

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; requiring

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

49
50 Be It Enacted by the Legislature of the State of Florida:

51
 52 Section 1. Section 365.172, Florida Statutes, is amended
 53 to read:

54 365.172 Emergency communications. ~~number "E911."~~

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

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

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

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

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

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

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

87
 88 It is further the intent of the Legislature that the fee
 89 authorized or imposed by this section not necessarily provide
 90 the total funding required for establishing or providing
 91 emergency communications systems and services ~~E911 service~~.

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

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

96 (b) "Automatic location identification" means the
 97 capability of the E911 service which enables the automatic
 98 display of information that defines the approximate geographic
 99 location of the wireless telephone, or the location of the
 100 address of the wireline telephone, used to place a 911 call.

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

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

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

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

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

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

124 ~~(i)-(h)~~ "Enhanced 911" or "E911" means an enhanced 911
 125 system or enhanced 911 service that is an emergency telephone

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

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

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

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

149 (m)~~(l)~~ "Historic building, structure, site, object, or
150 district" means any building, structure, site, object, or

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

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

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

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

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

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

174 (s) "Next Generation 911" or "NG911" means an Internet
 175 Protocol(IP)-based system comprised of managed Emergency

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

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

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

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

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

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

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

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

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

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

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

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

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

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

224 (aa)~~(y)~~ "Public safety answering point," "PSAP," or
225 "answering point" means the public safety agency that receives

226 incoming 911 requests for assistance and dispatches appropriate
227 public safety agencies to respond to the requests in accordance
228 with the state E911 plan.

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

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

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

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

250 1. The service enables real-time, two-way voice

251 | communications;

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

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

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

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

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

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

272 | (ii)~~(gg)~~ "Wireless communications facility" means any
273 | equipment or facility used to provide service and may include,
274 | but is not limited to, antennae, towers, equipment enclosures,
275 | cabling, antenna brackets, and other such equipment. Placing a

276 wireless communications facility on an existing structure does
 277 not cause the existing structure to become a wireless
 278 communications facility.

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

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

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

300 (4) POWERS AND DUTIES OF THE OFFICE.—The office shall

301 | oversee the administration of the fee authorized and imposed
 302 | under subsections (8) and (9).

303 | (5) THE EMERGENCY COMMUNICATIONS ~~E911~~ BOARD.—

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

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

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

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

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

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

326 6. 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 9 ~~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 8 ~~10~~ members of the board shall be
 343 appointed by the Governor. All members shall be Florida
 344 residents. Consideration should be given for members from rural,
 345 medium, and large counties and from a broad range of fields,
 346 including, but not limited to, experience in law enforcement,
 347 fire response, emergency medical services, 911 coordination,
 348 public safety dispatch, and telecommunications ~~and must be~~
 349 ~~composed of 5 county 911 coordinators, consisting of a~~
 350 ~~representative from a rural county, a representative from a~~

351 ~~medium county, a representative from a large county, and 2 at-~~
352 ~~large representatives recommended by the Florida Association of~~
353 ~~Counties in consultation with the county 911 coordinators; 3~~
354 ~~local exchange carrier member representatives, one of whom must~~
355 ~~be a representative of the local exchange carrier having the~~
356 ~~greatest number of access lines in the state and one of whom~~
357 ~~must be a representative of a certificated competitive local~~
358 ~~exchange telecommunications company; and 2 member~~
359 ~~representatives from the wireless telecommunications industry,~~
360 ~~with consideration given to wireless providers that are not~~
361 ~~affiliated with local exchange carriers. Not more than one~~
362 ~~member may be appointed to represent any single provider on the~~
363 ~~board.~~

364 ~~(d)(e)~~ The system director, designated under s.
365 365.171(5), or his or her designee, must be a permanent member
366 of the board. Each of the remaining 8 ~~10~~ members of the board
367 shall be appointed to a 4-year term and may not be appointed to
368 more than two successive terms. However, for the purpose of
369 staggering terms, three ~~two~~ of the original board members shall
370 be appointed to terms of 4 years, three ~~two~~ shall be appointed
371 to terms of 3 years, and two ~~four~~ shall be appointed to terms of
372 2 years, as designated by the Governor. A vacancy on the board
373 shall be filled in the same manner as the original appointment.

374 (e) The board shall be responsible for ensuring
375 interoperability of and connectivity between public safety

376 communication systems within the state, including, but not
377 limited to, the following:

- 378 1. Call routing accuracy and timeliness of response.
- 379 2. Improved interagency communication and situational
380 awareness.
- 381 3. Improved interagency system connectivity.
- 382 3. Improved response times.
- 383 4. Maximized use of emerging technologies.
- 384 5. Improved lifecycle management of the systems,
385 equipment, and services that enable responders and public safety
386 officials to share information securely.
- 387 6. Developed governance, policy, and procedure across
388 public safety agencies.
- 389 7. Established resilient and secure emergency
390 communication systems to reduce cybersecurity threats and
391 vulnerabilities.

392 (f) The board shall administer the fee imposed under
393 subsections (8) and (9), including receiving revenues derived
394 from the fee; distributing portions of the revenues to counties,
395 state agencies that operate 911 centers, and the office;
396 accounting for receipts, distributions, and income derived by
397 the funds maintained in the fund; and providing annual reports
398 for review and submission to the Governor and the Legislature on
399 amounts collected and expended, the purposes for which
400 expenditures have been made, and the status of emergency

401 communications services in this state.

402 (g) The board may create subcommittees to advise the
 403 board, as needed.

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

405 (a) The board shall:

406 1. Administer the public safety emergency communications
 407 systems ~~E911~~ fee.

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

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

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

419 b. The board shall provide 90 days' written notice to all
 420 counties and state agencies that operate 911 centers and publish
 421 electronically an approved application process. Applications
 422 shall be prioritized based on the availability of funds, current
 423 system life expectancy, and system replacement needs. The board
 424 shall take all actions within its authority to ensure that
 425 county recipients of such funds use these funds only for the

426 purpose under which they have been provided and may take any
427 actions within its authority to secure county repayment of
428 revenues upon a determination that the funds were not used for
429 the purpose for which the funds were dispersed.

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

451 ~~funds were not used for the purpose under which they were~~
452 ~~provided.~~

453 ~~e. When determining the funding provided in a state 911~~
454 ~~grant application request, the board shall take into account~~
455 ~~information on the amount of carryforward funds retained by the~~
456 ~~counties. The information will be based on the amount of county~~
457 ~~carryforward funds reported in the financial audit required in~~
458 ~~s. 365.173(2)(d). E911 State Grant Program funding requests will~~
459 ~~be limited by any county carryforward funds in excess of the~~
460 ~~allowable 30 percent amount of fee revenue calculated on a 2-~~
461 ~~year basis.~~

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

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

476 4. Review documentation submitted by wireless providers
477 which reflects current and projected funds derived from the fee.
478 ~~, and the expenses incurred and expected to be incurred in order~~
479 ~~to comply with the E911 service requirements contained in the~~
480 ~~order for the purposes of:~~

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

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

486 e. ~~Ascertaining the projected costs of compliance with the~~
487 ~~requirements of the order and projected collections of the fee.~~

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

490 5. Implement changes to the allocation percentages or
491 adjust the fee pursuant to s. 365.173.

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

501 ~~7.6.~~ Hire and retain employees, which may include an
 502 independent executive director who shall possess experience in
 503 the area of telecommunications and emergency 911 issues, for the
 504 purposes of performing the technical and administrative
 505 functions for the board.

506 ~~8.7.~~ Make and enter into contracts, pursuant to chapter
 507 287, and execute other instruments necessary or convenient for
 508 the exercise of the powers and functions of the board.

509 ~~9.8.~~ Sue and be sued, and appear and defend in all actions
 510 and proceedings, in its corporate name to the same extent as a
 511 natural person.

512 ~~10.9.~~ Adopt, use, and alter a common corporate seal.

513 ~~11.10.~~ Elect or appoint the officers and agents that are
 514 required by the affairs of the board.

515 ~~12.11.~~ The board may adopt rules under ss. 120.536(1) and
 516 120.54 to implement this section and ss. 365.173 and 365.174.

517 ~~13.12.~~ Provide coordination, support, and technical
 518 assistance to counties to promote the deployment of advanced
 519 public safety emergency communications ~~911 and E911~~ systems in
 520 the state.

521 ~~14.13.~~ Provide coordination and support for educational
 522 opportunities related to 911 ~~E911~~ issues for the public safety
 523 emergency communications ~~E911~~ community in this state.

524 ~~15.14.~~ Act as an advocate for issues related to public
 525 safety emergency communications ~~E911~~ system functions, features,

526 and operations to improve the delivery of public safety
527 emergency communications ~~E911~~ services to the residents of and
528 visitors to this state.

529 ~~16.15.~~ Coordinate input from this state at national forums
530 and associations, to ensure that policies related to public
531 safety emergency communications ~~E911~~ systems and services are
532 consistent with the policies of the public safety emergency
533 communications ~~E911~~ community in this state.

534 ~~17.16.~~ Work cooperatively with the system director
535 established in s. 365.171(5) to enhance the state of public
536 safety emergency communications ~~E911~~ services in this state and
537 to provide unified leadership for all public safety emergency
538 communications ~~E911~~ issues through planning and coordination.

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

546 ~~19.18.~~ Have the authority to secure the services of an
547 independent, private attorney via invitation to bid, request for
548 proposals, invitation to negotiate, or professional contracts
549 for legal services already established at the Division of
550 Purchasing of the Department of Management Services.

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

554 (c) By February 28 of each year, the board shall prepare a
 555 report for submission by the office to the Governor, the
 556 President of the Senate, and the Speaker of the House of
 557 Representatives which addresses for the immediately preceding
 558 state fiscal year and county fiscal year:

559 1. The annual receipts, including the total amount of fee
 560 revenues collected by each provider, the total disbursements of
 561 money in the fund, ~~including the amount of fund-reimbursed~~
 562 ~~expenses incurred by each wireless provider to comply with the~~
 563 ~~order,~~ and the amount of moneys on deposit in the fund.

564 2. Whether the amount of the fee and the allocation
 565 percentages set forth in s. 365.173 have been or should be
 566 adjusted to comply with the ~~requirements of the order or other~~
 567 provisions of this chapter, and the reasons for making or not
 568 making a recommended adjustment to the fee.

569 3. Any other issues related to providing emergency
 570 communications ~~E911~~ services.

571 4. The status of public safety emergency communications
 572 ~~E911~~ services in this state.

573 (7) REQUEST FOR PROPOSALS FOR INDEPENDENT ACCOUNTING
 574 FIRM.—

575 (a) The board shall issue a request for proposals as

576 provided in chapter 287 for the purpose of retaining an
577 independent accounting firm. The independent accounting firm
578 shall perform all material administrative and accounting tasks
579 and functions required for administering the fee. The request
580 for proposals must include, but need not be limited to:

581 1. A description of the scope and general requirements of
582 the services requested.

583 2. A description of the specific accounting and reporting
584 services required for administering the fund, including
585 processing checks and distributing funds as directed by the
586 board under s. 365.173.

587 3. A description of information to be provided by the
588 proposer, including the proposer's background and qualifications
589 and the proposed cost of the services to be provided.

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

601 indirectly, with potential proposers which conflicts in any
 602 manner or degree with his or her performance on the committee.

603 (c) The board may secure the services of an independent
 604 accounting firm via invitation to bid, request for proposals,
 605 invitation to negotiate, or professional contracts already
 606 established at the Division of Purchasing, Department of
 607 Management Services, for certified public accounting firms, or
 608 the board may hire and retain professional accounting staff to
 609 accomplish these functions.

610 (8) PUBLIC SAFETY EMERGENCY COMMUNICATIONS SYSTEMS ~~E911~~
 611 FEE.—

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

618 1. Each voice communications service provider other than a
 619 wireless provider shall bill the fee to a subscriber based on
 620 the number of access lines having access to the 911 ~~E911~~ system,
 621 on a service-identifier basis, up to a maximum of 25 access
 622 lines per account bill rendered.

623 2. Each voice communications service provider other than a
 624 wireless provider shall bill the fee to a subscriber on a basis
 625 of five service-identified access lines for each digital

626 transmission link, including primary rate interface service or
627 equivalent Digital-Signal-1-level service, which can be
628 channelized and split into 23 or 24 voice-grade or data-grade
629 channels for communications, up to a maximum of 25 access lines
630 per account bill rendered.

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

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

644
645 The provider may list the fee as a separate entry on each bill,
646 in which case the fee must be identified as a fee for 911 ~~E911~~
647 services. A provider shall remit the fee to the board only if
648 the fee is paid by the subscriber. If a provider receives a
649 partial payment for a monthly bill from a subscriber, the amount
650 received shall first be applied to the payment due the provider

651 for providing voice communications service.

652 (b) A provider is not obligated to take any legal action
653 to enforce collection of the fees for which any subscriber is
654 billed. A county subscribing to 911 service remains liable to
655 the provider delivering the 911 service or equipment for any 911
656 service, equipment, operation, or maintenance charge owed by the
657 county to the provider.

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

660 (d) Each provider may retain 1 percent of the amount of
661 the fees collected as reimbursement for the administrative costs
662 incurred by the provider to bill, collect, and remit the fee.
663 The remainder shall be delivered to the board and deposited by
664 the board into the fund. The board shall distribute the
665 remainder pursuant to s. 365.173.

666 (e) Voice communications services providers billing the
667 fee to subscribers shall deliver revenues from the fee to the
668 board within 60 days after the end of the month in which the fee
669 was billed, together with a monthly report of the number of
670 service identifiers in each county. Each wireless provider and
671 other applicable provider identified in subparagraph (a)4. shall
672 report the number of service identifiers for subscribers whose
673 place of primary use is in each county. All provider subscriber
674 information provided to the board is subject to s. 365.174. If a
675 provider chooses to remit any fee amounts to the board before

676 they are paid by the subscribers, a provider may apply to the
677 board for a refund of, or may take a credit for, any such fees
678 remitted to the board which are not collected by the provider
679 within 6 months following the month in which the fees are
680 charged off for federal income tax purposes as bad debt.

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

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

699 ~~1. The revenues currently allocated for wireless service~~
700 ~~provider costs for implementing E911 service and projected costs~~

701 ~~for implementing E911 service, including recurring costs for~~
702 ~~Phase I and Phase II and the effect of new technologies;~~

703 1.2. The appropriate level of funding needed to fund the
704 rural grant program provided for in s. 365.173(2)(f) ~~s.~~
705 ~~365.173(2)(g)~~; and

706 2.3. The need to fund statewide, regional, and county
707 grants in accordance with sub-subparagraph (6)(a)3.b. and s.
708 365.173(2)(g) ~~s. 365.173(2)(h)~~.

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

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

726 ~~365.173(2)(a)-(i).~~

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

732 (k) A local government may not levy the fee or any
 733 additional fee on providers or subscribers for the provision of
 734 911 ~~E911~~ service.

735 (l) For purposes of this section, the definitions
 736 contained in s. 202.11 and the provisions of s. 202.155 apply in
 737 the same manner and to the same extent as the definitions and
 738 provisions apply to the taxes levied under chapter 202 on mobile
 739 communications services.

740 (9) PREPAID WIRELESS PUBLIC SAFETY EMERGENCY
 741 COMMUNICATIONS SYSTEMS ~~E911~~ FEE.—

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

750 ~~(a)(b)~~ Effective July 1, 2023 ~~March 1, 2015~~, the prepaid

751 wireless ~~E911~~ fee ~~imposed under paragraph (a)~~ shall be subject
752 to remittance in accordance with paragraph (f) ~~(g)~~. In no event
753 shall the fee exceed 50 cents for each retail transaction. At
754 least 90 days before the effective date of any adjustment to the
755 fee under paragraph (8) (g), the Department of Revenue shall
756 provide written notice of the adjusted fee amount and its
757 effective date to each seller from which the department is then
758 receiving the fee. At least 120 days before the effective date
759 of any adjustment to the fee imposed under this subsection, the
760 board shall provide notice to the Department of Revenue of the
761 adjusted fee amount and effective date of the adjustment.

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

768 (c) ~~(d)~~ For purposes of paragraph (b) ~~(e)~~, a retail
769 transaction that takes place in person by a consumer at a
770 business location of the seller shall be treated as occurring in
771 this state if that business location is in this state. Such
772 transaction is deemed to have occurred in the county of the
773 business location. When a retail transaction does not take place
774 at the seller's business location, the transaction shall be
775 treated as taking place at the consumer's shipping address or,

776 if no item is shipped, at the consumer's address or the location
777 associated with the consumer's mobile telephone number. Such
778 transaction is deemed to have occurred in the county of the
779 consumer's shipping address when items are shipped to the
780 consumer or, when no items are shipped, the county of the
781 consumer's address or the location associated with the
782 consumer's mobile telephone number. A transaction for which the
783 specific Florida county cannot be determined shall be treated as
784 nonspecific.

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

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

796 (f)~~(g)~~ Beginning July 1, 2023 ~~April 1, 2015~~, each seller
797 shall file a return and remit the prepaid wireless ~~E911~~ fees
798 collected in the previous month to the Department of Revenue on
799 or before the 20th day of the month. If the 20th day falls on a
800 Saturday, Sunday, or legal holiday, payments accompanied by

801 returns are due on the next succeeding day that is not a
802 Saturday, Sunday, or legal holiday observed by federal or state
803 agencies as defined in chapter 683 and s. 7503 of the Internal
804 Revenue Code of 1986, as amended. A seller may remit the prepaid
805 wireless ~~E911~~ fee by electronic funds transfer and file a fee
806 return with the Department of Revenue that is initiated through
807 an electronic data interchange.

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

814 2. A seller collecting less than \$50 per month of prepaid
815 wireless ~~E911~~ fees may file a quarterly return for the calendar
816 quarters ending in March, June, September, and December. The
817 seller must file a return and remit the prepaid wireless ~~E911~~
818 fees collected during each calendar quarter on or before the
819 20th day of the month following that calendar quarter.

820 3. A seller must provide the following information on each
821 prepaid wireless ~~E911~~ fee return filed with the Department of
822 Revenue:

823 a. The seller's name, federal identification number,
824 taxpayer identification number issued by the Department of
825 Revenue, business location address and mailing address, and

826 county of the business location in accordance with paragraph (c)
 827 ~~(d)~~;

828 b. The reporting period;

829 c. The number of prepaid wireless services sold during the
 830 reporting period;

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

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

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

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

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

846 6. Except as provided in this section, the Department of
 847 Revenue shall administer, collect, and enforce the fee under
 848 this subsection pursuant to the same procedures used in the
 849 administration, collection, and enforcement of the general state
 850 sales tax imposed under chapter 212. The provisions of chapter

851 212 regarding authority to audit and make assessments, keeping
852 of books and records, and interest and penalties on delinquent
853 fees shall apply. The provisions of estimated tax liability in
854 s. 212.11(1)(a) do not apply to the prepaid wireless ~~E911~~ fee.

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

865 (h)~~(i)~~ The Department of Revenue shall deposit the funds
866 remitted under this subsection into the Audit and Warrant
867 Clearing Trust Fund established in s. 215.199 and retain up to
868 3.2 percent of the funds remitted under this subsection to
869 reimburse its direct costs of administering the collection and
870 remittance of prepaid wireless ~~E911~~ fees. Thereafter, the
871 Department of Revenue shall transfer all remaining funds
872 remitted under this subsection to the Emergency Communications
873 ~~Number E911 System~~ Fund monthly for use as provided in s.
874 365.173.

875 (i)~~(j)~~ Beginning March 1, 2015, a seller may retain 5

876 | percent of the prepaid wireless ~~E911~~ fees that are collected by
 877 | the seller from consumers as a retailer collection allowance.

878 | ~~(j)-(k)~~ A provider or seller of prepaid wireless service is
 879 | not liable for damages to any person resulting from or incurred
 880 | in connection with providing or failing to provide emergency
 881 | communications and 911 ~~or E911~~ service or for identifying or
 882 | failing to identify the telephone number, address, location, or
 883 | name associated with any person or device that is accessing or
 884 | attempting to access emergency communications and 911 ~~or E911~~
 885 | service.

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

893 | ~~(l)-(m)~~ The limitations of liability under this subsection
 894 | for providers and sellers are in addition to any other
 895 | limitation of liability provided for under this section.

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

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

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

902 1. "Consumer" means a person who purchases prepaid

903 wireless service in a retail sale.

904 2. "Prepaid wireless ~~E911~~ fee" means the fee that is

905 required to be collected by a seller from a consumer as provided

906 in this subsection.

907 3. "Provider" means a person that provides prepaid

908 wireless service pursuant to a license issued by the Federal

909 Communications Commission.

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

911 from a seller of prepaid wireless service that may be applied to

912 a single service identifier for use by the consumer. If a

913 consumer makes a purchase of multiple prepaid wireless services

914 in a single transaction, each individual prepaid wireless

915 service shall be considered a separate retail transaction for

916 purposes of calculating the prepaid wireless ~~E911~~ fee.

917 5. "Seller" means a person who makes retail sales of

918 prepaid wireless services to a consumer.

919 (10) AUTHORIZED EXPENDITURES OF PUBLIC SAFETY EMERGENCY

920 COMMUNICATIONS SYSTEMS ~~E911~~ FEE.—

921 (a) For purposes of this section, emergency communications

922 and 911 ~~E911~~ service includes the functions relating to the

923 receipt and transfer of requests for emergency assistance, of

924 database management, call taking, and location verification, ~~and~~

925 ~~call transfer~~. Department of Health certification and

926 recertification and training costs for ~~911~~ public safety
 927 telecommunications, including dispatching, are functions of
 928 public safety emergency telecommunications ~~911~~ services.

929 (b) All costs directly attributable to the establishment
 930 or provision of emergency communications equipment ~~E911 service~~
 931 and ~~contracting for E911 services~~ related to a primary or
 932 secondary Public Safety Answering Point (PSAP) are eligible for
 933 expenditure of moneys derived from imposition of the fee
 934 authorized by subsections (8) and (9). These costs include the
 935 acquisition, implementation, and maintenance of PSAP Public
 936 ~~Safety Answering Point (PSAP)~~ equipment and 911 ~~E911~~ service
 937 features, as defined in the providers' published schedules or
 938 the acquisition, installation, and maintenance of other ~~E911~~
 939 equipment, including: circuits; call answering equipment; call
 940 transfer equipment; ANI or ALI controllers; ANI or ALI displays;
 941 station instruments; NG911 ~~E911~~ telecommunications systems;
 942 Emergency Services IP Network ESInet; visual call information
 943 and storage devices; recording equipment; telephone devices and
 944 other equipment for the hearing impaired used in the E911
 945 system; PSAP backup power systems; consoles; automatic call
 946 distributors; ~~and~~ interfaces, including hardware and software,
 947 for computer-aided dispatch (CAD) systems, public safety land
 948 mobile radio systems (LMR) and radio consoles that provide two-
 949 way radio communication with responders, and in-building
 950 coverage; ~~integrated CAD systems for that portion of the systems~~

951 ~~used for E911 call taking;~~ GIS system and software equipment and
952 information displays; network clocks; cybersecurity, including
953 hardware, software, and services; salary and associated expenses
954 for 911 ~~E911~~ call takers and emergency dispatchers ~~for that~~
955 ~~portion of their time spent taking and transferring E911 calls,~~
956 salary, and associated expenses for a county to employ a full-
957 time equivalent 911 ~~E911~~ coordinator position and a full-time
958 equivalent mapping or geographical data position, and technical
959 system maintenance, database, and administration personnel for
960 the portion of their time spent administrating the emergency
961 communications ~~E911~~ system; emergency medical, fire, and law
962 enforcement prearrival instruction software; charts and training
963 costs; training costs for PSAP call takers, dispatchers,
964 supervisors, and managers in the proper methods and techniques
965 used in taking and transferring 911 ~~E911~~ calls; costs to train
966 and educate PSAP employees regarding 911 and radio ~~E911~~ service
967 or NG911 ~~E911~~ equipment, including fees collected by the
968 Department of Health for the certification and recertification
969 of 911 public safety telecommunicators as required under s.
970 401.465; and expenses required to develop and maintain all
971 information, including ALI and ANI databases and other
972 information source repositories, necessary to properly inform
973 call takers as to location address, type of emergency, smart
974 city technology data, public safety broadband networks, and
975 other information directly relevant to the processing of a

976 request for emergency assistance ~~E911 call-taking and~~
 977 ~~transferring function. Moneys derived from the fee may also be~~
 978 ~~used for next-generation E911 network services, next-generation~~
 979 ~~E911 database services, next-generation E911 equipment, and~~
 980 ~~wireless E911 routing systems.~~

981 (c) The moneys may not be used to pay for any item not
 982 listed in this subsection, including, but not limited to, any
 983 capital or operational ~~costs for emergency responses which occur~~
 984 ~~after the call transfer to the responding public safety entity~~
 985 ~~and the costs for~~ utilities, constructing, leasing, maintaining,
 986 or renovating buildings, except for those building modifications
 987 necessary to maintain the security and environmental integrity
 988 of the PSAP and emergency communications ~~E911~~ equipment rooms.

989 (11) LIABILITY OF COUNTIES.—A county subscribing to 911
 990 service remains liable to the local exchange carrier for any 911
 991 service, equipment, operation, or maintenance charge owed by the
 992 county to the local exchange carrier. As used in this
 993 subsection, the term "local exchange carrier" means a local
 994 exchange telecommunications service provider of 911 service or
 995 equipment to any county within its certificated area.

996 (12) INDEMNIFICATION AND LIMITATION OF LIABILITY.—A local
 997 government may indemnify local exchange carriers against
 998 liability in accordance with the published schedules of the
 999 company. Notwithstanding an indemnification agreement, a local
 1000 exchange carrier, voice communications services provider, or

1001 other service provider that provides 911, ~~or~~ E911, or NG911
 1002 service on a retail or wholesale basis is not liable for damages
 1003 resulting from or in connection with 911, ~~or~~ E911, or NG911
 1004 service, or for identification of the telephone number, or
 1005 address, or name associated with any person accessing 911, ~~or~~
 1006 E911, or NG911 service, unless the carrier or provider acted
 1007 with malicious purpose or in a manner exhibiting wanton and
 1008 willful disregard of the rights, safety, or property of a person
 1009 when providing such services. A carrier or provider is not
 1010 liable for damages to any person resulting from or in connection
 1011 with the carrier's or provider's provision of any lawful
 1012 assistance to any investigative or law enforcement officer of
 1013 the United States, this state, or a political subdivision
 1014 thereof, or of any other state or political subdivision thereof,
 1015 in connection with any lawful investigation or other law
 1016 enforcement activity by such law enforcement officer. For
 1017 purposes of this subsection, the term "911, ~~or~~ E911, or NG911
 1018 service" means a telecommunications service, voice or nonvoice
 1019 communications service, or other wireline or wireless service,
 1020 including, but not limited to, a service using Internet
 1021 protocol, which provides, in whole or in part, any of the
 1022 following functions: providing members of the public with the
 1023 ability to reach an answering point by using the digits 9-1-1;
 1024 directing 911 calls to answering points by selective routing;
 1025 providing for automatic number identification and automatic

1026 | location-identification features; or providing wireless E911
 1027 | services as defined in the order.

1028 | (13) FACILITATING EMERGENCY COMMUNICATIONS ~~E911~~ SERVICE
 1029 | IMPLEMENTATION.—To balance the public need for reliable
 1030 | emergency communications ~~E911~~ services through reliable wireless
 1031 | systems and the public interest served by governmental zoning
 1032 | and land development regulations and notwithstanding any other
 1033 | law or local ordinance to the contrary, the following standards
 1034 | shall apply to a local government's actions, as a regulatory
 1035 | body, in the regulation of the placement, construction, or
 1036 | modification of a wireless communications facility. This
 1037 | subsection shall not, however, be construed to waive or alter
 1038 | the provisions of s. 286.011 or s. 286.0115. For the purposes of
 1039 | this subsection only, "local government" shall mean any
 1040 | municipality or county and any agency of a municipality or
 1041 | county only. The term "local government" does not, however,
 1042 | include any airport, as defined by s. 330.27(2), even if it is
 1043 | owned or controlled by or through a municipality, county, or
 1044 | agency of a municipality or county. Further, notwithstanding
 1045 | anything in this section to the contrary, this subsection does
 1046 | not apply to or control a local government's actions as a
 1047 | property or structure owner in the use of any property or
 1048 | structure owned by such entity for the placement, construction,
 1049 | or modification of wireless communications facilities. In the
 1050 | use of property or structures owned by the local government,

1051 however, a local government may not use its regulatory authority
 1052 so as to avoid compliance with, or in a manner that does not
 1053 advance, the provisions of this subsection.

1054 (a) Collocation among wireless providers is encouraged by
 1055 the state.

1056 1.a. Collocations on towers, including nonconforming
 1057 towers, that meet the requirements in sub-sub-subparagraphs (I),
 1058 (II), and (III), are subject to only building permit review,
 1059 which may include a review for compliance with this
 1060 subparagraph. Such collocations are not subject to any design or
 1061 placement requirements of the local government's land
 1062 development regulations in effect at the time of the collocation
 1063 that are more restrictive than those in effect at the time of
 1064 the initial antennae placement approval, to any other portion of
 1065 the land development regulations, or to public hearing review.
 1066 This sub-subparagraph shall not preclude a public hearing for
 1067 any appeal of the decision on the collocation application.

1068 (I) The collocation does not increase the height of the
 1069 tower to which the antennae are to be attached, measured to the
 1070 highest point of any part of the tower or any existing antenna
 1071 attached to the tower;

1072 (II) The collocation does not increase the ground space
 1073 area, commonly known as the compound, approved in the site plan
 1074 for equipment enclosures and ancillary facilities; and

1075 (III) The collocation consists of antennae, equipment

1076 enclosures, and ancillary facilities that are of a design and
1077 configuration consistent with all applicable regulations,
1078 restrictions, or conditions, if any, applied to the initial
1079 antennae placed on the tower and to its accompanying equipment
1080 enclosures and ancillary facilities and, if applicable, applied
1081 to the tower supporting the antennae. Such regulations may
1082 include the design and aesthetic requirements, but not
1083 procedural requirements, other than those authorized by this
1084 section, of the local government's land development regulations
1085 in effect at the time the initial antennae placement was
1086 approved.

1087 b. Except for a historic building, structure, site,
1088 object, or district, or a tower included in sub-subparagraph a.,
1089 collocations on all other existing structures that meet the
1090 requirements in sub-sub-subparagraphs (I)-(IV) shall be subject
1091 to no more than building permit review, and an administrative
1092 review for compliance with this subparagraph. Such collocations
1093 are not subject to any portion of the local government's land
1094 development regulations not addressed herein, or to public
1095 hearing review. This sub-subparagraph shall not preclude a
1096 public hearing for any appeal of the decision on the collocation
1097 application.

1098 (I) The collocation does not increase the height of the
1099 existing structure to which the antennae are to be attached,
1100 measured to the highest point of any part of the structure or

1101 any existing antenna attached to the structure;

1102 (II) The collocation does not increase the ground space

1103 area, otherwise known as the compound, if any, approved in the

1104 site plan for equipment enclosures and ancillary facilities;

1105 (III) The collocation consists of antennae, equipment

1106 enclosures, and ancillary facilities that are of a design and

1107 configuration consistent with any applicable structural or

1108 aesthetic design requirements and any requirements for location

1109 on the structure, but not prohibitions or restrictions on the

1110 placement of additional collocations on the existing structure

1111 or procedural requirements, other than those authorized by this

1112 section, of the local government's land development regulations

1113 in effect at the time of the collocation application; and

1114 (IV) The collocation consists of antennae, equipment

1115 enclosures, and ancillary facilities that are of a design and

1116 configuration consistent with all applicable restrictions or

1117 conditions, if any, that do not conflict with sub-sub-

1118 subparagraph (III) and were applied to the initial antennae

1119 placed on the structure and to its accompanying equipment

1120 enclosures and ancillary facilities and, if applicable, applied

1121 to the structure supporting the antennae.

1122 c. Regulations, restrictions, conditions, or permits of

1123 the local government, acting in its regulatory capacity, that

1124 limit the number of collocations or require review processes

1125 inconsistent with this subsection shall not apply to

1126 collocations addressed in this subparagraph.

1127 d. If only a portion of the collocation does not meet the
1128 requirements of this subparagraph, such as an increase in the
1129 height of the proposed antennae over the existing structure
1130 height or a proposal to expand the ground space approved in the
1131 site plan for the equipment enclosure, where all other portions
1132 of the collocation meet the requirements of this subparagraph,
1133 that portion of the collocation only may be reviewed under the
1134 local government's regulations applicable to an initial
1135 placement of that portion of the facility, including, but not
1136 limited to, its land development regulations, and within the
1137 review timeframes of subparagraph (d)2., and the rest of the
1138 collocation shall be reviewed in accordance with this
1139 subparagraph. A collocation proposal under this subparagraph
1140 that increases the ground space area, otherwise known as the
1141 compound, approved in the original site plan for equipment
1142 enclosures and ancillary facilities by no more than a cumulative
1143 amount of 400 square feet or 50 percent of the original compound
1144 size, whichever is greater, shall, however, require no more than
1145 administrative review for compliance with the local government's
1146 regulations, including, but not limited to, land development
1147 regulations review, and building permit review, with no public
1148 hearing review. This sub-subparagraph shall not preclude a
1149 public hearing for any appeal of the decision on the collocation
1150 application.

1151 2. If a collocation does not meet the requirements of
1152 subparagraph 1., the local government may review the application
1153 under the local government's regulations, including, but not
1154 limited to, land development regulations, applicable to the
1155 placement of initial antennae and their accompanying equipment
1156 enclosure and ancillary facilities.

1157 3. If a collocation meets the requirements of subparagraph
1158 1., the collocation shall not be considered a modification to an
1159 existing structure or an impermissible modification of a
1160 nonconforming structure.

1161 4. The owner of the existing tower on which the proposed
1162 antennae are to be collocated shall remain responsible for
1163 compliance with any applicable condition or requirement of a
1164 permit or agreement, or any applicable condition or requirement
1165 of the land development regulations to which the existing tower
1166 had to comply at the time the tower was permitted, including any
1167 aesthetic requirements, provided the condition or requirement is
1168 not inconsistent with this paragraph.

1169 5. An existing tower, including a nonconforming tower, may
1170 be structurally modified in order to permit collocation or may
1171 be replaced through no more than administrative review and
1172 building permit review, and is not subject to public hearing
1173 review, if the overall height of the tower is not increased and,
1174 if a replacement, the replacement tower is a monopole tower or,
1175 if the existing tower is a camouflaged tower, the replacement

1176 tower is a like-camouflaged tower. This subparagraph shall not
1177 preclude a public hearing for any appeal of the decision on the
1178 application.

1179 (b)1. A local government's land development and
1180 construction regulations for wireless communications facilities
1181 and the local government's review of an application for the
1182 placement, construction, or modification of a wireless
1183 communications facility shall only address land development or
1184 zoning issues. In such local government regulations or review,
1185 the local government may not require information on or evaluate
1186 a wireless provider's business decisions about its service,
1187 customer demand for its service, or quality of its service to or
1188 from a particular area or site, unless the wireless provider
1189 voluntarily offers this information to the local government. In
1190 such local government regulations or review, a local government
1191 may not require information on or evaluate the wireless
1192 provider's designed service unless the information or materials
1193 are directly related to an identified land development or zoning
1194 issue or unless the wireless provider voluntarily offers the
1195 information. Information or materials directly related to an
1196 identified land development or zoning issue may include, but are
1197 not limited to, evidence that no existing structure can
1198 reasonably be used for the antennae placement instead of the
1199 construction of a new tower, that residential areas cannot be
1200 served from outside the residential area, as addressed in

1201 subparagraph 3., or that the proposed height of a new tower or
 1202 initial antennae placement or a proposed height increase of a
 1203 modified tower, replacement tower, or collocation is necessary
 1204 to provide the provider's designed service. Nothing in this
 1205 paragraph shall limit the local government from reviewing any
 1206 applicable land development or zoning issue addressed in its
 1207 adopted regulations that does not conflict with this section,
 1208 including, but not limited to, aesthetics, landscaping, land
 1209 use-based ~~land use based~~ location priorities, structural design,
 1210 and setbacks.

1211 2. Any setback or distance separation required of a tower
 1212 may not exceed the minimum distance necessary, as determined by
 1213 the local government, to satisfy the structural safety or
 1214 aesthetic concerns that are to be protected by the setback or
 1215 distance separation.

1216 3. A local government may exclude the placement of
 1217 wireless communications facilities in a residential area or
 1218 residential zoning district but only in a manner that does not
 1219 constitute an actual or effective prohibition of the provider's
 1220 service in that residential area or zoning district. If a
 1221 wireless provider demonstrates to the satisfaction of the local
 1222 government that the provider cannot reasonably provide its
 1223 service to the residential area or zone from outside the
 1224 residential area or zone, the municipality or county and
 1225 provider shall cooperate to determine an appropriate location

1226 for a wireless communications facility of an appropriate design
1227 within the residential area or zone. The local government may
1228 require that the wireless provider reimburse the reasonable
1229 costs incurred by the local government for this cooperative
1230 determination. An application for such cooperative determination
1231 shall not be considered an application under paragraph (d).

1232 4. A local government may impose a reasonable fee on
1233 applications to place, construct, or modify a wireless
1234 communications facility only if a similar fee is imposed on
1235 applicants seeking other similar types of zoning, land use, or
1236 building permit review. A local government may impose fees for
1237 the review of applications for wireless communications
1238 facilities by consultants or experts who conduct code compliance
1239 review for the local government but any fee is limited to
1240 specifically identified reasonable expenses incurred in the
1241 review. A local government may impose reasonable surety
1242 requirements to ensure the removal of wireless communications
1243 facilities that are no longer being used.

1244 5. A local government may impose design requirements, such
1245 as requirements for designing towers to support collocation or
1246 aesthetic requirements, except as otherwise limited in this
1247 section, but shall not impose or require information on
1248 compliance with building code type standards for the
1249 construction or modification of wireless communications
1250 facilities beyond those adopted by the local government under

1251 chapter 553 and that apply to all similar types of construction.

1252 (c) Local governments may not require wireless providers
1253 to provide evidence of a wireless communications facility's
1254 compliance with federal regulations, except evidence of
1255 compliance with applicable Federal Aviation Administration
1256 requirements under 14 C.F.R. part 77, as amended, and evidence
1257 of proper Federal Communications Commission licensure, or other
1258 evidence of Federal Communications Commission authorized
1259 spectrum use, but may request the Federal Communications
1260 Commission to provide information as to a wireless provider's
1261 compliance with federal regulations, as authorized by federal
1262 law.

1263 (d)1. A local government shall grant or deny each properly
1264 completed application for a collocation under subparagraph (a)1.
1265 based on the application's compliance with the local
1266 government's applicable regulations, as provided for in
1267 subparagraph (a)1. and consistent with this subsection, and
1268 within the normal timeframe for a similar building permit review
1269 but in no case later than 45 business days after the date the
1270 application is determined to be properly completed in accordance
1271 with this paragraph.

1272 2. A local government shall grant or deny each properly
1273 completed application for any other wireless communications
1274 facility based on the application's compliance with the local
1275 government's applicable regulations, including but not limited

1276 to land development regulations, consistent with this subsection
1277 and within the normal timeframe for a similar type review but in
1278 no case later than 90 business days after the date the
1279 application is determined to be properly completed in accordance
1280 with this paragraph.

1281 3.a. An application is deemed submitted or resubmitted on
1282 the date the application is received by the local government. If
1283 the local government does not notify the applicant in writing
1284 that the application is not completed in compliance with the
1285 local government's regulations within 20 business days after the
1286 date the application is initially submitted or additional
1287 information resubmitted, the application is deemed, for
1288 administrative purposes only, to be properly completed and
1289 properly submitted. However, the determination shall not be
1290 deemed as an approval of the application. If the application is
1291 not completed in compliance with the local government's
1292 regulations, the local government shall so notify the applicant
1293 in writing and the notification must indicate with specificity
1294 any deficiencies in the required documents or deficiencies in
1295 the content of the required documents which, if cured, make the
1296 application properly completed. Upon resubmission of information
1297 to cure the stated deficiencies, the local government shall
1298 notify the applicant, in writing, within the normal timeframes
1299 of review, but in no case longer than 20 business days after the
1300 additional information is submitted, of any remaining

1301 deficiencies that must be cured. Deficiencies in document type
1302 or content not specified by the local government do not make the
1303 application incomplete. Notwithstanding this sub-subparagraph,
1304 if a specified deficiency is not properly cured when the
1305 applicant resubmits its application to comply with the notice of
1306 deficiencies, the local government may continue to request the
1307 information until such time as the specified deficiency is
1308 cured. The local government may establish reasonable timeframes
1309 within which the required information to cure the application
1310 deficiency is to be provided or the application will be
1311 considered withdrawn or closed.

1312 b. If the local government fails to grant or deny a
1313 properly completed application for a wireless communications
1314 facility within the timeframes set forth in this paragraph, the
1315 application shall be deemed automatically approved and the
1316 applicant may proceed with placement of the facilities without
1317 interference or penalty. The timeframes specified in
1318 subparagraph 2. may be extended only to the extent that the
1319 application has not been granted or denied because the local
1320 government's procedures generally applicable to all other
1321 similar types of applications require action by the governing
1322 body and such action has not taken place within the timeframes
1323 specified in subparagraph 2. Under such circumstances, the local
1324 government must act to either grant or deny the application at
1325 its next regularly scheduled meeting or, otherwise, the

1326 application is deemed to be automatically approved.

1327 c. To be effective, a waiver of the timeframes set forth
1328 in this paragraph must be voluntarily agreed to by the applicant
1329 and the local government. A local government may request, but
1330 not require, a waiver of the timeframes by the applicant, except
1331 that, with respect to a specific application, a one-time waiver
1332 may be required in the case of a declared local, state, or
1333 federal emergency that directly affects the administration of
1334 all permitting activities of the local government.

1335 (e) The replacement of or modification to a wireless
1336 communications facility, except a tower, that results in a
1337 wireless communications facility not readily discernibly
1338 different in size, type, and appearance when viewed from ground
1339 level from surrounding properties, and the replacement or
1340 modification of equipment that is not visible from surrounding
1341 properties, all as reasonably determined by the local
1342 government, are subject to no more than applicable building
1343 permit review.

1344 (f) Any other law to the contrary notwithstanding, the
1345 Department of Management Services shall negotiate, in the name
1346 of the state, leases for wireless communications facilities that
1347 provide access to state government-owned property not acquired
1348 for transportation purposes, and the Department of
1349 Transportation shall negotiate, in the name of the state, leases
1350 for wireless communications facilities that provide access to

1351 property acquired for state rights-of-way. On property acquired
 1352 for transportation purposes, leases shall be granted in
 1353 accordance with s. 337.251. On other state government-owned
 1354 property, leases shall be granted on a space available, first-
 1355 come, first-served basis. Payments required by state government
 1356 under a lease must be reasonable and must reflect the market
 1357 rate for the use of the state government-owned property. The
 1358 Department of Management Services and the Department of
 1359 Transportation are authorized to adopt rules for the terms and
 1360 conditions and granting of any such leases.

1361 (g) If any person adversely affected by any action, or
 1362 failure to act, or regulation, or requirement of a local
 1363 government in the review or regulation of the wireless
 1364 communication facilities files an appeal or brings an
 1365 appropriate action in a court or venue of competent
 1366 jurisdiction, following the exhaustion of all administrative
 1367 remedies, the matter shall be considered on an expedited basis.

1368 (14) MISUSE OF 911, ~~OR~~ E911, OR NG911 SYSTEM; PENALTY.-
 1369 911, and E911, and NG911 service must be used solely for
 1370 emergency communications by the public. Any person who accesses
 1371 the number 911 for the purpose of making a false alarm or
 1372 complaint or reporting false information that could result in
 1373 the emergency response of any public safety agency; any person
 1374 who knowingly uses or attempts to use such service for a purpose
 1375 other than obtaining public safety assistance; or any person who

1376 knowingly uses or attempts to use such service in an effort to
 1377 avoid any charge for service, commits a misdemeanor of the first
 1378 degree, punishable as provided in s. 775.082 or s. 775.083.

1379 After being convicted of unauthorized use of such service four
 1380 times, a person who continues to engage in such unauthorized use
 1381 commits a felony of the third degree, punishable as provided in
 1382 s. 775.082, s. 775.083, or s. 775.084. In addition, if the value
 1383 of the service or the service charge obtained in a manner
 1384 prohibited by this subsection exceeds \$100, the person
 1385 committing the offense commits a felony of the third degree,
 1386 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1387 (15) TEXT-TO-911 SERVICE.—Each county shall develop a
 1388 countywide implementation plan addressing text-to-911 services
 1389 and, by January 1, 2022, enact a system to allow text-to-911
 1390 services.

1391 (16) STATE LAW NOT PREEMPTED.—This section and ss. 365.173
 1392 and 365.174 do not alter any state law that otherwise regulates
 1393 voice communications services providers.

1394 Section 2. Section 365.173, Florida Statutes, is amended
 1395 to read:

1396 365.173 Emergency Communications Number E911 System Fund.—

1397 (1) REVENUES.—

1398 (a) Revenues derived from the fee levied on subscribers
 1399 under s. 365.172(8) must be paid by the board into the State
 1400 Treasury on or before the 15th day of each month. Such moneys

1401 must be accounted for in a special fund to be designated as the
1402 Emergency Communications ~~Number E911 System~~ Fund, a fund created
1403 in the Division of Telecommunications, or other office as
1404 designated by the Secretary of Management Services.

1405 (b) Revenues derived from the fee levied on prepaid
1406 wireless service under s. 365.172(9), less the costs of
1407 administering collection of the fee, must be transferred by the
1408 Department of Revenue to the Emergency Communications ~~Number~~
1409 ~~E911 System~~ Fund on or before the 25th day of each month
1410 following the month of receipt.

1411 (c) For accounting purposes, the Emergency Communications
1412 ~~Number E911 System~~ Fund must be segregated into three separate
1413 categories:

- 1414 1. The wireless category;
- 1415 2. The nonwireless category; and
- 1416 3. The prepaid wireless category.

1417 (d) All moneys must be invested by the Chief Financial
1418 Officer pursuant to s. 17.61. All moneys in such fund are to be
1419 expended by the office for the purposes provided in this section
1420 and s. 365.172. These funds are not subject to s. 215.20.

1421 (2) DISTRIBUTION AND USE OF FUNDS.—As determined by the
1422 board pursuant to s. 365.172(8)(f) ~~s. 365.172(8)(g)~~, and subject
1423 to any modifications approved by the board pursuant to s.
1424 365.172(6)(a)3. or (8)(g) ~~s. 365.172(6)(a)3. or (8)(h)~~, the
1425 moneys in the fund shall be distributed and used only as

1426 follows:

1427 (a) Ninety-four ~~Seventy-six~~ percent of the moneys in the
 1428 wireless category shall be distributed each month to counties,
 1429 based on the total number of service identifiers in each county,
 1430 and 1 percent shall be distributed each month to state agencies
 1431 that operate 911 centers, to ~~and shall~~ be used exclusively for
 1432 payment of:

1433 ~~1.~~ authorized expenditures, as specified in s.
 1434 365.172(10).

1435 ~~2. Costs to comply with the requirements for E911 service~~
 1436 ~~contained in the order and any future rules related to the~~
 1437 ~~order.~~

1438 (b) Ninety-six percent of the moneys in the nonwireless
 1439 category shall be distributed each month to counties based on
 1440 the total number of service identifiers in each county and shall
 1441 be used exclusively for payment of authorized expenditures, as
 1442 specified in s. 365.172(10).

1443 (c) Sixty-one percent of the moneys in the prepaid
 1444 wireless category shall be distributed each month to counties
 1445 based on the total amount of fees reported and paid in each
 1446 county and shall be used exclusively for payment of authorized
 1447 expenditures, as specified in s. 365.172(10). The moneys from
 1448 prepaid wireless ~~E911~~ fees identified as nonspecific in
 1449 accordance with s. 365.172(9) shall be distributed as determined
 1450 by the Emergency Communications ~~E911~~ Board.

1451 (d) Any county that receives funds under paragraphs (a),
1452 (b), and (c) shall establish a fund to be used exclusively for
1453 the receipt and expenditure of the revenues collected under
1454 paragraphs (a), (b), and (c). All fees placed in the fund and
1455 any interest accrued shall be used solely for costs described in
1456 subparagraphs (a)1. and 2. and may not be reduced, withheld, or
1457 allocated for other purposes. The money collected and interest
1458 earned in this fund shall be appropriated for these purposes by
1459 the county commissioners and incorporated into the annual county
1460 budget. The fund shall be included within the financial audit
1461 performed in accordance with s. 218.39. The financial audit
1462 shall assure that all emergency communications ~~E911~~ fee
1463 revenues, interest, and emergency communications ~~E911~~ grant
1464 funding are used for payment of authorized expenditures, as
1465 specified in s. 365.172(10) and as specified in the Emergency
1466 Communications ~~E911~~ Board grant and special disbursement
1467 programs. The county is responsible for all expenditures of
1468 revenues distributed from the county emergency communications
1469 ~~E911~~ fund and shall submit the financial audit reports to the
1470 board for review. A county may carry forward up to 30 percent of
1471 the total funds disbursed to the county by the board during a
1472 county fiscal year for expenditures for capital outlay, capital
1473 improvements, equipment replacement, or implementation of a
1474 hosted system if such expenditures are made for the purposes
1475 specified in subparagraphs (a)1. and 2.; however, the 30-percent

1476 limitation does not apply to funds disbursed to a county under
1477 s. 365.172(6)(a)3., and a county may carry forward any
1478 percentage of the funds, except that any grant provided shall
1479 continue to be subject to any condition imposed by the board. In
1480 order to prevent an excess recovery of costs incurred in
1481 providing emergency communication ~~E911~~ service, a county that
1482 receives funds greater than the permissible emergency
1483 communication ~~E911~~ costs described in s. 365.172(10), including
1484 the 30-percent carryforward allowance, must return the excess
1485 funds to the ~~E911~~ board to be allocated under s. 365.172(6)(a).

1486 ~~(c) Twenty percent of the moneys in the wireless category~~
1487 ~~shall be distributed to wireless providers in response to sworn~~
1488 ~~invoices submitted to the board by wireless providers to~~
1489 ~~reimburse such wireless providers for the actual costs incurred~~
1490 ~~to provide 911 or E911 service, including the costs of complying~~
1491 ~~with the order. Such costs include costs and expenses incurred~~
1492 ~~by wireless providers to design, purchase, lease, program,~~
1493 ~~install, test, upgrade, operate, and maintain all necessary~~
1494 ~~data, hardware, and software required to provide E911 service.~~
1495 ~~Each wireless provider shall submit to the board, by August 1 of~~
1496 ~~each year, a detailed estimate of the capital and operating~~
1497 ~~expenses for which it anticipates that it will seek~~
1498 ~~reimbursement under this paragraph during the ensuing state~~
1499 ~~fiscal year. In order to be eligible for recovery during any~~
1500 ~~ensuing state fiscal year, a wireless provider must submit all~~

1501 ~~sworn invoices for allowable purchases made within the previous~~
1502 ~~calendar year no later than March 31 of the fiscal year. By~~
1503 ~~September 15 of each year, the board shall submit to the~~
1504 ~~Legislature its legislative budget request for funds to be~~
1505 ~~allocated to wireless providers under this paragraph during the~~
1506 ~~ensuing state fiscal year. The budget request shall be based on~~
1507 ~~the information submitted by the wireless providers and~~
1508 ~~estimated surcharge revenues. Distributions of moneys in the~~
1509 ~~fund by the board to wireless providers must be fair and~~
1510 ~~nondiscriminatory. If the total amount of moneys requested by~~
1511 ~~wireless providers pursuant to invoices submitted to the board~~
1512 ~~and approved for payment exceeds the amount in the fund in any~~
1513 ~~month, wireless providers that have invoices approved for~~
1514 ~~payment shall receive a pro rata share of moneys in the fund and~~
1515 ~~the balance of the payments shall be carried over to the~~
1516 ~~following month or months until all of the approved payments are~~
1517 ~~made. The board may adopt rules necessary to address the manner~~
1518 ~~in which pro rata distributions are made when the total amount~~
1519 ~~of funds requested by wireless providers pursuant to invoices~~
1520 ~~submitted to the board exceeds the total amount of moneys on~~
1521 ~~deposit in the fund.~~

1522 (e)~~(f)~~ One percent of the moneys in each category of the
1523 fund shall be retained by the board to be applied to costs and
1524 expenses incurred for the purposes of managing, administering,
1525 and overseeing the receipts and disbursements from the fund and

1526 other activities as defined in s. 365.172(6). Any funds retained
 1527 for such purposes in a calendar year which are not applied to
 1528 such costs and expenses by March 31 of the following year shall
 1529 be redistributed as determined by the board.

1530 (f)~~(g)~~ Three percent of the moneys in each category of the
 1531 fund and an additional 1 percent of the moneys collected in the
 1532 wireless category shall be used to make monthly distributions to
 1533 rural counties for the purpose of providing facilities and
 1534 network and service enhancements and assistance for the
 1535 emergency communications ~~911 or E911~~ systems operated by rural
 1536 counties and for the provision of grants by the office to rural
 1537 counties for upgrading and replacing emergency communications
 1538 ~~E911~~ systems.

1539 (g)~~(h)~~ Thirty-five percent of the moneys in the prepaid
 1540 wireless category shall be retained by the board to provide
 1541 state emergency communications ~~E911~~ grants to be awarded in
 1542 accordance with the following order of priority:

1543 1. For all large, medium, and rural counties to upgrade or
 1544 replace emergency communications ~~E911~~ systems.

1545 2. For all large, medium, and rural counties to develop
 1546 and maintain statewide 911 routing, geographic, and management
 1547 information systems.

1548 3. For all large, medium, and rural counties to develop
 1549 and maintain next-generation 911 services and equipment.

1550 (h)~~(i)~~ If the wireless category has funds remaining in it

1551 on December 31 after disbursements have been made during the
 1552 calendar year immediately prior to December 31, the board may
 1553 disburse the excess funds in the wireless category in accordance
 1554 with s. 365.172(6)(a)3.b.

1555 (3) The Legislature recognizes that the fee authorized
 1556 under s. 365.172 may not necessarily provide the total funding
 1557 required for establishing or providing the emergency
 1558 communications E911 service. It is the intent of the Legislature
 1559 that all revenue from the fee be used as specified in subsection
 1560 (2).

1561 Section 3. Subsection (1) of section 365.177, Florida
 1562 Statutes, is amended to read:

1563 365.177 Transfer of E911 calls between systems.—

1564 (1) The office shall develop a plan by December 30, 2023
 1565 ~~February 1, 2020~~, to upgrade 911 public safety answering points
 1566 within the state to allow the transfer of an emergency call from
 1567 one local, multijurisdictional, or regional E911 system to
 1568 another local, multijurisdictional, or regional E911 system in
 1569 the state. Such transfer should include voice, text message,
 1570 image, video, caller identification information, location
 1571 information, and additional standards-based 911 call
 1572 information.

1573 Section 4. Subsection (10) of section 212.05965, Florida
 1574 Statutes, is amended to read:

1575 212.05965 Taxation of marketplace sales.—

1576 (10) Notwithstanding any other law, the marketplace
 1577 provider is also responsible for collecting and remitting any
 1578 prepaid wireless public safety emergency communications systems
 1579 ~~E911~~ fee under s. 365.172, waste tire fee under s. 403.718, and
 1580 lead-acid battery fee under s. 403.7185 at the time of sale for
 1581 taxable retail sales made through its marketplace.

1582 Section 5. Section 365.171, Florida Statutes, is amended
 1583 to read:

1584 365.171 Emergency communications ~~number E911~~ state plan.—

1585 (1) SHORT TITLE.—This section may be cited as the "Florida
 1586 Emergency Communications ~~Number E911~~ State Plan Act."

1587 (2) LEGISLATIVE INTENT.—It is the intent of the
 1588 Legislature that the communications number "911" be the
 1589 designated emergency communications number. A public safety
 1590 agency may not advertise or otherwise promote the use of any
 1591 communications number for emergency response services other than
 1592 "911." It is further the intent of the Legislature to implement
 1593 and continually update a cohesive statewide emergency
 1594 communications ~~number "E911"~~ plan for enhanced 911 services
 1595 which will provide citizens with rapid direct access to public
 1596 safety agencies by accessing "911" with the objective of
 1597 reducing the response time to situations requiring law
 1598 enforcement, fire, medical, rescue, and other emergency
 1599 services.

1600 (3) DEFINITIONS.—As used in this section, the term:

1601 (a) "Office" means the Division of Telecommunications
 1602 within the Department of Management Services, as designated by
 1603 the secretary of the department.

1604 (b) "Local government" means any city, county, or
 1605 political subdivision of the state and its agencies.

1606 (c) "Public agency" means the state and any city, county,
 1607 city and county, municipal corporation, chartered organization,
 1608 public district, or public authority located in whole or in part
 1609 within this state which provides, or has authority to provide,
 1610 firefighting, law enforcement, ambulance, medical, or other
 1611 emergency services.

1612 (d) "Public safety agency" means a functional division of
 1613 a public agency which provides firefighting, law enforcement,
 1614 medical, or other emergency services.

1615 (4) STATE PLAN.—The office shall develop, maintain, and
 1616 implement appropriate modifications for a statewide emergency
 1617 communications ~~E911 system~~ plan. The plan shall provide for:

1618 (a) The public agency emergency communications
 1619 requirements for each entity of local government in the state.

1620 (b) A system to meet specific local government
 1621 requirements. Such system shall include law enforcement,
 1622 firefighting, and emergency medical services and may include
 1623 other emergency services such as poison control, suicide
 1624 prevention, and emergency management services.

1625 (c) Identification of the mutual aid agreements necessary

1626 to obtain an effective emergency communications systems ~~E911~~
 1627 ~~system~~.

1628 (d) A funding provision that identifies the cost necessary
 1629 to implement the emergency communications ~~E911~~ system.

1630
 1631 The office shall be responsible for the implementation and
 1632 coordination of such plan. The office shall adopt any necessary
 1633 rules and schedules related to public agencies for implementing
 1634 and coordinating the plan, pursuant to chapter 120.

1635 (5) SYSTEM DIRECTOR.—The secretary of the department or
 1636 his or her designee is designated as the director of the
 1637 statewide emergency communications ~~number E911~~ system and, for
 1638 the purpose of carrying out the provisions of this section, is
 1639 authorized to coordinate the activities of the system with
 1640 state, county, local, and private agencies. The director in
 1641 implementing the system shall consult, cooperate, and coordinate
 1642 with local law enforcement agencies.

1643 (6) REGIONAL SYSTEMS.—This section does not prohibit or
 1644 discourage the formation of multijurisdictional or regional
 1645 systems; and any system established pursuant to this section may
 1646 include the jurisdiction, or any portion thereof, of more than
 1647 one public agency. It is the intent of the Legislature that
 1648 emergency communications services ~~E911 service~~ be available
 1649 throughout the state. Expenditure by counties of the ~~E911~~ fee
 1650 authorized and imposed under s. 365.172 should support this

1651 intent to the greatest extent feasible within the context of
1652 local service needs and fiscal capability. This section does not
1653 prohibit two or more counties from establishing a combined
1654 emergency ~~E911~~ communications service by an interlocal agreement
1655 and using the fees authorized and imposed by s. 365.172 for such
1656 combined ~~E911~~ service.

1657 (7) TELECOMMUNICATIONS INDUSTRY COORDINATION.—The office
1658 shall coordinate with the Florida Public Service Commission
1659 which shall encourage the Florida telecommunications industry to
1660 activate facility modification plans for timely emergency
1661 communications services ~~E911~~ implementation.

1662 (8) COIN TELEPHONES.—The Florida Public Service Commission
1663 shall establish rules to be followed by the telecommunications
1664 companies in this state designed toward encouraging the
1665 provision of coin-free dialing of "911" calls wherever
1666 economically practicable and in the public interest.

1667 (9) SYSTEM APPROVAL.—No emergency communications number
1668 E911 system shall be established and no present system shall be
1669 expanded without prior approval of the office.

1670 (10) COMPLIANCE.—All public agencies shall assist the
1671 office in their efforts to carry out the intent of this section,
1672 and such agencies shall comply with the developed plan.

1673 (11) FEDERAL ASSISTANCE.—The secretary of the department
1674 or his or her designee may apply for and accept federal funding
1675 assistance in the development and implementation of a statewide

1676 emergency communications ~~number E911~~ system.

1677 (12) CONFIDENTIALITY OF RECORDS.—

1678 (a) Any record, recording, or information, or portions

1679 thereof, obtained by a public agency or a public safety agency

1680 for the purpose of providing services in an emergency and which

1681 reveals the name, address, telephone number, or personal

1682 information about, or information which may identify any person

1683 requesting emergency service or reporting an emergency by

1684 accessing an emergency communications ~~E911~~ system is

1685 confidential and exempt from the provisions of s. 119.07(1) and

1686 s. 24(a), Art. I of the State Constitution, except that such

1687 record or information may be disclosed to a public safety

1688 agency. The exemption applies only to the name, address,

1689 telephone number or personal information about, or information

1690 which may identify any person requesting emergency services or

1691 reporting an emergency while such information is in the custody

1692 of the public agency or public safety agency providing emergency

1693 services. A telecommunications company or commercial mobile

1694 radio service provider shall not be liable for damages to any

1695 person resulting from or in connection with such telephone

1696 company's or commercial mobile radio service provider's

1697 provision of any lawful assistance to any investigative or law

1698 enforcement officer of the State of Florida or political

1699 subdivisions thereof, of the United States, or of any other

1700 state or political subdivision thereof, in connection with any

1701 lawful investigation or other law enforcement activity by such
 1702 law enforcement officer unless the telecommunications company or
 1703 commercial mobile radio service provider acted in a wanton and
 1704 willful manner.

1705 (b) Notwithstanding paragraph (a), a 911 public safety
 1706 telecommunicator, as defined in s. 401.465, may contact any
 1707 private person or entity that owns an automated external
 1708 defibrillator who has notified the local emergency medical
 1709 services medical director or public safety answering point of
 1710 such ownership if a confirmed coronary emergency call is taking
 1711 place and the location of the coronary emergency is within a
 1712 reasonable distance from the location of the defibrillator, and
 1713 may provide the location of the coronary emergency to that
 1714 person or entity.

1715 Section 6. Paragraph (b) of subsection (2) of section
 1716 365.174, Florida Statutes, is amended to read:

1717 365.174 Proprietary confidential business information.—
 1718 (2)

1719 (b) The Department of Revenue may provide information
 1720 relative to s. 365.172(9) to the Secretary of Management
 1721 Services, or his or her authorized agent, or to the Emergency
 1722 Communications ~~E911~~ Board established in s. 365.172(5) for use
 1723 in the conduct of the official business of the Department of
 1724 Management Services or the Emergency Communications ~~E911~~ Board.

1725 Section 7. This act shall take effect July 1, 2023.