

HB 745

2023

1                                   A bill to be entitled  
2           An act relating to emergency communications; amending  
3           s. 365.172, F.S.; revising short title; revising  
4           legislative intent; revising and providing  
5           definitions; renaming the E911 Board as the Emergency  
6           Communications Board; providing the purpose of the  
7           board; revising the composition of the board;  
8           establishing board responsibilities; requiring the  
9           board to administer fees; authorizing the board to  
10          create subcommittees; authorizing the board to  
11          establish schedules for implementing certain wireless  
12          systems and improvements; establishing notice and  
13          publication requirements before distribution of  
14          revenues; providing for priority of county  
15          applications for funds; requiring board oversight of  
16          such funds; eliminating certain authority of the  
17          board; providing for the board's authority to  
18          implement changes to the allocation percentages or to  
19          adjust the fee; revising the frequency of board  
20          meetings and the business to be conducted at such  
21          meetings; revising the composition of a committee that  
22          reviews requests for proposals from the board  
23          regarding independent accounting firm selection;  
24          revising provisions relating to the public safety  
25          emergency communications systems fee; eliminating the

Page 1 of 69

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0745-00

26 obligation of a provider to take legal action to  
 27 enforce fee collection and county liability to the  
 28 provider; requiring uniform application and imposition  
 29 of the fee; revising the factors that the board  
 30 considers when setting percentages or contemplating  
 31 adjustments to the fee; updating provisions relating  
 32 to the prepaid wireless public safety emergency  
 33 communications systems fee; revising emergency  
 34 communications and 911 service functions; revising the  
 35 types of emergency communications equipment and  
 36 services that are eligible for expenditure of moneys  
 37 derived from the fee; amending s. 365.173, F.S.;  
 38 renaming the Communications Number E911 System Fund as  
 39 the Emergency Communications Fund; revising the  
 40 percent distribution of the fund; removing the percent  
 41 distribution of wireless providers; adding a specified  
 42 percent distribution to rural counties; amending s.  
 43 365.177, F.S.; extending the date by which the  
 44 Division of Telecommunications within the Department  
 45 of Management Services must develop a plan to upgrade  
 46 911 public safety answering points; amending ss.  
 47 212.05965, 365.171, and 365.174, F.S.; conforming  
 48 provisions to changes made by the act; providing an  
 49 effective date.  
 50

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

52

53 Section 1. Section 365.172, Florida Statutes, is amended  
54 to read:

55 365.172 Emergency communications. ~~number "E911."~~

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

58 (2) LEGISLATIVE INTENT.—It is the intent of the  
59 Legislature to:

60 (a) Establish and implement a comprehensive statewide  
61 emergency communications and response capability using modern  
62 technologies and methods. ~~telecommunications number system that~~  
63 ~~will provide users of voice communications services within the~~  
64 ~~state rapid direct access to public safety agencies by accessing~~  
65 ~~the telephone number "911."~~

66 (b) Provide funds to counties and state agencies that  
67 operate 911 centers to pay certain costs associated with their  
68 public safety emergency response capabilities and costs incurred  
69 to purchase, upgrade, and maintain 911 systems, computer aided  
70 dispatch, and systems to create interoperable radio  
71 communications systems ~~E911 or 911 systems, to contract for E911~~  
72 ~~services, and to reimburse wireless telephone service providers~~  
73 ~~for costs incurred to provide 911 or E911 services.~~

74 (c) Levy a reasonable fee on users of voice communications  
75 services, unless otherwise provided in this section, to

76 accomplish these purposes.

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

81 (e) Ensure that the fee established for emergency  
 82 communications systems is used exclusively ~~for recovery by~~  
 83 ~~wireless providers and~~ by counties and state agencies that  
 84 operate 911 centers for costs associated with developing and  
 85 maintaining emergency communications ~~E911~~ systems and networks  
 86 in a manner that is competitively and technologically neutral as  
 87 to all ~~voice~~ communications services providers.

88  
 89 It is further the intent of the Legislature that the fee  
 90 authorized or imposed by this section not necessarily provide  
 91 the total funding required for establishing or providing  
 92 emergency communications systems and services ~~E911 service~~.

93 (3) DEFINITIONS.—Only as used in this section and ss.  
 94 365.171, 365.173, 365.174, and 365.177, the term:

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

97 (b) "Automatic location identification" means the  
 98 capability of the E911 service which enables the automatic  
 99 display of information that defines the approximate geographic  
 100 location of the wireless telephone, or the location of the

101 address of the wireline telephone, used to place a 911 call.

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

105 (d) "Board" or "Emergency Communications Board" ~~"E911~~  
 106 ~~Board"~~ means the board ~~of directors of the E911 Board~~  
 107 established in subsection (5).

108 (e) "Building permit review" means a review for compliance  
 109 with building construction standards adopted by the local  
 110 government under chapter 553 and does not include a review for  
 111 compliance with land development regulations.

112 (f) "Collocation" means the situation when a second or  
 113 subsequent wireless provider uses an existing structure to  
 114 locate a second or subsequent antennae. The term includes the  
 115 ground, platform, or roof installation of equipment enclosures,  
 116 cabinets, or buildings, and cables, brackets, and other  
 117 equipment associated with the location and operation of the  
 118 antennae.

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

122 ~~(h)-(g)~~ "Designed service" means the configuration and  
 123 manner of deployment of service the wireless provider has  
 124 designed for an area as part of its network.

125 ~~(i)-(h)~~ "Enhanced 911" or "E911" means an enhanced 911

126 system or enhanced 911 service that is an emergency telephone  
 127 system or service that provides a subscriber with 911 service  
 128 and, in addition, directs 911 calls to appropriate public safety  
 129 answering points by selective routing based on the geographical  
 130 location from which the call originated, or as otherwise  
 131 provided in the state plan under s. 365.171, and that provides  
 132 for automatic number identification and automatic location-  
 133 identification features. E911 service provided by a wireless  
 134 provider means E911 as defined in the order.

135 (j)-(i) "Existing structure" means a structure that exists  
 136 at the time an application for permission to place antennae on a  
 137 structure is filed with a local government. The term includes  
 138 any structure that can structurally support the attachment of  
 139 antennae in compliance with applicable codes.

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

143 (l)-(k) "Fund" means the Emergency Communications ~~Number~~  
 144 ~~E911 System~~ Fund established in s. 365.173 and maintained under  
 145 this section for the purpose of recovering the costs associated  
 146 with providing emergency communications ~~911 service or E911~~  
 147 ~~service~~, including the costs of implementing the order. The fund  
 148 shall be segregated into wireless, prepaid wireless, and  
 149 nonwireless categories.

150 (m)-(l) "Historic building, structure, site, object, or

151 district" means any building, structure, site, object, or  
152 district that has been officially designated as a historic  
153 building, historic structure, historic site, historic object, or  
154 historic district through a federal, state, or local designation  
155 program.

156 (n)~~(m)~~ "Land development regulations" means any ordinance  
157 enacted by a local government for the regulation of any aspect  
158 of development, including an ordinance governing zoning,  
159 subdivisions, landscaping, tree protection, or signs, the local  
160 government's comprehensive plan, or any other ordinance  
161 concerning any aspect of the development of land. The term does  
162 not include any building construction standard adopted under and  
163 in compliance with chapter 553.

164 (o)~~(n)~~ "Local exchange carrier" means a "competitive local  
165 exchange telecommunications company" or a "local exchange  
166 telecommunications company" as defined in s. 364.02.

167 (p)~~(o)~~ "Local government" means any municipality, county,  
168 or political subdivision or agency of a municipality, county, or  
169 political subdivision.

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

172 (r)~~(q)~~ "Mobile telephone number" or "MTN" means the  
173 telephone number assigned to a wireless telephone at the time of  
174 initial activation.

175 (s) "Next Generation 911" or "NG911" means an Internet

176 Protocol(IP)-based system comprised of managed Emergency  
177 Services IP networks (ESInets), functional elements  
178 (applications), and databases that replicate traditional E911  
179 features and functions and provides additional capabilities. The  
180 NG911 system is designed to provide access to emergency services  
181 from all connected communications sources and provide multimedia  
182 data capabilities for Public Safety Answering Points (PSAPs) and  
183 other emergency service organizations.

184 (t)-(r) "Nonwireless category" means the revenues to the  
185 fund received from voice communications services providers other  
186 than wireless providers.

187 (u)-(s) "Office" means the Division of Telecommunications  
188 within the Department of Management Services, as designated by  
189 the secretary of the department.

190 (v)-(t) "Order" means:

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

193 a. Order adopted on June 12, 1996, with an effective date  
194 of October 1, 1996, the amendments to s. 20.03 and the creation  
195 of s. 20.18 of Title 47 of the Code of Federal Regulations  
196 adopted by the Federal Communications Commission pursuant to  
197 such order.

198 b. Memorandum and Order No. FCC 97-402 adopted on December  
199 23, 1997.

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



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

202 2. Orders and rules subsequently adopted by the Federal  
 203 Communications Commission relating to the provision of 911  
 204 services, including Order Number FCC-05-116, adopted May 19,  
 205 2005.

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

209 (x)~~(v)~~ "Prepaid wireless service" means a right to access  
 210 wireless service that allows a caller to contact and interact  
 211 with 911 to access the 911 system, which service must be paid  
 212 for in advance and is sold in predetermined units or dollars,  
 213 which units or dollars expire on a predetermined schedule or are  
 214 decremented on a predetermined basis in exchange for the right  
 215 to access wireless service.

216 (y)~~(w)~~ "Public agency" means the state and any  
 217 municipality, county, municipal corporation, or other  
 218 governmental entity, public district, or public authority  
 219 located in whole or in part within this state which provides, or  
 220 has authority to provide, firefighting, law enforcement,  
 221 ambulance, medical, or other emergency services.

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

225 (aa)~~(y)~~ "Public safety answering point," "PSAP," or

226 "answering point" means the public safety agency that receives  
227 incoming 911 requests for assistance and dispatches appropriate  
228 public safety agencies to respond to the requests in accordance  
229 with the state E911 plan.

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

232 (cc)~~(aa)~~ "Service identifier" means the service number,  
233 access line, or other unique identifier assigned to a subscriber  
234 and established by the Federal Communications Commission for  
235 purposes of routing calls whereby the subscriber has access to  
236 the E911 system.

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

239 (ee)~~(ee)~~ "Voice communications services" means two-way  
240 voice service, through the use of any technology, which actually  
241 provides access to 911 ~~E911~~ services, and includes  
242 communications services, as defined in s. 202.11, which actually  
243 provide access to 911 ~~E911~~ services and which are required to be  
244 included in the provision of 911 ~~E911~~ services pursuant to  
245 orders and rules adopted by the Federal Communications  
246 Commission. The term includes voice-over-Internet-protocol  
247 service. For the purposes of this section, the term "voice-over-  
248 Internet-protocol service" or "VoIP service" means  
249 interconnected VoIP services having the following  
250 characteristics:

251           1. The service enables real-time, two-way voice  
 252      communications;

253           2. The service requires a broadband connection from the  
 254      user's locations;

255           3. The service requires IP-compatible customer premises  
 256      equipment; and

257           4. The service offering allows users generally to receive  
 258      calls that originate on the public switched telephone network  
 259      and to terminate calls on the public switched telephone network.

260           (ff)~~(dd)~~ "Voice communications services provider" or  
 261      "provider" means any person or entity providing voice  
 262      communications services, except that the term does not include  
 263      any person or entity that resells voice communications services  
 264      and was assessed the fee authorized and imposed under subsection  
 265      (8) by its resale supplier.

266           (gg)~~(ee)~~ "Wireless 911 system" or "wireless 911 service"  
 267      means an emergency telephone system or service that provides a  
 268      subscriber with the ability to reach an answering point by  
 269      accessing the digits 911.

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

273           (ii)~~(gg)~~ "Wireless communications facility" means any  
 274      equipment or facility used to provide service and may include,  
 275      but is not limited to, antennae, towers, equipment enclosures,

276 cabling, antenna brackets, and other such equipment. Placing a  
 277 wireless communications facility on an existing structure does  
 278 not cause the existing structure to become a wireless  
 279 communications facility.

280 ~~(jj)-(hh)~~ "Wireless provider" means a person who provides  
 281 wireless service and:

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

285 ~~(kk)-(ii)~~ "Wireless service" means "commercial mobile radio  
 286 service" as provided under ss. 3(27) and 332(d) of the Federal  
 287 Telecommunications Act of 1996, 47 U.S.C. ss. 151 et seq., and  
 288 the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-  
 289 66, August 10, 1993, 107 Stat. 312. The term includes service  
 290 provided by any wireless real-time two-way wire communication  
 291 device, including radio-telephone communications used in  
 292 cellular telephone service; personal communications service; or  
 293 the functional or competitive equivalent of a radio-telephone  
 294 communications line used in cellular telephone service, a  
 295 personal communications service, or a network radio access line.  
 296 The term does not include wireless providers that offer mainly  
 297 dispatch service in a more localized, noncellular configuration;  
 298 providers offering only data, one-way, or stored-voice services  
 299 on an interconnected basis; providers of air-to-ground services;  
 300 or public coast stations.

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

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

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

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

310 2. Establish a financial model for the state and local  
 311 governments to use existing revenue sources to invest in public  
 312 safety communication and technology for first responders; and

313 3. Administer a financially sustainable model dedicated to  
 314 public safety communications and technology that will benefit  
 315 the state and local governments and all state residents and  
 316 visitors.

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

- 319 1. Next Generation 911.
- 320 2. Emergency Services IP Network (ESInet).
- 321 3. Computer Aided Dispatch (CAD).
- 322 4. Land Mobile Radio (LMR).
- 323 5. Smart (Safe) City Technology.
- 324 6. In-Building Coverage.
- 325 7. Public Safety Broadband Networks.

326        8. Cyber Security.

327        ~~, with oversight by the office, the fee imposed under~~  
328        ~~subsections (8) and (9), including receiving revenues derived~~  
329        ~~from the fee; distributing portions of the revenues to wireless~~  
330        ~~providers, counties, and the office; accounting for receipts,~~  
331        ~~distributions, and income derived by the funds maintained in the~~  
332        ~~fund; and providing annual reports to the Governor and the~~  
333        ~~Legislature for submission by the office on amounts collected~~  
334        ~~and expended, the purposes for which expenditures have been~~  
335        ~~made, and the status of E911 service in this state. In order to~~  
336        advise and assist the office in implementing the purposes of  
337        this section, the board, which has the power of a body  
338        corporate, has the powers enumerated in subsection (6).

339        (c)~~(b)~~ The board shall consist of 7 ~~11~~ members, one of  
340        whom must be the system director designated under s. 365.171(5),  
341        or his or her designee, who shall serve as the chair of the  
342        board. The remaining 6 ~~10~~ members of the board shall be  
343        appointed by the Governor and must be composed of  
344        representatives from the first responder community ~~5 county 911~~  
345        ~~coordinators, consisting of a representative from a rural~~  
346        ~~county, a representative from a medium county, a representative~~  
347        ~~from a large county, and 2 at-large representatives recommended~~  
348        ~~by the Florida Association of Counties in consultation with the~~  
349        ~~county 911 coordinators; 3 local exchange carrier member~~  
350        ~~representatives, one of whom must be a representative of the~~

351 ~~local exchange carrier having the greatest number of access~~  
352 ~~lines in the state and one of whom must be a representative of a~~  
353 ~~certificated competitive local exchange telecommunications~~  
354 ~~company; and 2 member representatives from the wireless~~  
355 ~~telecommunications industry, with consideration given to~~  
356 ~~wireless providers that are not affiliated with local exchange~~  
357 ~~carriers. Not more than one member may be appointed to represent~~  
358 ~~any single provider on the board.~~

359 (d)~~(e)~~ The system director, designated under s.  
360 365.171(5), or his or her designee, must be a permanent member  
361 of the board. Each of the remaining 6 ~~10~~ members of the board  
362 shall be appointed to a 4-year term and may not be appointed to  
363 more than two successive terms. However, for the purpose of  
364 staggering terms, two of the original board members shall be  
365 appointed to terms of 4 years, two shall be appointed to terms  
366 of 3 years, and two ~~four~~ shall be appointed to terms of 2 years,  
367 as designated by the Governor. A vacancy on the board shall be  
368 filled in the same manner as the original appointment.

369 (e) The board shall be responsible for ensuring  
370 interoperability of and connectivity between public safety  
371 communication systems within the state, including, but not  
372 limited to, the following:

- 373 1. Call routing accuracy and timeliness of response.  
374 2. Improved interagency communication and situational  
375 awareness.

- 376        3. Improved interagency system connectivity.
- 377        3. Improved response times.
- 378        4. Maximized use of emerging technologies.
- 379        5. Improved lifecycle management of the systems,  
 380 equipment, and services that enable responders and public safety  
 381 officials to share information securely.
- 382        6. Developed governance, policy, and procedure across  
 383 public safety agencies.
- 384        7. Established resilient and secure emergency  
 385 communication systems to reduce cybersecurity threats and  
 386 vulnerabilities.
- 387        (f) The board shall administer the fee imposed under  
 388 subsections (8) and (9), including receiving revenues derived  
 389 from the fee; distributing portions of the revenues to counties,  
 390 state agencies that operate 911 centers, and the office;  
 391 accounting for receipts, distributions, and income derived by  
 392 the funds maintained in the fund; and providing annual reports  
 393 for review and submission to the Governor and the Legislature on  
 394 amounts collected and expended, the purposes for which  
 395 expenditures have been made, and the status of emergency  
 396 communications services in this state.
- 397        (g) The board may create subcommittees to advise the  
 398 board, as needed.
- 399        (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.—
- 400        (a) The board shall:



401 1. Administer the public safety emergency communications  
 402 systems ~~E911~~ fee.

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

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

406 a. The board may establish a schedule for implementing  
 407 wireless NG911 systems, public safety radio communications  
 408 systems, and other public safety communications improvements  
 409 ~~E911 service by service area,~~ and prioritize disbursements of  
 410 revenues from the fund to ~~providers and~~ rural counties as  
 411 provided in s. 365.173(2)(f) ~~s. 365.173(2)(e) and (g)~~ pursuant  
 412 to the schedule, in order to implement 911 ~~E911~~ services in the  
 413 most efficient and cost-effective manner.

414 b. Before the distribution of revenues from the fund, the  
 415 board shall provide 90 days' written notice to all counties and  
 416 publish electronically an approved application process. County  
 417 applications shall be prioritized based on the availability of  
 418 funds, current system life expectancy, and system replacement  
 419 needs. The board shall take all actions within its authority to  
 420 ensure that county recipients of such funds use these funds only  
 421 for the purpose under which they have been provided and may take  
 422 any actions within its authority to secure county repayment of  
 423 revenues upon a determination that the funds were not used for  
 424 the purpose for which the funds were dispersed.

425 ~~b. Revenues in the fund which have not been disbursed~~

426 ~~because sworn invoices as required by s. 365.173(2)(c) have not~~  
427 ~~been submitted to the board may be used by the board as needed~~  
428 ~~to provide grants to counties for the purpose of upgrading E911~~  
429 ~~systems. The counties must use the funds only for capital~~  
430 ~~expenditures or remotely provided hosted 911 answering point~~  
431 ~~call-taking equipment and network services directly attributable~~  
432 ~~to establishing and provisioning E911 services, which may~~  
433 ~~include next-generation deployment. Prior to the distribution of~~  
434 ~~grants, the board shall provide 90 days' written notice to all~~  
435 ~~counties and publish electronically an approved application~~  
436 ~~process. County grant applications shall be prioritized based on~~  
437 ~~the availability of funds, current system life expectancy,~~  
438 ~~system replacement needs, and Phase II compliance per the~~  
439 ~~Federal Communications Commission. No grants will be available~~  
440 ~~to any county for next-generation deployment until all counties~~  
441 ~~are Phase II complete. The board shall take all actions within~~  
442 ~~its authority to ensure that county recipients of such grants~~  
443 ~~use these funds only for the purpose under which they have been~~  
444 ~~provided and may take any actions within its authority to secure~~  
445 ~~county repayment of grant revenues upon determination that the~~  
446 ~~funds were not used for the purpose under which they were~~  
447 ~~provided.~~

448 ~~e. When determining the funding provided in a state 911~~  
449 ~~grant application request, the board shall take into account~~  
450 ~~information on the amount of carryforward funds retained by the~~

451 ~~counties. The information will be based on the amount of county~~  
452 ~~carryforward funds reported in the financial audit required in~~  
453 ~~s. 365.173(2)(d). E911 State Grant Program funding requests will~~  
454 ~~be limited by any county carryforward funds in excess of the~~  
455 ~~allowable 30 percent amount of fee revenue calculated on a 2-~~  
456 ~~year basis.~~

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

460 ~~e. After taking the action required in sub-subparagraphs~~  
461 ~~a.-d., the board may review and, with all members participating~~  
462 ~~in the vote, adjust the percentage allocations or adjust the~~  
463 ~~amount of the fee as provided under paragraph (8)(g), and, if~~  
464 ~~the board determines that the revenues in the wireless category~~  
465 ~~exceed the amount needed to reimburse wireless providers for the~~  
466 ~~cost to implement E911 services, the board may transfer revenue~~  
467 ~~to the counties from the existing funds within the wireless~~  
468 ~~category. The board shall disburse the funds equitably to all~~  
469 ~~counties using a timeframe and distribution methodology~~  
470 ~~established by the board.~~

471 4. Review documentation submitted by wireless providers  
472 which reflects current and projected funds derived from the fee.  
473 ~~, and the expenses incurred and expected to be incurred in order~~  
474 ~~to comply with the E911 service requirements contained in the~~  
475 ~~order for the purposes of:~~

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

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

481 c. ~~Ascertaining the projected costs of compliance with the~~  
 482 ~~requirements of the order and projected collections of the fee.~~

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

485 5. Implement changes to the allocation percentages or  
 486 adjust the fee pursuant to s. 365.173.

487 6.5. Meet quarterly ~~monthly~~ in the most efficient and  
 488 cost-effective manner, including telephonically when practical,  
 489 for the business to be conducted, to review and authorize the  
 490 schedule of fee allocation transfer and distribution to the  
 491 counties and state agencies that operate 911 centers ~~approve or~~  
 492 ~~reject, in whole or in part, applications submitted by wireless~~  
 493 ~~providers for recovery of moneys deposited into the wireless~~  
 494 ~~category, and to authorize the transfer of, and distribute, the~~  
 495 ~~fee allocation to the counties.~~

496 7.6. Hire and retain employees, which may include an  
 497 independent executive director who shall possess experience in  
 498 the area of telecommunications and emergency 911 issues, for the  
 499 purposes of performing the technical and administrative  
 500 functions for the board.

501        ~~8.7.~~ Make and enter into contracts, pursuant to chapter  
502 287, and execute other instruments necessary or convenient for  
503 the exercise of the powers and functions of the board.

504        ~~9.8.~~ Sue and be sued, and appear and defend in all actions  
505 and proceedings, in its corporate name to the same extent as a  
506 natural person.

507        ~~10.9.~~ Adopt, use, and alter a common corporate seal.

508        ~~11.10.~~ Elect or appoint the officers and agents that are  
509 required by the affairs of the board.

510        ~~12.11.~~ The board may adopt rules under ss. 120.536(1) and  
511 120.54 to implement this section and ss. 365.173 and 365.174.

512        ~~13.12.~~ Provide coordination, support, and technical  
513 assistance to counties to promote the deployment of advanced  
514 public safety emergency communications ~~911 and E911~~ systems in  
515 the state.

516        ~~14.13.~~ Provide coordination and support for educational  
517 opportunities related to 911 ~~E911~~ issues for the public safety  
518 emergency communications ~~E911~~ community in this state.

519        ~~15.14.~~ Act as an advocate for issues related to public  
520 safety emergency communications ~~E911~~ system functions, features,  
521 and operations to improve the delivery of public safety  
522 emergency communications ~~E911~~ services to the residents of and  
523 visitors to this state.

524        ~~16.15.~~ Coordinate input from this state at national forums  
525 and associations, to ensure that policies related to public

526 safety emergency communications ~~E911~~ systems and services are  
527 consistent with the policies of the public safety emergency  
528 communications ~~E911~~ community in this state.

529 ~~17.16.~~ Work cooperatively with the system director  
530 established in s. 365.171(5) to enhance the state of public  
531 safety emergency communications ~~E911~~ services in this state and  
532 to provide unified leadership for all public safety emergency  
533 communications ~~E911~~ issues through planning and coordination.

534 ~~18.17.~~ Do all acts and things necessary or convenient to  
535 carry out the powers granted in this section in a manner that is  
536 competitively and technologically neutral as to all voice  
537 communications services providers, including, but not limited  
538 to, consideration of emerging technology and related cost  
539 savings, while taking into account embedded costs in current  
540 systems.

541 ~~19.18.~~ Have the authority to secure the services of an  
542 independent, private attorney via invitation to bid, request for  
543 proposals, invitation to negotiate, or professional contracts  
544 for legal services already established at the Division of  
545 Purchasing of the Department of Management Services.

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

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

551 President of the Senate, and the Speaker of the House of  
 552 Representatives which addresses for the immediately preceding  
 553 state fiscal year and county fiscal year:

554 1. The annual receipts, including the total amount of fee  
 555 revenues collected by each provider, the total disbursements of  
 556 money in the fund, ~~including the amount of fund-reimbursed~~  
 557 ~~expenses incurred by each wireless provider to comply with the~~  
 558 ~~order~~, and the amount of moneys on deposit in the fund.

559 2. Whether the amount of the fee and the allocation  
 560 percentages set forth in s. 365.173 have been or should be  
 561 adjusted to comply with the ~~requirements of the order or other~~  
 562 provisions of this chapter, and the reasons for making or not  
 563 making a recommended adjustment to the fee.

564 3. Any other issues related to providing emergency  
 565 communications ~~E911~~ services.

566 4. The status of public safety emergency communications  
 567 ~~E911~~ services in this state.

568 (7) REQUEST FOR PROPOSALS FOR INDEPENDENT ACCOUNTING  
 569 FIRM.—

570 (a) The board shall issue a request for proposals as  
 571 provided in chapter 287 for the purpose of retaining an  
 572 independent accounting firm. The independent accounting firm  
 573 shall perform all material administrative and accounting tasks  
 574 and functions required for administering the fee. The request  
 575 for proposals must include, but need not be limited to:

576 1. A description of the scope and general requirements of  
577 the services requested.

578 2. A description of the specific accounting and reporting  
579 services required for administering the fund, including  
580 processing checks and distributing funds as directed by the  
581 board under s. 365.173.

582 3. A description of information to be provided by the  
583 proposer, including the proposer's background and qualifications  
584 and the proposed cost of the services to be provided.

585 (b) The board shall establish a committee to review  
586 requests for proposals which must include the statewide  
587 emergency communications systems ~~E911 system~~ director designated  
588 under s. 365.171(5), or his or her designee, and two members of  
589 the board, ~~one of whom is a county 911 coordinator and one of~~  
590 ~~whom represents a voice communications services provider~~. The  
591 review committee shall review the proposals received by the  
592 board and recommend an independent accounting firm to the board  
593 for final selection. By agreeing to serve on the review  
594 committee, each member of the review committee shall verify that  
595 he or she does not have any interest or employment, directly or  
596 indirectly, with potential proposers which conflicts in any  
597 manner or degree with his or her performance on the committee.

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



601 established at the Division of Purchasing, Department of  
 602 Management Services, for certified public accounting firms, or  
 603 the board may hire and retain professional accounting staff to  
 604 accomplish these functions.

605 (8) PUBLIC SAFETY EMERGENCY COMMUNICATIONS SYSTEMS ~~E-911~~  
 606 FEE.—

607 (a) Each voice communications services provider shall  
 608 collect the fee described in this subsection, except that the  
 609 fee for prepaid wireless service shall be collected in the  
 610 manner set forth in subsection (9). Each provider, as part of  
 611 its monthly billing process, shall bill the fee as follows. The  
 612 fee shall not be assessed on any pay telephone in the state.

613 1. Each voice communications service provider other than a  
 614 wireless provider shall bill the fee to a subscriber based on  
 615 the number of access lines having access to the 911 ~~E-911~~ system,  
 616 on a service-identifier basis, up to a maximum of 25 access  
 617 lines per account bill rendered.

618 2. Each voice communications service provider other than a  
 619 wireless provider shall bill the fee to a subscriber on a basis  
 620 of five service-identified access lines for each digital  
 621 transmission link, including primary rate interface service or  
 622 equivalent Digital-Signal-1-level service, which can be  
 623 channelized and split into 23 or 24 voice-grade or data-grade  
 624 channels for communications, up to a maximum of 25 access lines  
 625 per account bill rendered.

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

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

639  
640 The provider may list the fee as a separate entry on each bill,  
641 in which case the fee must be identified as a fee for 911 ~~E911~~  
642 services. A provider shall remit the fee to the board only if  
643 the fee is paid by the subscriber. If a provider receives a  
644 partial payment for a monthly bill from a subscriber, the amount  
645 received shall first be applied to the payment due the provider  
646 for providing voice communications service.

647           ~~(b) A provider is not obligated to take any legal action~~  
648 ~~to enforce collection of the fees for which any subscriber is~~  
649 ~~billed. A county subscribing to 911 service remains liable to~~  
650 ~~the provider delivering the 911 service or equipment for any 911~~

651 ~~service, equipment, operation, or maintenance charge owed by the~~  
652 ~~county to the provider.~~

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

655 (c)~~(d)~~ Each provider may retain 1 percent of the amount of  
656 the fees collected as reimbursement for the administrative costs  
657 incurred by the provider to bill, collect, and remit the fee.  
658 The remainder shall be delivered to the board and deposited by  
659 the board into the fund. The board shall distribute the  
660 remainder pursuant to s. 365.173.

661 (d)~~(e)~~ Voice communications services providers billing the  
662 fee to subscribers shall deliver revenues from the fee to the  
663 board within 60 days after the end of the month in which the fee  
664 was billed, together with a monthly report of the number of  
665 service identifiers in each county. Each wireless provider and  
666 other applicable provider identified in subparagraph (a)4. shall  
667 report the number of service identifiers for subscribers whose  
668 place of primary use is in each county. All provider subscriber  
669 information provided to the board is subject to s. 365.174. If a  
670 provider chooses to remit any fee amounts to the board before  
671 they are paid by the subscribers, a provider may apply to the  
672 board for a refund of, or may take a credit for, any such fees  
673 remitted to the board which are not collected by the provider  
674 within 6 months following the month in which the fees are  
675 charged off for federal income tax purposes as bad debt.

676        ~~(e)-(f)~~ The rate of the fee may not exceed 50 cents per  
677 month for each service identifier. Effective January 1, 2015,  
678 the fee shall be 40 cents per month for each service identifier.  
679 The fee shall apply uniformly and be imposed throughout the  
680 state, ~~except for those counties that, before July 1, 2007, had~~  
681 ~~adopted an ordinance or resolution establishing a fee less than~~  
682 ~~50 cents per month per access line. In those counties the fee~~  
683 ~~established by ordinance may be changed only to the uniform~~  
684 ~~statewide rate no sooner than 30 days after notification is made~~  
685 ~~by the county's board of county commissioners to the board.~~

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

694        ~~1. The revenues currently allocated for wireless service~~  
695 ~~provider costs for implementing E911 service and projected costs~~  
696 ~~for implementing E911 service, including recurring costs for~~  
697 ~~Phase I and Phase II and the effect of new technologies;~~

698        1.2. The appropriate level of funding needed to fund the  
699 rural grant program provided for in s. 365.173(2)(f) ~~s.~~  
700 ~~365.173(2)(g);~~ and

701        ~~2.3.~~ The need to fund statewide, regional, and county  
 702 grants in accordance with sub-subparagraph (6)(a)3.b. and s.  
 703 365.173(2)(g) ~~s. 365.173(2)(h)~~.

704        ~~(g)(h)~~ The board may adjust the allocation percentages or  
 705 adjust the amount of the fee as provided in paragraph ~~(f)~~ ~~(g)~~ if  
 706 necessary to ensure full cost recovery or prevent over recovery  
 707 ~~overrecovery~~ of costs incurred in the provision of 911 ~~E911~~  
 708 service, including costs incurred or projected to be incurred ~~to~~  
 709 ~~comply with the order~~. Any new allocation percentages or reduced  
 710 or increased fee may not be adjusted for 1 year. In no event  
 711 shall the fee exceed 50 cents per month for each service  
 712 identifier. The fee, and any board adjustment of the fee, shall  
 713 be uniform throughout the state, ~~except for the counties~~  
 714 ~~identified in paragraph (f)~~. No less than 90 days before the  
 715 effective date of any adjustment to the fee, the board shall  
 716 provide written notice of the adjusted fee amount and effective  
 717 date to each voice communications services provider from which  
 718 the board is then receiving the fee.

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

722        ~~(i)(j)~~ State and local taxes do not apply to the fee. The  
 723 amount of the ~~E911~~ fee collected by a provider may not be  
 724 included in the base for imposition of any tax, fee, surcharge,  
 725 or other charge imposed by this state, any political subdivision

HB 745

2023

726 of this state, or any intergovernmental agency.

727 ~~(j)(k)~~ A local government may not levy the fee or any  
728 additional fee on providers or subscribers for the provision of  
729 911 ~~E911~~ service.

730 ~~(k)(l)~~ For purposes of this section, the definitions  
731 contained in s. 202.11 and the provisions of s. 202.155 apply in  
732 the same manner and to the same extent as the definitions and  
733 provisions apply to the taxes levied under chapter 202 on mobile  
734 communications services.

735 (9) PREPAID WIRELESS PUBLIC SAFETY EMERGENCY  
736 COMMUNICATIONS SYSTEMS ~~E911~~ FEE.—

737 ~~(a) Effective January 1, 2015, a prepaid wireless E911 fee~~  
738 ~~is imposed per retail transaction at the rate established in~~  
739 ~~paragraph (8)(f). In order to allow sellers of all sizes and~~  
740 ~~technological capabilities adequate time to comply with this~~  
741 ~~subsection, a seller of prepaid wireless service operating in~~  
742 ~~this state before the prepaid wireless E911 fee is imposed shall~~  
743 ~~retain 100 percent of the fee collected under this paragraph for~~  
744 ~~the first 2 months to offset the cost of setup.~~

745 ~~(a)(b)~~ Effective July 1, 2023 ~~March 1, 2015~~, the prepaid  
746 wireless ~~E911~~ fee ~~imposed under paragraph (a)~~ shall be subject  
747 to remittance in accordance with paragraph (f) ~~(g)~~. In no event  
748 shall the fee exceed 50 cents for each retail transaction. At  
749 least 90 days before the effective date of any adjustment to the  
750 fee under paragraph (8)(f) ~~(8)(g)~~, the Department of Revenue

751 shall provide written notice of the adjusted fee amount and its  
752 effective date to each seller from which the department is then  
753 receiving the fee. At least 120 days before the effective date  
754 of any adjustment to the fee imposed under this subsection, the  
755 board shall provide notice to the Department of Revenue of the  
756 adjusted fee amount and effective date of the adjustment.

757 (b)~~(e)~~ The prepaid wireless ~~E911~~ fee shall be collected by  
758 the seller from the consumer with respect to each retail  
759 transaction occurring in this state. The amount of the prepaid  
760 wireless ~~E911~~ fee shall be separately stated on an invoice,  
761 receipt, or other similar document that is provided to the  
762 consumer by the seller or otherwise disclosed to the consumer.

763 (c)~~(d)~~ For purposes of paragraph (b) ~~(e)~~, a retail  
764 transaction that takes place in person by a consumer at a  
765 business location of the seller shall be treated as occurring in  
766 this state if that business location is in this state. Such  
767 transaction is deemed to have occurred in the county of the  
768 business location. When a retail transaction does not take place  
769 at the seller's business location, the transaction shall be  
770 treated as taking place at the consumer's shipping address or,  
771 if no item is shipped, at the consumer's address or the location  
772 associated with the consumer's mobile telephone number. Such  
773 transaction is deemed to have occurred in the county of the  
774 consumer's shipping address when items are shipped to the  
775 consumer or, when no items are shipped, the county of the

HB 745

2023

776 consumer's address or the location associated with the  
777 consumer's mobile telephone number. A transaction for which the  
778 specific Florida county cannot be determined shall be treated as  
779 nonspecific.

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

784 (e)~~(f)~~ The amount of the prepaid wireless ~~E911~~ fee that is  
785 collected by a seller from a consumer and that is separately  
786 stated on an invoice, receipt, or similar document provided to  
787 the consumer by the seller, may not be included in the base for  
788 imposition of any tax, fee, surcharge, or other charge that is  
789 imposed by this state, any political subdivision of this state,  
790 or any intergovernmental agency.

791 (f)~~(g)~~ Beginning July 1, 2023 ~~April 1, 2015~~, each seller  
792 shall file a return and remit the prepaid wireless ~~E911~~ fees  
793 collected in the previous month to the Department of Revenue on  
794 or before the 20th day of the month. If the 20th day falls on a  
795 Saturday, Sunday, or legal holiday, payments accompanied by  
796 returns are due on the next succeeding day that is not a  
797 Saturday, Sunday, or legal holiday observed by federal or state  
798 agencies as defined in chapter 683 and s. 7503 of the Internal  
799 Revenue Code of 1986, as amended. A seller may remit the prepaid  
800 wireless ~~E911~~ fee by electronic funds transfer and file a fee



801 return with the Department of Revenue that is initiated through  
802 an electronic data interchange.

803 1. When a seller is authorized by the Department of  
804 Revenue pursuant to s. 212.11(1)(c) or (d) to file a sales and  
805 use tax return on a quarterly, semiannual, or annual reporting  
806 basis, the seller may file a return and remit the prepaid  
807 wireless E911 fees on or before the 20th day of the month  
808 following the authorized reporting period for sales and use tax.

809 2. A seller collecting less than \$50 per month of prepaid  
810 wireless ~~E911~~ fees may file a quarterly return for the calendar  
811 quarters ending in March, June, September, and December. The  
812 seller must file a return and remit the prepaid wireless ~~E911~~  
813 fees collected during each calendar quarter on or before the  
814 20th day of the month following that calendar quarter.

815 3. A seller must provide the following information on each  
816 prepaid wireless ~~E911~~ fee return filed with the Department of  
817 Revenue:

818 a. The seller's name, federal identification number,  
819 taxpayer identification number issued by the Department of  
820 Revenue, business location address and mailing address, and  
821 county of the business location in accordance with paragraph (c)  
822 ~~(d)~~;

823 b. The reporting period;

824 c. The number of prepaid wireless services sold during the  
825 reporting period;

826           d. The amount of prepaid wireless ~~E911~~ fees collected and  
 827 the amount of any adjustments to the fees collected;  
 828           e. The amount of any retailer collection allowance  
 829 deducted from the amount of prepaid wireless ~~E911~~ fees  
 830 collected; and  
 831           f. The amount to be remitted to the Department of Revenue.  
 832           4. A seller who operates two or more business locations  
 833 for which returns are required to be filed with the Department  
 834 of Revenue may file a consolidated return reporting and  
 835 remitting the prepaid wireless ~~E911~~ fee for all business  
 836 locations. Such sellers must report the prepaid wireless E911  
 837 fees collected in each county, in accordance with paragraph (c)  
 838 ~~(d)~~, on a reporting schedule filed with the fee return.  
 839           5. A return is not required for a reporting period when no  
 840 prepaid wireless ~~E911~~ fee is to be remitted for that period.  
 841           6. Except as provided in this section, the Department of  
 842 Revenue shall administer, collect, and enforce the fee under  
 843 this subsection pursuant to the same procedures used in the  
 844 administration, collection, and enforcement of the general state  
 845 sales tax imposed under chapter 212. The provisions of chapter  
 846 212 regarding authority to audit and make assessments, keeping  
 847 of books and records, and interest and penalties on delinquent  
 848 fees shall apply. The provisions of estimated tax liability in  
 849 s. 212.11(1)(a) do not apply to the prepaid wireless ~~E911~~ fee.  
 850           (g)~~(h)~~ A seller of prepaid wireless services in this state

HB 745

2023

851 must register with the Department of Revenue for each place of  
852 business as required by s. 212.18(3) and the Department of  
853 Revenue's administrative rule regarding registration as a sales  
854 and use tax dealer. A separate application is required for each  
855 place of business. A valid certificate of registration issued by  
856 the Department of Revenue to a seller for sales and use tax  
857 purposes is sufficient for purposes of the registration  
858 requirement of this subsection. There is no fee for registration  
859 for remittance of the prepaid wireless ~~E911~~ fee.

860 (h)~~(i)~~ The Department of Revenue shall deposit the funds  
861 remitted under this subsection into the Audit and Warrant  
862 Clearing Trust Fund established in s. 215.199 and retain up to  
863 3.2 percent of the funds remitted under this subsection to  
864 reimburse its direct costs of administering the collection and  
865 remittance of prepaid wireless ~~E911~~ fees. Thereafter, the  
866 Department of Revenue shall transfer all remaining funds  
867 remitted under this subsection to the Emergency Communications  
868 ~~Number E911 System~~ Fund monthly for use as provided in s.  
869 365.173.

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

873 (j)~~(k)~~ A provider or seller of prepaid wireless service is  
874 not liable for damages to any person resulting from or incurred  
875 in connection with providing or failing to provide emergency

876 communications and 911 ~~or E911~~ service or for identifying or  
 877 failing to identify the telephone number, address, location, or  
 878 name associated with any person or device that is accessing or  
 879 attempting to access emergency communications and 911 ~~or E911~~  
 880 service.

881 (k)~~(l)~~ A provider or seller of prepaid wireless service is  
 882 not liable for damages to any person resulting from or incurred  
 883 in connection with providing any lawful assistance to any  
 884 investigative or law enforcement officer of the United States,  
 885 any state, or any political subdivision of any state in  
 886 connection with any lawful investigation or other law  
 887 enforcement activity by such law enforcement officer.

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

891 (m)~~(n)~~ A local government may not levy the fee or any  
 892 additional fee on providers or sellers of prepaid wireless  
 893 service for the provision of E911 service.

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

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

897 1. "Consumer" means a person who purchases prepaid  
 898 wireless service in a retail sale.

899 2. "Prepaid wireless ~~E911~~ fee" means the fee that is  
 900 required to be collected by a seller from a consumer as provided

901 | in this subsection.

902 |         3. "Provider" means a person that provides prepaid  
 903 | wireless service pursuant to a license issued by the Federal  
 904 | Communications Commission.

905 |         4. "Retail transaction" means the purchase by a consumer  
 906 | from a seller of prepaid wireless service that may be applied to  
 907 | a single service identifier for use by the consumer. If a  
 908 | consumer makes a purchase of multiple prepaid wireless services  
 909 | in a single transaction, each individual prepaid wireless  
 910 | service shall be considered a separate retail transaction for  
 911 | purposes of calculating the prepaid wireless ~~E911~~ fee.

912 |         5. "Seller" means a person who makes retail sales of  
 913 | prepaid wireless services to a consumer.

914 |         (10) AUTHORIZED EXPENDITURES OF PUBLIC SAFETY EMERGENCY  
 915 | COMMUNICATIONS SYSTEMS ~~E911~~ FEE.—

916 |         (a) For purposes of this section, emergency communications  
 917 | and 911 ~~E911~~ service includes the functions relating to the  
 918 | receipt and transfer of requests for emergency assistance, of  
 919 | database management, call taking, and location verification, ~~and~~  
 920 | ~~call transfer~~. Department of Health certification and  
 921 | recertification and training costs for ~~911~~ public safety  
 922 | telecommunications, including dispatching, are functions of  
 923 | public safety emergency telecommunications ~~911~~ services.

924 |         (b) All costs directly attributable to the establishment  
 925 | or provision of emergency communications equipment ~~E911 service~~

926 | ~~and contracting for E911 services~~ are eligible for expenditure  
927 | of moneys derived from imposition of the fee authorized by  
928 | subsections (8) and (9). These costs include the acquisition,  
929 | implementation, and maintenance of Public Safety Answering Point  
930 | (PSAP) equipment and ~~E911 service~~ features, as defined in the  
931 | providers' published schedules or the acquisition, installation,  
932 | and maintenance of other ~~E911~~ equipment, including: circuits;  
933 | call answering equipment; call transfer equipment; ANI or ALI  
934 | controllers; ANI or ALI displays; station instruments; NG911  
935 | ~~E911~~ telecommunications systems; Emergency Services IP Network  
936 | ESInet; visual call information and storage devices; recording  
937 | equipment; telephone devices and other equipment for the hearing  
938 | impaired used in the E911 system; PSAP backup power systems;  
939 | consoles; automatic call distributors, and interfaces, including  
940 | hardware and software, for computer-aided dispatch (CAD)  
941 | systems; public safety land mobile radio systems (LMR) and  
942 | radios integrated CAD systems for that portion of the systems  
943 | ~~used for E911 call taking~~; GIS system and software equipment and  
944 | information displays; network clocks; In-building coverage;  
945 | cybersecurity, including hardware, software, and services;  
946 | salary and associated expenses for 911 ~~E911~~ call takers and  
947 | emergency dispatchers for that portion of their time spent  
948 | ~~taking and transferring E911 calls~~, salary, and associated  
949 | expenses for a county to employ a full-time equivalent 911 ~~E911~~  
950 | coordinator position and a full-time equivalent mapping or

HB 745

2023

951 geographical data position, and technical system maintenance,  
952 database, and administration personnel for the portion of their  
953 time spent administrating the emergency communications ~~E911~~  
954 system; emergency medical, fire, and law enforcement prearrival  
955 instruction software; charts and training costs; training costs  
956 for PSAP call takers, dispatchers, supervisors, and managers in  
957 the proper methods and techniques used in taking and  
958 transferring 911 ~~E911~~ calls; costs to train and educate PSAP  
959 employees regarding 911 and radio ~~E911~~ service or NG911 ~~E911~~  
960 equipment, including fees collected by the Department of Health  
961 for the certification and recertification of 911 public safety  
962 telecommunicators as required under s. 401.465; and expenses  
963 required to develop and maintain all information, including ALI  
964 and ANI databases and other information source repositories,  
965 necessary to properly inform call takers as to location address,  
966 type of emergency, Smart City Technologies, public safety  
967 broadband networks, and other information directly relevant to  
968 the public safety emergency communications ~~E911 call-taking and~~  
969 ~~transferring function. Moneys derived from the fee may also be~~  
970 ~~used for next-generation E911 network services, next-generation~~  
971 ~~E911 database services, next-generation E911 equipment, and~~  
972 ~~wireless E911 routing systems~~ and equipment.

973 (c) The moneys may not be used to pay for any item not  
974 listed in this subsection, including, but not limited to, any  
975 capital or operational ~~costs for emergency responses which occur~~

976 | ~~after the call transfer to the responding public safety entity~~  
 977 | ~~and the costs for utilities, constructing, leasing, maintaining,~~  
 978 | ~~or renovating buildings, except for those building modifications~~  
 979 | ~~necessary to maintain the security and environmental integrity~~  
 980 | ~~of the PSAP and emergency communications ~~E911~~ equipment rooms.~~

981 | (11) LIABILITY OF COUNTIES.—A county subscribing to 911  
 982 | service remains liable to the local exchange carrier for any 911  
 983 | service, equipment, operation, or maintenance charge owed by the  
 984 | county to the local exchange carrier. As used in this  
 985 | subsection, the term "local exchange carrier" means a local  
 986 | exchange telecommunications service provider of 911 service or  
 987 | equipment to any county within its certificated area.

988 | (12) INDEMNIFICATION AND LIMITATION OF LIABILITY.—A local  
 989 | government may indemnify local exchange carriers against  
 990 | liability in accordance with the published schedules of the  
 991 | company. Notwithstanding an indemnification agreement, a local  
 992 | exchange carrier, voice communications services provider, or  
 993 | other service provider that provides 911, ~~or~~ E911, or NG911  
 994 | service on a retail or wholesale basis is not liable for damages  
 995 | resulting from or in connection with 911, ~~or~~ E911, or NG911  
 996 | service, or for identification of the telephone number, or  
 997 | address, or name associated with any person accessing 911, ~~or~~  
 998 | E911, or NG911 service, unless the carrier or provider acted  
 999 | with malicious purpose or in a manner exhibiting wanton and  
 1000 | willful disregard of the rights, safety, or property of a person



1001 when providing such services. A carrier or provider is not  
 1002 liable for damages to any person resulting from or in connection  
 1003 with the carrier's or provider's provision of any lawful  
 1004 assistance to any investigative or law enforcement officer of  
 1005 the United States, this state, or a political subdivision  
 1006 thereof, or of any other state or political subdivision thereof,  
 1007 in connection with any lawful investigation or other law  
 1008 enforcement activity by such law enforcement officer. For  
 1009 purposes of this subsection, the term "911, ~~or~~ E911, or NG911  
 1010 service" means a telecommunications service, voice or nonvoice  
 1011 communications service, or other wireline or wireless service,  
 1012 including, but not limited to, a service using Internet  
 1013 protocol, which provides, in whole or in part, any of the  
 1014 following functions: providing members of the public with the  
 1015 ability to reach an answering point by using the digits 9-1-1;  
 1016 directing 911 calls to answering points by selective routing;  
 1017 providing for automatic number identification and automatic  
 1018 location-identification features; or providing wireless E911  
 1019 services as defined in the order.

1020 (13) FACILITATING EMERGENCY COMMUNICATIONS ~~E911~~ SERVICE  
 1021 IMPLEMENTATION.—To balance the public need for reliable  
 1022 emergency communications ~~E911~~ services through reliable wireless  
 1023 systems and the public interest served by governmental zoning  
 1024 and land development regulations and notwithstanding any other  
 1025 law or local ordinance to the contrary, the following standards

1026 shall apply to a local government's actions, as a regulatory  
1027 body, in the regulation of the placement, construction, or  
1028 modification of a wireless communications facility. This  
1029 subsection shall not, however, be construed to waive or alter  
1030 the provisions of s. 286.011 or s. 286.0115. For the purposes of  
1031 this subsection only, "local government" shall mean any  
1032 municipality or county and any agency of a municipality or  
1033 county only. The term "local government" does not, however,  
1034 include any airport, as defined by s. 330.27(2), even if it is  
1035 owned or controlled by or through a municipality, county, or  
1036 agency of a municipality or county. Further, notwithstanding  
1037 anything in this section to the contrary, this subsection does  
1038 not apply to or control a local government's actions as a  
1039 property or structure owner in the use of any property or  
1040 structure owned by such entity for the placement, construction,  
1041 or modification of wireless communications facilities. In the  
1042 use of property or structures owned by the local government,  
1043 however, a local government may not use its regulatory authority  
1044 so as to avoid compliance with, or in a manner that does not  
1045 advance, the provisions of this subsection.

1046 (a) Collocation among wireless providers is encouraged by  
1047 the state.

1048 1.a. Collocations on towers, including nonconforming  
1049 towers, that meet the requirements in sub-sub-subparagraphs (I),  
1050 (II), and (III), are subject to only building permit review,

1051 | which may include a review for compliance with this  
 1052 | subparagraph. Such collocations are not subject to any design or  
 1053 | placement requirements of the local government's land  
 1054 | development regulations in effect at the time of the collocation  
 1055 | that are more restrictive than those in effect at the time of  
 1056 | the initial antennae placement approval, to any other portion of  
 1057 | the land development regulations, or to public hearing review.  
 1058 | This sub-subparagraph shall not preclude a public hearing for  
 1059 | any appeal of the decision on the collocation application.

1060 |         (I) The collocation does not increase the height of the  
 1061 | tower to which the antennae are to be attached, measured to the  
 1062 | highest point of any part of the tower or any existing antenna  
 1063 | attached to the tower;

1064 |         (II) The collocation does not increase the ground space  
 1065 | area, commonly known as the compound, approved in the site plan  
 1066 | for equipment enclosures and ancillary facilities; and

1067 |         (III) The collocation consists of antennae, equipment  
 1068 | enclosures, and ancillary facilities that are of a design and  
 1069 | configuration consistent with all applicable regulations,  
 1070 | restrictions, or conditions, if any, applied to the initial  
 1071 | antennae placed on the tower and to its accompanying equipment  
 1072 | enclosures and ancillary facilities and, if applicable, applied  
 1073 | to the tower supporting the antennae. Such regulations may  
 1074 | include the design and aesthetic requirements, but not  
 1075 | procedural requirements, other than those authorized by this

1076 section, of the local government's land development regulations  
 1077 in effect at the time the initial antennae placement was  
 1078 approved.

1079 b. Except for a historic building, structure, site,  
 1080 object, or district, or a tower included in sub-subparagraph a.,  
 1081 collocations on all other existing structures that meet the  
 1082 requirements in sub-sub-subparagraphs (I)-(IV) shall be subject  
 1083 to no more than building permit review, and an administrative  
 1084 review for compliance with this subparagraph. Such collocations  
 1085 are not subject to any portion of the local government's land  
 1086 development regulations not addressed herein, or to public  
 1087 hearing review. This sub-subparagraph shall not preclude a  
 1088 public hearing for any appeal of the decision on the collocation  
 1089 application.

1090 (I) The collocation does not increase the height of the  
 1091 existing structure to which the antennae are to be attached,  
 1092 measured to the highest point of any part of the structure or  
 1093 any existing antenna attached to the structure;

1094 (II) The collocation does not increase the ground space  
 1095 area, otherwise known as the compound, if any, approved in the  
 1096 site plan for equipment enclosures and ancillary facilities;

1097 (III) The collocation consists of antennae, equipment  
 1098 enclosures, and ancillary facilities that are of a design and  
 1099 configuration consistent with any applicable structural or  
 1100 aesthetic design requirements and any requirements for location

1101 on the structure, but not prohibitions or restrictions on the  
 1102 placement of additional collocations on the existing structure  
 1103 or procedural requirements, other than those authorized by this  
 1104 section, of the local government's land development regulations  
 1105 in effect at the time of the collocation application; and

1106 (IV) The collocation consists of antennae, equipment  
 1107 enclosures, and ancillary facilities that are of a design and  
 1108 configuration consistent with all applicable restrictions or  
 1109 conditions, if any, that do not conflict with sub-sub-  
 1110 subparagraph (III) and were applied to the initial antennae  
 1111 placed on the structure and to its accompanying equipment  
 1112 enclosures and ancillary facilities and, if applicable, applied  
 1113 to the structure supporting the antennae.

1114 c. Regulations, restrictions, conditions, or permits of  
 1115 the local government, acting in its regulatory capacity, that  
 1116 limit the number of collocations or require review processes  
 1117 inconsistent with this subsection shall not apply to  
 1118 collocations addressed in this subparagraph.

1119 d. If only a portion of the collocation does not meet the  
 1120 requirements of this subparagraph, such as an increase in the  
 1121 height of the proposed antennae over the existing structure  
 1122 height or a proposal to expand the ground space approved in the  
 1123 site plan for the equipment enclosure, where all other portions  
 1124 of the collocation meet the requirements of this subparagraph,  
 1125 that portion of the collocation only may be reviewed under the

1126 local government's regulations applicable to an initial  
1127 placement of that portion of the facility, including, but not  
1128 limited to, its land development regulations, and within the  
1129 review timeframes of subparagraph (d)2., and the rest of the  
1130 collocation shall be reviewed in accordance with this  
1131 subparagraph. A collocation proposal under this subparagraph  
1132 that increases the ground space area, otherwise known as the  
1133 compound, approved in the original site plan for equipment  
1134 enclosures and ancillary facilities by no more than a cumulative  
1135 amount of 400 square feet or 50 percent of the original compound  
1136 size, whichever is greater, shall, however, require no more than  
1137 administrative review for compliance with the local government's  
1138 regulations, including, but not limited to, land development  
1139 regulations review, and building permit review, with no public  
1140 hearing review. This sub-subparagraph shall not preclude a  
1141 public hearing for any appeal of the decision on the collocation  
1142 application.

1143         2. If a collocation does not meet the requirements of  
1144 subparagraph 1., the local government may review the application  
1145 under the local government's regulations, including, but not  
1146 limited to, land development regulations, applicable to the  
1147 placement of initial antennae and their accompanying equipment  
1148 enclosure and ancillary facilities.

1149         3. If a collocation meets the requirements of subparagraph  
1150 1., the collocation shall not be considered a modification to an

1151 existing structure or an impermissible modification of a  
1152 nonconforming structure.

1153 4. The owner of the existing tower on which the proposed  
1154 antennae are to be collocated shall remain responsible for  
1155 compliance with any applicable condition or requirement of a  
1156 permit or agreement, or any applicable condition or requirement  
1157 of the land development regulations to which the existing tower  
1158 had to comply at the time the tower was permitted, including any  
1159 aesthetic requirements, provided the condition or requirement is  
1160 not inconsistent with this paragraph.

1161 5. An existing tower, including a nonconforming tower, may  
1162 be structurally modified in order to permit collocation or may  
1163 be replaced through no more than administrative review and  
1164 building permit review, and is not subject to public hearing  
1165 review, if the overall height of the tower is not increased and,  
1166 if a replacement, the replacement tower is a monopole tower or,  
1167 if the existing tower is a camouflaged tower, the replacement  
1168 tower is a like-camouflaged tower. This subparagraph shall not  
1169 preclude a public hearing for any appeal of the decision on the  
1170 application.

1171 (b)1. A local government's land development and  
1172 construction regulations for wireless communications facilities  
1173 and the local government's review of an application for the  
1174 placement, construction, or modification of a wireless  
1175 communications facility shall only address land development or

HB 745

2023

1176 zoning issues. In such local government regulations or review,  
1177 the local government may not require information on or evaluate  
1178 a wireless provider's business decisions about its service,  
1179 customer demand for its service, or quality of its service to or  
1180 from a particular area or site, unless the wireless provider  
1181 voluntarily offers this information to the local government. In  
1182 such local government regulations or review, a local government  
1183 may not require information on or evaluate the wireless  
1184 provider's designed service unless the information or materials  
1185 are directly related to an identified land development or zoning  
1186 issue or unless the wireless provider voluntarily offers the  
1187 information. Information or materials directly related to an  
1188 identified land development or zoning issue may include, but are  
1189 not limited to, evidence that no existing structure can  
1190 reasonably be used for the antennae placement instead of the  
1191 construction of a new tower, that residential areas cannot be  
1192 served from outside the residential area, as addressed in  
1193 subparagraph 3., or that the proposed height of a new tower or  
1194 initial antennae placement or a proposed height increase of a  
1195 modified tower, replacement tower, or collocation is necessary  
1196 to provide the provider's designed service. Nothing in this  
1197 paragraph shall limit the local government from reviewing any  
1198 applicable land development or zoning issue addressed in its  
1199 adopted regulations that does not conflict with this section,  
1200 including, but not limited to, aesthetics, landscaping, land



1201 use-based ~~land use based~~ location priorities, structural design,  
 1202 and setbacks.

1203         2. Any setback or distance separation required of a tower  
 1204 may not exceed the minimum distance necessary, as determined by  
 1205 the local government, to satisfy the structural safety or  
 1206 aesthetic concerns that are to be protected by the setback or  
 1207 distance separation.

1208         3. A local government may exclude the placement of  
 1209 wireless communications facilities in a residential area or  
 1210 residential zoning district but only in a manner that does not  
 1211 constitute an actual or effective prohibition of the provider's  
 1212 service in that residential area or zoning district. If a  
 1213 wireless provider demonstrates to the satisfaction of the local  
 1214 government that the provider cannot reasonably provide its  
 1215 service to the residential area or zone from outside the  
 1216 residential area or zone, the municipality or county and  
 1217 provider shall cooperate to determine an appropriate location  
 1218 for a wireless communications facility of an appropriate design  
 1219 within the residential area or zone. The local government may  
 1220 require that the wireless provider reimburse the reasonable  
 1221 costs incurred by the local government for this cooperative  
 1222 determination. An application for such cooperative determination  
 1223 shall not be considered an application under paragraph (d).

1224         4. A local government may impose a reasonable fee on  
 1225 applications to place, construct, or modify a wireless

1226 | communications facility only if a similar fee is imposed on  
1227 | applicants seeking other similar types of zoning, land use, or  
1228 | building permit review. A local government may impose fees for  
1229 | the review of applications for wireless communications  
1230 | facilities by consultants or experts who conduct code compliance  
1231 | review for the local government but any fee is limited to  
1232 | specifically identified reasonable expenses incurred in the  
1233 | review. A local government may impose reasonable surety  
1234 | requirements to ensure the removal of wireless communications  
1235 | facilities that are no longer being used.

1236 |         5. A local government may impose design requirements, such  
1237 | as requirements for designing towers to support collocation or  
1238 | aesthetic requirements, except as otherwise limited in this  
1239 | section, but shall not impose or require information on  
1240 | compliance with building code type standards for the  
1241 | construction or modification of wireless communications  
1242 | facilities beyond those adopted by the local government under  
1243 | chapter 553 and that apply to all similar types of construction.

1244 |         (c) Local governments may not require wireless providers  
1245 | to provide evidence of a wireless communications facility's  
1246 | compliance with federal regulations, except evidence of  
1247 | compliance with applicable Federal Aviation Administration  
1248 | requirements under 14 C.F.R. part 77, as amended, and evidence  
1249 | of proper Federal Communications Commission licensure, or other  
1250 | evidence of Federal Communications Commission authorized

HB 745

2023

1251 spectrum use, but may request the Federal Communications  
1252 Commission to provide information as to a wireless provider's  
1253 compliance with federal regulations, as authorized by federal  
1254 law.

1255 (d)1. A local government shall grant or deny each properly  
1256 completed application for a collocation under subparagraph (a)1.  
1257 based on the application's compliance with the local  
1258 government's applicable regulations, as provided for in  
1259 subparagraph (a)1. and consistent with this subsection, and  
1260 within the normal timeframe for a similar building permit review  
1261 but in no case later than 45 business days after the date the  
1262 application is determined to be properly completed in accordance  
1263 with this paragraph.

1264 2. A local government shall grant or deny each properly  
1265 completed application for any other wireless communications  
1266 facility based on the application's compliance with the local  
1267 government's applicable regulations, including but not limited  
1268 to land development regulations, consistent with this subsection  
1269 and within the normal timeframe for a similar type review but in  
1270 no case later than 90 business days after the date the  
1271 application is determined to be properly completed in accordance  
1272 with this paragraph.

1273 3.a. An application is deemed submitted or resubmitted on  
1274 the date the application is received by the local government. If  
1275 the local government does not notify the applicant in writing

HB 745

2023

1276 that the application is not completed in compliance with the  
1277 local government's regulations within 20 business days after the  
1278 date the application is initially submitted or additional  
1279 information resubmitted, the application is deemed, for  
1280 administrative purposes only, to be properly completed and  
1281 properly submitted. However, the determination shall not be  
1282 deemed as an approval of the application. If the application is  
1283 not completed in compliance with the local government's  
1284 regulations, the local government shall so notify the applicant  
1285 in writing and the notification must indicate with specificity  
1286 any deficiencies in the required documents or deficiencies in  
1287 the content of the required documents which, if cured, make the  
1288 application properly completed. Upon resubmission of information  
1289 to cure the stated deficiencies, the local government shall  
1290 notify the applicant, in writing, within the normal timeframes  
1291 of review, but in no case longer than 20 business days after the  
1292 additional information is submitted, of any remaining  
1293 deficiencies that must be cured. Deficiencies in document type  
1294 or content not specified by the local government do not make the  
1295 application incomplete. Notwithstanding this sub-subparagraph,  
1296 if a specified deficiency is not properly cured when the  
1297 applicant resubmits its application to comply with the notice of  
1298 deficiencies, the local government may continue to request the  
1299 information until such time as the specified deficiency is  
1300 cured. The local government may establish reasonable timeframes

HB 745

2023

1301 within which the required information to cure the application  
1302 deficiency is to be provided or the application will be  
1303 considered withdrawn or closed.

1304       b. If the local government fails to grant or deny a  
1305 properly completed application for a wireless communications  
1306 facility within the timeframes set forth in this paragraph, the  
1307 application shall be deemed automatically approved and the  
1308 applicant may proceed with placement of the facilities without  
1309 interference or penalty. The timeframes specified in  
1310 subparagraph 2. may be extended only to the extent that the  
1311 application has not been granted or denied because the local  
1312 government's procedures generally applicable to all other  
1313 similar types of applications require action by the governing  
1314 body and such action has not taken place within the timeframes  
1315 specified in subparagraph 2. Under such circumstances, the local  
1316 government must act to either grant or deny the application at  
1317 its next regularly scheduled meeting or, otherwise, the  
1318 application is deemed to be automatically approved.

1319       c. To be effective, a waiver of the timeframes set forth  
1320 in this paragraph must be voluntarily agreed to by the applicant  
1321 and the local government. A local government may request, but  
1322 not require, a waiver of the timeframes by the applicant, except  
1323 that, with respect to a specific application, a one-time waiver  
1324 may be required in the case of a declared local, state, or  
1325 federal emergency that directly affects the administration of

HB 745

2023

1326 | all permitting activities of the local government.

1327 |       (e) The replacement of or modification to a wireless  
1328 | communications facility, except a tower, that results in a  
1329 | wireless communications facility not readily discernibly  
1330 | different in size, type, and appearance when viewed from ground  
1331 | level from surrounding properties, and the replacement or  
1332 | modification of equipment that is not visible from surrounding  
1333 | properties, all as reasonably determined by the local  
1334 | government, are subject to no more than applicable building  
1335 | permit review.

1336 |       (f) Any other law to the contrary notwithstanding, the  
1337 | Department of Management Services shall negotiate, in the name  
1338 | of the state, leases for wireless communications facilities that  
1339 | provide access to state government-owned property not acquired  
1340 | for transportation purposes, and the Department of  
1341 | Transportation shall negotiate, in the name of the state, leases  
1342 | for wireless communications facilities that provide access to  
1343 | property acquired for state rights-of-way. On property acquired  
1344 | for transportation purposes, leases shall be granted in  
1345 | accordance with s. 337.251. On other state government-owned  
1346 | property, leases shall be granted on a space available, first-  
1347 | come, first-served basis. Payments required by state government  
1348 | under a lease must be reasonable and must reflect the market  
1349 | rate for the use of the state government-owned property. The  
1350 | Department of Management Services and the Department of

HB 745

2023

1351 Transportation are authorized to adopt rules for the terms and  
1352 conditions and granting of any such leases.

1353 (g) If any person adversely affected by any action, or  
1354 failure to act, or regulation, or requirement of a local  
1355 government in the review or regulation of the wireless  
1356 communication facilities files an appeal or brings an  
1357 appropriate action in a court or venue of competent  
1358 jurisdiction, following the exhaustion of all administrative  
1359 remedies, the matter shall be considered on an expedited basis.

1360 (14) MISUSE OF 911, ~~OR~~ E911, OR NG911 SYSTEM; PENALTY.—  
1361 911, ~~and~~ E911, and NG911 service must be used solely for  
1362 emergency communications by the public. Any person who accesses  
1363 the number 911 for the purpose of making a false alarm or  
1364 complaint or reporting false information that could result in  
1365 the emergency response of any public safety agency; any person  
1366 who knowingly uses or attempts to use such service for a purpose  
1367 other than obtaining public safety assistance; or any person who  
1368 knowingly uses or attempts to use such service in an effort to  
1369 avoid any charge for service, commits a misdemeanor of the first  
1370 degree, punishable as provided in s. 775.082 or s. 775.083.  
1371 After being convicted of unauthorized use of such service four  
1372 times, a person who continues to engage in such unauthorized use  
1373 commits a felony of the third degree, punishable as provided in  
1374 s. 775.082, s. 775.083, or s. 775.084. In addition, if the value  
1375 of the service or the service charge obtained in a manner

1376 prohibited by this subsection exceeds \$100, the person  
 1377 committing the offense commits a felony of the third degree,  
 1378 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1379 (15) TEXT-TO-911 SERVICE.—Each county shall develop a  
 1380 countywide implementation plan addressing text-to-911 services  
 1381 and, by January 1, 2022, enact a system to allow text-to-911  
 1382 services.

1383 (16) STATE LAW NOT PREEMPTED.—This section and ss. 365.173  
 1384 and 365.174 do not alter any state law that otherwise regulates  
 1385 voice communications services providers.

1386 Section 2. Section 365.173, Florida Statutes, is amended  
 1387 to read:

1388 365.173 Emergency Communications ~~Number E911 System~~ Fund.—

1389 (1) REVENUES.—

1390 (a) Revenues derived from the fee levied on subscribers  
 1391 under s. 365.172(8) must be paid by the board into the State  
 1392 Treasury on or before the 15th day of each month. Such moneys  
 1393 must be accounted for in a special fund to be designated as the  
 1394 Emergency Communications ~~Number E911 System~~ Fund, a fund created  
 1395 in the Division of Telecommunications, or other office as  
 1396 designated by the Secretary of Management Services.

1397 (b) Revenues derived from the fee levied on prepaid  
 1398 wireless service under s. 365.172(9), less the costs of  
 1399 administering collection of the fee, must be transferred by the  
 1400 Department of Revenue to the Emergency Communications ~~Number~~



1401 ~~E911 System~~ Fund on or before the 25th day of each month  
 1402 following the month of receipt.

1403 (c) For accounting purposes, the Emergency Communications  
 1404 ~~Number E911 System~~ Fund must be segregated into three separate  
 1405 categories:

- 1406 1. The wireless category;
- 1407 2. The nonwireless category; and
- 1408 3. The prepaid wireless category.

1409 (d) All moneys must be invested by the Chief Financial  
 1410 Officer pursuant to s. 17.61. All moneys in such fund are to be  
 1411 expended by the office for the purposes provided in this section  
 1412 and s. 365.172. These funds are not subject to s. 215.20.

1413 (2) DISTRIBUTION AND USE OF FUNDS.—As determined by the  
 1414 board pursuant to s. 365.172(8)(f) ~~s. 365.172(8)(g)~~, and subject  
 1415 to any modifications approved by the board pursuant to s.  
 1416 365.172(6)(a)3. or (8)(g) ~~s. 365.172(6)(a)3. or (8)(h)~~, the  
 1417 moneys in the fund shall be distributed and used only as  
 1418 follows:

1419 (a) Ninety-five ~~Seventy-six~~ percent of the moneys in the  
 1420 wireless category shall be distributed each month to counties,  
 1421 based on the total number of service identifiers in each county,  
 1422 and shall be used exclusively for payment of:

- 1423 1. Authorized expenditures, as specified in s.  
 1424 365.172(10).
- 1425 2. Costs to comply with the requirements for emergency

HB 745

2023

1426 communications ~~E911~~ service contained in the order and any  
1427 future rules related to the order.

1428 (b) Ninety-six percent of the moneys in the nonwireless  
1429 category shall be distributed each month to counties based on  
1430 the total number of service identifiers in each county and shall  
1431 be used exclusively for payment of authorized expenditures, as  
1432 specified in s. 365.172(10).

1433 (c) Sixty-one percent of the moneys in the prepaid  
1434 wireless category shall be distributed each month to counties  
1435 based on the total amount of fees reported and paid in each  
1436 county and shall be used exclusively for payment of authorized  
1437 expenditures, as specified in s. 365.172(10). The moneys from  
1438 prepaid wireless ~~E911~~ fees identified as nonspecific in  
1439 accordance with s. 365.172(9) shall be distributed as determined  
1440 by the Emergency Communications ~~E911~~ Board.

1441 (d) Any county that receives funds under paragraphs (a),  
1442 (b), and (c) shall establish a fund to be used exclusively for  
1443 the receipt and expenditure of the revenues collected under  
1444 paragraphs (a), (b), and (c). All fees placed in the fund and  
1445 any interest accrued shall be used solely for costs described in  
1446 subparagraphs (a)1. and 2. and may not be reduced, withheld, or  
1447 allocated for other purposes. The money collected and interest  
1448 earned in this fund shall be appropriated for these purposes by  
1449 the county commissioners and incorporated into the annual county  
1450 budget. The fund shall be included within the financial audit

HB 745

2023

1451 performed in accordance with s. 218.39. The financial audit  
1452 shall assure that all emergency communications ~~E911~~ fee  
1453 revenues, interest, and emergency communications ~~E911~~ grant  
1454 funding are used for payment of authorized expenditures, as  
1455 specified in s. 365.172(10) and as specified in the Emergency  
1456 Communications ~~E911~~ Board grant and special disbursement  
1457 programs. The county is responsible for all expenditures of  
1458 revenues distributed from the county emergency communications  
1459 ~~E911~~ fund and shall submit the financial audit reports to the  
1460 board for review. A county may carry forward up to 30 percent of  
1461 the total funds disbursed to the county by the board during a  
1462 county fiscal year for expenditures for capital outlay, capital  
1463 improvements, equipment replacement, or implementation of a  
1464 hosted system if such expenditures are made for the purposes  
1465 specified in subparagraphs (a)1. and 2.; however, the 30-percent  
1466 limitation does not apply to funds disbursed to a county under  
1467 s. 365.172(6)(a)3., and a county may carry forward any  
1468 percentage of the funds, except that any grant provided shall  
1469 continue to be subject to any condition imposed by the board. In  
1470 order to prevent an excess recovery of costs incurred in  
1471 providing emergency communication ~~E911~~ service, a county that  
1472 receives funds greater than the permissible emergency  
1473 communication ~~E911~~ costs described in s. 365.172(10), including  
1474 the 30-percent carryforward allowance, must return the excess  
1475 funds to the ~~E911~~ board to be allocated under s. 365.172(6)(a).

1476           ~~(c) Twenty percent of the moneys in the wireless category~~  
1477 ~~shall be distributed to wireless providers in response to sworn~~  
1478 ~~invoices submitted to the board by wireless providers to~~  
1479 ~~reimburse such wireless providers for the actual costs incurred~~  
1480 ~~to provide 911 or E911 service, including the costs of complying~~  
1481 ~~with the order. Such costs include costs and expenses incurred~~  
1482 ~~by wireless providers to design, purchase, lease, program,~~  
1483 ~~install, test, upgrade, operate, and maintain all necessary~~  
1484 ~~data, hardware, and software required to provide E911 service.~~  
1485 ~~Each wireless provider shall submit to the board, by August 1 of~~  
1486 ~~each year, a detailed estimate of the capital and operating~~  
1487 ~~expenses for which it anticipates that it will seek~~  
1488 ~~reimbursement under this paragraph during the ensuing state~~  
1489 ~~fiscal year. In order to be eligible for recovery during any~~  
1490 ~~ensuing state fiscal year, a wireless provider must submit all~~  
1491 ~~sworn invoices for allowable purchases made within the previous~~  
1492 ~~calendar year no later than March 31 of the fiscal year. By~~  
1493 ~~September 15 of each year, the board shall submit to the~~  
1494 ~~Legislature its legislative budget request for funds to be~~  
1495 ~~allocated to wireless providers under this paragraph during the~~  
1496 ~~ensuing state fiscal year. The budget request shall be based on~~  
1497 ~~the information submitted by the wireless providers and~~  
1498 ~~estimated surcharge revenues. Distributions of moneys in the~~  
1499 ~~fund by the board to wireless providers must be fair and~~  
1500 ~~nondiscriminatory. If the total amount of moneys requested by~~

1501 ~~wireless providers pursuant to invoices submitted to the board~~  
1502 ~~and approved for payment exceeds the amount in the fund in any~~  
1503 ~~month, wireless providers that have invoices approved for~~  
1504 ~~payment shall receive a pro rata share of moneys in the fund and~~  
1505 ~~the balance of the payments shall be carried over to the~~  
1506 ~~following month or months until all of the approved payments are~~  
1507 ~~made. The board may adopt rules necessary to address the manner~~  
1508 ~~in which pro rata distributions are made when the total amount~~  
1509 ~~of funds requested by wireless providers pursuant to invoices~~  
1510 ~~submitted to the board exceeds the total amount of moneys on~~  
1511 ~~deposit in the fund.~~

1512 (e)~~(f)~~ One percent of the moneys in each category of the  
1513 fund shall be retained by the board to be applied to costs and  
1514 expenses incurred for the purposes of managing, administering,  
1515 and overseeing the receipts and disbursements from the fund and  
1516 other activities as defined in s. 365.172(6). Any funds retained  
1517 for such purposes in a calendar year which are not applied to  
1518 such costs and expenses by March 31 of the following year shall  
1519 be redistributed as determined by the board.

1520 (f)~~(g)~~ Three percent of the moneys in each category of the  
1521 fund and an additional 1 percent of the moneys collected in the  
1522 wireless category shall be used to make monthly distributions to  
1523 rural counties for the purpose of providing facilities and  
1524 network and service enhancements and assistance for the  
1525 emergency communications ~~911 or E911~~ systems operated by rural

HB 745

2023

1526 counties and for the provision of grants by the office to rural  
1527 counties for upgrading and replacing emergency communications  
1528 ~~E911~~ systems.

1529 (g)~~(h)~~ Thirty-five percent of the moneys in the prepaid  
1530 wireless category shall be retained by the board to provide  
1531 state emergency communications ~~E911~~ grants to be awarded in  
1532 accordance with the following order of priority:

1533 1. For all large, medium, and rural counties to upgrade or  
1534 replace emergency communications ~~E911~~ systems.

1535 2. For all large, medium, and rural counties to develop  
1536 and maintain statewide 911 routing, geographic, and management  
1537 information systems.

1538 3. For all large, medium, and rural counties to develop  
1539 and maintain next-generation 911 services and equipment.

1540 (h)~~(i)~~ If the wireless category has funds remaining in it  
1541 on December 31 after disbursements have been made during the  
1542 calendar year immediately prior to December 31, the board may  
1543 disburse the excess funds in the wireless category in accordance  
1544 with s. 365.172 (6) (a)3.b.

1545 (3) The Legislature recognizes that the fee authorized  
1546 under s. 365.172 may not necessarily provide the total funding  
1547 required for establishing or providing the emergency  
1548 communications ~~E911~~ service. It is the intent of the Legislature  
1549 that all revenue from the fee be used as specified in subsection  
1550 (2).

HB745

2023

1551 Section 3. Subsection (1) of section 365.177, Florida  
 1552 Statutes, is amended to read:  
 1553 365.177 Transfer of E911 calls between systems.—  
 1554 (1) The office shall develop a plan by December 30, 2023  
 1555 ~~February 1, 2020~~, to upgrade 911 public safety answering points  
 1556 within the state to allow the transfer of an emergency call from  
 1557 one local, multijurisdictional, or regional E911 system to  
 1558 another local, multijurisdictional, or regional E911 system in  
 1559 the state. Such transfer should include voice, text message,  
 1560 image, video, caller identification information, location  
 1561 information, and additional standards-based 911 call  
 1562 information.

1563 Section 4. Subsection (10) of section 212.05965, Florida  
 1564 Statutes, is amended to read:  
 1565 212.05965 Taxation of marketplace sales.—  
 1566 (10) Notwithstanding any other law, the marketplace  
 1567 provider is also responsible for collecting and remitting any  
 1568 prepaid wireless public safety emergency communications systems  
 1569 ~~E911~~ fee under s. 365.172, waste tire fee under s. 403.718, and  
 1570 lead-acid battery fee under s. 403.7185 at the time of sale for  
 1571 taxable retail sales made through its marketplace.

1572 Section 5. Section 365.171, Florida Statutes, is amended  
 1573 to read:  
 1574 365.171 Emergency communications ~~number E911~~ state plan.—  
 1575 (1) SHORT TITLE.—This section may be cited as the "Florida

1576 Emergency Communications ~~Number E911~~ State Plan Act."

1577       (2) LEGISLATIVE INTENT.—It is the intent of the

1578 Legislature that the communications number "911" be the

1579 designated emergency communications number. A public safety

1580 agency may not advertise or otherwise promote the use of any

1581 communications number for emergency response services other than

1582 "911." It is further the intent of the Legislature to implement

1583 and continually update a cohesive statewide emergency

1584 communications ~~number "E911"~~ plan for enhanced 911 services

1585 which will provide citizens with rapid direct access to public

1586 safety agencies by accessing "911" with the objective of

1587 reducing the response time to situations requiring law

1588 enforcement, fire, medical, rescue, and other emergency

1589 services.

1590       (3) DEFINITIONS.—As used in this section, the term:

1591       (a) "Office" means the Division of Telecommunications

1592 within the Department of Management Services, as designated by

1593 the secretary of the department.

1594       (b) "Local government" means any city, county, or

1595 political subdivision of the state and its agencies.

1596       (c) "Public agency" means the state and any city, county,

1597 city and county, municipal corporation, chartered organization,

1598 public district, or public authority located in whole or in part

1599 within this state which provides, or has authority to provide,

1600 firefighting, law enforcement, ambulance, medical, or other



1601 emergency services.

1602 (d) "Public safety agency" means a functional division of  
 1603 a public agency which provides firefighting, law enforcement,  
 1604 medical, or other emergency services.

1605 (4) STATE PLAN.—The office shall develop, maintain, and  
 1606 implement appropriate modifications for a statewide emergency  
 1607 communications ~~E911 system~~ plan. The plan shall provide for:

1608 (a) The public agency emergency communications  
 1609 requirements for each entity of local government in the state.

1610 (b) A system to meet specific local government  
 1611 requirements. Such system shall include law enforcement,  
 1612 firefighting, and emergency medical services and may include  
 1613 other emergency services such as poison control, suicide  
 1614 prevention, and emergency management services.

1615 (c) Identification of the mutual aid agreements necessary  
 1616 to obtain an effective emergency communications systems ~~E911~~  
 1617 ~~system~~.

1618 (d) A funding provision that identifies the cost necessary  
 1619 to implement the emergency communications ~~E911~~ system.

1620  
 1621 The office shall be responsible for the implementation and  
 1622 coordination of such plan. The office shall adopt any necessary  
 1623 rules and schedules related to public agencies for implementing  
 1624 and coordinating the plan, pursuant to chapter 120.

1625 (5) SYSTEM DIRECTOR.—The secretary of the department or

1626 his or her designee is designated as the director of the  
1627 statewide emergency communications ~~number E911~~ system and, for  
1628 the purpose of carrying out the provisions of this section, is  
1629 authorized to coordinate the activities of the system with  
1630 state, county, local, and private agencies. The director in  
1631 implementing the system shall consult, cooperate, and coordinate  
1632 with local law enforcement agencies.

1633 (6) REGIONAL SYSTEMS.—This section does not prohibit or  
1634 discourage the formation of multijurisdictional or regional  
1635 systems; and any system established pursuant to this section may  
1636 include the jurisdiction, or any portion thereof, of more than  
1637 one public agency. It is the intent of the Legislature that  
1638 emergency communications services ~~E911 service~~ be available  
1639 throughout the state. Expenditure by counties of the ~~E911~~ fee  
1640 authorized and imposed under s. 365.172 should support this  
1641 intent to the greatest extent feasible within the context of  
1642 local service needs and fiscal capability. This section does not  
1643 prohibit two or more counties from establishing a combined  
1644 emergency ~~E911~~ communications service by an interlocal agreement  
1645 and using the fees authorized and imposed by s. 365.172 for such  
1646 combined ~~E911~~ service.

1647 (7) TELECOMMUNICATIONS INDUSTRY COORDINATION.—The office  
1648 shall coordinate with the Florida Public Service Commission  
1649 which shall encourage the Florida telecommunications industry to  
1650 activate facility modification plans for timely emergency

1651 communications services ~~E911~~ implementation.

1652 (8) COIN TELEPHONES.—The Florida Public Service Commission  
1653 shall establish rules to be followed by the telecommunications  
1654 companies in this state designed toward encouraging the  
1655 provision of coin-free dialing of "911" calls wherever  
1656 economically practicable and in the public interest.

1657 (9) SYSTEM APPROVAL.—No emergency communications number  
1658 E911 system shall be established and no present system shall be  
1659 expanded without prior approval of the office.

1660 (10) COMPLIANCE.—All public agencies shall assist the  
1661 office in their efforts to carry out the intent of this section,  
1662 and such agencies shall comply with the developed plan.

1663 (11) FEDERAL ASSISTANCE.—The secretary of the department  
1664 or his or her designee may apply for and accept federal funding  
1665 assistance in the development and implementation of a statewide  
1666 emergency communications ~~number~~ ~~E911~~ system.

1667 (12) CONFIDENTIALITY OF RECORDS.—

1668 (a) Any record, recording, or information, or portions  
1669 thereof, obtained by a public agency or a public safety agency  
1670 for the purpose of providing services in an emergency and which  
1671 reveals the name, address, telephone number, or personal  
1672 information about, or information which may identify any person  
1673 requesting emergency service or reporting an emergency by  
1674 accessing an emergency communications ~~E911~~ system is  
1675 confidential and exempt from the provisions of s. 119.07(1) and

1676 s. 24(a), Art. I of the State Constitution, except that such  
1677 record or information may be disclosed to a public safety  
1678 agency. The exemption applies only to the name, address,  
1679 telephone number or personal information about, or information  
1680 which may identify any person requesting emergency services or  
1681 reporting an emergency while such information is in the custody  
1682 of the public agency or public safety agency providing emergency  
1683 services. A telecommunications company or commercial mobile  
1684 radio service provider shall not be liable for damages to any  
1685 person resulting from or in connection with such telephone  
1686 company's or commercial mobile radio service provider's  
1687 provision of any lawful assistance to any investigative or law  
1688 enforcement officer of the State of Florida or political  
1689 subdivisions thereof, of the United States, or of any other  
1690 state or political subdivision thereof, in connection with any  
1691 lawful investigation or other law enforcement activity by such  
1692 law enforcement officer unless the telecommunications company or  
1693 commercial mobile radio service provider acted in a wanton and  
1694 willful manner.

1695 (b) Notwithstanding paragraph (a), a 911 public safety  
1696 telecommunicator, as defined in s. 401.465, may contact any  
1697 private person or entity that owns an automated external  
1698 defibrillator who has notified the local emergency medical  
1699 services medical director or public safety answering point of  
1700 such ownership if a confirmed coronary emergency call is taking

1701 place and the location of the coronary emergency is within a  
 1702 reasonable distance from the location of the defibrillator, and  
 1703 may provide the location of the coronary emergency to that  
 1704 person or entity.

1705 Section 6. Paragraph (b) of subsection (2) of section  
 1706 365.174, Florida Statutes, is amended to read:

1707 365.174 Proprietary confidential business information.—

1708 (2)

1709 (b) The Department of Revenue may provide information  
 1710 relative to s. 365.172(9) to the Secretary of Management  
 1711 Services, or his or her authorized agent, or to the Emergency  
 1712 Communications ~~E911~~ Board established in s. 365.172(5) for use  
 1713 in the conduct of the official business of the Department of  
 1714 Management Services or the Emergency Communications ~~E911~~ Board.

1715 Section 7. This act shall take effect July 1, 2023.