owned property not acquired  
1303 for transportation purposes, and the Department of

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1304 Transportation shall negotiate, in the name of the state, leases  
1305 for wireless communications facilities that provide access to  
1306 property acquired for state rights-of-way. On property acquired  
1307 for transportation purposes, leases shall be granted in  
1308 accordance with s. 337.251. On other state government-owned  
1309 property, leases shall be granted on a space available, first-  
1310 come, first-served basis. Payments required by state government  
1311 under a lease must be reasonable and must reflect the market  
1312 rate for the use of the state government-owned property. The  
1313 Department of Management Services and the Department of  
1314 Transportation are authorized to adopt rules for the terms and  
1315 conditions and granting of any such leases.

1316 (g) If any person adversely affected by any action, or  
1317 failure to act, or regulation, or requirement of a local  
1318 government in the review or regulation of the wireless  
1319 communication facilities files an appeal or brings an  
1320 appropriate action in a court or venue of competent  
1321 jurisdiction, following the exhaustion of all administrative  
1322 remedies, the matter shall be considered on an expedited basis.

1323 (14) MISUSE OF 911, ~~OR~~ E911, OR NG911 SYSTEM; PENALTY.—  
1324 911, ~~and~~ E911, and NG911 service must be used solely for  
1325 emergency communications by the public. Any person who accesses  
1326 the number 911 for the purpose of making a false alarm or  
1327 complaint or reporting false information that could result in  
1328 the emergency response of any public safety agency; any person

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1329 who knowingly uses or attempts to use such service for a purpose  
1330 other than obtaining public safety assistance; or any person who  
1331 knowingly uses or attempts to use such service in an effort to  
1332 avoid any charge for service, commits a misdemeanor of the first  
1333 degree, punishable as provided in s. 775.082 or s. 775.083.  
1334 After being convicted of unauthorized use of such service four  
1335 times, a person who continues to engage in such unauthorized use  
1336 commits a felony of the third degree, punishable as provided in  
1337 s. 775.082, s. 775.083, or s. 775.084. In addition, if the value  
1338 of the service or the service charge obtained in a manner  
1339 prohibited by this subsection exceeds \$100, the person  
1340 committing the offense commits a felony of the third degree,  
1341 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1342 (15) TEXT-TO-911 SERVICE.—Each county shall develop a  
1343 countywide implementation plan addressing text-to-911 services  
1344 and, by January 1, 2022, enact a system to allow text-to-911  
1345 services.

1346 (16) STATE LAW NOT PREEMPTED.—This section and ss. 365.173  
1347 and 365.174 do not alter any state law that otherwise regulates  
1348 voice communications services providers.

1349 Section 2. Section 365.173, Florida Statutes, is amended  
1350 to read:

1351 365.173 Emergency Communications Number E911 System Fund.—

1352 (1) REVENUES.—

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1353 (a) Revenues derived from the fee levied on subscribers  
1354 under s. 365.172(8) must be paid by the board into the State  
1355 Treasury on or before the 15th day of each month. Such moneys  
1356 must be accounted for in a special fund to be designated as the  
1357 Emergency Communications ~~Number E911 System~~ Fund, a fund created  
1358 in the Division of Telecommunications, or other office as  
1359 designated by the Secretary of Management Services.

1360 (b) Revenues derived from the fee levied on prepaid  
1361 wireless service under s. 365.172(9), less the costs of  
1362 administering collection of the fee, must be transferred by the  
1363 Department of Revenue to the Emergency Communications ~~Number~~  
1364 ~~E911 System~~ Fund on or before the 25th day of each month  
1365 following the month of receipt.

1366 (c) For accounting purposes, the Emergency Communications  
1367 ~~Number E911 System~~ Fund must be segregated into three separate  
1368 categories:

- 1369 1. The wireless category;
- 1370 2. The nonwireless category; and
- 1371 3. The prepaid wireless category.

1372 (d) All moneys must be invested by the Chief Financial  
1373 Officer pursuant to s. 17.61. All moneys in such fund are to be  
1374 expended by the office for the purposes provided in this section  
1375 and s. 365.172. These funds are not subject to s. 215.20.

1376 (2) DISTRIBUTION AND USE OF FUNDS.—As determined by the  
1377 board pursuant to s. 365.172(8)(f) ~~s. 365.172(8)(g)~~, and subject



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1378 to any modifications approved by the board pursuant to s.  
1379 365.172(6)(a)3. or (8)(g) ~~s. 365.172(6)(a)3. or (8)(h)~~, the  
1380 moneys in the fund shall be distributed and used only as  
1381 follows:

1382 (a) Ninety-four ~~Seventy-six~~ percent of the moneys in the  
1383 wireless category shall be distributed each month to counties,  
1384 based on the total number of service identifiers in each county,  
1385 and one percent shall be distributed each month to state  
1386 agencies that operate 911 centers, to ~~and shall~~ be used  
1387 exclusively for payment of authorized expenditures, as specified  
1388 in s. 365.172(10)÷

1389 ~~1. Authorized expenditures, as specified in s.~~  
1390 ~~365.172(10).~~

1391 ~~2. Costs to comply with the requirements for E911 service~~  
1392 ~~contained in the order and any future rules related to the~~  
1393 ~~order.~~

1394 (b) Ninety-six percent of the moneys in the nonwireless  
1395 category shall be distributed each month to counties based on  
1396 the total number of service identifiers in each county and shall  
1397 be used exclusively for payment of authorized expenditures, as  
1398 specified in s. 365.172(10).

1399 (c) Sixty-one percent of the moneys in the prepaid  
1400 wireless category shall be distributed each month to counties  
1401 based on the total amount of fees reported and paid in each  
1402 county and shall be used exclusively for payment of authorized

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1403 expenditures, as specified in s. 365.172(10). The moneys from  
1404 prepaid wireless ~~E911~~ fees identified as nonspecific in  
1405 accordance with s. 365.172(9) shall be distributed as determined  
1406 by the Emergency Communications ~~E911~~ Board.

1407 (d) Any county that receives funds under paragraphs (a),  
1408 (b), and (c) shall establish a fund to be used exclusively for  
1409 the receipt and expenditure of the revenues collected under  
1410 paragraphs (a), (b), and (c). All fees placed in the fund and  
1411 any interest accrued shall be used solely for costs described in  
1412 subparagraphs (a)1. and 2. and may not be reduced, withheld, or  
1413 allocated for other purposes. The money collected and interest  
1414 earned in this fund shall be appropriated for these purposes by  
1415 the county commissioners and incorporated into the annual county  
1416 budget. The fund shall be included within the financial audit  
1417 performed in accordance with s. 218.39. The financial audit  
1418 shall assure that all emergency communications ~~E911~~ fee  
1419 revenues, interest, and emergency communications ~~E911~~ grant  
1420 funding are used for payment of authorized expenditures, as  
1421 specified in s. 365.172(10) and as specified in the Emergency  
1422 Communications ~~E911~~ Board grant and special disbursement  
1423 programs. The county is responsible for all expenditures of  
1424 revenues distributed from the county emergency communications  
1425 ~~E911~~ fund and shall submit the financial audit reports to the  
1426 board for review. A county may carry forward up to 30 percent of  
1427 the total funds disbursed to the county by the board during a

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1428 county fiscal year for expenditures for capital outlay, capital  
1429 improvements, equipment replacement, or implementation of a  
1430 hosted system if such expenditures are made for the purposes  
1431 specified in subparagraphs (a)1. and 2.; however, the 30-percent  
1432 limitation does not apply to funds disbursed to a county under  
1433 s. 365.172(6)(a)3., and a county may carry forward any  
1434 percentage of the funds, except that any grant provided shall  
1435 continue to be subject to any condition imposed by the board. In  
1436 order to prevent an excess recovery of costs incurred in  
1437 providing emergency communication ~~E911~~ service, a county that  
1438 receives funds greater than the permissible emergency  
1439 communication ~~E911~~ costs described in s. 365.172(10), including  
1440 the 30-percent carryforward allowance, must return the excess  
1441 funds to the ~~E911~~ board to be allocated under s. 365.172(6)(a).

1442 ~~(c) Twenty percent of the moneys in the wireless category~~  
1443 ~~shall be distributed to wireless providers in response to sworn~~  
1444 ~~invoices submitted to the board by wireless providers to~~  
1445 ~~reimburse such wireless providers for the actual costs incurred~~  
1446 ~~to provide 911 or E911 service, including the costs of complying~~  
1447 ~~with the order. Such costs include costs and expenses incurred~~  
1448 ~~by wireless providers to design, purchase, lease, program,~~  
1449 ~~install, test, upgrade, operate, and maintain all necessary~~  
1450 ~~data, hardware, and software required to provide E911 service.~~  
1451 ~~Each wireless provider shall submit to the board, by August 1 of~~  
1452 ~~each year, a detailed estimate of the capital and operating~~

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1453 ~~expenses for which it anticipates that it will seek~~  
1454 ~~reimbursement under this paragraph during the ensuing state~~  
1455 ~~fiscal year. In order to be eligible for recovery during any~~  
1456 ~~ensuing state fiscal year, a wireless provider must submit all~~  
1457 ~~sworn invoices for allowable purchases made within the previous~~  
1458 ~~calendar year no later than March 31 of the fiscal year. By~~  
1459 ~~September 15 of each year, the board shall submit to the~~  
1460 ~~Legislature its legislative budget request for funds to be~~  
1461 ~~allocated to wireless providers under this paragraph during the~~  
1462 ~~ensuing state fiscal year. The budget request shall be based on~~  
1463 ~~the information submitted by the wireless providers and~~  
1464 ~~estimated surcharge revenues. Distributions of moneys in the~~  
1465 ~~fund by the board to wireless providers must be fair and~~  
1466 ~~nondiscriminatory. If the total amount of moneys requested by~~  
1467 ~~wireless providers pursuant to invoices submitted to the board~~  
1468 ~~and approved for payment exceeds the amount in the fund in any~~  
1469 ~~month, wireless providers that have invoices approved for~~  
1470 ~~payment shall receive a pro rata share of moneys in the fund and~~  
1471 ~~the balance of the payments shall be carried over to the~~  
1472 ~~following month or months until all of the approved payments are~~  
1473 ~~made. The board may adopt rules necessary to address the manner~~  
1474 ~~in which pro rata distributions are made when the total amount~~  
1475 ~~of funds requested by wireless providers pursuant to invoices~~  
1476 ~~submitted to the board exceeds the total amount of moneys on~~  
1477 ~~deposit in the fund.~~

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1478        ~~(e)-(f)~~ One percent of the moneys in each category of the  
1479 fund shall be retained by the board to be applied to costs and  
1480 expenses incurred for the purposes of managing, administering,  
1481 and overseeing the receipts and disbursements from the fund and  
1482 other activities as defined in s. 365.172(6). Any funds retained  
1483 for such purposes in a calendar year which are not applied to  
1484 such costs and expenses by March 31 of the following year shall  
1485 be redistributed as determined by the board.

1486        ~~(f)-(g)~~ Three percent of the moneys in each category of the  
1487 fund and an additional 1 percent of the moneys collected in the  
1488 wireless category shall be used to make monthly distributions to  
1489 rural counties for the purpose of providing facilities and  
1490 network and service enhancements and assistance for the  
1491 emergency communications ~~911 or E911~~ systems operated by rural  
1492 counties and for the provision of grants by the office to rural  
1493 counties for upgrading and replacing emergency communications  
1494 ~~E911~~ systems.

1495        ~~(g)-(h)~~ Thirty-five percent of the moneys in the prepaid  
1496 wireless category shall be retained by the board to provide  
1497 state emergency communications ~~E911~~ grants to be awarded in  
1498 accordance with the following order of priority:

1499            1. For all large, medium, and rural counties to upgrade or  
1500 replace emergency communications ~~E911~~ systems.

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1501           2. For all large, medium, and rural counties to develop  
1502 and maintain statewide 911 routing, geographic, and management  
1503 information systems.

1504           3. For all large, medium, and rural counties to develop  
1505 and maintain next-generation 911 services and equipment.

1506           (h)~~(i)~~ If the wireless category has funds remaining in it  
1507 on December 31 after disbursements have been made during the  
1508 calendar year immediately prior to December 31, the board may  
1509 disburse the excess funds in the wireless category in accordance  
1510 with s. 365.172(6)(a)3.b.

1511           (3) The Legislature recognizes that the fee authorized  
1512 under s. 365.172 may not necessarily provide the total funding  
1513 required for establishing or providing the emergency  
1514 communications ~~E911~~ service. It is the intent of the Legislature  
1515 that all revenue from the fee be used as specified in subsection  
1516 (2).

1517           Section 3. Subsection (1) of section 365.177, Florida  
1518 Statutes, is amended to read:

1519           365.177 Transfer of E911 calls between systems.—

1520           (1) The office shall develop a plan by December 30, 2023  
1521 ~~February 1, 2020~~, to upgrade 911 public safety answering points  
1522 within the state to allow the transfer of an emergency call from  
1523 one local, multijurisdictional, or regional E911 system to  
1524 another local, multijurisdictional, or regional E911 system in  
1525 the state. Such transfer should include voice, text message,

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1526 image, video, caller identification information, location  
1527 information, and additional standards-based 911 call  
1528 information.

1529 Section 4. Subsection (10) of section 212.05965, Florida  
1530 Statutes, is amended to read:

1531 212.05965 Taxation of marketplace sales.—

1532 (10) Notwithstanding any other law, the marketplace  
1533 provider is also responsible for collecting and remitting any  
1534 prepaid wireless public safety emergency communications systems  
1535 ~~E911~~ fee under s. 365.172, waste tire fee under s. 403.718, and  
1536 lead-acid battery fee under s. 403.7185 at the time of sale for  
1537 taxable retail sales made through its marketplace.

1538 Section 5. Section 365.171, Florida Statutes, is amended  
1539 to read:

1540 365.171 Emergency communications ~~number E911~~ state plan.—

1541 (1) SHORT TITLE.—This section may be cited as the "Florida  
1542 Emergency Communications ~~Number E911~~ State Plan Act."

1543 (2) LEGISLATIVE INTENT.—It is the intent of the  
1544 Legislature that the communications number "911" be the  
1545 designated emergency communications number. A public safety  
1546 agency may not advertise or otherwise promote the use of any  
1547 communications number for emergency response services other than  
1548 "911." It is further the intent of the Legislature to implement  
1549 and continually update a cohesive statewide emergency  
1550 communications ~~number "E911"~~ plan for enhanced 911 services

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1551 which will provide citizens with rapid direct access to public  
1552 safety agencies by accessing "911" with the objective of  
1553 reducing the response time to situations requiring law  
1554 enforcement, fire, medical, rescue, and other emergency  
1555 services.

1556 (3) DEFINITIONS.—As used in this section, the term:

1557 (a) "Office" means the Division of Telecommunications  
1558 within the Department of Management Services, as designated by  
1559 the secretary of the department.

1560 (b) "Local government" means any city, county, or  
1561 political subdivision of the state and its agencies.

1562 (c) "Public agency" means the state and any city, county,  
1563 city and county, municipal corporation, chartered organization,  
1564 public district, or public authority located in whole or in part  
1565 within this state which provides, or has authority to provide,  
1566 firefighting, law enforcement, ambulance, medical, or other  
1567 emergency services.

1568 (d) "Public safety agency" means a functional division of  
1569 a public agency which provides firefighting, law enforcement,  
1570 medical, or other emergency services.

1571 (4) STATE PLAN.—The office shall develop, maintain, and  
1572 implement appropriate modifications for a statewide emergency  
1573 communications ~~E911 system~~ plan. The plan shall provide for:

1574 (a) The public agency emergency communications  
1575 requirements for each entity of local government in the state.

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1576 (b) A system to meet specific local government  
1577 requirements. Such system shall include law enforcement,  
1578 firefighting, and emergency medical services and may include  
1579 other emergency services such as poison control, suicide  
1580 prevention, and emergency management services.

1581 (c) Identification of the mutual aid agreements necessary  
1582 to obtain an effective emergency communications systems ~~E911~~  
1583 ~~system~~.

1584 (d) A funding provision that identifies the cost necessary  
1585 to implement the emergency communications ~~E911~~ system.

1586  
1587 The office shall be responsible for the implementation and  
1588 coordination of such plan. The office shall adopt any necessary  
1589 rules and schedules related to public agencies for implementing  
1590 and coordinating the plan, pursuant to chapter 120.

1591 (5) SYSTEM DIRECTOR.—The secretary of the department or  
1592 his or her designee is designated as the director of the  
1593 statewide emergency communications ~~number E911~~ system and, for  
1594 the purpose of carrying out the provisions of this section, is  
1595 authorized to coordinate the activities of the system with  
1596 state, county, local, and private agencies. The director in  
1597 implementing the system shall consult, cooperate, and coordinate  
1598 with local law enforcement agencies.

1599 (6) REGIONAL SYSTEMS.—This section does not prohibit or  
1600 discourage the formation of multijurisdictional or regional

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1601 systems; and any system established pursuant to this section may  
1602 include the jurisdiction, or any portion thereof, of more than  
1603 one public agency. It is the intent of the Legislature that  
1604 emergency communications services ~~E911 service~~ be available  
1605 throughout the state. Expenditure by counties of the ~~E911~~ fee  
1606 authorized and imposed under s. 365.172 should support this  
1607 intent to the greatest extent feasible within the context of  
1608 local service needs and fiscal capability. This section does not  
1609 prohibit two or more counties from establishing a combined  
1610 emergency ~~E911~~ communications service by an interlocal agreement  
1611 and using the fees authorized and imposed by s. 365.172 for such  
1612 combined ~~E911~~ service.

1613 (7) TELECOMMUNICATIONS INDUSTRY COORDINATION.—The office  
1614 shall coordinate with the Florida Public Service Commission  
1615 which shall encourage the Florida telecommunications industry to  
1616 activate facility modification plans for timely emergency  
1617 communications services ~~E911~~ implementation.

1618 (8) COIN TELEPHONES.—The Florida Public Service Commission  
1619 shall establish rules to be followed by the telecommunications  
1620 companies in this state designed toward encouraging the  
1621 provision of coin-free dialing of "911" calls wherever  
1622 economically practicable and in the public interest.

1623 (9) SYSTEM APPROVAL.—No emergency communications number  
1624 E911 system shall be established and no present system shall be  
1625 expanded without prior approval of the office.

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1626 (10) COMPLIANCE.—All public agencies shall assist the  
1627 office in their efforts to carry out the intent of this section,  
1628 and such agencies shall comply with the developed plan.

1629 (11) FEDERAL ASSISTANCE.—The secretary of the department  
1630 or his or her designee may apply for and accept federal funding  
1631 assistance in the development and implementation of a statewide  
1632 emergency communications ~~number E911~~ system.

1633 (12) CONFIDENTIALITY OF RECORDS.—

1634 (a) Any record, recording, or information, or portions  
1635 thereof, obtained by a public agency or a public safety agency  
1636 for the purpose of providing services in an emergency and which  
1637 reveals the name, address, telephone number, or personal  
1638 information about, or information which may identify any person  
1639 requesting emergency service or reporting an emergency by  
1640 accessing an emergency communications ~~E911~~ system is  
1641 confidential and exempt from the provisions of s. 119.07(1) and  
1642 s. 24(a), Art. I of the State Constitution, except that such  
1643 record or information may be disclosed to a public safety  
1644 agency. The exemption applies only to the name, address,  
1645 telephone number or personal information about, or information  
1646 which may identify any person requesting emergency services or  
1647 reporting an emergency while such information is in the custody  
1648 of the public agency or public safety agency providing emergency  
1649 services. A telecommunications company or commercial mobile  
1650 radio service provider shall not be liable for damages to any

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1651 person resulting from or in connection with such telephone  
1652 company's or commercial mobile radio service provider's  
1653 provision of any lawful assistance to any investigative or law  
1654 enforcement officer of the State of Florida or political  
1655 subdivisions thereof, of the United States, or of any other  
1656 state or political subdivision thereof, in connection with any  
1657 lawful investigation or other law enforcement activity by such  
1658 law enforcement officer unless the telecommunications company or  
1659 commercial mobile radio service provider acted in a wanton and  
1660 willful manner.

1661 (b) Notwithstanding paragraph (a), a 911 public safety  
1662 telecommunicator, as defined in s. 401.465, may contact any  
1663 private person or entity that owns an automated external  
1664 defibrillator who has notified the local emergency medical  
1665 services medical director or public safety answering point of  
1666 such ownership if a confirmed coronary emergency call is taking  
1667 place and the location of the coronary emergency is within a  
1668 reasonable distance from the location of the defibrillator, and  
1669 may provide the location of the coronary emergency to that  
1670 person or entity.

1671 Section 6. Paragraph (b) of subsection (2) of section  
1672 365.174, Florida Statutes, is amended to read:

1673 365.174 Proprietary confidential business information.—

1674 (2)

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1675 (b) The Department of Revenue may provide information  
1676 relative to s. 365.172(9) to the Secretary of Management  
1677 Services, or his or her authorized agent, or to the Emergency  
1678 Communications ~~E911~~ Board established in s. 365.172(5) for use  
1679 in the conduct of the official business of the Department of  
1680 Management Services or the Emergency Communications ~~E911~~ Board.  
1681 Section 7. This act shall take effect July 1, 2023.  
1682