

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN _____ (Y/N)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

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative Giallombardo offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

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

8 365.172 Emergency communications. ~~number "E911."~~

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

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

13 (a) Establish and implement a comprehensive statewide
14 emergency communications and response capability using modern
15 technologies and methods. ~~telecommunications number system that~~
16 ~~will provide users of voice communications services within the~~

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17 ~~state rapid direct access to public safety agencies by accessing~~
18 ~~the telephone number "911."~~

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

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

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

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

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

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

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

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

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

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

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

65 (f) "Colocation ~~Collocation~~" means the situation when a
66 second or subsequent wireless provider uses an existing

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67 structure to locate a second or subsequent antennae. The term
68 includes the ground, platform, or roof installation of equipment
69 enclosures, cabinets, or buildings, and cables, brackets, and
70 other equipment associated with the location and operation of
71 the antennae.

72 (g) "Computer Aided Dispatch" or "CAD" means a
73 computerized system within a public safety answering point for
74 entering, tracking, dispatching, and resolving requests for
75 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. The 911 ~~E911~~ service provided by a
88 wireless 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
91 structure is filed with a local government. The term includes

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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 Trust~~ Fund established in s. 365.173 and maintained
99 under this section for the purpose of recovering the costs
100 associated with providing emergency communications ~~911 service~~
101 ~~or E911 service~~, including the costs of implementing the order.
102 The fund shall be segregated into wireless, prepaid wireless,
103 and 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 and other
137 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. Promote interoperability between public safety
262 answering points by providing guidance and direction to counties
263 and state agencies that operate 911 centers for the deployment
264 of emergency communications infrastructure and the handling of
265 emergency communications information, such as voice, text, data,

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266 and images, from receipt at a PSAP to dispatching to responders;
267 and

268 2. Establish and administer allocations from the fund
269 dedicated to investing in public safety communications and
270 technology for 911; and

271 3. Provide technical assistance and guidance to rural
272 counties as needed.

273 (b) Public safety funding under paragraph (a) must focus
274 on, but not be limited to:

275 1. Next Generation 911.

276 2. Emergency Services IP Network (ESInet).

277 3. Computer Aided Dispatch (CAD).

278 4. PSAP technology to interface with:

279 a. Land Mobile Radio (LMR).

280 b. Smart city technology data.

281 c. In-Building Coverage.

282 5. Emergency Communications Broadband Networks.

283 6. Cybersecurity.

284 ~~, with oversight by the office, the fee imposed under~~
285 ~~subsections (8) and (9), including receiving revenues derived~~
286 ~~from the fee; distributing portions of the revenues to wireless~~
287 ~~providers, counties, and the office; accounting for receipts,~~
288 ~~distributions, and income derived by the funds maintained in the~~
289 ~~fund; and providing annual reports to the Governor and the~~
290 ~~Legislature for submission by the office on amounts collected~~

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

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

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

321 (d)~~(e)~~ The system director, designated under s.
322 365.171(5), or his or her designee, must be a permanent member
323 of the board. Each of the remaining eight ~~10~~ members of the
324 board shall be appointed to a 4-year term and may not be
325 appointed to more than two successive terms. However, for the
326 purpose of staggering terms, three ~~two~~ of the original board
327 members shall be appointed to terms of 4 years, three ~~two~~ shall
328 be appointed to terms of 3 years, and two ~~four~~ shall be
329 appointed to terms of 2 years, as designated by the Governor. A
330 vacancy on the board shall be filled in the same manner as the
331 original appointment. Current 911 coordinators serving on the
332 board will complete their terms while other positions will be
333 filled immediately.

334 (e) The board shall advocate and develop policy
335 recommendations for ensuring interoperability of and
336 connectivity between public safety communication systems within
337 the state, including, but not limited to, recommendations
338 related to the following:

339 1. Call routing accuracy and timeliness of response.

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- 340 2. Improved interagency communication and situational
341 awareness.
- 342 3. Improved interagency system connectivity.
- 343 4. Improved response times.
- 344 5. Maximized use of emerging technologies.
- 345 6. Improved lifecycle management of the systems,
346 equipment, and services that enable responders and public safety
347 officials to share information securely.
- 348 7. Governance, policy, and procedure across public safety
349 agencies.
- 350 8. Establishment of resilient and secure emergency
351 communication systems to reduce cybersecurity threats and
352 vulnerabilities.
- 353 (f) The board shall administer the fee imposed under
354 subsections (8) and (9), including receiving revenues derived
355 from the fee; distributing portions of the revenues to counties
356 and the office; accounting for receipts, distributions, and
357 income derived by the funds maintained in the fund; and
358 providing annual reports for review and submission to the
359 Governor and the Legislature on amounts collected and expended,
360 the purposes for which expenditures have been made, and the
361 status of emergency communication services in this state.
- 362 (g) The board may create subcommittees to advise the
363 board, as needed.
- 364 (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.—

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- 365 (a) The board shall:
- 366 1. Administer the public safety emergency communications
- 367 systems ~~E911~~ fee.
- 368 2. Implement, maintain, and oversee the fund.
- 369 3. Review and oversee the disbursement of the revenues
- 370 deposited into the fund as provided in s. 365.173.
- 371 a. The board may establish a schedule for implementing
- 372 wireless NG911 systems, public safety radio communications
- 373 systems, and other public safety communications improvements
- 374 ~~E911 service by service area,~~ and prioritize disbursements of
- 375 revenues from the fund to ~~providers and~~ rural counties as
- 376 provided in s. 365.173(2)(f) ~~s. 365.173(2)(e) and (g)~~ pursuant
- 377 to the schedule, in order to implement 911 ~~E911~~ services in the
- 378 most efficient and cost-effective manner.
- 379 b. For grants made available under s. 365.173(2)(g), the
- 380 board shall provide 90 days' written notice to all counties and
- 381 publish electronically an approved application process.
- 382 Applications shall be prioritized based on the availability of
- 383 grant funds, current system life expectancy, and system
- 384 replacement needs. The board shall take all actions within its
- 385 authority to ensure that county recipients of such funds use
- 386 these funds only for the purpose under which they have been
- 387 provided and may take any actions within its authority to secure
- 388 county repayment of revenues upon a determination that the funds

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389 were not used for the purpose for which the funds were
390 disbursed.

391 ~~b. Revenues in the fund which have not been disbursed~~
392 ~~because sworn invoices as required by s. 365.173(2) (c) have not~~
393 ~~been submitted to the board may be used by the board as needed~~
394 ~~to provide grants to counties for the purpose of upgrading E911~~
395 ~~systems. The counties must use the funds only for capital~~
396 ~~expenditures or remotely provided hosted 911 answering point~~
397 ~~call-taking equipment and network services directly attributable~~
398 ~~to establishing and provisioning E911 services, which may~~
399 ~~include next-generation deployment. Prior to the distribution of~~
400 ~~grants, the board shall provide 90 days' written notice to all~~
401 ~~counties and publish electronically an approved application~~
402 ~~process. County grant applications shall be prioritized based on~~
403 ~~the availability of funds, current system life expectancy,~~
404 ~~system replacement needs, and Phase II compliance per the~~
405 ~~Federal Communications Commission. No grants will be available~~
406 ~~to any county for next-generation deployment until all counties~~
407 ~~are Phase II complete. The board shall take all actions within~~
408 ~~its authority to ensure that county recipients of such grants~~
409 ~~use these funds only for the purpose under which they have been~~
410 ~~provided and may take any actions within its authority to secure~~
411 ~~county repayment of grant revenues upon determination that the~~
412 ~~funds were not used for the purpose under which they were~~
413 ~~provided.~~

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414 ~~e. When determining the funding provided in a state 911~~
415 ~~grant application request, the board shall take into account~~
416 ~~information on the amount of carryforward funds retained by the~~
417 ~~counties. The information will be based on the amount of county~~
418 ~~carryforward funds reported in the financial audit required in~~
419 ~~s. 365.173(2)(d). E911 State Grant Program funding requests will~~
420 ~~be limited by any county carryforward funds in excess of the~~
421 ~~allowable 30 percent amount of fee revenue calculated on a 2-~~
422 ~~year basis.~~

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

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

437 4. Review documentation submitted by wireless providers
438 which reflects current and projected funds derived from the fee.

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439 ~~, and the expenses incurred and expected to be incurred in order~~
440 ~~to comply with the E911 service requirements contained in the~~
441 ~~order for the purposes of:~~

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

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

447 ~~c. Ascertaining the projected costs of compliance with the~~
448 ~~requirements of the order and projected collections of the fee.~~

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

451 5. Implement changes to the allocation percentages or
452 adjust the fee pursuant to s. 365.173.

453 ~~6.5. Meet monthly in the most efficient and cost-effective~~
454 ~~manner, including telephonically when practical, for the~~
455 ~~business to be conducted. The office will administer the~~
456 ~~disbursement of funds to counties and provide a monthly report~~
457 ~~of such disbursements to the Board. approve or reject, in whole~~
458 ~~or in part, applications submitted by wireless providers for~~
459 ~~recovery of moneys deposited into the wireless category, and to~~
460 ~~authorize the transfer of, and distribute, the fee allocation to~~
461 ~~the counties.~~

462 ~~7.6. Hire and retain employees, which may include an~~
463 ~~independent executive director who shall possess experience in~~

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464 the area of telecommunications and emergency 911 issues, for the
465 purposes of performing the technical and administrative
466 functions for the board.

467 ~~8.7.~~ Make and enter into contracts, pursuant to chapter
468 287, and execute other instruments necessary or convenient for
469 the exercise of the powers and functions of the board.

470 ~~9.8.~~ Sue and be sued, and appear and defend in all actions
471 and proceedings, in its corporate name to the same extent as a
472 natural person.

473 ~~10.9.~~ Adopt, use, and alter a common corporate seal.

474 ~~11.10.~~ Elect or appoint the officers and agents that are
475 required by the affairs of the board.

476 ~~12.11.~~ The board may adopt rules under ss. 120.536(1) and
477 120.54 to implement this section and ss. 365.173 and 365.174.

478 ~~13.12.~~ Provide coordination, support, and technical
479 assistance to counties to promote the deployment of advanced
480 public safety emergency communications ~~911 and E911~~ systems in
481 the state.

482 ~~14.13.~~ Provide coordination and support for educational
483 opportunities related to 911 ~~E911~~ issues for the public safety
484 emergency communications ~~E911~~ community in this state.

485 ~~15.14.~~ Act as an advocate for issues related to public
486 safety emergency communications ~~E911~~ system functions, features,
487 and operations to improve the delivery of public safety

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488 emergency communications ~~E911~~ services to the residents of and
489 visitors to this state.

490 ~~16.15.~~ Coordinate input from this state at national forums
491 and associations, to ensure that policies related to public
492 safety emergency communications ~~E911~~ systems and services are
493 consistent with the policies of the public safety emergency
494 communications ~~E911~~ community in this state.

495 ~~17.16.~~ Work cooperatively with the system director
496 established in s. 365.171(5) to enhance the state of public
497 safety emergency communications ~~E911~~ services in this state and
498 to provide unified leadership for all public safety emergency
499 communications ~~E911~~ issues through planning and coordination.

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

507 ~~19.18.~~ Have the authority to secure the services of an
508 independent, private attorney via invitation to bid, request for
509 proposals, invitation to negotiate, or professional contracts
510 for legal services already established at the Division of
511 Purchasing of the Department of Management Services.

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

515 (c) By February 28 of each year, the board shall prepare a
516 report for submission by the office to the Governor, the
517 President of the Senate, and the Speaker of the House of
518 Representatives which addresses for the immediately preceding
519 state fiscal year and county fiscal year:

520 1. The annual receipts, including the total amount of fee
521 revenues collected by each provider, the total disbursements of
522 money in the fund, ~~including the amount of fund-reimbursed~~
523 ~~expenses incurred by each wireless provider to comply with the~~
524 ~~order~~, and the amount of moneys on deposit in the fund.

525 2. Whether the amount of the fee and the allocation
526 percentages set forth in s. 365.173 have been or should be
527 adjusted to comply with the ~~requirements of the order or other~~
528 provisions of this chapter, and the reasons for making or not
529 making a recommended adjustment to the fee.

530 3. Any other issues related to providing emergency
531 communications ~~E911~~ services.

532 4. The status of public safety emergency communications
533 ~~E911~~ services in this state.

534 (7) REQUEST FOR PROPOSALS FOR INDEPENDENT ACCOUNTING
535 FIRM.—

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536 (a) The board shall issue a request for proposals as
537 provided in chapter 287 for the purpose of retaining an
538 independent accounting firm. The independent accounting firm
539 shall perform all material administrative and accounting tasks
540 and functions required for administering the fee. The request
541 for proposals must include, but need not be limited to:

542 1. A description of the scope and general requirements of
543 the services requested.

544 2. A description of the specific accounting and reporting
545 services required for administering the fund, including
546 processing checks and distributing funds as directed by the
547 board under s. 365.173.

548 3. A description of information to be provided by the
549 proposer, including the proposer's background and qualifications
550 and the proposed cost of the services to be provided.

551 (b) The board shall establish a committee to review
552 requests for proposals which must include the statewide
553 emergency communications systems ~~E911 system~~ director designated
554 under s. 365.171(5), or his or her designee, and two members of
555 the board, ~~one of whom is a county 911 coordinator and one of~~
556 ~~whom represents a voice communications services provider~~. The
557 review committee shall review the proposals received by the
558 board and recommend an independent accounting firm to the board
559 for final selection. By agreeing to serve on the review
560 committee, each member of the review committee shall verify that

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561 he or she does not have any interest or employment, directly or
562 indirectly, with potential proposers which conflicts in any
563 manner or degree with his or her performance on the committee.

564 (c) The board may secure the services of an independent
565 accounting firm via invitation to bid, request for proposals,
566 invitation to negotiate, or professional contracts already
567 established at the Division of Purchasing, Department of
568 Management Services, for certified public accounting firms, or
569 the board may hire and retain professional accounting staff to
570 accomplish these functions.

571 (8) PUBLIC SAFETY EMERGENCY COMMUNICATIONS SYSTEMS ~~E911~~
572 FEE.—

573 (a) Each voice communications services provider shall
574 collect the fee described in this subsection, except that the
575 fee for prepaid wireless service shall be collected in the
576 manner set forth in subsection (9). Each provider, as part of
577 its monthly billing process, shall bill the fee as follows. The
578 fee shall not be assessed on any pay telephone in the state.

579 1. Each voice communications service provider other than a
580 wireless provider shall bill the fee to a subscriber based on
581 the number of access lines having access to the 911 ~~E911~~ system,
582 on a service-identifier basis, up to a maximum of 25 access
583 lines per account bill rendered.

584 2. Each voice communications service provider other than a
585 wireless provider shall bill the fee to a subscriber on a basis

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586 of five service-identified access lines for each digital
587 transmission link, including primary rate interface service or
588 equivalent Digital-Signal-1-level service, which can be
589 channelized and split into 23 or 24 voice-grade or data-grade
590 channels for communications, up to a maximum of 25 access lines
591 per account bill rendered.

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

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

605
606 The provider may list the fee as a separate entry on each bill,
607 in which case the fee must be identified as a fee for 911 ~~E911~~
608 services. A provider shall remit the fee to the board only if
609 the fee is paid by the subscriber. If a provider receives a
610 partial payment for a monthly bill from a subscriber, the amount

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611 received shall first be applied to the payment due the provider
612 for providing voice communications service.

613 (b) A provider is not obligated to take any legal action
614 to enforce collection of the fees for which any subscriber is
615 billed. A county subscribing to 911 service remains liable to
616 the provider delivering the 911 service or equipment for any 911
617 service, equipment, operation, or maintenance charge owed by the
618 county to the provider.

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

621 (d) Each provider may retain 1 percent of the amount of
622 the fees collected as reimbursement for the administrative costs
623 incurred by the provider to bill, collect, and remit the fee.
624 The remainder shall be delivered to the board and deposited by
625 the board into the fund. The board shall distribute the
626 remainder pursuant to s. 365.173.

627 (e) Voice communications services providers billing the
628 fee to subscribers shall deliver revenues from the fee to the
629 board within 60 days after the end of the month in which the fee
630 was billed, together with a monthly report of the number of
631 service identifiers in each county. Each wireless provider and
632 other applicable provider identified in subparagraph (a)4. shall
633 report the number of service identifiers for subscribers whose
634 place of primary use is in each county. All provider subscriber
635 information provided to the board is subject to s. 365.174. If a

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636 provider chooses to remit any fee amounts to the board before
637 they are paid by the subscribers, a provider may apply to the
638 board for a refund of, or may take a credit for, any such fees
639 remitted to the board which are not collected by the provider
640 within 6 months following the month in which the fees are
641 charged off for federal income tax purposes as bad debt.

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

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

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660 ~~1. The revenues currently allocated for wireless service~~
661 ~~provider costs for implementing E911 service and projected costs~~
662 ~~for implementing E911 service, including recurring costs for~~
663 ~~Phase I and Phase II and the effect of new technologies;~~

664 ~~1.2.~~ The appropriate level of funding needed to fund the
665 rural grant program provided for in s. 365.173(2)(f) ~~s.~~
666 ~~365.173(2)(g); and~~

667 ~~2.3.~~ The need to fund statewide, regional, and county
668 grants in accordance with sub-subparagraph (6)(a)3.b. and s.
669 365.173(2)(g) ~~s. 365.173(2)(h).~~

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

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685 (i) It is the intent of the Legislature that all revenue
686 from the fee be used as specified in s. 365.173(2)(a)-(h) ~~s.~~
687 ~~365.173(2)(a)-(i)~~.

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

693 (k) A local government may not levy the fee or any
694 additional fee on providers or subscribers for the provision of
695 911 ~~E911~~ service.

696 (l) For purposes of this section, the definitions
697 contained in s. 202.11 and the provisions of s. 202.155 apply in
698 the same manner and to the same extent as the definitions and
699 provisions apply to the taxes levied under chapter 202 on mobile
700 communications services.

701 (9) PREPAID WIRELESS PUBLIC SAFETY EMERGENCY
702 COMMUNICATIONS SYSTEMS ~~E911~~ FEE.—

703 (a) Effective January 1, 2015, a prepaid wireless E911 fee
704 is imposed per retail transaction at the rate established in
705 paragraph (8)(f). In order to allow sellers of all sizes and
706 technological capabilities adequate time to comply with this
707 subsection, a seller of prepaid wireless service operating in
708 this state before the prepaid wireless E911 fee is imposed shall

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709 retain 100 percent of the fee collected under this paragraph for
710 the first 2 months to offset the cost of setup.

711 ~~(a)-(b)~~ Effective March 1, 2015, the prepaid wireless ~~E911~~
712 fee ~~imposed under paragraph (a)~~ shall be subject to remittance
713 in accordance with paragraph (f) ~~(g)~~. In no event shall the fee
714 exceed 50 cents for each retail transaction. At least 90 days
715 before the effective date of any adjustment to the fee under
716 paragraph (8)(g), the Department of Revenue shall provide
717 written notice of the adjusted fee amount and its effective date
718 to each seller from which the department is then receiving the
719 fee. At least 120 days before the effective date of any
720 adjustment to the fee imposed under this subsection, the board
721 shall provide notice to the Department of Revenue of the
722 adjusted fee amount and effective date of the adjustment.

723 ~~(b)-(e)~~ The prepaid wireless ~~E911~~ fee shall be collected by
724 the seller from the consumer with respect to each retail
725 transaction occurring in this state. The amount of the prepaid
726 wireless ~~E911~~ fee shall be separately stated on an invoice,
727 receipt, or other similar document that is provided to the
728 consumer by the seller or otherwise disclosed to the consumer.

729 ~~(c)-(d)~~ For purposes of paragraph (b) ~~(e)~~, a retail
730 transaction that takes place in person by a consumer at a
731 business location of the seller shall be treated as occurring in
732 this state if that business location is in this state. Such
733 transaction is deemed to have occurred in the county of the

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734 business location. When a retail transaction does not take place
735 at the seller's business location, the transaction shall be
736 treated as taking place at the consumer's shipping address or,
737 if no item is shipped, at the consumer's address or the location
738 associated with the consumer's mobile telephone number. Such
739 transaction is deemed to have occurred in the county of the
740 consumer's shipping address when items are shipped to the
741 consumer or, when no items are shipped, the county of the
742 consumer's address or the location associated with the
743 consumer's mobile telephone number. A transaction for which the
744 specific Florida county cannot be determined shall be treated as
745 nonspecific.

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

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

757 (f)~~(g)~~ Beginning April 1, 2015, each seller shall file a
758 return and remit the prepaid wireless ~~E911~~ fees collected in the

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759 previous month to the Department of Revenue on or before the
760 20th day of the month. If the 20th day falls on a Saturday,
761 Sunday, or legal holiday, payments accompanied by returns are
762 due on the next succeeding day that is not a Saturday, Sunday,
763 or legal holiday observed by federal or state agencies as
764 defined in chapter 683 and s. 7503 of the Internal Revenue Code
765 of 1986, as amended. A seller may remit the prepaid wireless
766 ~~E911~~ fee by electronic funds transfer and file a fee return with
767 the Department of Revenue that is initiated through an
768 electronic data interchange.

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

775 2. A seller collecting less than \$50 per month of prepaid
776 wireless ~~E911~~ fees may file a quarterly return for the calendar
777 quarters ending in March, June, September, and December. The
778 seller must file a return and remit the prepaid wireless ~~E911~~
779 fees collected during each calendar quarter on or before the
780 20th day of the month following that calendar quarter.

781 3. A seller must provide the following information on each
782 prepaid wireless ~~E911~~ fee return filed with the Department of
783 Revenue:

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- 784 a. The seller's name, federal identification number,
785 taxpayer identification number issued by the Department of
786 Revenue, business location address and mailing address, and
787 county of the business location in accordance with paragraph (c)
788 ~~(d)~~;
- 789 b. The reporting period;
- 790 c. The number of prepaid wireless services sold during the
791 reporting period;
- 792 d. The amount of prepaid wireless ~~E911~~ fees collected and
793 the amount of any adjustments to the fees collected;
- 794 e. The amount of any retailer collection allowance
795 deducted from the amount of prepaid wireless ~~E911~~ fees
796 collected; and
- 797 f. The amount to be remitted to the Department of Revenue.
- 798 4. A seller who operates two or more business locations
799 for which returns are required to be filed with the Department
800 of Revenue may file a consolidated return reporting and
801 remitting the prepaid wireless ~~E911~~ fee for all business
802 locations. Such sellers must report the prepaid wireless E911
803 fees collected in each county, in accordance with paragraph (c)
804 ~~(d)~~, on a reporting schedule filed with the fee return.
- 805 5. A return is not required for a reporting period when no
806 prepaid wireless ~~E911~~ fee is to be remitted for that period.
- 807 6. Except as provided in this section, the Department of
808 Revenue shall administer, collect, and enforce the fee under

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809 | this subsection pursuant to the same procedures used in the
810 | administration, collection, and enforcement of the general state
811 | sales tax imposed under chapter 212. The provisions of chapter
812 | 212 regarding authority to audit and make assessments, keeping
813 | of books and records, and interest and penalties on delinquent
814 | fees shall apply. The provisions of estimated tax liability in
815 | s. 212.11(1) (a) do not apply to the prepaid wireless ~~E911~~ fee.

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

826 | (h)~~(i)~~ The Department of Revenue shall deposit the funds
827 | remitted under this subsection into the Audit and Warrant
828 | Clearing Trust Fund established in s. 215.199 and retain up to
829 | 3.2 percent of the funds remitted under this subsection to
830 | reimburse its direct costs of administering the collection and
831 | remittance of prepaid wireless ~~E911~~ fees. Thereafter, the
832 | Department of Revenue shall transfer all remaining funds
833 | remitted under this subsection to the Emergency Communications

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834 ~~Number E911 System Trust~~ Fund monthly for use as provided in s.
835 365.173.

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

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

847 ~~(k)-(l)~~ A provider or seller of prepaid wireless service is
848 not liable for damages to any person resulting from or incurred
849 in connection with providing any lawful assistance to any
850 investigative or law enforcement officer of the United States,
851 any state, or any political subdivision of any state in
852 connection with any lawful investigation or other law
853 enforcement activity by such law enforcement officer.

854 ~~(l)-(m)~~ The limitations of liability under this subsection
855 for providers and sellers are in addition to any other
856 limitation of liability provided for under this section.

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

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

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

863 1. "Consumer" means a person who purchases prepaid
864 wireless service in a retail sale.

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

868 3. "Provider" means a person that provides prepaid
869 wireless service pursuant to a license issued by the Federal
870 Communications Commission.

871 4. "Retail transaction" means the purchase by a consumer
872 from a seller of prepaid wireless service that may be applied to
873 a single service identifier for use by the consumer. If a
874 consumer makes a purchase of multiple prepaid wireless services
875 in a single transaction, each individual prepaid wireless
876 service shall be considered a separate retail transaction for
877 purposes of calculating the prepaid wireless ~~E911~~ fee.

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

880 (10) AUTHORIZED EXPENDITURES OF PUBLIC SAFETY EMERGENCY
881 COMMUNICATIONS SYSTEMS ~~E911~~ FEE.-

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882 (a) For purposes of this section, emergency communications
883 and 911 ~~E911~~ service includes the functions relating to the
884 receipt and transfer of requests for emergency assistance, ~~of~~
885 database management, call taking, and location verification, ~~and~~
886 call transfer. Department of Health certification and
887 recertification and training costs for ~~911~~ public safety
888 telecommunications, including dispatching, are functions of
889 public safety emergency telecommunications ~~911~~ services.

890 (b) All costs directly attributable to the establishment
891 or provision of emergency communications equipment ~~E911 service~~
892 and ~~contracting for E911 services~~ related to a primary or
893 secondary public safety answering point are eligible for
894 expenditure of moneys derived from imposition of the fee
895 authorized by subsections (8) and (9). These costs include the
896 acquisition, implementation, and maintenance of PSAP ~~Public~~
897 Safety Answering Point (PSAP) equipment and ~~911 E911~~ service
898 features, as defined in the providers' published schedules or
899 the acquisition, installation, and maintenance of other ~~E911~~
900 equipment, including: circuits; call answering equipment; call
901 transfer equipment; ANI or ALI controllers; ANI or ALI displays;
902 station instruments; ~~NG911 E911~~ telecommunications systems;
903 Emergency Services IP Network ESInet; visual call information
904 and storage devices; recording equipment; telephone devices and
905 other equipment for the hearing impaired used in the ~~E911~~
906 system; PSAP backup power systems; consoles; automatic call

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907 distributors; ~~and~~ interfaces, including hardware and software,
908 for computer-aided dispatch (CAD) systems, public safety land
909 mobile radio systems (LMR) and radio consoles that provide two-
910 way radio communication with responders, and in-building
911 coverage; integrated CAD systems for that portion of the systems
912 used for E911 call taking; GIS system and software equipment and
913 information displays; network clocks; cybersecurity, including
914 hardware, software, and services; salary and associated expenses
915 for 911 ~~E911~~ call takers and emergency dispatchers for that
916 portion of their time spent taking and transferring E911 calls,
917 salary, and associated expenses for a county to employ a full-
918 time equivalent 911 ~~E911~~ coordinator position and a full-time
919 equivalent mapping or geographical data position, and technical
920 system maintenance, database, and administration personnel for
921 the portion of their time spent administrating the emergency
922 communications ~~E911~~ system; emergency medical, fire, and law
923 enforcement prearrival instruction software; charts and training
924 costs; training costs for PSAP call takers, dispatchers,
925 supervisors, and managers in the proper methods and techniques
926 used in taking and transferring 911 ~~E911~~ calls; costs to train
927 and educate PSAP employees and the public regarding 911 and
928 radio ~~E911~~ service or NG911 ~~E911~~ equipment, including fees
929 collected by the Department of Health for the certification and
930 recertification of 911 public safety telecommunicators as
931 required under s. 401.465; and expenses required to develop and

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932 maintain all information, including ALI and ANI databases, call
933 taker access to ~~and other information source repositories,~~
934 ~~necessary to properly inform call takers as to location address,~~
935 ~~type of emergency,~~ smart city technology data, emergency
936 communications broadband network information, and other
937 information directly relevant to the processing of a request for
938 emergency assistance ~~E911 call-taking and transferring function.~~
939 ~~Moneys derived from the fee may also be used for next-generation~~
940 ~~E911 network services, next-generation E911 database services,~~
941 ~~next-generation E911 equipment, and wireless E911 routing~~
942 ~~systems.~~

943 (c) The moneys may not be used to pay for any item not
944 listed in this subsection, including, but not limited to, any
945 capital or operational costs related to responders dispatched to
946 the emergency, and costs for emergency responses which occur
947 ~~after the call transfer to the responding public safety entity~~
948 ~~and the costs for~~ utilities, constructing, leasing, maintaining,
949 or renovating buildings, except for those building modifications
950 necessary to maintain the security and environmental integrity
951 of the PSAP and emergency communications ~~E911~~ equipment rooms.

952 (11) LIABILITY OF COUNTIES.—A county subscribing to 911
953 service remains liable to the local exchange carrier for any 911
954 service, equipment, operation, or maintenance charge owed by the
955 county to the local exchange carrier. As used in this
956 subsection, the term "local exchange carrier" means a local

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

959 (12) INDEMNIFICATION AND LIMITATION OF LIABILITY.—A local
960 government may indemnify local exchange carriers against
961 liability in accordance with the published schedules of the
962 company. Notwithstanding an indemnification agreement, a local
963 exchange carrier, voice communications services provider, or
964 other service provider that provides 911, ~~or~~ E911, or NG911
965 service on a retail or wholesale basis is not liable for damages
966 resulting from or in connection with 911, ~~or~~ E911, or NG911
967 service, or for identification of the telephone number, or
968 address, or name associated with any person accessing 911, ~~or~~
969 E911, or NG911 service, unless the carrier or provider acted
970 with malicious purpose or in a manner exhibiting wanton and
971 willful disregard of the rights, safety, or property of a person
972 when providing such services. A carrier or provider is not
973 liable for damages to any person resulting from or in connection
974 with the carrier's or provider's provision of any lawful
975 assistance to any investigative or law enforcement officer of
976 the United States, this state, or a political subdivision
977 thereof, or of any other state or political subdivision thereof,
978 in connection with any lawful investigation or other law
979 enforcement activity by such law enforcement officer. For
980 purposes of this subsection, the term "911, ~~or~~ E911, or NG911
981 service" means a telecommunications service, voice or nonvoice

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982 | communications service, or other wireline or wireless service,
983 | including, but not limited to, a service using Internet
984 | protocol, which provides, in whole or in part, any of the
985 | following functions: providing members of the public with the
986 | ability to reach an answering point by using the digits 9-1-1;
987 | directing 911 calls to answering points by selective routing;
988 | providing for automatic number identification and automatic
989 | location-identification features; or providing wireless E911
990 | services as defined in the order.

991 | (13) FACILITATING EMERGENCY COMMUNICATIONS ~~E911~~ SERVICE
992 | IMPLEMENTATION.—To balance the public need for reliable
993 | emergency communications ~~E911~~ services through reliable wireless
994 | systems and the public interest served by governmental zoning
995 | and land development regulations and notwithstanding any other
996 | law or local ordinance to the contrary, the following standards
997 | shall apply to a local government's actions, as a regulatory
998 | body, in the regulation of the placement, construction, or
999 | modification of a wireless communications facility. This
1000 | subsection shall not, however, be construed to waive or alter
1001 | the provisions of s. 286.011 or s. 286.0115. For the purposes of
1002 | this subsection only, "local government" shall mean any
1003 | municipality or county and any agency of a municipality or
1004 | county only. The term "local government" does not, however,
1005 | include any airport, as defined by s. 330.27(2), even if it is
1006 | owned or controlled by or through a municipality, county, or

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1007 agency of a municipality or county. Further, notwithstanding
1008 anything in this section to the contrary, this subsection does
1009 not apply to or control a local government's actions as a
1010 property or structure owner in the use of any property or
1011 structure owned by such entity for the placement, construction,
1012 or modification of wireless communications facilities. In the
1013 use of property or structures owned by the local government,
1014 however, a local government may not use its regulatory authority
1015 so as to avoid compliance with, or in a manner that does not
1016 advance, the provisions of this subsection.

1017 (a) Collocation among wireless providers is encouraged by
1018 the state.

1019 1.a. Collocations on towers, including nonconforming
1020 towers, that meet the requirements in sub-sub-subparagraphs (I),
1021 (II), and (III), are subject to only building permit review,
1022 which may include a review for compliance with this
1023 subparagraph. Such collocations are not subject to any design or
1024 placement requirements of the local government's land
1025 development regulations in effect at the time of the collocation
1026 that are more restrictive than those in effect at the time of
1027 the initial antennae placement approval, to any other portion of
1028 the land development regulations, or to public hearing review.
1029 This sub-subparagraph shall not preclude a public hearing for
1030 any appeal of the decision on the collocation application.

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1031 (I) The collocation does not increase the height of the
1032 tower to which the antennae are to be attached, measured to the
1033 highest point of any part of the tower or any existing antenna
1034 attached to the tower;

1035 (II) The collocation does not increase the ground space
1036 area, commonly known as the compound, approved in the site plan
1037 for equipment enclosures and ancillary facilities; and

1038 (III) The collocation consists of antennae, equipment
1039 enclosures, and ancillary facilities that are of a design and
1040 configuration consistent with all applicable regulations,
1041 restrictions, or conditions, if any, applied to the initial
1042 antennae placed on the tower and to its accompanying equipment
1043 enclosures and ancillary facilities and, if applicable, applied
1044 to the tower supporting the antennae. Such regulations may
1045 include the design and aesthetic requirements, but not
1046 procedural requirements, other than those authorized by this
1047 section, of the local government's land development regulations
1048 in effect at the time the initial antennae placement was
1049 approved.

1050 b. Except for a historic building, structure, site,
1051 object, or district, or a tower included in sub-subparagraph a.,
1052 collocations on all other existing structures that meet the
1053 requirements in sub-sub-subparagraphs (I)-(IV) shall be subject
1054 to no more than building permit review, and an administrative
1055 review for compliance with this subparagraph. Such collocations

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1056 are not subject to any portion of the local government's land
1057 development regulations not addressed herein, or to public
1058 hearing review. This sub-subparagraph shall not preclude a
1059 public hearing for any appeal of the decision on the collocation
1060 application.

1061 (I) The collocation does not increase the height of the
1062 existing structure to which the antennae are to be attached,
1063 measured to the highest point of any part of the structure or
1064 any existing antenna attached to the structure;

1065 (II) The collocation does not increase the ground space
1066 area, otherwise known as the compound, if any, approved in the
1067 site plan for equipment enclosures and ancillary facilities;

1068 (III) The collocation consists of antennae, equipment
1069 enclosures, and ancillary facilities that are of a design and
1070 configuration consistent with any applicable structural or
1071 aesthetic design requirements and any requirements for location
1072 on the structure, but not prohibitions or restrictions on the
1073 placement of additional collocations on the existing structure
1074 or procedural requirements, other than those authorized by this
1075 section, of the local government's land development regulations
1076 in effect at the time of the collocation application; and

1077 (IV) The collocation consists of antennae, equipment
1078 enclosures, and ancillary facilities that are of a design and
1079 configuration consistent with all applicable restrictions or
1080 conditions, if any, that do not conflict with sub-sub-

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1081 subparagraph (III) and were applied to the initial antennae
1082 placed on the structure and to its accompanying equipment
1083 enclosures and ancillary facilities and, if applicable, applied
1084 to the structure supporting the antennae.

1085 c. Regulations, restrictions, conditions, or permits of
1086 the local government, acting in its regulatory capacity, that
1087 limit the number of collocations or require review processes
1088 inconsistent with this subsection shall not apply to
1089 collocations addressed in this subparagraph.

1090 d. If only a portion of the collocation does not meet the
1091 requirements of this subparagraph, such as an increase in the
1092 height of the proposed antennae over the existing structure
1093 height or a proposal to expand the ground space approved in the
1094 site plan for the equipment enclosure, where all other portions
1095 of the collocation meet the requirements of this subparagraph,
1096 that portion of the collocation only may be reviewed under the
1097 local government's regulations applicable to an initial
1098 placement of that portion of the facility, including, but not
1099 limited to, its land development regulations, and within the
1100 review timeframes of subparagraph (d)2., and the rest of the
1101 collocation shall be reviewed in accordance with this
1102 subparagraph. A collocation proposal under this subparagraph
1103 that increases the ground space area, otherwise known as the
1104 compound, approved in the original site plan for equipment
1105 enclosures and ancillary facilities by no more than a cumulative

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1106 amount of 400 square feet or 50 percent of the original compound
1107 size, whichever is greater, shall, however, require no more than
1108 administrative review for compliance with the local government's
1109 regulations, including, but not limited to, land development
1110 regulations review, and building permit review, with no public
1111 hearing review. This sub-subparagraph shall not preclude a
1112 public hearing for any appeal of the decision on the collocation
1113 application.

1114 2. If a collocation does not meet the requirements of
1115 subparagraph 1., the local government may review the application
1116 under the local government's regulations, including, but not
1117 limited to, land development regulations, applicable to the
1118 placement of initial antennae and their accompanying equipment
1119 enclosure and ancillary facilities.

1120 3. If a collocation meets the requirements of subparagraph
1121 1., the collocation shall not be considered a modification to an
1122 existing structure or an impermissible modification of a
1123 nonconforming structure.

1124 4. The owner of the existing tower on which the proposed
1125 antennae are to be collocated shall remain responsible for
1126 compliance with any applicable condition or requirement of a
1127 permit or agreement, or any applicable condition or requirement
1128 of the land development regulations to which the existing tower
1129 had to comply at the time the tower was permitted, including any

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1130 aesthetic requirements, provided the condition or requirement is
1131 not inconsistent with this paragraph.

1132 5. An existing tower, including a nonconforming tower, may
1133 be structurally modified in order to permit collocation or may
1134 be replaced through no more than administrative review and
1135 building permit review, and is not subject to public hearing
1136 review, if the overall height of the tower is not increased and,
1137 if a replacement, the replacement tower is a monopole tower or,
1138 if the existing tower is a camouflaged tower, the replacement
1139 tower is a like-camouflaged tower. This subparagraph shall not
1140 preclude a public hearing for any appeal of the decision on the
1141 application.

1142 (b)1. A local government's land development and
1143 construction regulations for wireless communications facilities
1144 and the local government's review of an application for the
1145 placement, construction, or modification of a wireless
1146 communications facility shall only address land development or
1147 zoning issues. In such local government regulations or review,
1148 the local government may not require information on or evaluate
1149 a wireless provider's business decisions about its service,
1150 customer demand for its service, or quality of its service to or
1151 from a particular area or site, unless the wireless provider
1152 voluntarily offers this information to the local government. In
1153 such local government regulations or review, a local government
1154 may not require information on or evaluate the wireless

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1155 provider's designed service unless the information or materials
1156 are directly related to an identified land development or zoning
1157 issue or unless the wireless provider voluntarily offers the
1158 information. Information or materials directly related to an
1159 identified land development or zoning issue may include, but are
1160 not limited to, evidence that no existing structure can
1161 reasonably be used for the antennae placement instead of the
1162 construction of a new tower, that residential areas cannot be
1163 served from outside the residential area, as addressed in
1164 subparagraph 3., or that the proposed height of a new tower or
1165 initial antennae placement or a proposed height increase of a
1166 modified tower, replacement tower, or collocation is necessary
1167 to provide the provider's designed service. Nothing in this
1168 paragraph shall limit the local government from reviewing any
1169 applicable land development or zoning issue addressed in its
1170 adopted regulations that does not conflict with this section,
1171 including, but not limited to, aesthetics, landscaping, land
1172 use-based ~~land use based~~ location priorities, structural design,
1173 and setbacks.

1174 2. Any setback or distance separation required of a tower
1175 may not exceed the minimum distance necessary, as determined by
1176 the local government, to satisfy the structural safety or
1177 aesthetic concerns that are to be protected by the setback or
1178 distance separation.

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1179 3. A local government may exclude the placement of
1180 wireless communications facilities in a residential area or
1181 residential zoning district but only in a manner that does not
1182 constitute an actual or effective prohibition of the provider's
1183 service in that residential area or zoning district. If a
1184 wireless provider demonstrates to the satisfaction of the local
1185 government that the provider cannot reasonably provide its
1186 service to the residential area or zone from outside the
1187 residential area or zone, the municipality or county and
1188 provider shall cooperate to determine an appropriate location
1189 for a wireless communications facility of an appropriate design
1190 within the residential area or zone. The local government may
1191 require that the wireless provider reimburse the reasonable
1192 costs incurred by the local government for this cooperative
1193 determination. An application for such cooperative determination
1194 shall not be considered an application under paragraph (d).

1195 4. A local government may impose a reasonable fee on
1196 applications to place, construct, or modify a wireless
1197 communications facility only if a similar fee is imposed on
1198 applicants seeking other similar types of zoning, land use, or
1199 building permit review. A local government may impose fees for
1200 the review of applications for wireless communications
1201 facilities by consultants or experts who conduct code compliance
1202 review for the local government but any fee is limited to
1203 specifically identified reasonable expenses incurred in the

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1204 review. A local government may impose reasonable surety
1205 requirements to ensure the removal of wireless communications
1206 facilities that are no longer being used.

1207 5. A local government may impose design requirements, such
1208 as requirements for designing towers to support collocation or
1209 aesthetic requirements, except as otherwise limited in this
1210 section, but shall not impose or require information on
1211 compliance with building code type standards for the
1212 construction or modification of wireless communications
1213 facilities beyond those adopted by the local government under
1214 chapter 553 and that apply to all similar types of construction.

1215 (c) Local governments may not require wireless providers
1216 to provide evidence of a wireless communications facility's
1217 compliance with federal regulations, except evidence of
1218 compliance with applicable Federal Aviation Administration
1219 requirements under 14 C.F.R. part 77, as amended, and evidence
1220 of proper Federal Communications Commission licensure, or other
1221 evidence of Federal Communications Commission authorized
1222 spectrum use, but may request the Federal Communications
1223 Commission to provide information as to a wireless provider's
1224 compliance with federal regulations, as authorized by federal
1225 law.

1226 (d)1. A local government shall grant or deny each properly
1227 completed application for a collocation under subparagraph (a)1.
1228 based on the application's compliance with the local

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1229 government's applicable regulations, as provided for in
1230 subparagraph (a)1. and consistent with this subsection, and
1231 within the normal timeframe for a similar building permit review
1232 but in no case later than 45 business days after the date the
1233 application is determined to be properly completed in accordance
1234 with this paragraph.

1235 2. A local government shall grant or deny each properly
1236 completed application for any other wireless communications
1237 facility based on the application's compliance with the local
1238 government's applicable regulations, including but not limited
1239 to land development regulations, consistent with this subsection
1240 and within the normal timeframe for a similar type review but in
1241 no case later than 90 business days after the date the
1242 application is determined to be properly completed in accordance
1243 with this paragraph.

1244 3.a. An application is deemed submitted or resubmitted on
1245 the date the application is received by the local government. If
1246 the local government does not notify the applicant in writing
1247 that the application is not completed in compliance with the
1248 local government's regulations within 20 business days after the
1249 date the application is initially submitted or additional
1250 information resubmitted, the application is deemed, for
1251 administrative purposes only, to be properly completed and
1252 properly submitted. However, the determination shall not be
1253 deemed as an approval of the application. If the application is

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1254 not completed in compliance with the local government's
1255 regulations, the local government shall so notify the applicant
1256 in writing and the notification must indicate with specificity
1257 any deficiencies in the required documents or deficiencies in
1258 the content of the required documents which, if cured, make the
1259 application properly completed. Upon resubmission of information
1260 to cure the stated deficiencies, the local government shall
1261 notify the applicant, in writing, within the normal timeframes
1262 of review, but in no case longer than 20 business days after the
1263 additional information is submitted, of any remaining
1264 deficiencies that must be cured. Deficiencies in document type
1265 or content not specified by the local government do not make the
1266 application incomplete. Notwithstanding this sub-subparagraph,
1267 if a specified deficiency is not properly cured when the
1268 applicant resubmits its application to comply with the notice of
1269 deficiencies, the local government may continue to request the
1270 information until such time as the specified deficiency is
1271 cured. The local government may establish reasonable timeframes
1272 within which the required information to cure the application
1273 deficiency is to be provided or the application will be
1274 considered withdrawn or closed.

1275 b. If the local government fails to grant or deny a
1276 properly completed application for a wireless communications
1277 facility within the timeframes set forth in this paragraph, the
1278 application shall be deemed automatically approved and the

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1279 applicant may proceed with placement of the facilities without
1280 interference or penalty. The timeframes specified in
1281 subparagraph 2. may be extended only to the extent that the
1282 application has not been granted or denied because the local
1283 government's procedures generally applicable to all other
1284 similar types of applications require action by the governing
1285 body and such action has not taken place within the timeframes
1286 specified in subparagraph 2. Under such circumstances, the local
1287 government must act to either grant or deny the application at
1288 its next regularly scheduled meeting or, otherwise, the
1289 application is deemed to be automatically approved.

1290 c. To be effective, a waiver of the timeframes set forth
1291 in this paragraph must be voluntarily agreed to by the applicant
1292 and the local government. A local government may request, but
1293 not require, a waiver of the timeframes by the applicant, except
1294 that, with respect to a specific application, a one-time waiver
1295 may be required in the case of a declared local, state, or
1296 federal emergency that directly affects the administration of
1297 all permitting activities of the local government.

1298 (e) The replacement of or modification to a wireless
1299 communications facility, except a tower, that results in a
1300 wireless communications facility not readily discernibly
1301 different in size, type, and appearance when viewed from ground
1302 level from surrounding properties, and the replacement or
1303 modification of equipment that is not visible from surrounding

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1304 properties, all as reasonably determined by the local
1305 government, are subject to no more than applicable building
1306 permit review.

1307 (f) Any other law to the contrary notwithstanding, the
1308 Department of Management Services shall negotiate, in the name
1309 of the state, leases for wireless communications facilities that
1310 provide access to state government-owned property not acquired
1311 for transportation purposes, and the Department of
1312 Transportation shall negotiate, in the name of the state, leases
1313 for wireless communications facilities that provide access to
1314 property acquired for state rights-of-way. On property acquired
1315 for transportation purposes, leases shall be granted in
1316 accordance with s. 337.251. On other state government-owned
1317 property, leases shall be granted on a space available, first-
1318 come, first-served basis. Payments required by state government
1319 under a lease must be reasonable and must reflect the market
1320 rate for the use of the state government-owned property. The
1321 Department of Management Services and the Department of
1322 Transportation are authorized to adopt rules for the terms and
1323 conditions and granting of any such leases.

1324 (g) If any person adversely affected by any action, or
1325 failure to act, or regulation, or requirement of a local
1326 government in the review or regulation of the wireless
1327 communication facilities files an appeal or brings an
1328 appropriate action in a court or venue of competent

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1329 jurisdiction, following the exhaustion of all administrative
1330 remedies, the matter shall be considered on an expedited basis.

1331 (14) MISUSE OF 911, ~~OR E911,~~ OR NG911 SYSTEM; PENALTY.—
1332 911, ~~and E911,~~ and NG911 service must be used solely for
1333 emergency communications by the public. Any person who accesses
1334 the number 911 for the purpose of making a false alarm or
1335 complaint or reporting false information that could result in
1336 the emergency response of any public safety agency; any person
1337 who knowingly uses or attempts to use such service for a purpose
1338 other than obtaining public safety assistance; or any person who
1339 knowingly uses or attempts to use such service in an effort to
1340 avoid any charge for service, commits a misdemeanor of the first
1341 degree, punishable as provided in s. 775.082 or s. 775.083.
1342 After being convicted of unauthorized use of such service four
1343 times, a person who continues to engage in such unauthorized use
1344 commits a felony of the third degree, punishable as provided in
1345 s. 775.082, s. 775.083, or s. 775.084. In addition, if the value
1346 of the service or the service charge obtained in a manner
1347 prohibited by this subsection exceeds \$100, the person
1348 committing the offense commits a felony of the third degree,
1349 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1350 (15) TEXT-TO-911 SERVICE.—Each county shall develop a
1351 countywide implementation plan addressing text-to-911 services
1352 and, by January 1, 2022, enact a system to allow text-to-911
1353 services.

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1354 (16) STATE LAW NOT PREEMPTED.—This section and ss. 365.173
1355 and 365.174 do not alter any state law that otherwise regulates
1356 voice communications services providers.

1357 Section 2. Section 365.173, Florida Statutes, is amended
1358 to read:

1359 365.173 Emergency Communications ~~Number E911 System Trust~~
1360 Fund.—

1361 (1) REVENUES.—

1362 (a) Revenues derived from the fee levied on subscribers
1363 under s. 365.172(8) must be paid by the board into the State
1364 Treasury on or before the 15th day of each month. Such moneys
1365 must be accounted for in a special fund to be designated as the
1366 Emergency Communications ~~Number E911 System Trust~~ Fund, a fund
1367 created in the Division of Telecommunications, or other office
1368 as designated by the Secretary of Management Services.

1369 (b) Revenues derived from the fee levied on prepaid
1370 wireless service under s. 365.172(9), less the costs of
1371 administering collection of the fee, must be transferred by the
1372 Department of Revenue to the Emergency Communications ~~Number~~
1373 ~~E911 System Trust~~ Fund on or before the 25th day of each month
1374 following the month of receipt.

1375 (c) For accounting purposes, the Emergency Communications
1376 ~~Number E911 System Trust~~ Fund must be segregated into three
1377 separate categories:

1378 1. The wireless category;

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1379 2. The nonwireless category; and

1380 3. The prepaid wireless category.

1381 (d) All moneys must be invested by the Chief Financial
1382 Officer pursuant to s. 17.61. All moneys in such fund are to be
1383 expended by the office for the purposes provided in this section
1384 and s. 365.172. These funds are not subject to s. 215.20.

1385 (2) DISTRIBUTION AND USE OF FUNDS.—As determined by the
1386 board pursuant to s. 365.172(8)(f) ~~s. 365.172(8)(g)~~, and subject
1387 to any modifications approved by the board pursuant to s.
1388 365.172(6)(a)3. or (8)(g) ~~s. 365.172(6)(a)3. or (8)(h)~~, the
1389 moneys in the fund shall be distributed and used only as
1390 follows:

1391 (a) Ninety-five ~~Seventy-six~~ percent of the moneys in the
1392 wireless category shall be distributed each month to counties,
1393 based on the total number of service identifiers in each county,
1394 to and shall be used exclusively for payment of:

1395 ~~1.~~ authorized expenditures, as specified in s.
1396 365.172(10).

1397 ~~2. Costs to comply with the requirements for E911 service~~
1398 ~~contained in the order and any future rules related to the~~
1399 ~~order.~~

1400 (b) Ninety-six percent of the moneys in the nonwireless
1401 category shall be distributed each month to counties based on
1402 the total number of service identifiers in each county and shall

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1403 be used exclusively for payment of authorized expenditures, as
1404 specified in s. 365.172(10).

1405 (c) Sixty-one percent of the moneys in the prepaid
1406 wireless category shall be distributed each month to counties
1407 based on the total amount of fees reported and paid in each
1408 county and shall be used exclusively for payment of authorized
1409 expenditures, as specified in s. 365.172(10). The moneys from
1410 prepaid wireless ~~E911~~ fees identified as nonspecific in
1411 accordance with s. 365.172(9) shall be distributed as determined
1412 by the Emergency Communications ~~E911~~ Board.

1413 (d) Any county that receives funds under paragraphs (a),
1414 (b), and (c) shall establish a fund to be used exclusively for
1415 the receipt and expenditure of the revenues collected under
1416 paragraphs (a), (b), and (c). All fees placed in the fund and
1417 any interest accrued shall be used solely for costs described in
1418 subparagraphs (a)1. and 2. and may not be reduced, withheld, or
1419 allocated for other purposes. The money collected and interest
1420 earned in this fund shall be appropriated for these purposes by
1421 the county commissioners and incorporated into the annual county
1422 budget. The fund shall be included within the financial audit
1423 performed in accordance with s. 218.39. The financial audit
1424 shall assure that all emergency communications ~~E911~~ fee
1425 revenues, interest, and emergency communications ~~E911~~ grant
1426 funding are used for payment of authorized expenditures, as
1427 specified in s. 365.172(10) and as specified in the Emergency

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1428 Communications ~~E911~~ Board grant and special disbursement
1429 programs. The board may, in accordance with board rules,
1430 withhold future distribution of grant funds or request a return
1431 of all or a portion of funds previously awarded based on
1432 findings from the financial audit. The county is responsible for
1433 all expenditures of revenues distributed from the county
1434 emergency communications ~~E911~~ fund and shall submit the
1435 financial audit reports to the board for review. A county may
1436 carry forward up to 30 percent of the total funds disbursed to
1437 the county by the board during a county fiscal year for
1438 expenditures for capital outlay, capital improvements, equipment
1439 replacement, or implementation of a hosted system if such
1440 expenditures are made for the purposes specified in
1441 subparagraphs (a)1. and 2.; however, the 30-percent limitation
1442 does not apply to funds disbursed to a county under s.
1443 365.172(6)(a)3., and a county may carry forward any percentage
1444 of the funds, except that any grant provided shall continue to
1445 be subject to any condition imposed by the board. In order to
1446 prevent an excess recovery of costs incurred in providing
1447 emergency communication ~~E911~~ service, a county that receives
1448 funds greater than the permissible emergency communication ~~E911~~
1449 costs described in s. 365.172(10), including the 30-percent
1450 carryforward allowance, must return the excess funds to the ~~E911~~
1451 board to be allocated under s. 365.172(6)(a).

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1452 ~~(c) Twenty percent of the moneys in the wireless category~~
1453 ~~shall be distributed to wireless providers in response to sworn~~
1454 ~~invoices submitted to the board by wireless providers to~~
1455 ~~reimburse such wireless providers for the actual costs incurred~~
1456 ~~to provide 911 or E911 service, including the costs of complying~~
1457 ~~with the order. Such costs include costs and expenses incurred~~
1458 ~~by wireless providers to design, purchase, lease, program,~~
1459 ~~install, test, upgrade, operate, and maintain all necessary~~
1460 ~~data, hardware, and software required to provide E911 service.~~
1461 ~~Each wireless provider shall submit to the board, by August 1 of~~
1462 ~~each year, a detailed estimate of the capital and operating~~
1463 ~~expenses for which it anticipates that it will seek~~
1464 ~~reimbursement under this paragraph during the ensuing state~~
1465 ~~fiscal year. In order to be eligible for recovery during any~~
1466 ~~ensuing state fiscal year, a wireless provider must submit all~~
1467 ~~sworn invoices for allowable purchases made within the previous~~
1468 ~~calendar year no later than March 31 of the fiscal year. By~~
1469 ~~September 15 of each year, the board shall submit to the~~
1470 ~~Legislature its legislative budget request for funds to be~~
1471 ~~allocated to wireless providers under this paragraph during the~~
1472 ~~ensuing state fiscal year. The budget request shall be based on~~
1473 ~~the information submitted by the wireless providers and~~
1474 ~~estimated surcharge revenues. Distributions of moneys in the~~
1475 ~~fund by the board to wireless providers must be fair and~~
1476 ~~nondiscriminatory. If the total amount of moneys requested by~~

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1477 ~~wireless providers pursuant to invoices submitted to the board~~
1478 ~~and approved for payment exceeds the amount in the fund in any~~
1479 ~~month, wireless providers that have invoices approved for~~
1480 ~~payment shall receive a pro rata share of moneys in the fund and~~
1481 ~~the balance of the payments shall be carried over to the~~
1482 ~~following month or months until all of the approved payments are~~
1483 ~~made. The board may adopt rules necessary to address the manner~~
1484 ~~in which pro rata distributions are made when the total amount~~
1485 ~~of funds requested by wireless providers pursuant to invoices~~
1486 ~~submitted to the board exceeds the total amount of moneys on~~
1487 ~~deposit in the fund.~~

1488 ~~(e)-(f)~~ One percent of the moneys in each category of the
1489 fund shall be retained by the board to be applied to costs and
1490 expenses incurred for the purposes of managing, administering,
1491 and overseeing the receipts and disbursements from the fund and
1492 other activities as defined in s. 365.172(6). Any funds retained
1493 for such purposes in a calendar year which are not applied to
1494 such costs and expenses by March 31 of the following year shall
1495 be redistributed as determined by the board.

1496 ~~(f)-(g)~~ Three percent of the moneys in each category of the
1497 fund and an additional 1 percent of the moneys collected in the
1498 wireless category shall be used to make monthly distributions to
1499 rural counties for the purpose of providing facilities and
1500 network and service enhancements and assistance for the
1501 emergency communications ~~911 or E911~~ systems operated by rural

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1502 counties and for the provision of grants by the office to rural
1503 counties for upgrading and replacing emergency communications
1504 ~~E911~~ systems.

1505 (g)~~(h)~~ Thirty-five percent of the moneys in the prepaid
1506 wireless category shall be retained by the board to provide
1507 state emergency communications ~~E911~~ grants to be awarded in
1508 accordance with the following order of priority:

1509 1. For all large, medium, and rural counties to upgrade or
1510 replace emergency communications ~~E911~~ systems.

1511 2. For all large, medium, and rural counties to develop
1512 and maintain statewide 911 routing, geographic, and management
1513 information systems.

1514 3. For all large, medium, and rural counties to develop
1515 and maintain next-generation 911 services and equipment.

1516 (h)~~(i)~~ If the wireless category has funds remaining in it
1517 on December 31 after disbursements have been made during the
1518 calendar year immediately prior to December 31, the board may
1519 disburse the excess funds in the wireless category in accordance
1520 with s. 365.172(6)(a)3.b.

1521 (3) The Legislature recognizes that the fee authorized
1522 under s. 365.172 may not necessarily provide the total funding
1523 required for establishing or providing the emergency
1524 communications ~~E911~~ service. It is the intent of the Legislature
1525 that all revenue from the fee be used as specified in subsection
1526 (2).

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1527 Section 3. Subsection (1) of section 365.177, Florida
1528 Statutes, is amended to read:

1529 365.177 Transfer of E911 calls between systems.—

1530 (1) The office shall develop a plan by December 30, 2023
1531 ~~February 1, 2020~~, to upgrade all 911 public safety answering
1532 points within the state to allow the transfer of an emergency
1533 call from one local, multijurisdictional, or regional E911
1534 system to another local, multijurisdictional, or regional E911
1535 system in the state no later than December 30, 2033. Such
1536 transfer should include voice, text message, image, video,
1537 caller identification information, location information, and
1538 additional standards-based 911 call information. The plan shall
1539 prioritize the upgrade of PSAPs based on the population served
1540 by each PSAP, the capability of a jurisdiction or region to
1541 modernize PSAPs beyond legacy 911 infrastructure, and the
1542 ability of a jurisdiction or region to address interoperability
1543 between PSAPs. The plan must identify and address the projected
1544 costs of providing these transfer capabilities and project the
1545 ability of each county to meet operational costs based on
1546 disbursement of funds under s. 365.173(2)(a), (b), and (c).

1547 Section 4. Subsection (10) of section 212.05965, Florida
1548 Statutes, is amended to read:

1549 212.05965 Taxation of marketplace sales.—

1550 (10) Notwithstanding any other law, the marketplace
1551 provider is also responsible for collecting and remitting any

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1552 prepaid wireless public safety emergency communications systems
1553 ~~E911~~ fee under s. 365.172, waste tire fee under s. 403.718, and
1554 lead-acid battery fee under s. 403.7185 at the time of sale for
1555 taxable retail sales made through its marketplace.

1556 Section 5. Section 365.171, Florida Statutes, is amended
1557 to read:

1558 365.171 Emergency communications ~~number E911~~ state plan.—

1559 (1) SHORT TITLE.—This section may be cited as the "Florida
1560 Emergency Communications ~~Number E911~~ State Plan Act."

1561 (2) LEGISLATIVE INTENT.—It is the intent of the
1562 Legislature that the communications number "911" be the
1563 designated emergency communications number. A public safety
1564 agency may not advertise or otherwise promote the use of any
1565 communications number for emergency response services other than
1566 "911." It is further the intent of the Legislature to implement
1567 and continually update a cohesive statewide emergency
1568 communications ~~number "E911"~~ plan for enhanced 911 services
1569 which will provide citizens with rapid direct access to public
1570 safety agencies by accessing "911" with the objective of
1571 reducing the response time to situations requiring law
1572 enforcement, fire, medical, rescue, and other emergency
1573 services.

1574 (3) DEFINITIONS.—As used in this section, the term:

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1575 (a) "Office" means the Division of Telecommunications
1576 within the Department of Management Services, as designated by
1577 the secretary of the department.

1578 (b) "Local government" means any city, county, or
1579 political subdivision of the state and its agencies.

1580 (c) "Public agency" means the state and any city, county,
1581 city and county, municipal corporation, chartered organization,
1582 public district, or public authority located in whole or in part
1583 within this state which provides, or has authority to provide,
1584 firefighting, law enforcement, ambulance, medical, or other
1585 emergency services.

1586 (d) "Public safety agency" means a functional division of
1587 a public agency which provides firefighting, law enforcement,
1588 medical, or other emergency services.

1589 (4) STATE PLAN.—The office shall develop, maintain, and
1590 implement appropriate modifications for a statewide emergency
1591 communications ~~E911 system~~ plan. The plan shall provide for:

1592 (a) The public agency emergency communications
1593 requirements for each entity of local government in the state.

1594 (b) A system to meet specific local government
1595 requirements. Such system shall include law enforcement,
1596 firefighting, and emergency medical services and may include
1597 other emergency services such as poison control, suicide
1598 prevention, and emergency management services.

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1599 (c) Identification of the mutual aid agreements necessary
1600 to obtain an effective emergency communications systems ~~E911~~
1601 ~~system~~.

1602 (d) A funding provision that identifies the cost necessary
1603 to implement the emergency communications ~~E911~~ system.

1604
1605 The office shall be responsible for the implementation and
1606 coordination of such plan. The office shall adopt any necessary
1607 rules and schedules related to public agencies for implementing
1608 and coordinating the plan, pursuant to chapter 120.

1609 (5) SYSTEM DIRECTOR.—The secretary of the department or
1610 his or her designee is designated as the director of the
1611 statewide emergency communications ~~number E911~~ system and, for
1612 the purpose of carrying out the provisions of this section, is
1613 authorized to coordinate the activities of the system with
1614 state, county, local, and private agencies. The director in
1615 implementing the system shall consult, cooperate, and coordinate
1616 with local law enforcement agencies.

1617 (6) REGIONAL SYSTEMS.—This section does not prohibit or
1618 discourage the formation of multijurisdictional or regional
1619 systems; and any system established pursuant to this section may
1620 include the jurisdiction, or any portion thereof, of more than
1621 one public agency. It is the intent of the Legislature that
1622 emergency communications services ~~E911 service~~ be available
1623 throughout the state. Expenditure by counties of the ~~E911~~ fee

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1624 authorized and imposed under s. 365.172 should support this
1625 intent to the greatest extent feasible within the context of
1626 local service needs and fiscal capability. This section does not
1627 prohibit two or more counties from establishing a combined
1628 emergency ~~E911~~ communications service by an interlocal agreement
1629 and using the fees authorized and imposed by s. 365.172 for such
1630 combined ~~E911~~ service.

1631 (7) TELECOMMUNICATIONS INDUSTRY COORDINATION.—The office
1632 shall coordinate with the Florida Public Service Commission
1633 which shall encourage the Florida telecommunications industry to
1634 activate facility modification plans for timely emergency
1635 communications services ~~E911~~ implementation.

1636 (8) COIN TELEPHONES.—The Florida Public Service Commission
1637 shall establish rules to be followed by the telecommunications
1638 companies in this state designed toward encouraging the
1639 provision of coin-free dialing of "911" calls wherever
1640 economically practicable and in the public interest.

1641 (9) SYSTEM APPROVAL.—No emergency communications number
1642 E911 system shall be established and no present system shall be
1643 expanded without prior approval of the office.

1644 (10) COMPLIANCE.—All public agencies shall assist the
1645 office in their efforts to carry out the intent of this section,
1646 and such agencies shall comply with the developed plan.

1647 (11) FEDERAL ASSISTANCE.—The secretary of the department
1648 or his or her designee may apply for and accept federal funding

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1649 assistance in the development and implementation of a statewide
1650 emergency communications ~~number E911~~ system.

1651 (12) CONFIDENTIALITY OF RECORDS.—

1652 (a) Any record, recording, or information, or portions
1653 thereof, obtained by a public agency or a public safety agency
1654 for the purpose of providing services in an emergency and which
1655 reveals the name, address, telephone number, or personal
1656 information about, or information which may identify any person
1657 requesting emergency service or reporting an emergency by
1658 accessing an emergency communications ~~E911~~ system is
1659 confidential and exempt from the provisions of s. 119.07(1) and
1660 s. 24(a), Art. I of the State Constitution, except that such
1661 record or information may be disclosed to a public safety
1662 agency. The exemption applies only to the name, address,
1663 telephone number or personal information about, or information
1664 which may identify any person requesting emergency services or
1665 reporting an emergency while such information is in the custody
1666 of the public agency or public safety agency providing emergency
1667 services. A telecommunications company or commercial mobile
1668 radio service provider shall not be liable for damages to any
1669 person resulting from or in connection with such telephone
1670 company's or commercial mobile radio service provider's
1671 provision of any lawful assistance to any investigative or law
1672 enforcement officer of the State of Florida or political
1673 subdivisions thereof, of the United States, or of any other

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1674 state or political subdivision thereof, in connection with any
1675 lawful investigation or other law enforcement activity by such
1676 law enforcement officer unless the telecommunications company or
1677 commercial mobile radio service provider acted in a wanton and
1678 willful manner.

1679 (b) Notwithstanding paragraph (a), a 911 public safety
1680 telecommunicator, as defined in s. 401.465, may contact any
1681 private person or entity that owns an automated external
1682 defibrillator who has notified the local emergency medical
1683 services medical director or public safety answering point of
1684 such ownership if a confirmed coronary emergency call is taking
1685 place and the location of the coronary emergency is within a
1686 reasonable distance from the location of the defibrillator, and
1687 may provide the location of the coronary emergency to that
1688 person or entity.

1689 Section 6. Paragraph (b) of subsection (2) of section
1690 365.174, Florida Statutes, is amended to read:

1691 365.174 Proprietary confidential business information.—

1692 (2)

1693 (b) The Department of Revenue may provide information
1694 relative to s. 365.172(9) to the Secretary of Management
1695 Services, or his or her authorized agent, or to the Emergency
1696 Communications ~~E-911~~ Board established in s. 365.172(5) for use
1697 in the conduct of the official business of the Department of
1698 Management Services or the Emergency Communications ~~E-911~~ Board.

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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

An act relating to emergency communications; amending s. 365.172, F.S.; revising short title; revising legislative intent; revising and providing definitions; renaming the E911 Board as the Emergency Communications Board; providing the purpose of the board; revising the composition of the board; establishing board responsibilities; requiring the board to administer fees; authorizing the board to create subcommittees; authorizing the board to establish schedules for implementing certain wireless NG911 systems and improvements; establishing notice and publication requirements before distribution of grant funds; providing for priority of county applications for such funds; requiring board oversight of such funds; eliminating certain authority of the board; providing for the board's authority to implement changes to the allocation percentages or to adjust the fee; revising the frequency of board meetings; specifying that the Division of Telecommunications within the Department of Management Services must disburse funds to counties and provide a monthly report of such disbursements; revising the composition of a committee that reviews requests for proposals from the board regarding independent accounting

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 745 (2023)

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1724 firm selection; revising provisions relating to the public
1725 safety emergency communications systems fee; requiring uniform
1726 application and imposition of the fee; revising the factors that
1727 the board considers when setting percentages or contemplating
1728 adjustments to the fee; updating provisions relating to the
1729 prepaid wireless public safety emergency communications systems
1730 fee; revising emergency communications and 911 service
1731 functions; revising the types of emergency communications
1732 equipment and services that are eligible for expenditure of
1733 moneys derived from the fee; amending s. 365.173, F.S.; renaming
1734 the Communications Number E911 System Fund as the Emergency
1735 Communications Trust Fund; revising the percent distribution of
1736 the fund to be used exclusively for payment of certain
1737 authorized expenditures; removing the percent distribution to
1738 wireless providers; authorizing the board, pursuant to rule, to
1739 withhold certain distributions of grant funds or request a
1740 return of all or a portion of such funds based on a financial
1741 audit; adding a specified percent distribution to rural
1742 counties; amending s. 365.177, F.S.; extending the date by which
1743 the Division of Telecommunications within the Department of
1744 Management Services must develop a plan to upgrade 911 public
1745 safety answering points; specifying components of the required
1746 plan; amending ss. 212.05965, 365.171, and 365.174, F.S.;
1747 conforming provisions to changes made by the act; providing an
1748 effective date.

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