

By the Committees on Communications, Energy, and Public Utilities; and Community Affairs; and Senator Bennett

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1 A bill to be entitled
2 An act relating to emergency 911 service; amending s.
3 365.171, F.S.; providing an exception to certain
4 confidentiality provisions for a 911 public safety
5 telecommunicator when a confirmed coronary emergency
6 call is taking place; amending s. 365.172, F.S.;
7 increasing the membership of the E911 Board and
8 revising the qualifications required for the members;
9 requiring that a voice communications service
10 provider, other than a wireless service provider,
11 impose a fee based on the number of access lines to
12 the E911 system and on the basis of certain access
13 lines for each digital transmission link, up to a
14 specified number of access lines per account bill
15 rendered; revising the criteria that a local
16 government may use in order to indemnify a local
17 carrier; expanding the types of providers that may be
18 indemnified and that are not liable for certain
19 damages; revising cross-references; defining the term
20 "911 or E911 service"; amending s. 401.2915, F.S.;
21 providing for a person or entity in possession of an
22 automated external defibrillator to notify the local
23 public safety answering point regarding the location
24 of the defibrillator; amending s. 427.706, F.S.;
25 removing the requirement that the Florida Telephone
26 Association recommend certain representatives to an
27 advisory committee to the Public Service Commission;
28 providing an effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

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32 Section 1. Subsection (12) of section 365.171, Florida
33 Statutes, is amended to read:

34 365.171 Emergency communications number E911 state plan.—

35 (12) CONFIDENTIALITY OF RECORDS.—

36 (a) Any record, recording, or information, or portions
37 thereof, obtained by a public agency or a public safety agency
38 for the purpose of providing services in an emergency and which
39 reveals the name, address, telephone number, or personal
40 information about, or information which may identify any person
41 requesting emergency service or reporting an emergency by
42 accessing an emergency communications E911 system is
43 confidential and exempt from the provisions of s. 119.07(1) and
44 s. 24(a), Art. I of the State Constitution, except that such
45 record or information may be disclosed to a public safety
46 agency. The exemption applies only to the name, address,
47 telephone number or personal information about, or information
48 which may identify any person requesting emergency services or
49 reporting an emergency while such information is in the custody
50 of the public agency or public safety agency providing emergency
51 services. A telecommunications company or commercial mobile
52 radio service provider shall not be liable for damages to any
53 person resulting from or in connection with such telephone
54 company's or commercial mobile radio service provider's
55 provision of any lawful assistance to any investigative or law
56 enforcement officer of the State of Florida or political
57 subdivisions thereof, of the United States, or of any other
58 state or political subdivision thereof, in connection with any

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59 lawful investigation or other law enforcement activity by such
60 law enforcement officer unless the telecommunications company or
61 commercial mobile radio service provider acted in a wanton and
62 willful manner.

63 (b) Notwithstanding paragraph (a), a 911 public safety
64 telecommunicator, as defined in s. 401.465, may contact any
65 private person or entity that owns an automated external
66 defibrillator who has notified the local emergency medical
67 services medical director or public safety answering point of
68 such ownership if a confirmed coronary emergency call is taking
69 place and the location of the coronary emergency is within a
70 reasonable distance from the location of the defibrillator, and
71 may provide the location of the coronary emergency to that
72 person or entity.

73 Section 2. Paragraphs (a) and (b) of subsection (5),
74 paragraphs (a) and (e) of subsection (8), and subsection (11) of
75 section 365.172, Florida Statutes, are amended to read:

76 365.172 Emergency communications number "E911."—

77 (5) THE E911 BOARD.—

78 (a) The E911 Board is established to administer, with
79 oversight by the office, the fee imposed under subsection (8),
80 including receiving revenues derived from the fee; distributing
81 portions of the revenues to wireless providers, counties, and
82 the office; accounting for receipts, distributions, and income
83 derived by the funds maintained in the fund; and providing
84 annual reports to the Governor and the Legislature for
85 submission by the office on amounts collected and expended, the
86 purposes for which expenditures have been made, and the status
87 of E911 service in this state. In order to advise and assist the

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88 office in implementing ~~carrying out~~ the purposes of this
89 section, the board, which has ~~shall have~~ the power of a body
90 corporate, has the powers enumerated in subsection (6).

91 (b) The board shall consist of eleven ~~nine~~ members, one of
92 whom must be the system director designated under s. 365.171(5),
93 or his or her designee, who shall serve as the chair of the
94 board. The remaining ten ~~eight~~ members of the board shall be
95 appointed by the Governor and must be composed of five ~~four~~
96 county 911 coordinators, consisting of a representative from a
97 rural county, a representative from a medium county, a
98 representative from a large county, and two ~~an~~ at-large
99 representatives ~~representative~~ recommended by the Florida
100 Association of Counties in consultation with the county 911
101 coordinators; three ~~two~~ local exchange carrier member
102 representatives ~~members~~, one of whom ~~which~~ must be a
103 representative of the local exchange carrier having the greatest
104 number of access lines in the state and one of whom must be a
105 representative of a certificated competitive local exchange
106 telecommunications company; and two member representatives
107 ~~members~~ from the wireless telecommunications industry, with
108 ~~recommended by the Florida Telecommunications Industry~~
109 ~~Association in consultation with the wireless telecommunications~~
110 ~~industry. In recommending members from the wireless~~
111 ~~telecommunications industry,~~ consideration ~~must be~~ given to
112 wireless providers that ~~who~~ are not affiliated with local
113 exchange carriers. Not more than one member may be appointed to
114 represent any single provider on the board.

115 (8) E911 FEE.—

116 (a) Each voice communications services provider shall

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117 collect the fee described in this subsection. Each provider, as
118 part of its monthly billing process, shall bill the fee as
119 follows. The fee shall not be assessed on any pay telephone in
120 the state.

121 1. Each voice communications service provider other than a
122 wireless provider ~~local exchange carrier~~ shall bill the fee to a
123 subscriber based on the number of access lines having access to
124 the E911 system, ~~the local exchange subscribers~~ on a service-
125 identifier basis, up to a maximum of 25 access lines per account
126 bill rendered.

127 2. Each voice communications service provider other than a
128 wireless provider shall bill the fee to a subscriber on a basis
129 of five service-identified access lines for each digital
130 transmission link, including primary rate interface service or
131 equivalent Digital-Signal-1-level service, which can be
132 channelized and split into 23 or 24 voice- or data-grade
133 channels for communications, up to a maximum of 25 access lines
134 per account bill rendered.

135 ~~3.2.~~ Except in the case of prepaid wireless service, each
136 wireless provider shall bill the fee to a subscriber on a per-
137 service-identifier basis for service identifiers whose primary
138 place of use is within this state. Before July 1, 2013, the fee
139 shall not be assessed on or collected from a provider with
140 respect to an end user's service if that end user's service is a
141 prepaid calling arrangement that is subject to s. 212.05(1)(e).

142 a. An ~~No~~ E911 fee shall not be collected from the sale of
143 prepaid wireless service before ~~prior to~~ July 1, 2013.

144 b. For purposes of this section, the term:

145 (I) "Prepaid wireless service" means the right to access

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146 telecommunications services, which ~~that~~ must be paid for in
147 advance and ~~is~~ sold in predetermined units or dollars enabling
148 the originator to make calls such that the number of units or
149 dollars declines with use in a known amount.

150 (II) "Prepaid wireless service providers" includes those
151 persons who sell prepaid wireless service regardless of its
152 form, ~~either~~ as a retailer or reseller.

153 ~~4.3.~~ The All voice communications services providers not
154 addressed under subparagraphs 1., 2., and 3. ~~2.~~ shall bill the
155 fee on a per-service-identifier basis for service identifiers
156 whose primary place of use is within the state up to a maximum
157 of 25 service identifiers for each account bill rendered.

158

159 The provider may list the fee as a separate entry on each bill,
160 in which case the fee must be identified as a fee for E911
161 services. A provider shall remit the fee to the board only if
162 the fee is paid by the subscriber. If a provider receives a
163 partial payment for a monthly bill from a subscriber, the amount
164 received shall first be applied to the payment due the provider
165 for providing voice communications service.

166 (e) Effective September 1, 2007, voice communications
167 services providers billing the fee to subscribers shall deliver
168 revenues from the fee to the board within 60 days after the end
169 of the month in which the fee was billed, together with a
170 monthly report of the number of service identifiers in each
171 county. Each wireless provider and other applicable provider
172 identified in subparagraph (a)4. ~~(a)3.~~ shall report the number
173 of service identifiers for subscribers whose place of primary
174 use is in each county. All provider subscriber information

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175 provided to the board is subject to s. 365.174. If a provider
176 chooses to remit any fee amounts to the board before they are
177 paid by the subscribers, a provider may apply to the board for a
178 refund of, or may take a credit for, any such fees remitted to
179 the board which are not collected by the provider within 6
180 months following the month in which the fees are charged off for
181 federal income tax purposes as bad debt.

182 (11) INDEMNIFICATION AND LIMITATION OF LIABILITY.—A local
183 government may ~~governments are authorized to undertake to~~
184 indemnify local exchange carriers against liability in
185 accordance with the published schedules ~~lawfully filed tariffs~~
186 of the company. Notwithstanding an indemnification agreement, a
187 local exchange carrier, voice communications services provider,
188 or other service provider that provides 911 or E911 service on a
189 retail or wholesale basis is not liable for damages resulting
190 from or in connection with 911 or E911 service, or for
191 identification of the telephone number, or address, or name
192 associated with any person accessing 911 or E911 service, unless
193 the carrier or ~~the voice communications services~~ provider acted
194 with malicious purpose or in a manner exhibiting wanton and
195 willful disregard of the rights, safety, or property of a person
196 when providing such services. A carrier or ~~voice communications~~
197 ~~services~~ provider is not liable for damages to any person
198 resulting from or in connection with the carrier's or provider's
199 provision of any lawful assistance to any investigative or law
200 enforcement officer of the United States, this state, or a
201 political subdivision thereof, or of any other state or
202 political subdivision thereof, in connection with any lawful
203 investigation or other law enforcement activity by such law

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204 enforcement officer. For purposes of this subsection, the term
205 "911 or E911 service" means a telecommunications service, voice
206 or nonvoice communications service, or other wireline or
207 wireless service, including, but not limited to, a service using
208 Internet protocol, which provides, in whole or in part, any of
209 the following functions: providing members of the public with
210 the ability to reach an answering point by using the digits 9-1-
211 1; directing 911 calls to answering points by selective routing;
212 providing for automatic number identification and automatic
213 location-identification features; or providing wireless E911
214 services as defined in the order.

215 Section 3. Paragraph (b) of subsection (2) of section
216 401.2915, Florida Statutes, is amended to read:

217 401.2915 Automated external defibrillators.—It is the
218 intent of the Legislature that an automated external
219 defibrillator may be used by any person for the purpose of
220 saving the life of another person in cardiac arrest. In order to
221 achieve that goal, the Legislature intends to encourage training
222 in lifesaving first aid and set standards for and encourage the
223 use of automated external defibrillators.

224 (2) In order to promote public health and safety:

225 (b) Any person or entity in possession of an automated
226 external defibrillator is encouraged to notify the local
227 emergency medical services medical director or the local public
228 safety answering point, as defined in s. 365.172(3), of the
229 location of the automated external defibrillator.

230 Section 4. Paragraph (e) of subsection (1) and subsection
231 (3) of section 427.706, Florida Statutes, are amended to read:

232 427.706 Advisory committee.—

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233 (1) The commission shall appoint an advisory committee to
234 assist the commission with the implementation of the provisions
235 of this part. The committee shall be composed of no more than 10
236 persons and shall include, to the extent practicable, the
237 following:

238 (e) Two representatives of telecommunications companies,
239 ~~one representing a local exchange telecommunications company and~~
240 ~~one representing an interexchange telecommunications company,~~
241 ~~recommended by the Florida Telephone Association.~~

242 (3) Members of the committee shall not be compensated for
243 their services but are ~~shall be~~ entitled to receive
244 reimbursement for per diem and travel expenses as provided in s.
245 112.061. The commission shall use funds from the Florida Public
246 Service Regulatory Trust Fund to cover the costs incurred by
247 members of the advisory committee.

248 Section 5. This act shall take effect July 1, 2012.