

**SB 294** by **Hays**; (Identical to H 0175) Emergency Communication System

**SB 388** by **Bean**; (Identical to H 0117) Public Retirement Plans

The Florida Senate  
**COMMITTEE MEETING EXPANDED AGENDA**  
 APPROPRIATIONS SUBCOMMITTEE ON FINANCE AND  
 TAX  
 Senator Hukill, Chair  
 Senator Ring, Vice Chair

**MEETING DATE:** Wednesday, February 19, 2014  
**TIME:** 3:30 —5:00 p.m.  
**PLACE:** Mallory Horne Committee Room, 37 Senate Office Building

**MEMBERS:** Senator Hukill, Chair; Senator Ring, Vice Chair; Senators Abruzzo, Altman, Brandes, Clemens, Diaz de la Portilla, Evers, Gardiner, Margolis, Sachs, and Simmons

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 294</b> Hays (Identical H 175, Compare H 177, Link S 292)	Emergency Communication System; Revising provisions relating to oversight of certain fees by the Technology Program within the Department of Management Services; revising provisions for administration, distribution, and use of the E911 fee; providing that fees collected may not be included in the base for measuring any tax, fee, surcharge, or other charge; providing that the Department of Revenue is the agent for the E911 Board for purposes of collecting the prepaid wireless E911 fee; revising provisions for accounting, distribution, use, and auditing of the Emergency Communications Number E911 System Fund, etc.  CU 01/14/2014 Favorable AFT 02/19/2014 Favorable AP	Favorable Yeas 8 Nays 0
2	<b>SB 388</b> Bean (Identical H 117)	Public Retirement Plans; Providing that a consolidated government that has entered into an interlocal agreement to provide police protection services to a municipality within its boundaries is eligible to receive the premium taxes reported for the municipality under certain circumstances; authorizing the municipality receiving the police protection services to enact an ordinance levying the tax as provided by law, etc.  GO 01/16/2014 Favorable CA 02/04/2014 Favorable AFT 02/19/2014 Favorable AP	Favorable Yeas 8 Nays 0

Other Related Meeting Documents

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Finance and Tax

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BILL: SB 294

INTRODUCER: Senator Hays

SUBJECT: Emergency Communication System

DATE: February 19, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wiehle</u>	<u>Caldwell</u>	<u>CU</u>	<b>Favorable</b>
2.	<u>Cote</u>	<u>Diez-Arguelles</u>	<u>AFT</u>	<b>Favorable</b>
3.	_____	_____	<u>AP</u>	_____

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**I. Summary:**

SB 294 lowers the E911 fee from 50 cents to 46 cents for all three categories of voice communication services: prepaid wireless service, wireless service, and nonwireless service. The bill creates a process for collection and distribution of the E911 fee on prepaid wireless services by sellers at point of sale. A seller of prepaid wireless operating in the state before the fee is imposed can retain 100 percent of the prepaid E911 fees collected for the first two months to offset the costs of setup. After this two-month period, a seller may retain five percent of the prepaid wireless E911 fees that are collected as a retailer collection allowance. The remainder of fees collected must be remitted to the Department of Revenue in the month following collection of the fee.

The bill expands the list of authorized county expenditures for which E911 funds may be used and modifies the distribution of funds to counties and wireless providers.

The bill appropriates the nonrecurring sum of \$500,000 from the General Revenue Fund to the Department of Revenue for the 2014-2015 fiscal year.

On January 10, 2014, the Revenue Estimating Conference determined that this bill will increase revenues deposited into the General Revenue Fund by \$0.6 million in Fiscal Year 2014-2015, with a \$1.2 million recurring impact to the General Revenue Fund. In addition, the bill will increase revenues distributed to the Emergency Communications Number E911 System Fund by \$6.3 million in Fiscal Year 2014-15, with a \$13.5 million recurring impact to the fund. The conference is in the process of revising these estimates.

## II. Present Situation:

The Wireless Emergency Communications Act<sup>1</sup> established a statewide E911 system for wireless telephone users. To fund the E911 system, the act imposed a monthly fee, capped at \$0.50, on voice communications services. This fee funds costs incurred by local governments to install and operate 911 systems and reimburses providers for costs incurred to provide 911 or E911 services.

Section 365.172(8), F.S., requires voice communications services providers to collect the E911 fee from subscribers of voice communications services on a service identifier basis. The fee is imposed upon local exchange service, wireless service, and other services that have access to E911 service, such as Voice over Internet Protocol. State and local governments are not subject to the fee.<sup>2</sup>

The E911 Board (Board) helps implement and oversee the E911 system and administers the funds derived from the E911 fee. The primary function of the Board is to make disbursements from the Emergency Communications Number E911 System Fund (E911 Fund) to county governments and wireless providers according to s. 365.173, F.S. The Board has the authority to adjust the level of the fee, within the \$0.50 cap, once annually.

### **E911 Fees for Prepaid Wireless Service**

In 2006, the Board was required<sup>3</sup> to evaluate the 911 system revenues and services costs to determine the date that the wireless E911 fee could be reduced to a level that still funds all counties' E911 costs, service provider costs, and Board administration costs. In its report, the Board concluded that there were insufficient fee revenues collected to cover all county and service provider E911 costs.<sup>4</sup>

In its report, the Board also recommended that the Legislature consider changing the provisions relating to prepaid calling services so that fees were imposed on users in a fair and consistent manner. At that time, E911 fees for prepaid wireless service were remitted based upon each prepaid wireless telephone associated with this state, for each wireless service customer that had a sufficient positive balance as of the last day of each month. Recognizing that direct billing may not be possible, the law provided that the surcharge amount, or an equivalent number of minutes, could be transferred from the prepaid wireless subscriber's account.

In 2007, the Legislature suspended collection of E911 fees on prepaid wireless service until July 1, 2009, and required the board to conduct a study of the collection of E911 fees on the sale of prepaid wireless service.<sup>5</sup> The resulting report<sup>6</sup> concluded that it was feasible to collect E911

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<sup>1</sup> Chapter 99-367, L.O.F., codified in s. 365.172, F.S. Today the statute is cited as the "Emergency Communications Number E911 Act." Section 365.172(1), F.S.

<sup>2</sup> Section 365.172(8)(c), F.S.

<sup>3</sup> See proviso language accompanying specific appropriation 2946 of the Fiscal Year 2006-07 General Appropriations Act (HB 5001).

<sup>4</sup> Florida Department of Management Services, E911 Board, *2006 Wireline and Wireless 911 Fee Evaluation Legislative Report* (Sept. 29, 2006).

<sup>5</sup> Chapter 2007-78, Laws of Florida.

<sup>6</sup> Florida Department of Management Services, E911 Board, *E911 Prepaid Wireless Fee Collection and E911 Fee Exemptions: A Feasibility Analysis*, 106 (Dec. 31, 2008), available at

fees from the sale of prepaid wireless service on an equitable, competitively neutral, and nondiscriminatory basis.

In 2010, the Legislature extended the suspension of E911 fee collections for prepaid wireless service through July 1, 2013, at which point the Board was required to start collecting the fee from those sales.<sup>7</sup> However, currently there is no mechanism for collection of the E911 fee on wireless prepaid services.

### **Distribution of E911 Funds**

Funds generated from the E911 fees levied on subscribers are accounted for in the Emergency Communications Number E911 System Fund and segregated into two separate categories: wireless and nonwireless.<sup>8</sup> One percent of the moneys in each category is retained by the Board to cover the costs of managing, administering, and overseeing the E911 Fund. Two percent of the moneys in each category are used to make monthly distributions to rural counties for facilities, network and service enhancements, and assistance for their E911 systems and to make grants to rural counties to upgrade and replace such systems.

In the wireless category, 67 percent of the moneys are distributed monthly to counties, based on the total number of service identifiers in each county. The county may use these funds to pay for expenditures related to establishing or providing E911 services and contracting for E911 services, as well as to pay for complying with the requirements for E911 service contained in specified Federal Communications Commission orders.<sup>9</sup> The remaining 30 percent of the moneys in the wireless category are available for distribution to wireless providers as reimbursement for actual costs incurred to provide E911 service.

In the nonwireless category, 97 percent of the moneys are distributed monthly to counties based on the total number of service identifiers in each county. The county may use these funds exclusively to pay for expenditures related to establishing or providing E911 services and contracting for E911 services.<sup>10</sup>

Section 365.172(10), F.S., specifies the types of expenses for which funds derived from the E911 fee may be expended. In general, all costs directly attributable to the establishment or provision of E911 service and contracting for E911 services are eligible. For this purpose, the law defines E911 service to include the functions of database management, call taking, dispatching, location verification, and call transfer.

A county may carry forward up to 30 percent of the total funds it receives from the Board during a calendar year for expenditures for capital outlay, capital improvements, or equipment replacement provided that the expenditures are otherwise authorized uses of the funds derived from E911 fees.

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[http://dms.myflorida.com/suncom/public\\_safety\\_bureau/florida\\_e911/e911\\_board\\_prepaid\\_study](http://dms.myflorida.com/suncom/public_safety_bureau/florida_e911/e911_board_prepaid_study) (last visited March 5, 2013).

<sup>7</sup> Chapter 2010-50, Laws of Florida.

<sup>8</sup> Subsection 365.173(1), F.S.

<sup>9</sup> Section 365.173(2)(a), F.S. See also s. 365.172(9), F.S.

<sup>10</sup> Section 365.173(2)(b), F.S.

### III. Effect of Proposed Changes:

The bill amends ss. 365.172 and 365.173, F.S., as follows:

- Provides a mechanism for collection of the E911 fee on prepaid wireless service by sellers at the point of sale, beginning on the first day of the month following 120 days after the act takes effect, and establishes a new category in the E911 Trust Fund for revenues derived from this fee.
- Lowers the E911 fee from \$0.50 to \$0.46 per month per service identifier for wireless and nonwireless voice communications services or \$0.46 on each retail transaction for prepaid wireless services. The lower fee amount for wireless and nonwireless services is effective on the first day of the month following 180 days after the effective date of the law.
- Retains the existing E911 fee cap of \$0.50 and allows the Board, no sooner than one year after the new fee is imposed under this bill, to adjust the rate under this cap by a two-thirds vote of the total number of all Board members.
- Expands the list of authorized county expenditures for which E911 funds may be used.
- Modifies the percentage of funds to be distributed to counties, such that counties will receive 76 percent of the moneys in the wireless category (up from 67 percent), 96 percent of the moneys in the nonwireless category (down from 97 percent) and 61 percent of the moneys in the new prepaid wireless category.
- Reduces the percentage of funds available for distribution to wireless providers from 30 percent to 20 percent.
- Provides that 35 percent of the moneys in the new prepaid wireless category will be retained by the Board to provide E911 grants to counties.
- Amends and creates definitions to conform to the substantive provisions of the bill.
- Removes obsolete provisions.

#### **E911 Fees for Prepaid Wireless Service**

The bill creates subsection (9) of section 365.172, F.S., to provide a mechanism for the collection of the E911 fee on each retail purchase of prepaid wireless service from a seller. The prepaid wireless E911 fee is effective on the first day of the month following 120 days after the act takes effect. The fee is \$0.46 per retail transaction. A seller of prepaid wireless service operating in this state before the fee is imposed can retain 100 percent of the prepaid E911 fees collected for the first two months to offset costs of setup. After this two-month period, a seller may retain five percent of the prepaid wireless E911 fees that are collected as a retailer collection allowance. The remainder of fees collected must be remitted to the Department of Revenue in the month following collection of the fee.

The E911 fee on prepaid wireless must be collected by the seller of the prepaid wireless service on each retail transaction occurring in Florida. The amount of the prepaid fee must be separately stated or disclosed to the consumer. If a prepaid wireless device is sold for a single, nonitemized price with a prepaid wireless service of 10 minutes or less or \$5 or less, the seller may elect not to apply the wireless E911 fee to the transaction.

In order to determine the county where a retail transaction occurs, the bill provides the following three options:

- When the transaction is done by a consumer in person at a seller's business location in this state, the transaction is deemed to have occurred in the county of the business location.
- If the transaction does not take place at the seller's business location, the transaction is treated as taking place in the county of the consumer's shipping address or, if no item is shipped, at the consumer's address or the location associated with the consumer's mobile telephone number.
- If the specific Florida county location cannot be determined, the transaction is to be treated as nonspecific.

Each seller is required to file a return and remit the prepaid wireless E911 fees collected in the previous month to DOR on or before the 20th day of the month.<sup>11</sup> The bill allows a seller to remit the fees through an electronic transfer and to file its return through an electronic data interchange. If DOR has authorized the seller to file its sales and use tax return on a quarterly, semiannual, or annual basis, the seller may remit the E911 fees and file its return on or before the 20<sup>th</sup> day of the month following that reporting period. A seller that collects less than \$50 per month of the E911 fees is permitted to file quarterly returns on or before the 20<sup>th</sup> day of the month following each quarterly period. If the seller is required to file a return for two or more business locations, the bill allows the seller to file a consolidated return, provided that the seller reports the E911 fees it has collected by county. No return is required if there are no fees to remit.

The bill requires every seller of prepaid wireless service in Florida to register with DOR for each place of business, as required by existing laws regarding registration as a sales and use tax dealer. A separate application is required for each place of business.

The bill requires DOR to deposit the funds remitted into the Audit and Warrant Clearing Trust Fund and may retain up to 3.2 percent of the funds remitted to reimburse its direct costs of administering the collection and remittance of prepaid wireless fees. DOR must transfer all remaining funds remitted to the Emergency Communications Number E911 System Fund on a monthly basis.

The bill also provides a nonrecurring appropriation to DOR for the purposes of administering the collection and remittance of the E911 fees from prepaid wireless service.

### **Distribution of E911 Fees**

The bill establishes a new category in the E911 Fund for revenues derived from application of the E911 fee to prepaid wireless service. Of the moneys transferred into the E911 Fund and placed into this new category, the bill specifies the following distribution:

- 61 percent will be distributed each month to counties based on the total amount of fees reported and paid in each county;

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<sup>11</sup> If the 20<sup>th</sup> day of the month is a Saturday, Sunday, or legal holiday, the deadline is extended until the next business day.

- 35 percent will be retained by the Board to provide E911 grants to counties;
- Three percent will be used to make monthly distributions to rural counties; and
- One percent will be retained by the Board to cover the costs of managing, administering, and overseeing the E911 Fund.<sup>12</sup>

The bill increases distributions from the wireless category from 67 percent to 76 percent. The bill decreases the percentage of funds available from the wireless category for distribution to wireless providers from 30 percent to 20 percent.

The bill decreases distributions from the nonwireless category to counties from 97 percent to 96 percent.

The bill increases, from two percent to three percent, the percentage of funds available from both the wireless and nonwireless categories to be used to make monthly distributions to rural counties.

The bill clarifies that any county that receives funds from the E911 Fund may not reduce, withhold, or allocate such funds for purposes other than covering the costs specified in statute. Further, the bill provides that the county's annual financial audit must assure that all E911 fee revenues, interest, and E911 grant funding are used as specified in statute and as specified by the E911 Board's grant and special disbursement programs. The bill also requires counties to submit these financial audit reports to the Board.

The bill expands the list of authorized expenditures for which funds distributed from the E911 Fund may be used. The bill provides that Department of Health certification and recertification and training costs for 911 public safety communications, including dispatching, are functions of 911 services. In addition, it adds circuits; GIS systems and software equipment and information displays; salary and expenses for a county to employ technical system maintenance personnel; and emergency medical, fire, and law enforcement prearrival instruction software to the list of authorized expenditures.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

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<sup>12</sup> The Board currently retains one percent of all moneys in the E911 Fund for this purpose.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

On January 10, 2014, the Revenue Estimating Conference determined that this bill will increase the amount deposited into the General Revenue Fund by \$0.6 million in Fiscal Year 2014-2015, with a \$1.2 million recurring impact to the General Revenue Fund. In addition, the bill will increase revenues distributed to the Emergency Communications Number E911 System Fund by \$6.3 million in Fiscal Year 2014-15, with a \$13.5 million recurring impact to the fund. The conference is in the process of revising these estimates.

**B. Private Sector Impact:**

The bill requires retail sellers of prepaid wireless service to collect the E911 fee and remit the proceeds to DOR. This requirement creates initial costs for system setup and ongoing costs for collections and remittance. To address these costs, the bill allows sellers to retain 100 percent of their E911 fee collections for the first two months of collections and allows sellers to retain five percent of their E911 fee collections thereafter.

**C. Government Sector Impact:**

The bill appropriates the nonrecurring sum of \$500,000 to DOR for Fiscal Year 2014-2015 to cover the cost of administering this act. The bill also authorizes DOR to retain 3.2 percent of the funds remitted under the bill to cover the annual costs of implementing the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 365.172, 365.173, and 401.465

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Hays

11-00036A-14

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1 A bill to be entitled  
 2 An act relating to emergency communication system;  
 3 amending s. 365.172, F.S., relating to the Emergency  
 4 Communications Number E911 System; revising  
 5 definitions; revising provisions relating to oversight  
 6 of certain fees by the Technology Program within the  
 7 Department of Management Services; revising E911 board  
 8 appointment provisions; revising duties of the board;  
 9 revising provisions for administration, distribution,  
 10 and use of the E911 fee; revising provisions for state  
 11 E911 Grant Program funding; revising E911 fee  
 12 provisions; revising fee collection procedures;  
 13 providing that the state and local governments are not  
 14 consumers for certain purposes; specifying the amount  
 15 of the fee; revising provisions for use of the fees  
 16 collected; authorizing the board to adjust the rate of  
 17 the fee; providing that fees collected may not be  
 18 included in the base for measuring any tax, fee,  
 19 surcharge, or other charge; providing for a prepaid  
 20 wireless E911 fee; limiting the amount of the fee;  
 21 providing procedures for adjustment and imposition of  
 22 the fee; requiring the Department of Revenue to  
 23 provide notice to sellers; providing requirements for  
 24 collection of the fee by the seller; providing  
 25 criteria for the location of the transaction;  
 26 providing requirements and procedures for filing  
 27 returns and remitting fees to the Department of  
 28 Revenue; providing that the Department of Revenue is  
 29 the agent for the E911 Board for purposes of

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30 collecting the prepaid wireless E911 fee; requiring  
 31 sellers of prepaid wireless services to register with  
 32 the department; providing for distribution of funds  
 33 remitted; limiting liability of provider or seller of  
 34 prepaid wireless service; prohibiting a local  
 35 government from imposing a fee on sellers of prepaid  
 36 wireless services; providing that the state and local  
 37 governments are not consumers for certain purposes;  
 38 providing definitions for specified purposes; revising  
 39 provisions for authorized expenditures of the E911  
 40 fee; providing that certain costs of the Department of  
 41 Health are functions of 911 services; amending s.  
 42 365.173, F.S.; revising provisions for accounting,  
 43 distribution, use, and auditing of the Emergency  
 44 Communications Number E911 System Fund; providing for  
 45 a prepaid wireless category in such fund; amending s.  
 46 401.465, F.S.; conforming a cross-reference; providing  
 47 a directive to the Division of Law Revision and  
 48 Information; providing an appropriation; providing  
 49 effective dates.

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

52  
 53 Section 1. Subsections (3) through (9) of section 365.172,  
 54 Florida Statutes, are amended, present subsections (9) through  
 55 (14) of that section are renumbered as subsections (10) through  
 56 (15), respectively, and a new subsection (9) is added to that  
 57 section, to read:  
 58 365.172 Emergency communications number "E911."~~—~~

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59 (3) DEFINITIONS.—Only as used in this section and ss.  
60 365.171, 365.173, and 365.174, the term:

61 ~~(a) "Answering point" means the public safety agency that~~  
62 ~~receives incoming 911 calls and dispatches appropriate public~~  
63 ~~safety agencies to respond to the calls.~~

64 (a) ~~(b)~~ "Authorized expenditures" means expenditures of the  
65 fee, as specified in subsection (10) ~~(9)~~.

66 (b) ~~(c)~~ "Automatic location identification" means the  
67 capability of the E911 service which enables the automatic  
68 display of information that defines the approximate geographic  
69 location of the wireless telephone, or the location of the  
70 address of the wireline telephone, used to place a 911 call.

71 (c) ~~(d)~~ "Automatic number identification" means the  
72 capability of the E911 service which enables the automatic  
73 display of the service number used to place a 911 call.

74 (d) ~~(e)~~ "Board" or "E911 Board" means the board of directors  
75 of the E911 Board established in subsection (5).

76 (e) ~~(f)~~ "Building permit review" means a review for  
77 compliance with building construction standards adopted by the  
78 local government under chapter 553 and does not include a review  
79 for compliance with land development regulations.

80 (f) ~~(g)~~ "Collocation" means the situation when a second or  
81 subsequent wireless provider uses an existing structure to  
82 locate a second or subsequent antennae. The term includes the  
83 ground, platform, or roof installation of equipment enclosures,  
84 cabinets, or buildings, and cables, brackets, and other  
85 equipment associated with the location and operation of the  
86 antennae.

87 (g) ~~(h)~~ "Designed service" means the configuration and

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88 manner of deployment of service the wireless provider has  
89 designed for an area as part of its network.

90 (h) ~~(i)~~ "Enhanced 911" or "E911" means ~~is the designation~~  
91 ~~for~~ an enhanced 911 system or enhanced 911 service that is an  
92 emergency telephone system or service that provides a subscriber  
93 with 911 service and, in addition, directs 911 calls to  
94 appropriate public safety answering points by selective routing  
95 based on the geographical location from which the call  
96 originated, or as otherwise provided in the state plan under s.  
97 365.171, and that provides for automatic number identification  
98 and automatic location-identification features. E911 service  
99 provided by a wireless provider means E911 as defined in the  
100 order.

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

106 (j) ~~(k)~~ "Fee" means the E911 fee authorized and imposed  
107 under subsections ~~subsection~~ (8) and (9).

108 (k) ~~(l)~~ "Fund" means the Emergency Communications Number  
109 E911 System Fund established in s. 365.173 and maintained under  
110 this section for the purpose of recovering the costs associated  
111 with providing 911 service or E911 service, including the costs  
112 of implementing the order. The fund shall be segregated into  
113 wireless, prepaid wireless, and nonwireless categories.

114 (l) ~~(m)~~ "Historic building, structure, site, object, or  
115 district" means any building, structure, site, object, or  
116 district that has been officially designated as a historic

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117 building, historic structure, historic site, historic object, or  
 118 historic district through a federal, state, or local designation  
 119 program.

120 ~~(m)-(n)~~ "Land development regulations" means any ordinance  
 121 enacted by a local government for the regulation of any aspect  
 122 of development, including an ordinance governing zoning,  
 123 subdivisions, landscaping, tree protection, or signs, the local  
 124 government's comprehensive plan, or any other ordinance  
 125 concerning any aspect of the development of land. The term does  
 126 not include any building construction standard adopted under and  
 127 in compliance with chapter 553.

128 ~~(n)-(o)~~ "Local exchange carrier" means a "competitive local  
 129 exchange telecommunications company" or a "local exchange  
 130 telecommunications company" as defined in s. 364.02.

131 ~~(o)-(p)~~ "Local government" means any municipality, county,  
 132 or political subdivision or agency of a municipality, county, or  
 133 political subdivision.

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

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

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

142 ~~(s)-(t)~~ "Office" means the Technology Program within the  
 143 Department of Management Services, as designated by the  
 144 secretary of the department.

145 ~~(t)-(u)~~ "Order" means:

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

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

153 b. Memorandum and Order No. FCC 97-402 adopted on December  
 154 23, 1997.

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

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

157 2. Orders and rules subsequently adopted by the Federal  
 158 Communications Commission relating to the provision of 911  
 159 services, including Order Number FCC-05-116, adopted May 19,  
 160 2005.

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

164 (v) "Prepaid wireless service" means a right to access  
 165 wireless service that allows a caller to contact and interact  
 166 with 911 to access the 911 system, which service must be paid  
 167 for in advance and is sold in predetermined units or dollars,  
 168 which units or dollars expire on a predetermined schedule or are  
 169 decremented on a predetermined basis in exchange for the right  
 170 to access wireless service.

171 ~~(v) "Prepaid calling arrangements" has the same meaning as~~  
 172 ~~defined in s. 212.05(1)(e).~~

173 (w) "Public agency" means the state and any municipality,  
 174 county, municipal corporation, or other governmental entity,

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175 public district, or public authority located in whole or in part  
176 within this state which provides, or has authority to provide,  
177 firefighting, law enforcement, ambulance, medical, or other  
178 emergency services.

179 (x) "Public safety agency" means a functional division of a  
180 public agency which provides firefighting, law enforcement,  
181 medical, or other emergency services.

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

187 (z) ~~(y)~~ "Rural county" means any county that has a  
188 population of fewer than 75,000.

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

194 (bb) ~~(aa)~~ "Tower" means any structure designed primarily to  
195 support a wireless provider's antennae.

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

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204 section, the term "voice-over-Internet-protocol service" or  
205 "VoIP service" means interconnected VoIP services having the  
206 following characteristics:

207 1. The service enables real-time, two-way voice  
208 communications;

209 2. The service requires a broadband connection from the  
210 user's locations;

211 3. The service requires IP-compatible customer premises  
212 equipment; and

213 4. The service offering allows users generally to receive  
214 calls that originate on the public switched telephone network  
215 and to terminate calls on the public switched telephone network.

216 (dd) ~~(cc)~~ "Voice communications services provider" or  
217 "provider" means any person or entity providing voice  
218 communications services, except that the term does not include  
219 any person or entity that resells voice communications services  
220 and was assessed the fee authorized and imposed under subsection  
221 (8) by its resale supplier.

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

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

229 (gg) ~~(ff)~~ "Wireless communications facility" means any  
230 equipment or facility used to provide service and may include,  
231 but is not limited to, antennae, towers, equipment enclosures,  
232 cabling, antenna brackets, and other such equipment. Placing a

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233 wireless communications facility on an existing structure does  
 234 not cause the existing structure to become a wireless  
 235 communications facility.

236 ~~(hh)-(gg)~~ "Wireless provider" means a person who provides  
 237 wireless service and:

238 1. Is subject to the requirements of the order; or  
 239 2. Elects to provide wireless 911 service or E911 service  
 240 in this state.

241 ~~(ii)-(hh)~~ "Wireless service" means "commercial mobile radio  
 242 service" as provided under ss. 3(27) and 332(d) of the Federal  
 243 Telecommunications Act of 1996, 47 U.S.C. ss. 151 et seq., and  
 244 the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-  
 245 66, August 10, 1993, 107 Stat. 312. The term includes service  
 246 provided by any wireless real-time two-way wire communication  
 247 device, including radio-telephone communications used in  
 248 cellular telephone service; personal communications service; or  
 249 the functional or competitive equivalent of a radio-telephone  
 250 communications line used in cellular telephone service, a  
 251 personal communications service, or a network radio access line.  
 252 The term does not include wireless providers that offer mainly  
 253 dispatch service in a more localized, noncellular configuration;  
 254 providers offering only data, one-way, or stored-voice services  
 255 on an interconnected basis; providers of air-to-ground services;  
 256 or public coast stations.

257 (4) POWERS AND DUTIES OF THE OFFICE.—The office shall  
 258 oversee the administration of the fee authorized and imposed ~~on~~  
 259 ~~subscribers of voice communications services~~ under subsections  
 260 subsection (8) and (9).

261 (5) THE E911 BOARD.—

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262 (a) The E911 Board is established to administer, with  
 263 oversight by the office, the fee imposed under subsections  
 264 ~~subsection (8) and (9)~~, including receiving revenues derived  
 265 from the fee; distributing portions of the revenues to wireless  
 266 providers, counties, and the office; accounting for receipts,  
 267 distributions, and income derived by the funds maintained in the  
 268 fund; and providing annual reports to the Governor and the  
 269 Legislature for submission by the office on amounts collected  
 270 and expended, the purposes for which expenditures have been  
 271 made, and the status of E911 service in this state. In order to  
 272 advise and assist the office in implementing the purposes of  
 273 this section, the board, which has the power of a body  
 274 corporate, has the powers enumerated in subsection (6).

275 (b) The board shall consist of 11 members, one of whom must  
 276 be the system director designated under s. 365.171(5), or his or  
 277 her designee, who shall serve as the chair of the board. The  
 278 remaining 10 members of the board shall be appointed by the  
 279 Governor and must be composed of 5 county 911 coordinators,  
 280 consisting of a representative from a rural county, a  
 281 representative from a medium county, a representative from a  
 282 large county, and 2 at-large representatives recommended by the  
 283 Florida Association of Counties in consultation with the county  
 284 911 coordinators; 3 local exchange carrier member  
 285 representatives, one of whom must be a representative of the  
 286 local exchange carrier having the greatest number of access  
 287 lines in the state and one of whom must be a representative of a  
 288 certificated competitive local exchange telecommunications  
 289 company; and 2 member representatives from the wireless  
 290 telecommunications industry, with consideration given to

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291 wireless providers that are not affiliated with local exchange  
292 carriers. Not more than one member may be appointed to represent  
293 any single provider on the board.

294 (c) The system director, designated under s. 365.171(5), or  
295 his or her designee, must be a permanent member of the board.  
296 Each of the remaining 10 ~~eight~~ members of the board shall be  
297 appointed to a 4-year term and may not be appointed to more than  
298 two successive terms. However, for the purpose of staggering  
299 terms, two of the original board members shall be appointed to  
300 terms of 4 years, two shall be appointed to terms of 3 years,  
301 and four shall be appointed to terms of 2 years, as designated  
302 by the Governor. A vacancy on the board shall be filled in the  
303 same manner as the original appointment.

304 ~~(d) The first vacancy in a wireless provider representative~~  
305 ~~position occurring after July 1, 2007, must be filled by~~  
306 ~~appointment of a local exchange company representative. Until~~  
307 ~~the appointment is made, there shall be only one local exchange~~  
308 ~~company representative serving on the board, notwithstanding any~~  
309 ~~other provision to the contrary.~~

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

311 (a) The board shall:

- 312 1. Administer the E911 fee.  
313 2. Implement, maintain, and oversee the fund.  
314 3. Review and oversee the disbursement of the revenues  
315 deposited into the fund as provided in s. 365.173.  
316 a. The board may establish a schedule for implementing  
317 wireless E911 service by service area, and prioritize  
318 disbursements of revenues from the fund to providers and rural  
319 counties as provided in s. 365.173(2)(e) ~~s. 365.173(2)(d)~~ and

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320 (g) pursuant to the schedule, in order to implement E911  
321 services in the most efficient and cost-effective manner.

322 b. Revenues in the fund which have not been disbursed  
323 because sworn invoices as required by s. 365.173(2)(e) ~~s.~~  
324 ~~365.173(2)(d)~~ have not been submitted to the board may be used  
325 by the board as needed to provide grants to counties for the  
326 purpose of upgrading E911 systems. The counties must use the  
327 funds only for capital expenditures or remotely provided hosted  
328 911 answering point call-taking equipment and network services  
329 directly attributable to establishing and provisioning E911  
330 services, which may include next-generation deployment. Prior to  
331 the distribution of grants, the board shall provide 90 days'  
332 written notice to all counties and publish electronically an  
333 approved application process. County grant applications shall be  
334 prioritized based on the availability of funds, current system  
335 life expectancy, system replacement needs, and Phase II  
336 compliance per the Federal Communications Commission. No grants  
337 will be available to any county for next-generation deployment  
338 until all counties are Phase II complete. The board shall take  
339 all actions within its authority to ensure that county  
340 recipients of such grants use these funds only for the purpose  
341 under which they have been provided and may take any actions  
342 within its authority to secure county repayment of grant  
343 revenues upon determination that the funds were not used for the  
344 purpose under which they were provided.

345 c. When determining the funding provided in a state 911  
346 grant application request, the board shall take into account  
347 information on the amount of carryforward funds retained by the  
348 counties. The information will be based on the amount of county

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 349 carryforward funds reported in the financial audit required in  
 350 s. 365.173(2) (d). E911 State Grant Program funding requests will  
 351 be limited by any county carryforward funds in excess of the  
 352 allowable 30 percent amount of fee revenue calculated on a 2-  
 353 year basis.

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

357 ~~d. By September 1, 2007, the board shall authorize the~~  
 358 ~~transfer of up to \$15 million to the counties from existing~~  
 359 ~~money within the fund established under s. 365.173(1). The money~~  
 360 ~~shall be disbursed equitably to all of the counties using a~~  
 361 ~~timeframe and distribution methodology established by the board~~  
 362 ~~before September 1, 2007, in order to prevent a loss to the~~  
 363 ~~counties in the ordinary and expected time value of money caused~~  
 364 ~~by any timing delay in remittance to the counties of wireline~~  
 365 ~~fees caused by the one-time transfer of collecting wireline fees~~  
 366 ~~by the counties to the board. All disbursements for this purpose~~  
 367 ~~must be returned to the fund from future remittances by the~~  
 368 ~~nonwireless category.~~

369 e. After taking the action required in sub-subparagraphs  
 370 a.-d., the board may review and, with all members participating  
 371 in the vote, adjust the percentage allocations or adjust the  
 372 amount of the fee as provided, or both, under paragraph (8) (g)  
 373 ~~(8) (h)~~, and, if the board determines that the revenues in the  
 374 wireless category exceed the amount needed to reimburse wireless  
 375 providers for the cost to implement E911 services, the board may  
 376 transfer revenue to the counties from the existing funds within  
 377 the wireless category. The board shall disburse the funds

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 378 equitably to all counties using a timeframe and distribution  
 379 methodology established by the board.

380 4. Review documentation submitted by wireless providers  
 381 which reflects current and projected funds derived from the fee,  
 382 and the expenses incurred and expected to be incurred in order  
 383 to comply with the E911 service requirements contained in the  
 384 order for the purposes of:

385 a. Ensuring that wireless providers receive fair and  
 386 equitable distributions of funds from the fund.

387 b. Ensuring that wireless providers are not provided  
 388 disbursements from the fund which exceed the costs of providing  
 389 E911 service, including the costs of complying with the order.

390 c. Ascertaining the projected costs of compliance with the  
 391 requirements of the order and projected collections of the fee.

392 d. Implementing changes to the allocation percentages or  
 393 adjusting the fee under paragraph (8) (h) ~~(8) (i)~~.

394 5. Meet monthly in the most efficient and cost-effective  
 395 manner, including telephonically when practical, for the  
 396 business to be conducted, to review and approve or reject, in  
 397 whole or in part, applications submitted by wireless providers  
 398 for recovery of moneys deposited into the wireless category, and  
 399 to authorize the transfer of, and distribute, the fee allocation  
 400 to the counties.

401 6. Hire and retain employees, which may include an  
 402 independent executive director who shall possess experience in  
 403 the area of telecommunications and emergency 911 issues, for the  
 404 purposes of performing the technical and administrative  
 405 functions for the board.

406 7. Make and enter into contracts, pursuant to chapter 287,

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407 and execute other instruments necessary or convenient for the  
 408 exercise of the powers and functions of the board.

409 8. Sue and be sued, and appear and defend in all actions  
 410 and proceedings, in its corporate name to the same extent as a  
 411 natural person.

412 9. Adopt, use, and alter a common corporate seal.

413 10. Elect or appoint the officers and agents that are  
 414 required by the affairs of the board.

415 11. The board may adopt rules under ss. 120.536(1) and  
 416 120.54 to implement this section and ss. 365.173 and 365.174.

417 12. Provide coordination, support, and technical assistance  
 418 to counties to promote the deployment of advanced 911 and E911  
 419 systems in the state.

420 13. Provide coordination and support for educational  
 421 opportunities related to E911 issues for the E911 community in  
 422 this state.

423 14. Act as an advocate for issues related to E911 system  
 424 functions, features, and operations to improve the delivery of  
 425 E911 services to the residents of and visitors to this state.

426 15. Coordinate input from this state at national forums and  
 427 associations, to ensure that policies related to E911 systems  
 428 and services are consistent with the policies of the E911  
 429 community in this state.

430 16. Work cooperatively with the system director established  
 431 in s. 365.171(5) to enhance the state of E911 services in this  
 432 state and to provide unified leadership for all E911 issues  
 433 through planning and coordination.

434 17. Do all acts and things necessary or convenient to carry  
 435 out the powers granted in this section in a manner that is

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436 competitively and technologically neutral as to all voice  
 437 communications services providers, including, but not limited  
 438 to, consideration of emerging technology and related cost  
 439 savings, while taking into account embedded costs in current  
 440 systems.

441 18. Have the authority to secure the services of an  
 442 independent, private attorney via invitation to bid, request for  
 443 proposals, invitation to negotiate, or professional contracts  
 444 for legal services already established at the Division of  
 445 Purchasing of the Department of Management Services.

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

449 (c) By February 28 of each year, the board shall prepare a  
 450 report for submission by the office to the Governor, the  
 451 President of the Senate, and the Speaker of the House of  
 452 Representatives which addresses for the immediately preceding  
 453 state fiscal year and county fiscal calendar ~~calendar~~ year:

454 1. The annual receipts, including the total amount of fee  
 455 revenues collected by each provider, the total disbursements of  
 456 money in the fund, including the amount of fund-reimbursed  
 457 expenses incurred by each wireless provider to comply with the  
 458 order, and the amount of moneys on deposit in the fund.

459 2. Whether the amount of the fee and the allocation  
 460 percentages set forth in s. 365.173 have been or should be  
 461 adjusted to comply with the requirements of the order or other  
 462 provisions of this chapter, and the reasons for making or not  
 463 making a recommended adjustment to the fee.

464 3. Any other issues related to providing E911 services.

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465 4. The status of E911 services in this state.

466 (7) REQUEST FOR PROPOSALS FOR INDEPENDENT ACCOUNTING FIRM.-

467 (a) The board shall issue a request for proposals as  
468 provided in chapter 287 for the purpose of retaining an  
469 independent accounting firm. The independent accounting firm  
470 shall perform all material administrative and accounting tasks  
471 and functions required for administering the fee. The request  
472 for proposals must include, but need not be limited to:

473 1. A description of the scope and general requirements of  
474 the services requested.

475 2. A description of the specific accounting and reporting  
476 services required for administering the fund, including  
477 processing checks and distributing funds as directed by the  
478 board under s. 365.173.

479 3. A description of information to be provided by the  
480 proposer, including the proposer's background and qualifications  
481 and the proposed cost of the services to be provided.

482 (b) The board shall establish a committee to review  
483 requests for proposals which must include the statewide E911  
484 system director designated under s. 365.171(5), or his or her  
485 designee, and two members of the board, one of whom is a county  
486 911 coordinator and one of whom represents a voice  
487 communications services provider. The review committee shall  
488 review the proposals received by the board and recommend an  
489 independent accounting firm to the board for final selection. By  
490 agreeing to serve on the review committee, each member of the  
491 review committee shall verify that he or she does not have any  
492 interest or employment, directly or indirectly, with potential  
493 proposers which conflicts in any manner or degree with his or

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494 her performance on the committee.

495 (c) ~~After July 1, 2004,~~ The board may secure the services  
496 of an independent accounting firm via invitation to bid, request  
497 for proposals, invitation to negotiate, or professional  
498 contracts already established at the Division of Purchasing,  
499 Department of Management Services, for certified public  
500 accounting firms, or the board may hire and retain professional  
501 accounting staff to accomplish these functions.

502 (8) E911 FEE.-

503 (a) Each voice communications services provider shall  
504 collect the fee described in this subsection, except that the  
505 fee for prepaid wireless service shall be collected in the  
506 manner set forth in subsection (9). Each provider, as part of  
507 its monthly billing process, shall bill the fee as follows. The  
508 fee shall not be assessed on any pay telephone in the state.

509 1. Each voice communications service provider other than a  
510 wireless provider shall bill the fee to a subscriber based on  
511 the number of access lines having access to the E911 system, on  
512 a service-identifier basis, up to a maximum of 25 access lines  
513 per account bill rendered.

514 2. Each voice communications service provider other than a  
515 wireless provider shall bill the fee to a subscriber on a basis  
516 of five service-identified access lines for each digital  
517 transmission link, including primary rate interface service or  
518 equivalent Digital-Signal-1-level service, which can be  
519 channelized and split into 23 or 24 voice-grade or data-grade  
520 channels for communications, up to a maximum of 25 access lines  
521 per account bill rendered.

522 3. Except in the case of prepaid wireless service, each

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 523 wireless provider shall bill the fee to a subscriber on a per-  
 524 service-identifier basis for service identifiers whose primary  
 525 place of use is within this state. ~~Before July 1, 2013,~~ The fee  
 526 shall not be assessed on or collected from a provider with  
 527 respect to an end user's service if that end user's service is a  
 528 prepaid wireless service before the fee under subsection (9)  
 529 takes effect calling arrangement that is subject to s.  
 530 212.05(1)(c).

531 ~~a. An E911 fee shall not be collected from the sale of~~  
 532 ~~prepaid wireless service before July 1, 2013.~~

533 ~~b. For purposes of this section, the term:~~

534 ~~(I) "Prepaid wireless service" means the right to access~~  
 535 ~~telecommunications services, which must be paid for in advance~~  
 536 ~~and sold in predetermined units or dollars enabling the~~  
 537 ~~originator to make calls such that the number of units or~~  
 538 ~~dollars declines with use in a known amount.~~

539 ~~(II) "Prepaid wireless service providers" includes those~~  
 540 ~~persons who sell prepaid wireless service regardless of its~~  
 541 ~~form, as a retailer or reseller.~~

542 4. Except in the case of prepaid wireless service, each ~~The~~  
 543 ~~voice communications services provider providers~~ not addressed  
 544 under subparagraphs 1., 2., and 3. shall bill the fee on a per-  
 545 service-identifier basis for service identifiers whose primary  
 546 place of use is within the state up to a maximum of 25 service  
 547 identifiers for each account bill rendered.

548  
 549 The provider may list the fee as a separate entry on each bill,  
 550 in which case the fee must be identified as a fee for E911  
 551 services. A provider shall remit the fee to the board only if

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 552 the fee is paid by the subscriber. If a provider receives a  
 553 partial payment for a monthly bill from a subscriber, the amount  
 554 received shall first be applied to the payment due the provider  
 555 for providing voice communications service.

556 (b) A provider is not obligated to take any legal action to  
 557 enforce collection of the fees for which any subscriber is  
 558 billed. A county subscribing to 911 service remains liable to  
 559 the provider delivering the 911 service or equipment for any 911  
 560 service, equipment, operation, or maintenance charge owed by the  
 561 county to the provider.

562 (c) For purposes of this subsection ~~section~~, the state and  
 563 local governments are not subscribers.

564 (d) Each provider may retain 1 percent of the amount of the  
 565 fees collected as reimbursement for the administrative costs  
 566 incurred by the provider to bill, collect, and remit the fee.  
 567 The remainder shall be delivered to the board and deposited by  
 568 the board into the fund. The board shall distribute the  
 569 remainder pursuant to s. 365.173.

570 (e) ~~Effective September 1, 2007,~~ Voice communications  
 571 services providers billing the fee to subscribers shall deliver  
 572 revenues from the fee to the board within 60 days after the end  
 573 of the month in which the fee was billed, together with a  
 574 monthly report of the number of service identifiers in each  
 575 county. Each wireless provider and other applicable provider  
 576 identified in subparagraph (a)4. shall report the number of  
 577 service identifiers for subscribers whose place of primary use  
 578 is in each county. All provider subscriber information provided  
 579 to the board is subject to s. 365.174. If a provider chooses to  
 580 remit any fee amounts to the board before they are paid by the

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581 subscribers, a provider may apply to the board for a refund of,  
 582 or may take a credit for, any such fees remitted to the board  
 583 which are not collected by the provider within 6 months  
 584 following the month in which the fees are charged off for  
 585 federal income tax purposes as bad debt.

586 (f) The rate of the fee ~~shall be set by the board after~~  
 587 ~~considering the factors set forth in paragraphs (h) and (i), but~~  
 588 may not exceed 50 cents per month ~~for per~~ each service  
 589 identifier. Effective on the first day of the month following  
 590 180 days after this act takes effect, the fee shall be 46 cents  
 591 per month for each service identifier. The fee shall apply  
 592 uniformly and be imposed throughout the state, except for those  
 593 counties that, before July 1, 2007, had adopted an ordinance or  
 594 resolution establishing a fee less than 50 cents per month per  
 595 access line. In those counties the fee established by ordinance  
 596 may be changed only to the uniform statewide rate no sooner than  
 597 30 days after notification is made by the county's board of  
 598 county commissioners to the board.

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

601 (g)(h) No later than November 1, 2007, The board may adjust  
 602 the allocation percentages for distribution of the fund as  
 603 provided in s. 365.173. No sooner than 1 year after the fee is  
 604 imposed under paragraph (9)(a), the board may adjust the rate of  
 605 the fee under paragraph (f) based on the criteria in this  
 606 paragraph and paragraph (h). Any adjustment in the rate must be  
 607 approved by a two-thirds vote of the total number of E911 board  
 608 members. When setting the percentages or and contemplating any  
 609 adjustments to the fee, the board shall consider the following:

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610 1. The revenues currently allocated for wireless service  
 611 provider costs for implementing E911 service and projected costs  
 612 for implementing E911 service, including recurring costs for  
 613 Phase I and Phase II and the effect of new technologies;

614 2. The appropriate level of funding needed to fund the  
 615 rural grant program provided for in s. 365.173(2)(g); and

616 3. The need to fund statewide, regional, and county grants  
 617 in accordance with sub-subparagraph (6)(a)3.b. and s.  
 618 365.173(2)(h).

619 ~~(h)(i)~~ The board may adjust the allocation percentages or  
 620 adjust the amount of the fee as provided in paragraph (g), ~~or~~  
 621 ~~both,~~ if necessary to ensure full cost recovery or prevent  
 622 overrecovery of costs incurred in the provision of E911 service,  
 623 including costs incurred or projected to be incurred to comply  
 624 with the order. Any new allocation percentages or reduced or  
 625 increased fee may not be adjusted for 1 year. In no event shall  
 626 the fee may not exceed 50 cents per month for per each service  
 627 identifier. The ~~board-established~~ fee, and any board adjustment  
 628 of the fee, shall be uniform throughout the state, except for  
 629 the counties identified in paragraph (f). No less than 90 days  
 630 before the effective date of any adjustment to the fee, the  
 631 board shall provide written notice of the adjusted fee amount  
 632 and effective date to each voice communications services  
 633 provider from which the board is then receiving the fee.

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

636 (j) State and local taxes do not apply to the fee. The  
 637 amount of the E911 fee collected by a provider may not be  
 638 included in the base for measuring any tax, fee, surcharge, or

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639 other charge imposed by this state, any political subdivision of  
640 this state, or any governmental agency.

641 (k) A local government may not levy the fee or any  
642 additional fee on providers or subscribers for the provision of  
643 E911 service.

644 (l) For purposes of this section, the definitions contained  
645 in s. 202.11 and the provisions of s. 202.155 apply in the same  
646 manner and to the same extent as the definitions and provisions  
647 apply to the taxes levied under chapter 202 on mobile  
648 communications services.

649 (9) PREPAID WIRELESS E911 FEE.—

650 (a) Effective on the first day of the month following 120  
651 days after this act takes effect, a prepaid wireless E911 fee is  
652 imposed per retail transaction at the rate of 46 cents. In order  
653 to allow sellers of all sizes and technological capabilities  
654 adequate time to comply with this subsection, a seller of  
655 prepaid wireless service operating in this state before the  
656 prepaid wireless E911 fee is imposed shall retain 100 percent of  
657 the fee collected under this paragraph for the first 2 months to  
658 offset the cost of setup.

659 (b) Effective on the first day of the month following 180  
660 days after this act takes effect, the prepaid wireless E911 fee  
661 is imposed per retail transaction at the rate established in  
662 paragraphs (8)(f)-(h) and shall be remitted in accordance with  
663 paragraph (g). In no event shall the fee exceed 50 cents for  
664 each retail transaction. At least 90 days before the effective  
665 date of any adjustment to the fee under paragraph (8)(g), the  
666 Department of Revenue shall provide written notice of the  
667 adjusted fee amount and its effective date to each seller from

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668 which the department is then receiving the fee. At least 120  
669 days before the effective date of any adjustment to the fee  
670 imposed under this subsection, the board shall provide notice to  
671 the Department of Revenue of the adjusted fee amount and  
672 effective date of the adjustment.

673 (c) The prepaid wireless E911 fee shall be collected by the  
674 seller from the consumer with respect to each retail transaction  
675 occurring in this state. The amount of the prepaid wireless E911  
676 fee shall be separately stated on an invoice, receipt, or other  
677 similar document that is provided to the consumer by the seller  
678 or otherwise disclosed to the consumer.

679 (d) For purposes of paragraph (c), a retail transaction  
680 that takes place in person by a consumer at a business location  
681 of the seller shall be treated as occurring in this state if  
682 that business location is in this state. Such transaction is  
683 deemed to have occurred in the county of the business location.  
684 When a retail transaction does not take place at the seller's  
685 business location, the transaction shall be treated as taking  
686 place at the consumer's shipping address or, if no item is  
687 shipped, at the consumer's address or the location associated  
688 with the consumer's mobile telephone number. Such transaction is  
689 deemed to have occurred in the county of the consumer's shipping  
690 address when items are shipped to the consumer or, when no items  
691 are shipped, the county of the consumer's address or the  
692 location associated with the consumer's mobile telephone number.  
693 A transaction for which the specific Florida county cannot be  
694 determined shall be treated as nonspecific.

695 (e) If a prepaid wireless device is sold for a single,  
696 nonitemized price with a prepaid wireless service of 10 minutes

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697 or less or \$5 or less, the seller may elect not to apply the  
698 wireless E911 fee to the transaction.

699 (f) The amount of the prepaid wireless E911 fee that is  
700 collected by a seller from a consumer and that is separately  
701 stated on an invoice, receipt, or similar document provided to  
702 the consumer by the seller, may not be included in the base for  
703 measuring any tax, fee, surcharge, or other charge that is  
704 imposed by this state, any political subdivision of this state,  
705 or any intergovernmental agency.

706 (g) Beginning the month after the fee is imposed under  
707 paragraph (b), each seller shall file a return and remit the  
708 prepaid wireless E911 fees collected in the previous month to  
709 the Department of Revenue on or before the 20th day of the  
710 month. If the 20th day falls on a Saturday, Sunday, or legal  
711 holiday, payments accompanied by returns are due on the next  
712 succeeding day that is not a Saturday, Sunday, or legal holiday  
713 observed by federal or state agencies as defined in chapter 683  
714 and s. 7503 of the Internal Revenue Code of 1986, as amended. A  
715 seller may remit the prepaid wireless E911 fee by electronic  
716 funds transfer and file a fee return with the Department of  
717 Revenue that is initiated through an electronic data  
718 interchange.

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

725 2. A seller collecting less than \$50 per month of prepaid

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726 wireless E911 fees may file a quarterly return for the calendar  
727 quarters ending in March, June, September, and December. The  
728 seller must file a return and remit the prepaid wireless E911  
729 fees collected during each calendar quarter on or before the  
730 20th day of the month following that calendar quarter.

731 3. A seller must provide the following information on each  
732 prepaid wireless E911 fee return filed with the Department of  
733 Revenue:

734 a. The seller's name, federal identification number,  
735 taxpayer identification number issued by the Department of  
736 Revenue, business location address and mailing address, and  
737 county of the business location in accordance with paragraph  
738 (d);

739 b. The reporting period;

740 c. The number of prepaid wireless services sold during the  
741 reporting period;

742 d. The amount of prepaid wireless E911 fees collected and  
743 the amount of any adjustments to the fees collected;

744 e. The amount of any retailer collection allowance deducted  
745 from the amount of prepaid wireless E911 fees collected; and

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

747 4. A seller who operates two or more business locations for  
748 which returns are required to be filed with the Department of  
749 Revenue may file a consolidated return reporting and remitting  
750 the prepaid wireless E911 fee for all business locations. Such  
751 sellers must report the prepaid wireless E911 fees collected in  
752 each county, in accordance with paragraph (d), on a reporting  
753 schedule filed with the fee return.

754 5. A return is not required for a reporting period when no

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755 prepaid wireless E911 fee is to be remitted for that period.

756 6. The Department of Revenue serves as an agent of the E911  
757 Board for collection of the prepaid wireless E911 fee, and the  
758 board retains the authority to administer the fee as provided in  
759 this section and s. 365.173.

760 (h) A seller of prepaid wireless services in this state  
761 must register with the Department of Revenue for each place of  
762 business as required by s. 212.18(3) and the Department of  
763 Revenue's administrative rule regarding registration as a sales  
764 and use tax dealer. A separate application is required for each  
765 place of business. A valid certificate of registration issued by  
766 the Department of Revenue to a seller for sales and use tax  
767 purposes is sufficient for purposes of the registration  
768 requirement of this subsection. There is no fee for registration  
769 for remittance of the prepaid wireless service E911 fee.

770 (i) The Department of Revenue shall deposit the funds  
771 remitted under this subsection into the Audit and Warrant  
772 Clearing Trust Fund established in s. 215.199 and retain up to  
773 3.2 percent of the funds remitted under this subsection to  
774 reimburse its direct costs of administering the collection and  
775 remittance of prepaid wireless fees. Thereafter, the Department  
776 of Revenue shall transfer all remaining funds remitted under  
777 this subsection to the Emergency Communications Number E911  
778 System Fund monthly for use as provided in s. 365.173.

779 (j) A seller may retain 5 percent of the prepaid wireless  
780 E911 fees that are collected under paragraph (b) by the seller  
781 from consumers as a retailer collection allowance.

782 (k) A provider or seller of prepaid wireless service is not  
783 liable for damages to any person resulting from or incurred in

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784 connection with providing or failing to provide 911 or E911  
785 service or for identifying or failing to identify the telephone  
786 number, address, location, or name associated with any person or  
787 device that is accessing or attempting to access 911 or E911  
788 service.

789 (l) A provider or seller of prepaid wireless service is not  
790 liable for damages to any person resulting from or incurred in  
791 connection with providing any lawful assistance to any  
792 investigative or law enforcement officer of the United States,  
793 any state, or any political subdivision of any state in  
794 connection with any lawful investigation or other law  
795 enforcement activity by such law enforcement officer.

796 (m) The limitations of liability under this subsection for  
797 providers and sellers are in addition to any other limitation of  
798 liability provided for under this section.

799 (n) A local government may not levy the fee or any  
800 additional fee on providers or sellers of prepaid wireless  
801 service for the provision of E911 service.

802 (o) For purposes of this section, the state and local  
803 governments are not consumers.

804 (p) For purposes of this subsection, the term:

805 1. "Consumer" means a person who purchases prepaid wireless  
806 service in a retail sale.

807 2. "Prepaid wireless E911 fee" means the fee that is  
808 required to be collected by a seller from a consumer as provided  
809 in this subsection.

810 3. "Provider" means a person that provides prepaid wireless  
811 service pursuant to a license issued by the Federal  
812 Communications Commission.

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813 4. "Retail transaction" means the purchase by a consumer  
 814 from a seller of prepaid wireless service that may be applied to  
 815 a single service identifier for use by the consumer. If a  
 816 consumer makes a purchase of multiple prepaid wireless services  
 817 in a single transaction, each individual prepaid wireless  
 818 service shall be considered a separate retail transaction for  
 819 purposes of calculating the prepaid wireless E911 fee.

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

822 (10) (9) AUTHORIZED EXPENDITURES OF E911 FEE.-

823 (a) For purposes of this section, E911 service includes the  
 824 functions of database management, call taking, ~~dispatching,~~  
 825 location verification, and call transfer. Department of Health  
 826 certification and recertification and training costs for 911  
 827 public safety telecommunications, including dispatching, are  
 828 functions of 911 services.

829 (b) All costs directly attributable to the establishment or  
 830 provision of E911 service and contracting for E911 services are  
 831 eligible for expenditure of moneys derived from imposition of  
 832 the fee authorized by this section. These costs include the  
 833 acquisition, implementation, and maintenance of Public Safety  
 834 Answering Point (PSAP) equipment and E911 service features, as  
 835 defined in the providers' published schedules Public Service  
 836 Commission's lawfully approved 911 and E911 and related tariffs  
 837 or the acquisition, installation, and maintenance of other E911  
 838 equipment, including: circuits; call answering equipment;; call  
 839 transfer equipment;; ANI or ALI controllers;; ~~ALI controllers,~~  
 840 ANI or ALI displays;; ~~ALI displays,~~ station instruments;; E911  
 841 telecommunications systems;; visual call information and storage

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

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842 ~~devices;; recording equipment;; telephone devices and other~~  
 843 ~~equipment for the hearing impaired used in the E911 system;;~~  
 844 ~~PSAP backup power systems;; consoles;; automatic call~~  
 845 ~~distributors, and interfaces, including hardware and software,~~  
 846 ~~for computer-aided dispatch (CAD) systems;; integrated CAD~~  
 847 ~~systems for that portion of the systems used for E911 call~~  
 848 ~~taking; GIS system and software equipment and information~~  
 849 ~~displays;; network clocks;; salary and associated expenses for~~  
 850 ~~E911 call takers for that portion of their time spent taking and~~  
 851 ~~transferring E911 calls, salary, and associated expenses for a~~  
 852 ~~county to employ a full-time equivalent E911 coordinator~~  
 853 ~~position and a full-time equivalent mapping or geographical data~~  
 854 ~~position, and technical system maintenance, database, and~~  
 855 ~~administration personnel and a staff assistant position per~~  
 856 ~~county for the portion of their time spent administering the~~  
 857 ~~E911 system; emergency medical, fire, and law enforcement~~  
 858 ~~prearrival instruction software; charts and training costs;;~~  
 859 ~~training costs for PSAP call takers, supervisors, and managers~~  
 860 ~~in the proper methods and techniques used in taking and~~  
 861 ~~transferring E911 calls;; costs to train and educate PSAP~~  
 862 ~~employees regarding E911 service or E911 equipment, including~~  
 863 ~~fees collected by the Department of Health for the certification~~  
 864 ~~and recertification of 911 public safety telecommunicators as~~  
 865 ~~required under s. 401.465;; and expenses required to develop and~~  
 866 ~~maintain all information, including ALI and ANI databases and~~  
 867 ~~other information source repositories, necessary to properly~~  
 868 ~~inform call takers as to location address, type of emergency,~~  
 869 ~~and other information directly relevant to the E911 call-taking~~  
 870 ~~and transferring function. Moneys derived from the fee may also~~

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871 be used for next-generation E911 network services, next-  
872 generation E911 database services, next-generation E911  
873 equipment, and wireless E911 routing systems.

874 (c) The moneys may not be used to pay for any item not  
875 listed in this subsection, including, but not limited to, any  
876 capital or operational costs for emergency responses which occur  
877 after the call transfer to the responding public safety entity  
878 and the costs for constructing, leasing, maintaining, or  
879 renovating buildings, except for those building modifications  
880 necessary to maintain the security and environmental integrity  
881 of the PSAP and E911 equipment rooms.

882 Section 2. Effective on the date that the prepaid wireless  
883 E911 fee is imposed and remitted to the state under section  
884 365.172(9)(b), Florida Statutes, as amended by this act, section  
885 365.173, Florida Statutes, is amended to read:

886 365.173 Emergency Communications Number E911 System Fund.—

887 (1) REVENUES.—

888 (a) All Revenues derived from the fee levied on subscribers  
889 under s. 365.172(8) must be paid by the board into the State  
890 Treasury on or before the 15th day of each month. Such moneys  
891 must be accounted for in a special fund to be designated as the  
892 Emergency Communications Number E911 System Fund, a fund created  
893 in the Technology Program, or other office as designated by the  
894 Secretary of Management Services.

895 (b) Revenues derived from the fee levied on prepaid  
896 wireless service under s. 365.172(9), less the costs of  
897 administering collection of the fee, must be transferred by the  
898 Department of Revenue to the Emergency Communications Number  
899 E911 System Fund on or before the 25th day of each month

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900 following the month of receipt. and,

901 (c) For accounting purposes, the Emergency Communications  
902 Number E911 System Fund must be segregated into three ~~two~~  
903 separate categories:

- 904 1. (a) The wireless category; ~~and~~
- 905 2. (b) The nonwireless category; and
- 906 3. The prepaid wireless category.

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

911 (2) DISTRIBUTION AND USE OF FUNDS.—As determined by the  
912 board pursuant to s. 365.172(8)(g) ~~s. 365.172(8)(h)~~, and subject  
913 to any modifications approved by the board pursuant to s.  
914 365.172(6)(a)3. or (8)(h) ~~(i)~~, the moneys in the fund shall  
915 be distributed and used only as follows:

916 (a) Seventy-six ~~Sixty-seven~~ percent of the moneys in the  
917 wireless category shall be distributed each month to counties,  
918 based on the total number of service identifiers in each county,  
919 and shall be used exclusively for payment of:

920 1. Authorized expenditures, as specified in s. 365.172(10)  
921 ~~s. 365.172(9)~~.

922 2. Costs to comply with the requirements for E911 service  
923 contained in the order and any future rules related to the  
924 order.

925 (b) Ninety-six ~~Ninety-seven~~ percent of the moneys in the  
926 nonwireless category shall be distributed each month to counties  
927 based on the total number of service identifiers in each county  
928 and shall be used exclusively for payment of authorized

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929 expenditures, as specified in s. 365.172(10) ~~s. 365.172(9)~~.

930 (c) Sixty-one percent of the moneys in the prepaid wireless

931 category shall be distributed each month to counties based on

932 the total amount of fees reported and paid in each county and

933 shall be used exclusively for payment of authorized

934 expenditures, as specified in s. 365.172(10). The moneys from

935 prepaid wireless fees identified as nonspecific in accordance

936 with s. 365.172(9) shall be distributed as determined by the

937 E911 Board.

938 ~~(d)(e)~~ Any county that receives funds under paragraphs (a),

939 ~~and (b), and (c)~~ shall establish a fund to be used exclusively

940 for the receipt and expenditure of the revenues collected under

941 paragraphs (a), ~~and (b), and (c)~~. All fees placed in the fund

942 and any interest accrued shall be used solely for costs

943 described in subparagraphs (a)1. and 2. and may not be reduced,

944 withheld, or allocated for other purposes. The money collected

945 and interest earned in this fund shall be appropriated for these

946 purposes by the county commissioners and incorporated into the

947 annual county budget. The fund shall be included within the

948 financial audit performed in accordance with s. 218.39. The

949 financial audit shall assure that all E911 fee revenues,

950 interest, and E911 grant funding are used for payment of

951 authorized expenditures, as specified in s. 365.172(10) and as

952 specified in the E911 Board grant and special disbursement

953 programs. The county is responsible for all expenditures of

954 revenues distributed from the county E911 fund and shall submit

955 the financial audit reports to the board for review. A county

956 may carry forward up to 30 percent of the total funds disbursed

957 to the county by the board during a county fiscal calendar year

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958 for expenditures for capital outlay, capital improvements, ~~or~~

959 equipment replacement, or implementation of a hosted system if

960 such expenditures are made for the purposes specified in

961 subparagraphs (a)1. and 2.; however, the 30-percent limitation

962 does not apply to funds disbursed to a county under s.

963 365.172(6) (a)3., and a county may carry forward any percentage

964 of the funds, except that any grant provided shall continue to

965 be subject to any condition imposed by the board. In order to

966 prevent an excess recovery of costs incurred in providing E911

967 service, a county that receives funds greater than the

968 permissible E911 costs described in s. 365.172(10) ~~or~~

969 ~~365.172(9)~~, including the 30-percent carryforward allowance,

970 must return the excess funds to the E911 board to be allocated

971 under s. 365.172(6) (a).

972 ~~(e)(d)~~ Twenty Thirty percent of the moneys in the wireless

973 category shall be distributed to wireless providers in response

974 to sworn invoices submitted to the board by wireless providers

975 to reimburse such wireless providers for the actual costs

976 incurred to provide 911 or E911 service, including the costs of

977 complying with the order. Such costs include costs and expenses

978 incurred by wireless providers to design, purchase, lease,

979 program, install, test, upgrade, operate, and maintain all

980 necessary data, hardware, and software required to provide E911

981 service. Each wireless provider shall submit to the board, by

982 August 1 of each year, a detailed estimate of the capital and

983 operating expenses for which it anticipates that it will seek

984 reimbursement under this paragraph during the ensuing state

985 fiscal year. In order to be eligible for recovery during any

986 ensuing state fiscal year, a wireless provider must submit all

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987 sworn invoices for allowable purchases made within the previous  
 988 calendar year no later than March 31 of the fiscal year. By  
 989 September 15 of each year, the board shall submit to the  
 990 Legislature its legislative budget request for funds to be  
 991 allocated to wireless providers under this paragraph during the  
 992 ensuing state fiscal year. The budget request shall be based on  
 993 the information submitted by the wireless providers and  
 994 estimated surcharge revenues. Distributions of moneys in the  
 995 fund by the board to wireless providers must be fair and  
 996 nondiscriminatory. If the total amount of moneys requested by  
 997 wireless providers pursuant to invoices submitted to the board  
 998 and approved for payment exceeds the amount in the fund in any  
 999 month, wireless providers that have invoices approved for  
 1000 payment shall receive a pro rata share of moneys in the fund and  
 1001 the balance of the payments shall be carried over to the  
 1002 following month or months until all of the approved payments are  
 1003 made. The board may adopt rules necessary to address the manner  
 1004 in which pro rata distributions are made when the total amount  
 1005 of funds requested by wireless providers pursuant to invoices  
 1006 submitted to the board exceeds the total amount of moneys on  
 1007 deposit in the fund.

1008 ~~(e) Notwithstanding paragraphs (a) and (d), the amount of~~  
 1009 ~~money that remained in the wireless 911 system fund on December~~  
 1010 ~~31, 2006, must be disbursed to wireless providers for the~~  
 1011 ~~recovery of allowable costs incurred in previous years ending~~  
 1012 ~~December 31, 2006, and in accordance with paragraph (d). In~~  
 1013 ~~order to be eligible for recovered costs incurred under~~  
 1014 ~~paragraph (d), a wireless provider must submit sworn invoices to~~  
 1015 ~~the board by December 31, 2007. The board must disburse the~~

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1016 ~~designated funds in the wireless 911 system fund on or after~~  
 1017 ~~January 1, 2008.~~

1018 (f) One percent of the moneys in each category of the fund  
 1019 shall be retained by the board to be applied to costs and  
 1020 expenses incurred for the purposes of managing, administering,  
 1021 and overseeing the receipts and disbursements from the fund and  
 1022 other activities as defined in s. 365.172(6). Any funds retained  
 1023 for such purposes in a calendar year which are not applied to  
 1024 such costs and expenses by March 31 of the following year shall  
 1025 be redistributed as determined by the board.

1026 (g) Three ~~Two~~ percent of the moneys in each category of the  
 1027 fund shall be used to make monthly distributions to rural  
 1028 counties for the purpose of providing facilities and network and  
 1029 service enhancements and assistance for the 911 or E911 systems  
 1030 operated by rural counties and for the provision of grants by  
 1031 the office to rural counties for upgrading and replacing E911  
 1032 systems.

1033 (h) Thirty-five percent of the moneys in the prepaid  
 1034 wireless category shall be retained by the board to provide  
 1035 state E911 grants to be awarded in accordance with the following  
 1036 order of priority:

1037 1. For all large, medium, and rural counties to upgrade or  
 1038 replace E911 systems.

1039 2. For all large, medium, and rural counties to develop and  
 1040 maintain statewide 911 routing, geographic, and management  
 1041 information systems.

1042 3. For all large, medium, and rural counties to develop and  
 1043 maintain next-generation 911 services and equipment. By  
 1044 September 1, 2007, up to \$15 million of the existing 911 system

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 1045 ~~fund shall be available for distribution by the board to the~~  
 1046 ~~counties in order to prevent a loss in the ordinary and expected~~  
 1047 ~~time value of money caused by any timing delay in remittance to~~  
 1048 ~~the counties of wireline fees caused by the one-time transfer of~~  
 1049 ~~collecting wireline fees by the counties to the board. All~~  
 1050 ~~disbursements for this purpose must be returned to the fund from~~  
 1051 ~~the future remittance by the nonwireless category.~~

1052 (i) If the wireless category has funds remaining in it on  
 1053 December 31 after disbursements have been made during the  
 1054 calendar year immediately prior to December 31, the board may  
 1055 disburse the excess funds in the wireless category in accordance  
 1056 with s. 365.172(6)(a)3.b.

1057 (3) The Legislature recognizes that the fee authorized  
 1058 under s. 365.172 may not necessarily provide the total funding  
 1059 required for establishing or providing the E911 service. It is  
 1060 the intent of the Legislature that all revenue from the fee be  
 1061 used as specified in ~~this~~ subsection (2).

1062 Section 3. Paragraph (a) of subsection (2) of section  
 1063 401.465, Florida Statutes, is amended to read:

1064 401.465 911 public safety telecommunicator certification.—

1065 (2) PERSONNEL; STANDARDS AND CERTIFICATION.—

1066 (a) Effective October 1, 2012, any person employed as a 911  
 1067 public safety telecommunicator at a public safety answering  
 1068 point, as defined in s. 365.172(3) ~~s. 365.172(3)(a)~~, must be  
 1069 certified by the department.

1070 Section 4. The Division of Law Revision and Information is  
 1071 directed to replace the phrase "on the first day of the month  
 1072 following 120 days after this act takes effect" or the phrase  
 1073 "on the first day of the month following 180 days after this act

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 1074 takes effect" wherever it occurs in this act with the respective  
 1075 date.

1076 Section 5. For the 2014-2015 fiscal year, the nonrecurring  
 1077 sum of \$500,000 is appropriated from the General Revenue Fund to  
 1078 the Department of Revenue for the purposes of administering this  
 1079 act.

1080 Section 6. Except as otherwise expressly provided in this  
 1081 act, this act shall take effect upon becoming a law.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Finance and Tax

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BILL: SB 388

INTRODUCER: Senator Bean

SUBJECT: Public Retirement Plans

DATE: February 19, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	<b>Favorable</b>
2.	<u>White</u>	<u>Yeatman</u>	<u>CA</u>	<b>Favorable</b>
3.	<u>Fournier</u>	<u>Diez-Arguelles</u>	<u>AFT</u>	<b>Favorable</b>
4.	_____	_____	<u>AP</u>	_____

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**I. Summary:**

SB 388 provides that a consolidated government that has entered into an interlocal agreement to provide police protection services to an incorporated municipality is eligible to receive the premium taxes reported for the municipality under certain circumstances. The bill authorizes the municipality receiving the police protection services to enact an ordinance levying the premium tax as provided by law and authorizes distribution of the premium tax revenues to the consolidated government as long as the interlocal agreement is in effect.

The Revenue Estimating Conference has estimated that this legislation will have an insignificant, negative fiscal impact on the state General Revenue Fund and a corresponding insignificant, positive fiscal impact on local government revenues by shifting these tax revenues from the state to the local governments.

**II. Present Situation:**

**Municipal Police Pensions**

Chapter 185, F.S., provides funding for municipal police officers' pension plans. It provides for a "uniform retirement system" with defined benefit retirement plans for municipal police officers and sets standards for the operation and funding of these pension systems.<sup>1</sup> Each municipality with a municipal police officers' retirement trust fund is authorized to assess an excise tax of .85 percent of the gross amount of receipts of premiums from policyholders on casualty insurance policies covering property within its corporate limits.<sup>2</sup> Revenues from this excise tax are one of the funding sources for police officers' pension plans. Currently, a municipality is eligible to receive state premium taxes (or excise taxes) only on those premiums for casualty

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<sup>1</sup> Section 185.01, F.S.

<sup>2</sup> Section 185.08, F.S.

insurance policies covering property within its municipal limits. A municipality that provides police protection services outside of its municipal limits through an interlocal agreement is not eligible to receive premium tax revenue for casualty policies covering the property where the service is being provided.<sup>3</sup>

In order to qualify for the premium taxes, a police officers' pension plan must meet certain requirements in ch. 185, F.S.<sup>4</sup> The Department of Management Services (DMS) oversees and monitors these pension plans; however, day-to-day operational control rests with local boards of trustees.<sup>5</sup> Any premium taxes collected and distributed to a municipality for funding police officers' pension plans have a negative impact on the General Revenue Fund because those premium taxes paid by an insurance company under ch. 185, F.S., to a municipality are allowed as a credit against premium taxes the insurance company must pay to the state under s. 624.509, F.S.

Chapter 185, F.S., applies only to municipalities organized and established pursuant to the laws of the state, and does not apply to the unincorporated areas of any county or counties or to any governmental entity whose police officers are eligible to participate in the Florida Retirement System.

### **Firefighter Pensions**

Under current law, a municipality may receive another municipality's premium tax revenues (associated with the tax on property insurance premiums) when there is an interlocal agreement in place to provide fire protection services.<sup>6</sup> The municipality receiving fire services must levy the tax authorized by ch. 175, F.S., and copies of the interlocal agreement and the municipal ordinance levying the tax must be provided to the Division of Retirement within DMS.

### **Consolidation**

Consolidation combines city and county governments so that the boundaries of the county and an affected city or cities become the same. Consolidation can be total or partial. Total consolidation occurs when all independent governmental units within a county are assimilated into the consolidated government. When some of the governments remain independent, the consolidation is partial. Nationally, few successful city-county consolidations exist. According to the National Association of Counties, only 31 of the 3,066 county governments in the United States are combined city/county governments.

Section 3, Article VIII, of the Florida Constitution, provides:

Consolidation. —The government of a county and the government of one or more municipalities located therein may be consolidated into a single government which may exercise any and all powers of the county and the several municipalities. The consolidation plan may be proposed only by

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<sup>3</sup> *Id.*

<sup>4</sup> *See* ss. 185.10, 185.085, F.S.

<sup>5</sup> Section 185.05, F.S.

<sup>6</sup> Section 175.041, F.S.

special law, which shall become effective if approved by vote of the electors of the county, or of the county and municipalities affected. Consolidation shall not extend the territorial scope of taxation for the payment of pre-existing debt except to areas whose residents receive a benefit from the facility or service for which the indebtedness was incurred.

Prior to 1933, the Florida Constitution of 1885 was silent on the subject of consolidation. The 1933 Legislature proposed a constitutional amendment specifically declaring its own power to establish a municipal corporation consolidating the governments of Duval County and any of the municipalities within its boundaries, subject to referendum approval of the affected voters. The electorate of Florida adopted this amendment in 1934.

The voters of the City of Jacksonville and Duval County did not adopt a municipal charter pursuant to this constitutional provision until 1967, and to date, only Duval County and the City of Jacksonville have taken advantage of the specific constitutional authority to consolidate. Section 9, Art. VIII of the Constitution of 1885 establishes the Jacksonville/Duval County consolidated charter. Section 6(e), Art. VIII of the State Constitution provides that s. 9, Art. VIII of the Constitution of 1885 remains in full force and effect after the adoption of the 1968 revision. The municipalities of Atlantic Beach, Baldwin, Jacksonville Beach, and Neptune Beach are not consolidated with Duval County.

### **III. Effect of Proposed Changes:**

**Sections 1 and 2** amend ss. 185.03 and 185.08, F.S., respectively, to allow a single consolidated government consisting of a former county and one or more municipalities, consolidated pursuant to s. 3 or s. 6(e), Art. VIII of the State Constitution, (Jacksonville/Duval County) to receive the distribution of premium tax revenues related to casualty insurance premiums covering property within a non-consolidated municipality with the county's boundaries. The consolidated government must notify the Division of Retirement of the DMS when it has entered into an interlocal agreement to provide police services to a municipality within its boundaries. The municipality may enact an ordinance levying the tax as provided in s. 185.08, F.S. Upon being provided copies of the interlocal agreement and the municipal ordinance levying the tax, DMS may distribute any premium taxes reported for the municipality to the consolidated government as long as the interlocal agreement is in effect.

**Section 3** provides an effective date of July 1, 2014.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

This bill does not appear to: require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

The Revenue Estimating Conference has estimated that the bill has a negative, insignificant fiscal impact on the state General Revenue Fund and a corresponding positive, insignificant fiscal impact on local government revenues by shifting these tax revenues from the state to the local governments.

**B. Private Sector Impact:**

None. Although the bill authorizes a municipality to enact a tax on insurance premiums, the municipal taxes are fully credited against the state taxes on insurance premiums.

**C. Government Sector Impact:**

The Department of Revenue (DOR) will be notified by the Division of Retirement (within the Department of Management Services) of any additional taxing jurisdiction that levies a tax on insurance premiums as a result of the language of this bill. DOR will need to add that jurisdiction to the insurance premium tax form in the annual form process. The form will be adopted in a rule in the annual form adoption process. Additionally, this bill will require changes to the Insurance Premium Database to determine situs of premiums for allocation purposes.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

In 2005, the Legislature made similar changes to ch. 175, F.S., relating to the Firefighters' Pension Trust Fund. Sections 175.041 and 175.101, F.S., allow a municipality to receive excise tax monies for firefighter pension plans from another municipality if there is an interlocal agreement in place to provide fire protection services.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 185.03 and 185.08.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

---

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

---

By Senator Bean

4-00352A-14

2014388\_\_

1 A bill to be entitled  
 2 An act relating to public retirement plans; amending  
 3 ss. 185.03 and 185.08, F.S.; specifying the  
 4 applicability of ch. 185, F.S., to certain  
 5 consolidated governments; providing that a  
 6 consolidated government that has entered into an  
 7 interlocal agreement to provide police protection  
 8 services to a municipality within its boundaries is  
 9 eligible to receive the premium taxes reported for the  
 10 municipality under certain circumstances; authorizing  
 11 the municipality receiving the police protection  
 12 services to enact an ordinance levying the tax as  
 13 provided by law; including certain consolidated  
 14 governments under provisions authorizing imposition of  
 15 a state excise tax on casualty insurance premiums  
 16 covering certain property; providing an effective  
 17 date.  
 18  
 19 Be It Enacted by the Legislature of the State of Florida:  
 20  
 21 Section 1. Subsection (2) of section 185.03, Florida  
 22 Statutes, is amended to read:  
 23 185.03 Municipal police officers' retirement trust funds;  
 24 creation; applicability of provisions; participation by public  
 25 safety officers.—For any municipality, chapter plan, local law  
 26 municipality, or local law plan under this chapter:  
 27 (2) (a) ~~The provisions of This chapter applies shall apply~~  
 28 only to municipalities organized and established pursuant to the  
 29 laws of the state, and does ~~said provisions shall~~ not apply to

Page 1 of 3

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

4-00352A-14

2014388\_\_

30 the unincorporated areas of a any county or counties ~~nor shall~~  
 31 ~~the provisions hereof apply to a any~~ governmental entity whose  
 32 police officers are eligible to participate in the Florida  
 33 Retirement System.  
 34 (b) With respect to the distribution of premium taxes, a  
 35 single consolidated government consisting of a former county and  
 36 one or more municipalities, consolidated pursuant to s. 3 or s.  
 37 6(e), Art. VIII of the State Constitution, is also eligible to  
 38 participate under this chapter. The consolidated government  
 39 shall notify the division when it has entered into an interlocal  
 40 agreement to provide police services to a municipality within  
 41 its boundaries. The municipality may enact an ordinance levying  
 42 the tax as provided in s. 185.08. Upon being provided copies of  
 43 the interlocal agreement and the municipal ordinance levying the  
 44 tax, the division may distribute any premium taxes reported for  
 45 the municipality to the consolidated government as long as the  
 46 interlocal agreement is in effect.  
 47 Section 2. Subsection (1) of section 185.08, Florida  
 48 Statutes, is amended to read:  
 49 185.08 State excise tax on casualty insurance premiums  
 50 authorized; procedure.—For any municipality, chapter plan, local  
 51 law municipality, or local law plan under this chapter:  
 52 (1) (a) Each incorporated municipality in this state  
 53 described and classified in s. 185.03, as well as each other  
 54 city or town of this state which on July 31, 1953, had a  
 55 lawfully established municipal police officers' retirement trust  
 56 fund or city fund, by whatever name known, providing pension or  
 57 relief benefits to police officers as provided under this  
 58 chapter, may assess and impose on every insurance company,

Page 2 of 3

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

4-00352A-14

2014388\_\_

59 corporation, or other insurer now engaged in or carrying on, or  
60 who shall hereafter engage in or carry on, the business of  
61 casualty insurance as shown by records of the Office of  
62 Insurance Regulation of the Financial Services Commission, an  
63 excise tax in addition to any lawful license or excise tax now  
64 levied by each of the ~~said~~ municipalities, respectively,  
65 amounting to .85 percent of the gross amount of receipts of  
66 premiums from policyholders on all premiums collected on  
67 casualty insurance policies covering property within the  
68 corporate limits of such municipalities, respectively.

69 (b) This section applies to a municipality consisting of a  
70 single consolidated government consisting of a former county and  
71 one or more municipalities, consolidated pursuant to s. 3 or s.  
72 6(e), Art. VIII of the State Constitution, and to casualty  
73 insurance policies covering property within the boundaries of  
74 the consolidated government, regardless of whether the  
75 properties are located within one or more separately  
76 incorporated areas within the consolidated government, and  
77 provided the properties are being provided with police  
78 protection services by the consolidated government.

79 Section 3. This act shall take effect July 1, 2014.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development, *Vice Chair*  
Transportation, *Vice Chair*  
Appropriations  
Appropriations Subcommittee on Finance and Tax  
Banking and Insurance  
Commerce and Tourism  
Gaming  
Rules

**JOINT COMMITTEE:**  
Joint Legislative Budget Commission

**SENATOR GWEN MARGOLIS**

35th District

February 17, 2014

To: Senator Hukill, Chair, Appropriations Subcommittee on Finance & Tax  
From: Senator Gwen Margolis 

Re: Excused absence

Please excuse me from the Wednesday, February 19, 2014 committee meeting of the Senate Appropriations Subcommittee on Finance and Tax. I will be attending a funeral at that time.

Thank you.



**REPLY TO:**

- 3050 Biscayne Boulevard, Suite 600, Miami, Florida 33137 (305) 571-5777
- 414 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5035

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Governmental Oversight and Accountability, *Chair*  
Appropriations Subcommittee on Finance and  
Tax, *Vice Chair*  
Appropriations  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development  
Banking and Insurance  
Commerce and Tourism  
Judiciary  
Rules

**JOINT COMMITTEES:**  
Joint Legislative Auditing Committee  
Joint Select Committee on Collective Bargaining

**SENATOR JEREMY RING**  
29th District

February 17, 2014

Senator Dorothy Hukill  
210 Senate Office Building  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Dear Chairwoman Hukill,

I am requesting to be excused from the Senate Finance and Tax Committee scheduled for February 19th due to conflicts that require me to return home from Tallahassee.

Thank you in advance for considering this request to be excused from the Finance and Tax Committee on the 19th due to these unforeseen conflicts. Please do not hesitate to contact me if you have any questions.

Sincerely,

Handwritten signature of Jeremy Ring in cursive.

Jeremy Ring  
Senator District 29

Handwritten signature of Dorothy Hukill in cursive.

CC: Jose Diez-Arguelles, Staff Director

**REPLY TO:**

- 5790 Margate Boulevard, Margate, Florida 33063 (954) 917-1392 FAX: (954) 917-1394
- 405 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5029

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Subcommittee on Criminal and  
Civil Justice  
Appropriations Subcommittee on Finance and Tax  
Banking and Insurance  
Children, Families, and Elder Affairs  
Ethics and Elections  
Rules  
Transportation

### JOINT COMMITTEE:

Joint Committee on Administrative Procedures

**SENATOR MIGUEL DIAZ de la PORTILLA**

40th District

February 18, 2014

The Honorable Dorothy Hukill  
Chair  
Appropriations Subcommittee on Finance & Tax

Via Email

Dear Chair Hukill:

It is necessary that I fly back to the District tomorrow afternoon. Therefore, I request that I be excused from the Committee meeting.

Your consideration is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Diaz de la Portilla".

Miguel Diaz de la Portilla  
State Senator, District 40

Cc: Mr. Jose Diez-Arguelles, Staff Director;  
Ms. Cheryl DeWees, Committee Administrative Assistant

#### REPLY TO:

- 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 643-7200
- 312 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Banking and Insurance, *Vice Chair*  
Appropriations Subcommittee on Criminal and  
Civil Justice  
Appropriations Subcommittee on Finance and Tax  
Children, Families, and Elder Affairs  
Ethics and Elections  
Gaming  
Transportation

**SENATOR JEFF CLEMENS**

27th District

February 19, 2014

Senator Dorothy Hukill, Chair  
Appropriations Subcommittee on Finance and Tax  
201 The Capitol  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Chair Hukill:

Please excuse my absence from the Appropriations Subcommittee on Finance and Tax meeting on February 19, 2014.

Thank you, in advance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeff Clemens".

Senator Jeff Clemens  
Florida Senate District 27

A handwritten signature in cursive script, appearing to read "D. Hukill".

cc: Jose Diez-Arguelles, Staff Director

### REPLY TO:

- 508 Lake Avenue, Unit C, Lake Worth, Florida 33460 (561) 540-1140 FAX: (561) 540-1143
- 226 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5027

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/19/14  
Meeting Date

Topic 2911

Bill Number 214 (if applicable)

Name Paula Mateo

Amendment Barcode (if applicable)

Job Title Area Manager AT&T

Phone 850 5916002

Address 150 S Monroest

E-mail paulamateo@att.com

Street  
City Tallahassee FL 32301  
State Zip

Speaking:  For  Against  Information

Representing ATT

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/19/14

Meeting Date

Topic Emergency Communication System

Bill Number ~~294~~ 294  
(if applicable)

Name Susan Harbin

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Legislative Advocate

Address 100 S. Monroe St.  
Street

Phone ~~850~~ 850 922-4300

Tallahassee FL 32301  
City State Zip

E-mail sharbin@fl-counties.com

Speaking:  For  Against  Information

Representing Florida Association of Counties

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/19/14

*Meeting Date*

Topic Emergency Communication

Bill Number SB 294  
*(if applicable)*

Name Brewster Bevis

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Senior Vice President-State and Federal Affairs

Address 516 N. Adams St  
*Street*

Phone 224-7173

Tallahassee FL 3201  
*City State Zip*

E-mail bbevis@aif.com

Speaking:  For  Against  Information

Representing Associated Industries of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_

Topic E-911 system

Bill Number SB 294  
(if applicable)

Name JIM BRAINERD

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Attorney

Address 2014 Rabbit Hill Road

Phone (850) 508-6716

Street  
Tallahassee FL 32308  
City State Zip

E-mail BRAINERDLAW@comcast.net

Speaking:  For  Against  Information

Representing Polk County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_

Topic SB 294

Bill Number SB 294  
*(if applicable)*

Name Amber Hughes

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Legislative Advocate

Address Po Box 1757  
*Street*

Phone 701 3701

Tallahassee FL 32302  
*City State Zip*

E-mail AHUGHES@FLCITIES.COM

Speaking:  For  Against  Information

Representing Florida League of Cities

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-19

Meeting Date

Topic E911

Bill Number 294  
*(if applicable)*

Name Melanie Becker

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Government Affairs Manager

Address \_\_\_\_\_  
*Street*

Phone 407-310-2561

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

E-mail Melanie.h.becker@centurylink.com

Speaking:  For  Against  Information

Representing CenturyLink

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/19/14  
Meeting Date

Topic Emergency Communication System

Bill Number 294  
*(if applicable)*

Name Keri Rayborn Silver

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address PO Box 1565  
Street

Phone 850-524-2394

Tallahassee FL 32302  
City State Zip

E-mail Keria@raybornconsultants.com

Speaking:  For  Against  Information

Representing Florida Sheriffs Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_

Topic Emergency Communications Bill

Bill Number SB 294  
*(if applicable)*

Name Ben Guthrie

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title 911 Coordinator

Address 1000 Cecil G Costin SR Blvd

Phone (850) 229-9110

Street  
Port St Joe, FL 32456  
City State Zip

E-mail bguthrie@gulfcounty-fl.gov

Speaking:  For  Against  Information

Representing Florida NENA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_

Topic \_\_\_\_\_ Bill Number 294  
*(if applicable)*

Name Woody Simmins Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title VP Govt Affairs

Address 106 E Tully Phone 294-0700  
*Street*

Tully FL 32301 E-mail woody.simmins@verizon.com  
*City State Zip*

Speaking:  For  Against  Information

Representing Verizon

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

# CourtSmart Tag Report

**Room:** LL 37

**Case:**

**Type:**

**Caption:** Senate Appropriations Subcommittee on Finance and Tax

**Judge:**

**Started:** 2/19/2014 3:33:28 PM

**Ends:** 2/19/2014 3:41:00 PM

**Length:** 00:07:33

3:33:29 PM Sen. Hukill (chair)  
3:33:45 PM roll call  
3:34:03 PM Sen. Hukill  
3:34:24 PM S 294  
3:34:30 PM Sen. Hays  
3:35:23 PM Sen. Hukill  
3:35:39 PM Jim Brainerd, Attorney, Polk County (waives in support)  
3:35:48 PM Brewster Bevis, Sr. VP-State and Federal Affairs, Assoc. Industries of Florida (waives in support)  
3:35:54 PM Susan Harbin, Legislative Advocate, Florida Association of Counties (waives in support)  
3:36:04 PM Paula Mater, Area Manager, AT&T (waives in support)  
3:36:09 PM Sen. Hukill  
3:36:25 PM Melanie Becker, Government Affairs Manager, CenturyLink (waives in support)  
3:36:32 PM Keri Rayborn Silver, Florida Sheriff's Association (waives in support)  
3:36:38 PM Ben Guthrie, 911 Coordinator, Florida NENA (waives in support)  
3:36:44 PM Woody Simmons, VP of Government Affairs, Verizon (waives in support)  
3:36:47 PM Sen. Hukill  
3:36:58 PM Sen. Sachs  
3:37:02 PM Sen. Hukill  
3:37:13 PM Sen. Hays  
3:37:28 PM Sen. Hukill  
3:37:31 PM vote  
3:38:08 PM S 388  
3:38:17 PM Sen. Hukill  
3:38:18 PM Sen. Bean  
3:39:38 PM Sen. Hukill  
3:40:14 PM Sen. Evers  
3:40:19 PM vote  
3:40:33 PM Sen. Hukill  
3:40:38 PM Sen. Bean  
3:40:41 PM Sen. Hukill