

1                   A bill to be entitled  
2           An act relating to emergency communications; amending  
3           s. 365.172, F.S.; revising the short title; revising  
4           legislative intent; revising and providing  
5           definitions; renaming the E911 Board as the Emergency  
6           Communications Board; providing the purpose of the  
7           board; revising the composition of the board;  
8           establishing board responsibilities; requiring the  
9           board to administer fees; authorizing the board to  
10          create subcommittees; authorizing the board to  
11          establish schedules for implementing certain wireless  
12          NG911 systems and improvements; establishing notice  
13          and publication requirements before distribution of  
14          grant funds; providing for priority of county  
15          applications for funds; requiring board oversight of  
16          such funds; eliminating certain authority of the  
17          board; providing for the board's authority to  
18          implement changes to the allocation percentages and  
19          adjust fees; revising the frequency of board meetings;  
20          specifying that the Division of Telecommunications  
21          within the Department of Management Services must  
22          disburse funds to counties and provide a monthly  
23          report of such disbursements; revising the composition  
24          of a committee that reviews requests for proposals  
25          from the board regarding independent accounting firm

26 | selections; revising provisions relating to the public  
27 | safety emergency communications systems fee; requiring  
28 | uniform application and imposition of the fee;  
29 | revising the factors that the board considers when  
30 | setting percentages or contemplating adjustments to  
31 | the fee; updating provisions relating to the prepaid  
32 | wireless public safety emergency communications  
33 | systems fee; revising emergency communications and 911  
34 | service functions; revising the types of emergency  
35 | communications equipment and services that are  
36 | eligible for expenditure of moneys derived from the  
37 | fee; amending s. 365.173, F.S.; renaming the  
38 | Communications Number E911 System Fund as the  
39 | Emergency Communications Trust Fund; revising the  
40 | percent distribution of the fund to be used  
41 | exclusively for payment of certain authorized  
42 | expenditures; removing the percent distribution to  
43 | wireless providers; authorizing the board, pursuant to  
44 | rule, to withhold certain distributions of grant funds  
45 | and request a return of all or a portion of such funds  
46 | based on a financial audit; adding a specified percent  
47 | distribution to rural counties; amending s. 365.177,  
48 | F.S.; extending the date by which the Division of  
49 | Telecommunications within the Department of Management  
50 | Services must develop a plan to upgrade 911 public

51 safety answering points; specifying components of the  
 52 required plan; amending ss. 212.05965, 365.171, and  
 53 365.174, F.S.; conforming provisions to changes made  
 54 by the act; providing an effective date.

55  
 56 Be It Enacted by the Legislature of the State of Florida:

57  
 58 Section 1. Section 365.172, Florida Statutes, is amended  
 59 to read:

60 365.172 Emergency communications. ~~number "E911."~~

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

63 (2) LEGISLATIVE INTENT.—It is the intent of the  
 64 Legislature to:

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

71 (b) Provide funds to counties to pay certain costs  
 72 associated with their public safety emergency response  
 73 capabilities and costs incurred to purchase, upgrade, and  
 74 maintain 911 systems, computer aided dispatch, and systems to  
 75 create interoperable radio communications systems ~~E911 or 911~~

76 ~~systems, to contract for E911 services, and to reimburse~~  
 77 ~~wireless telephone service providers for costs incurred to~~  
 78 ~~provide 911 or E911 services.~~

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

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

86 (e) Ensure that the fee established for emergency  
 87 communications systems is used exclusively ~~for recovery by~~  
 88 ~~wireless providers and~~ by counties for costs associated with  
 89 developing and maintaining emergency communications ~~E911~~ systems  
 90 and networks in a manner that is competitively and  
 91 technologically neutral as to all ~~voice~~ communications services  
 92 providers.

93  
 94 It is further the intent of the Legislature that the fee  
 95 authorized or imposed by this section not necessarily provide  
 96 the total funding required for establishing or providing  
 97 emergency communications systems and services ~~E911 service~~.

98 (3) DEFINITIONS.—Only as used in this section and ss.  
 99 365.171, 365.173, 365.174, and 365.177, the term:

100 (a) "Authorized expenditures" means expenditures of the

101 fee, as specified in subsection (10).

102 (b) "Automatic location identification" means the  
 103 capability of the E911 service which enables the automatic  
 104 display of information that defines the approximate geographic  
 105 location of the wireless telephone, or the location of the  
 106 address of the wireline telephone, used to place a 911 call.

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

110 (d) "Board" or "Emergency Communications Board" ~~"E911~~  
 111 ~~Board"~~ means the board ~~of directors of the E911 Board~~  
 112 established in subsection (5).

113 (e) "Building permit review" means a review for compliance  
 114 with building construction standards adopted by the local  
 115 government under chapter 553 and does not include a review for  
 116 compliance with land development regulations.

117 (f) "Colocation" ~~"Collocation"~~ means the situation when a  
 118 second or subsequent wireless provider uses an existing  
 119 structure to locate a second or subsequent antennae. The term  
 120 includes the ground, platform, or roof installation of equipment  
 121 enclosures, cabinets, or buildings, and cables, brackets, and  
 122 other equipment associated with the location and operation of  
 123 the antennae.

124 (g) "Computer Aided Dispatch" or "CAD" means a  
 125 computerized system within a public safety answering point for

126 entering, tracking, dispatching, and resolving requests for  
127 public safety services.

128 (h)-(g) "Designed service" means the configuration and  
129 manner of deployment of service the wireless provider has  
130 designed for an area as part of its network.

131 (i)-(h) "Enhanced 911" or "E911" means an enhanced 911  
132 system or enhanced 911 service that is an emergency telephone  
133 system or service that provides a subscriber with 911 service  
134 and, in addition, directs 911 calls to appropriate public safety  
135 answering points by selective routing based on the geographical  
136 location from which the call originated, or as otherwise  
137 provided in the state plan under s. 365.171, and that provides  
138 for automatic number identification and automatic location-  
139 identification features. The 911 ~~E911~~ service provided by a  
140 wireless provider means E911 as defined in the order.

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

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

149 (l)-(k) "Fund" means the Emergency Communications Trust  
150 ~~Number E911 System~~ Fund established in s. 365.173 and maintained

151 under this section for the purpose of recovering the costs  
152 associated with providing emergency communications ~~911 service~~  
153 ~~or E911 service~~, including the costs of implementing the order.  
154 The fund shall be segregated into wireless, prepaid wireless,  
155 and nonwireless categories.

156 (m)~~(l)~~ "Historic building, structure, site, object, or  
157 district" means any building, structure, site, object, or  
158 district that has been officially designated as a historic  
159 building, historic structure, historic site, historic object, or  
160 historic district through a federal, state, or local designation  
161 program.

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

170 (o)~~(n)~~ "Local exchange carrier" means a "competitive local  
171 exchange telecommunications company" or a "local exchange  
172 telecommunications company" as defined in s. 364.02.

173 (p)~~(o)~~ "Local government" means any municipality, county,  
174 or political subdivision or agency of a municipality, county, or  
175 political subdivision.

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

178 (r)~~(q)~~ "Mobile telephone number" or "MTN" means the  
 179 telephone number assigned to a wireless telephone at the time of  
 180 initial activation.

181 (s) "Next Generation 911" or "NG911" means an Internet  
 182 Protocol(IP)-based system comprised of managed Emergency  
 183 Services IP networks (ESInets), functional elements  
 184 (applications), and databases that replicate traditional E911  
 185 features and functions and provides additional capabilities. The  
 186 NG911 system is designed to provide access to emergency services  
 187 from all connected communications sources and provide multimedia  
 188 data capabilities for public safety answering points and other  
 189 emergency service organizations.

190 (t)~~(r)~~ "Nonwireless category" means the revenues to the  
 191 fund received from voice communications services providers other  
 192 than wireless providers.

193 (u)~~(s)~~ "Office" means the Division of Telecommunications  
 194 within the Department of Management Services, as designated by  
 195 the secretary of the department.

196 (v)~~(t)~~ "Order" means:

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

199 a. Order adopted on June 12, 1996, with an effective date  
 200 of October 1, 1996, the amendments to s. 20.03 and the creation

201 of s. 20.18 of Title 47 of the Code of Federal Regulations  
 202 adopted by the Federal Communications Commission pursuant to  
 203 such order.

204 b. Memorandum and Order No. FCC 97-402 adopted on December  
 205 23, 1997.

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

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

208 2. Orders and rules subsequently adopted by the Federal  
 209 Communications Commission relating to the provision of 911  
 210 services, including Order Number FCC-05-116, adopted May 19,  
 211 2005.

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

215 (x)~~(v)~~ "Prepaid wireless service" means a right to access  
 216 wireless service that allows a caller to contact and interact  
 217 with 911 to access the 911 system, which service must be paid  
 218 for in advance and is sold in predetermined units or dollars,  
 219 which units or dollars expire on a predetermined schedule or are  
 220 decremented on a predetermined basis in exchange for the right  
 221 to access wireless service.

222 (y)~~(w)~~ "Public agency" means the state and any  
 223 municipality, county, municipal corporation, or other  
 224 governmental entity, public district, or public authority  
 225 located in whole or in part within this state which provides, or

226 | has authority to provide, firefighting, law enforcement,  
 227 | ambulance, medical, or other emergency services.

228 |     ~~(z)~~ "Public safety agency" means a functional division  
 229 | of a public agency which provides firefighting, law enforcement,  
 230 | medical, or other emergency services.

231 |     ~~(aa)~~ "Public safety answering point," "PSAP," or  
 232 | "answering point" means the public safety agency that receives  
 233 | incoming 911 requests for assistance and dispatches appropriate  
 234 | public safety agencies to respond to the requests in accordance  
 235 | with the state E911 plan.

236 |     ~~(bb)~~ "Rural county" means any county that has a  
 237 | population of fewer than 75,000.

238 |     ~~(cc)~~ "Service identifier" means the service number,  
 239 | access line, or other unique identifier assigned to a subscriber  
 240 | and established by the Federal Communications Commission for  
 241 | purposes of routing calls whereby the subscriber has access to  
 242 | the E911 system.

243 |     ~~(dd)~~ "Tower" means any structure designed primarily to  
 244 | support a wireless provider's antennae.

245 |     ~~(ee)~~ "Voice communications services" means two-way  
 246 | voice service, through the use of any technology, which actually  
 247 | provides access to 911 ~~E911~~ services, and includes  
 248 | communications services, as defined in s. 202.11, which actually  
 249 | provide access to 911 ~~E911~~ services and which are required to be  
 250 | included in the provision of 911 ~~E911~~ services pursuant to

251 orders and rules adopted by the Federal Communications  
252 Commission. The term includes voice-over-Internet-protocol  
253 service. For the purposes of this section, the term "voice-over-  
254 Internet-protocol service" or "VoIP service" means  
255 interconnected VoIP services having the following  
256 characteristics:

257 1. The service enables real-time, two-way voice  
258 communications;

259 2. The service requires a broadband connection from the  
260 user's locations;

261 3. The service requires IP-compatible customer premises  
262 equipment; and

263 4. The service offering allows users generally to receive  
264 calls that originate on the public switched telephone network  
265 and to terminate calls on the public switched telephone network.

266 (ff)~~(dd)~~ "Voice communications services provider" or  
267 "provider" means any person or entity providing voice  
268 communications services, except that the term does not include  
269 any person or entity that resells voice communications services  
270 and was assessed the fee authorized and imposed under subsection  
271 (8) by its resale supplier.

272 (gg)~~(ee)~~ "Wireless 911 system" or "wireless 911 service"  
273 means an emergency telephone system or service that provides a  
274 subscriber with the ability to reach an answering point by  
275 accessing the digits 911.

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

279        (ii) ~~(gg)~~ "Wireless communications facility" means any  
280 equipment or facility used to provide service and may include,  
281 but is not limited to, antennae, towers, equipment enclosures,  
282 cabling, antenna brackets, and other such equipment. Placing a  
283 wireless communications facility on an existing structure does  
284 not cause the existing structure to become a wireless  
285 communications facility.

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

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

291        (kk) ~~(ii)~~ "Wireless service" means "commercial mobile radio  
292 service" as provided under ss. 3(27) and 332(d) of the Federal  
293 Telecommunications Act of 1996, 47 U.S.C. ss. 151 et seq., and  
294 the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-  
295 66, August 10, 1993, 107 Stat. 312. The term includes service  
296 provided by any wireless real-time two-way wire communication  
297 device, including radio-telephone communications used in  
298 cellular telephone service; personal communications service; or  
299 the functional or competitive equivalent of a radio-telephone  
300 communications line used in cellular telephone service, a

301 personal communications service, or a network radio access line.  
302 The term does not include wireless providers that offer mainly  
303 dispatch service in a more localized, noncellular configuration;  
304 providers offering only data, one-way, or stored-voice services  
305 on an interconnected basis; providers of air-to-ground services;  
306 or public coast stations.

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

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

311 (a) The Emergency Communications ~~E911~~ Board is  
312 established, with oversight by the office, to:

313 1. Promote interoperability between public safety  
314 answering points by providing guidance and direction to counties  
315 and state agencies that operate 911 centers for the deployment  
316 of emergency communications infrastructure and the handling of  
317 emergency communications information, such as voice, text, data,  
318 and images, from receipt at a PSAP to dispatching to responders.

319 2. Establish and administer allocations from the fund  
320 dedicated to investing in public safety communications and  
321 technology for 911.

322 3. Provide technical assistance and guidance to rural  
323 counties as needed.

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

- 326        1. Next Generation 911.
- 327        2. Emergency Services IP Network (ESInet).
- 328        3. Computer Aided Dispatch (CAD).
- 329        4. PSAP technology to interface with:
- 330            a. Land Mobile Radio (LMR).
- 331            b. Smart city technology data.
- 332            c. In-Building Coverage.
- 333        5. Emergency Communications Broadband Networks.
- 334        6. Cybersecurity.

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

348        ~~(c)(b)~~ The board shall consist of nine ~~11~~ members, one of  
 349 whom must be the system director designated under s. 365.171(5),  
 350 or his or her designee, who shall serve as the chair of the

351 board. The remaining eight ~~10~~ members of the board shall be  
 352 appointed by the Governor. All members shall be Florida  
 353 residents. The board must be comprised of four county 911  
 354 coordinators, with consideration given to rural, medium, and  
 355 large counties, and four members from fields, including, but not  
 356 limited to, law enforcement, fire response, emergency medical  
 357 services, public safety dispatch, and telecommunications. ~~and~~  
 358 ~~must be composed of 5 county 911 coordinators, consisting of a~~  
 359 ~~representative from a rural county, a representative from a~~  
 360 ~~medium county, a representative from a large county, and 2 at-~~  
 361 ~~large representatives recommended by the Florida Association of~~  
 362 ~~Counties in consultation with the county 911 coordinators; 3~~  
 363 ~~local exchange carrier member representatives, one of whom must~~  
 364 ~~be a representative of the local exchange carrier having the~~  
 365 ~~greatest number of access lines in the state and one of whom~~  
 366 ~~must be a representative of a certificated competitive local~~  
 367 ~~exchange telecommunications company; and 2 member~~  
 368 ~~representatives from the wireless telecommunications industry,~~  
 369 ~~with consideration given to wireless providers that are not~~  
 370 ~~affiliated with local exchange carriers. Not more than one~~  
 371 ~~member may be appointed to represent any single provider on the~~  
 372 ~~board.~~

373 (d) ~~(e)~~ The system director, designated under s.  
 374 365.171(5), or his or her designee, must be a permanent member  
 375 of the board. Each of the remaining eight ~~10~~ members of the

376 board shall be appointed to a 4-year term and may not be  
 377 appointed to more than two successive terms. However, for the  
 378 purpose of staggering terms, three ~~two~~ of the original board  
 379 members shall be appointed to terms of 4 years, three ~~two~~ shall  
 380 be appointed to terms of 3 years, and two ~~four~~ shall be  
 381 appointed to terms of 2 years, as designated by the Governor. A  
 382 vacancy on the board shall be filled in the same manner as the  
 383 original appointment. Current 911 coordinators serving on the  
 384 board will complete their terms while other positions will be  
 385 filled immediately.

386 (e) The board shall advocate and develop policy  
 387 recommendations for ensuring interoperability of and  
 388 connectivity between public safety communication systems within  
 389 the state, including, but not limited to, recommendations  
 390 related to the following:

- 391 1. Call routing accuracy and timeliness of response.
- 392 2. Improved interagency communication and situational  
 393 awareness.
- 394 3. Improved interagency system connectivity.
- 395 4. Improved response times.
- 396 5. Maximized use of emerging technologies.
- 397 6. Improved lifecycle management of the systems,  
 398 equipment, and services that enable responders and public safety  
 399 officials to share information securely.
- 400 7. Governance, policy, and procedure across public safety

401 agencies.

402 8. Establishment of resilient and secure emergency  
 403 communication systems to reduce cybersecurity threats and  
 404 vulnerabilities.

405 (f) The board shall administer the fee imposed under  
 406 subsections (8) and (9), including receiving revenues derived  
 407 from the fee; distributing portions of the revenues to counties  
 408 and the office; accounting for receipts, distributions, and  
 409 income derived by the funds maintained in the fund; and  
 410 providing annual reports for review and submission to the  
 411 Governor and the Legislature on amounts collected and expended,  
 412 the purposes for which expenditures have been made, and the  
 413 status of emergency communication services in this state.

414 (g) The board may create subcommittees to advise the  
 415 board, as needed.

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

417 (a) The board shall:

418 1. Administer the public safety emergency communications  
 419 systems ~~E911~~ fee.

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

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

423 a. The board may establish a schedule for implementing  
 424 wireless NG911 systems, public safety radio communications  
 425 systems, and other public safety communications improvements

426 ~~E911 service by service area,~~ and prioritize disbursements of  
427 revenues from the fund to ~~providers and~~ rural counties as  
428 provided in s. 365.173(2)(f) ~~s. 365.173(2)(e) and (g)~~ pursuant  
429 to the schedule, in order to implement 911 ~~E911~~ services in the  
430 most efficient and cost-effective manner.

431 b. For grants made available under s. 365.173(2)(g), the  
432 board shall provide 90 days' written notice to all counties and  
433 publish electronically an approved application process.  
434 Applications shall be prioritized based on the availability of  
435 grant funds, current system life expectancy, and system  
436 replacement needs. The board shall take all actions within its  
437 authority to ensure that county recipients of such funds use  
438 these funds only for the purpose under which they have been  
439 provided and may take any actions within its authority to secure  
440 county repayment of revenues upon a determination that the funds  
441 were not used for the purpose for which the funds were  
442 disbursed.

443 ~~b. Revenues in the fund which have not been disbursed~~  
444 ~~because sworn invoices as required by s. 365.173(2)(e) have not~~  
445 ~~been submitted to the board may be used by the board as needed~~  
446 ~~to provide grants to counties for the purpose of upgrading E911~~  
447 ~~systems. The counties must use the funds only for capital~~  
448 ~~expenditures or remotely provided hosted 911 answering point~~  
449 ~~call-taking equipment and network services directly attributable~~  
450 ~~to establishing and provisioning E911 services, which may~~

451 ~~include next-generation deployment. Prior to the distribution of~~  
452 ~~grants, the board shall provide 90 days' written notice to all~~  
453 ~~counties and publish electronically an approved application~~  
454 ~~process. County grant applications shall be prioritized based on~~  
455 ~~the availability of funds, current system life expectancy,~~  
456 ~~system replacement needs, and Phase II compliance per the~~  
457 ~~Federal Communications Commission. No grants will be available~~  
458 ~~to any county for next-generation deployment until all counties~~  
459 ~~are Phase II complete. The board shall take all actions within~~  
460 ~~its authority to ensure that county recipients of such grants~~  
461 ~~use these funds only for the purpose under which they have been~~  
462 ~~provided and may take any actions within its authority to secure~~  
463 ~~county repayment of grant revenues upon determination that the~~  
464 ~~funds were not used for the purpose under which they were~~  
465 ~~provided.~~

466 ~~e. When determining the funding provided in a state 911~~  
467 ~~grant application request, the board shall take into account~~  
468 ~~information on the amount of carryforward funds retained by the~~  
469 ~~counties. The information will be based on the amount of county~~  
470 ~~carryforward funds reported in the financial audit required in~~  
471 ~~s. 365.173(2)(d). E911 State Grant Program funding requests will~~  
472 ~~be limited by any county carryforward funds in excess of the~~  
473 ~~allowable 30 percent amount of fee revenue calculated on a 2-~~  
474 ~~year basis.~~

475 ~~d. The board shall reimburse all costs of a wireless~~

476 ~~provider in accordance with s. 365.173(2)(c) before taking any~~  
477 ~~action to transfer additional funds.~~

478 ~~e. After taking the action required in sub-subparagraphs~~  
479 ~~a.-d., the board may review and, with all members participating~~  
480 ~~in the vote, adjust the percentage allocations or adjust the~~  
481 ~~amount of the fee as provided under paragraph (8)(g), and, if~~  
482 ~~the board determines that the revenues in the wireless category~~  
483 ~~exceed the amount needed to reimburse wireless providers for the~~  
484 ~~cost to implement E911 services, the board may transfer revenue~~  
485 ~~to the counties from the existing funds within the wireless~~  
486 ~~category. The board shall disburse the funds equitably to all~~  
487 ~~counties using a timeframe and distribution methodology~~  
488 ~~established by the board.~~

489 4. Review documentation submitted by wireless providers  
490 which reflects current and projected funds derived from the fee.  
491 ~~, and the expenses incurred and expected to be incurred in order~~  
492 ~~to comply with the E911 service requirements contained in the~~  
493 ~~order for the purposes of:~~

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

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

499 ~~e. Ascertaining the projected costs of compliance with the~~  
500 ~~requirements of the order and projected collections of the fee.~~

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

503 5. Implement changes to the allocation percentages or  
504 adjust the fee pursuant to s. 365.173.

505 ~~6.5. Meet monthly in the most efficient and cost-effective~~  
506 ~~manner, including telephonically when practical, for the~~  
507 ~~business to be conducted. The office will administer the~~  
508 ~~disbursement of funds to counties and provide a monthly report~~  
509 ~~of such disbursements to the board, to review and approve or~~  
510 ~~reject, in whole or in part, applications submitted by wireless~~  
511 ~~providers for recovery of moneys deposited into the wireless~~  
512 ~~category, and to authorize the transfer of, and distribute, the~~  
513 ~~fee allocation to the counties.~~

514 ~~7.6. Hire and retain employees, which may include an~~  
515 ~~independent executive director who shall possess experience in~~  
516 ~~the area of telecommunications and emergency 911 issues, for the~~  
517 ~~purposes of performing the technical and administrative~~  
518 ~~functions for the board.~~

519 ~~8.7. Make and enter into contracts, pursuant to chapter~~  
520 ~~287, and execute other instruments necessary or convenient for~~  
521 ~~the exercise of the powers and functions of the board.~~

522 ~~9.8. Sue and be sued, and appear and defend in all actions~~  
523 ~~and proceedings, in its corporate name to the same extent as a~~  
524 ~~natural person.~~

525 ~~10.9. Adopt, use, and alter a common corporate seal.~~

526        ~~11.10.~~ Elect or appoint the officers and agents that are  
527 required by the affairs of the board.

528        ~~12.11.~~ The board may adopt rules under ss. 120.536(1) and  
529 120.54 to implement this section and ss. 365.173 and 365.174.

530        ~~13.12.~~ Provide coordination, support, and technical  
531 assistance to counties to promote the deployment of advanced  
532 public safety emergency communications ~~911 and E911~~ systems in  
533 the state.

534        ~~14.13.~~ Provide coordination and support for educational  
535 opportunities related to 911 ~~E911~~ issues for the public safety  
536 emergency communications ~~E911~~ community in this state.

537        ~~15.14.~~ Act as an advocate for issues related to public  
538 safety emergency communications ~~E911~~ system functions, features,  
539 and operations to improve the delivery of public safety  
540 emergency communications ~~E911~~ services to the residents of and  
541 visitors to this state.

542        ~~16.15.~~ Coordinate input from this state at national forums  
543 and associations, to ensure that policies related to public  
544 safety emergency communications ~~E911~~ systems and services are  
545 consistent with the policies of the public safety emergency  
546 communications ~~E911~~ community in this state.

547        ~~17.16.~~ Work cooperatively with the system director  
548 established in s. 365.171(5) to enhance the state of public  
549 safety emergency communications ~~E911~~ services in this state and  
550 to provide unified leadership for all public safety emergency

551 communications ~~§911~~ issues through planning and coordination.

552 18.17. Do all acts and things necessary or convenient to  
 553 carry out the powers granted in this section in a manner that is  
 554 competitively and technologically neutral as to all voice  
 555 communications services providers, including, but not limited  
 556 to, consideration of emerging technology and related cost  
 557 savings, while taking into account embedded costs in current  
 558 systems.

559 19.18. Have the authority to secure the services of an  
 560 independent, private attorney via invitation to bid, request for  
 561 proposals, invitation to negotiate, or professional contracts  
 562 for legal services already established at the Division of  
 563 Purchasing of the Department of Management Services.

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

567 (c) By February 28 of each year, the board shall prepare a  
 568 report for submission by the office to the Governor, the  
 569 President of the Senate, and the Speaker of the House of  
 570 Representatives which addresses for the immediately preceding  
 571 state fiscal year and county fiscal year:

572 1. The annual receipts, including the total amount of fee  
 573 revenues collected by each provider, the total disbursements of  
 574 money in the fund, ~~including the amount of fund-reimbursed~~  
 575 ~~expenses incurred by each wireless provider to comply with the~~

576 ~~order,~~ and the amount of moneys on deposit in the fund.

577         2. Whether the amount of the fee and the allocation  
 578 percentages set forth in s. 365.173 have been or should be  
 579 adjusted to comply with the ~~requirements of the order or other~~  
 580 provisions of this chapter, and the reasons for making or not  
 581 making a recommended adjustment to the fee.

582         3. Any other issues related to providing emergency  
 583 communications ~~E911~~ services.

584         4. The status of public safety emergency communications  
 585 ~~E911~~ services in this state.

586         (7) REQUEST FOR PROPOSALS FOR INDEPENDENT ACCOUNTING  
 587 FIRM.—

588         (a) The board shall issue a request for proposals as  
 589 provided in chapter 287 for the purpose of retaining an  
 590 independent accounting firm. The independent accounting firm  
 591 shall perform all material administrative and accounting tasks  
 592 and functions required for administering the fee. The request  
 593 for proposals must include, but need not be limited to:

594             1. A description of the scope and general requirements of  
 595 the services requested.

596             2. A description of the specific accounting and reporting  
 597 services required for administering the fund, including  
 598 processing checks and distributing funds as directed by the  
 599 board under s. 365.173.

600             3. A description of information to be provided by the

601 proposer, including the proposer's background and qualifications  
 602 and the proposed cost of the services to be provided.

603 (b) The board shall establish a committee to review  
 604 requests for proposals which must include the statewide  
 605 emergency communications systems ~~E911 system~~ director designated  
 606 under s. 365.171(5), or his or her designee, and two members of  
 607 the board, ~~one of whom is a county 911 coordinator and one of~~  
 608 ~~whom represents a voice communications services provider~~. The  
 609 review committee shall review the proposals received by the  
 610 board and recommend an independent accounting firm to the board  
 611 for final selection. By agreeing to serve on the review  
 612 committee, each member of the review committee shall verify that  
 613 he or she does not have any interest or employment, directly or  
 614 indirectly, with potential proposers which conflicts in any  
 615 manner or degree with his or her performance on the committee.

616 (c) The board may secure the services of an independent  
 617 accounting firm via invitation to bid, request for proposals,  
 618 invitation to negotiate, or professional contracts already  
 619 established at the Division of Purchasing, Department of  
 620 Management Services, for certified public accounting firms, or  
 621 the board may hire and retain professional accounting staff to  
 622 accomplish these functions.

623 (8) PUBLIC SAFETY EMERGENCY COMMUNICATIONS SYSTEMS ~~E911~~  
 624 FEE.—

625 (a) Each voice communications services provider shall

626 collect the fee described in this subsection, except that the  
627 fee for prepaid wireless service shall be collected in the  
628 manner set forth in subsection (9). Each provider, as part of  
629 its monthly billing process, shall bill the fee as follows. The  
630 fee shall not be assessed on any pay telephone in the state.

631 1. Each voice communications service provider other than a  
632 wireless provider shall bill the fee to a subscriber based on  
633 the number of access lines having access to the 911 ~~E-911~~ system,  
634 on a service-identifier basis, up to a maximum of 25 access  
635 lines per account bill rendered.

636 2. Each voice communications service provider other than a  
637 wireless provider shall bill the fee to a subscriber on a basis  
638 of five service-identified access lines for each digital  
639 transmission link, including primary rate interface service or  
640 equivalent Digital-Signal-1-level service, which can be  
641 channelized and split into 23 or 24 voice-grade or data-grade  
642 channels for communications, up to a maximum of 25 access lines  
643 per account bill rendered.

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

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

657  
658 The provider may list the fee as a separate entry on each bill,  
659 in which case the fee must be identified as a fee for 911 ~~E911~~  
660 services. A provider shall remit the fee to the board only if  
661 the fee is paid by the subscriber. If a provider receives a  
662 partial payment for a monthly bill from a subscriber, the amount  
663 received shall first be applied to the payment due the provider  
664 for providing voice communications service.

665           (b) A provider is not obligated to take any legal action  
666 to enforce collection of the fees for which any subscriber is  
667 billed. A county subscribing to 911 service remains liable to  
668 the provider delivering the 911 service or equipment for any 911  
669 service, equipment, operation, or maintenance charge owed by the  
670 county to the provider.

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

673           (d) Each provider may retain 1 percent of the amount of  
674 the fees collected as reimbursement for the administrative costs  
675 incurred by the provider to bill, collect, and remit the fee.

676 The remainder shall be delivered to the board and deposited by  
 677 the board into the fund. The board shall distribute the  
 678 remainder pursuant to s. 365.173.

679 (e) Voice communications services providers billing the  
 680 fee to subscribers shall deliver revenues from the fee to the  
 681 board within 60 days after the end of the month in which the fee  
 682 was billed, together with a monthly report of the number of  
 683 service identifiers in each county. Each wireless provider and  
 684 other applicable provider identified in subparagraph (a)4. shall  
 685 report the number of service identifiers for subscribers whose  
 686 place of primary use is in each county. All provider subscriber  
 687 information provided to the board is subject to s. 365.174. If a  
 688 provider chooses to remit any fee amounts to the board before  
 689 they are paid by the subscribers, a provider may apply to the  
 690 board for a refund of, or may take a credit for, any such fees  
 691 remitted to the board which are not collected by the provider  
 692 within 6 months following the month in which the fees are  
 693 charged off for federal income tax purposes as bad debt.

694 (f) The rate of the fee may not exceed 50 cents per month  
 695 for each service identifier. Effective January 1, 2015, the fee  
 696 shall be 40 cents per month for each service identifier. The fee  
 697 shall apply uniformly and be imposed throughout the state,  
 698 ~~except for those counties that, before July 1, 2007, had adopted~~  
 699 ~~an ordinance or resolution establishing a fee less than 50 cents~~  
 700 ~~per month per access line. In those counties the fee established~~

701 ~~by ordinance may be changed only to the uniform statewide rate~~  
 702 ~~no sooner than 30 days after notification is made by the~~  
 703 ~~county's board of county commissioners to the board.~~

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

712 ~~1. The revenues currently allocated for wireless service~~  
 713 ~~provider costs for implementing E911 service and projected costs~~  
 714 ~~for implementing E911 service, including recurring costs for~~  
 715 ~~Phase I and Phase II and the effect of new technologies;~~

716 1.2. The appropriate level of funding needed to fund the  
 717 rural grant program provided for in s. 365.173(2)(f) ~~s.~~  
 718 ~~365.173(2)(g);~~ and

719 2.3. The need to fund statewide, regional, and county  
 720 grants in accordance with sub-subparagraph (6)(a)3.b. and s.  
 721 365.173(2)(g) ~~s. 365.173(2)(h).~~

722 (h) The board may adjust the allocation percentages or  
 723 adjust the amount of the fee as provided in paragraph (g) if  
 724 necessary to ensure full cost recovery or prevent over recovery  
 725 ~~overrecovery~~ of costs incurred in the provision of 911 ~~E911~~

726 service, including costs incurred or projected to be incurred ~~to~~  
727 ~~comply with the order.~~ Any new allocation percentages or reduced  
728 or increased fee may not be adjusted for 1 year. In no event  
729 shall the fee exceed 50 cents per month for each service  
730 identifier. The fee, and any board adjustment of the fee, shall  
731 be uniform throughout the state, ~~except for the counties~~  
732 ~~identified in paragraph (f).~~ No less than 90 days before the  
733 effective date of any adjustment to the fee, the board shall  
734 provide written notice of the adjusted fee amount and effective  
735 date to each voice communications services provider from which  
736 the board is then receiving the fee.

737 (i) It is the intent of the Legislature that all revenue  
738 from the fee be used as specified in s. 365.173(2)(a)-(h) ~~s.~~  
739 ~~365.173(2)(a)-(i).~~

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

745 (k) A local government may not levy the fee or any  
746 additional fee on providers or subscribers for the provision of  
747 911 ~~E911~~ service.

748 (l) For purposes of this section, the definitions  
749 contained in s. 202.11 and the provisions of s. 202.155 apply in  
750 the same manner and to the same extent as the definitions and

751 provisions apply to the taxes levied under chapter 202 on mobile  
752 communications services.

753 (9) PREPAID WIRELESS PUBLIC SAFETY EMERGENCY  
754 COMMUNICATIONS SYSTEMS E911 FEE.—

755 (a) Effective January 1, 2015, a prepaid wireless E911 fee  
756 is imposed per retail transaction at the rate established in  
757 paragraph (8)(f). In order to allow sellers of all sizes and  
758 technological capabilities adequate time to comply with this  
759 subsection, a seller of prepaid wireless service operating in  
760 this state before the prepaid wireless E911 fee is imposed shall  
761 retain 100 percent of the fee collected under this paragraph for  
762 the first 2 months to offset the cost of setup.

763 (b) Effective March 1, 2015, the prepaid wireless ~~E911~~ fee  
764 imposed under paragraph (a) shall be subject to remittance in  
765 accordance with paragraph (g). In no event shall the fee exceed  
766 50 cents for each retail transaction. At least 90 days before  
767 the effective date of any adjustment to the fee under paragraph  
768 (8)(g), the Department of Revenue shall provide written notice  
769 of the adjusted fee amount and its effective date to each seller  
770 from which the department is then receiving the fee. At least  
771 120 days before the effective date of any adjustment to the fee  
772 imposed under this subsection, the board shall provide notice to  
773 the Department of Revenue of the adjusted fee amount and  
774 effective date of the adjustment.

775 (c) The prepaid wireless ~~E911~~ fee shall be collected by

776 the seller from the consumer with respect to each retail  
777 transaction occurring in this state. The amount of the prepaid  
778 wireless ~~E911~~ fee shall be separately stated on an invoice,  
779 receipt, or other similar document that is provided to the  
780 consumer by the seller or otherwise disclosed to the consumer.

781 (d) For purposes of paragraph (c), a retail transaction  
782 that takes place in person by a consumer at a business location  
783 of the seller shall be treated as occurring in this state if  
784 that business location is in this state. Such transaction is  
785 deemed to have occurred in the county of the business location.  
786 When a retail transaction does not take place at the seller's  
787 business location, the transaction shall be treated as taking  
788 place at the consumer's shipping address or, if no item is  
789 shipped, at the consumer's address or the location associated  
790 with the consumer's mobile telephone number. Such transaction is  
791 deemed to have occurred in the county of the consumer's shipping  
792 address when items are shipped to the consumer or, when no items  
793 are shipped, the county of the consumer's address or the  
794 location associated with the consumer's mobile telephone number.  
795 A transaction for which the specific Florida county cannot be  
796 determined shall be treated as nonspecific.

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

801 (f) The amount of the prepaid wireless ~~E911~~ fee that is  
802 collected by a seller from a consumer and that is separately  
803 stated on an invoice, receipt, or similar document provided to  
804 the consumer by the seller, may not be included in the base for  
805 imposition of any tax, fee, surcharge, or other charge that is  
806 imposed by this state, any political subdivision of this state,  
807 or any intergovernmental agency.

808 (g) Beginning April 1, 2015, each seller shall file a  
809 return and remit the prepaid wireless ~~E911~~ fees collected in the  
810 previous month to the Department of Revenue on or before the  
811 20th day of the month. If the 20th day falls on a Saturday,  
812 Sunday, or legal holiday, payments accompanied by returns are  
813 due on the next succeeding day that is not a Saturday, Sunday,  
814 or legal holiday observed by federal or state agencies as  
815 defined in chapter 683 and s. 7503 of the Internal Revenue Code  
816 of 1986, as amended. A seller may remit the prepaid wireless  
817 ~~E911~~ fee by electronic funds transfer and file a fee return with  
818 the Department of Revenue that is initiated through an  
819 electronic data interchange.

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

826           2. A seller collecting less than \$50 per month of prepaid  
 827 wireless ~~E911~~ fees may file a quarterly return for the calendar  
 828 quarters ending in March, June, September, and December. The  
 829 seller must file a return and remit the prepaid wireless ~~E911~~  
 830 fees collected during each calendar quarter on or before the  
 831 20th day of the month following that calendar quarter.

832           3. A seller must provide the following information on each  
 833 prepaid wireless ~~E911~~ fee return filed with the Department of  
 834 Revenue:

835           a. The seller's name, federal identification number,  
 836 taxpayer identification number issued by the Department of  
 837 Revenue, business location address and mailing address, and  
 838 county of the business location in accordance with paragraph  
 839 (d);

840           b. The reporting period;

841           c. The number of prepaid wireless services sold during the  
 842 reporting period;

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

845           e. The amount of any retailer collection allowance  
 846 deducted from the amount of prepaid wireless ~~E911~~ fees  
 847 collected; and

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

849           4. A seller who operates two or more business locations  
 850 for which returns are required to be filed with the Department

851 of Revenue may file a consolidated return reporting and  
852 remitting the prepaid wireless ~~E911~~ fee for all business  
853 locations. Such sellers must report the prepaid wireless E911  
854 fees collected in each county, in accordance with paragraph (d),  
855 on a reporting schedule filed with the fee return.

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

858 6. Except as provided in this section, the Department of  
859 Revenue shall administer, collect, and enforce the fee under  
860 this subsection pursuant to the same procedures used in the  
861 administration, collection, and enforcement of the general state  
862 sales tax imposed under chapter 212. The provisions of chapter  
863 212 regarding authority to audit and make assessments, keeping  
864 of books and records, and interest and penalties on delinquent  
865 fees shall apply. The provisions of estimated tax liability in  
866 s. 212.11(1)(a) do not apply to the prepaid wireless ~~E911~~ fee.

867 (h) A seller of prepaid wireless services in this state  
868 must register with the Department of Revenue for each place of  
869 business as required by s. 212.18(3) and the Department of  
870 Revenue's administrative rule regarding registration as a sales  
871 and use tax dealer. A separate application is required for each  
872 place of business. A valid certificate of registration issued by  
873 the Department of Revenue to a seller for sales and use tax  
874 purposes is sufficient for purposes of the registration  
875 requirement of this subsection. There is no fee for registration

876 for remittance of the prepaid wireless ~~E911~~ fee.

877 (i) The Department of Revenue shall deposit the funds  
878 remitted under this subsection into the Audit and Warrant  
879 Clearing Trust Fund established in s. 215.199 and retain up to  
880 3.2 percent of the funds remitted under this subsection to  
881 reimburse its direct costs of administering the collection and  
882 remittance of prepaid wireless ~~E911~~ fees. Thereafter, the  
883 Department of Revenue shall transfer all remaining funds  
884 remitted under this subsection to the Emergency Communications  
885 Trust Number ~~E911~~ System Fund monthly for use as provided in s.  
886 365.173.

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

890 (k) A provider or seller of prepaid wireless service is  
891 not liable for damages to any person resulting from or incurred  
892 in connection with providing or failing to provide emergency  
893 communications and 911 or ~~E911~~ service or for identifying or  
894 failing to identify the telephone number, address, location, or  
895 name associated with any person or device that is accessing or  
896 attempting to access emergency communications and 911 or ~~E911~~  
897 service.

898 (l) A provider or seller of prepaid wireless service is  
899 not liable for damages to any person resulting from or incurred  
900 in connection with providing any lawful assistance to any

901 | investigative or law enforcement officer of the United States,  
 902 | any state, or any political subdivision of any state in  
 903 | connection with any lawful investigation or other law  
 904 | enforcement activity by such law enforcement officer.

905 |       (m) The limitations of liability under this subsection for  
 906 | providers and sellers are in addition to any other limitation of  
 907 | liability provided for under this section.

908 |       (n) A local government may not levy the fee or any  
 909 | additional fee on providers or sellers of prepaid wireless  
 910 | service for the provision of 911 ~~E911~~ service.

911 |       (o) For purposes of this section, the state and local  
 912 | governments are not consumers.

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

914 |       1. "Consumer" means a person who purchases prepaid  
 915 | wireless service in a retail sale.

916 |       2. "Prepaid wireless ~~E911~~ fee" means the fee that is  
 917 | required to be collected by a seller from a consumer as provided  
 918 | in this subsection.

919 |       3. "Provider" means a person that provides prepaid  
 920 | wireless service pursuant to a license issued by the Federal  
 921 | Communications Commission.

922 |       4. "Retail transaction" means the purchase by a consumer  
 923 | from a seller of prepaid wireless service that may be applied to  
 924 | a single service identifier for use by the consumer. If a  
 925 | consumer makes a purchase of multiple prepaid wireless services

926 in a single transaction, each individual prepaid wireless  
 927 service shall be considered a separate retail transaction for  
 928 purposes of calculating the prepaid wireless ~~E911~~ fee.

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

931 (10) AUTHORIZED EXPENDITURES OF PUBLIC SAFETY EMERGENCY  
 932 COMMUNICATIONS SYSTEMS ~~E911~~ FEE.—

933 (a) For purposes of this section, emergency communications  
 934 and 911 ~~E911~~ service includes the functions relating to the  
 935 receipt and transfer of requests for emergency assistance, of  
 936 database management, call taking, and location verification, ~~and~~  
 937 ~~call transfer~~. Department of Health certification and  
 938 recertification and training costs for ~~911~~ public safety  
 939 telecommunications, including dispatching, are functions of  
 940 public safety emergency telecommunications ~~911~~ services.

941 (b) All costs directly attributable to the establishment  
 942 or provision of emergency communications equipment ~~E911 service~~  
 943 ~~and contracting for E911 services~~ related to a primary or  
 944 secondary public safety answering point are eligible for  
 945 expenditure of moneys derived from imposition of the fee  
 946 authorized by subsections (8) and (9). These costs include the  
 947 acquisition, implementation, and maintenance of Public Safety  
 948 Answering Point (PSAP) equipment and 911 ~~E911~~ service features,  
 949 as defined in the providers' published schedules or the  
 950 acquisition, installation, and maintenance of other ~~E911~~

951 equipment, including: circuits; call answering equipment; call  
 952 transfer equipment; ANI or ALI controllers; ANI or ALI displays;  
 953 station instruments; NG911 ~~E911~~ telecommunications systems;  
 954 Emergency Services IP Network ESInet; visual call information  
 955 and storage devices; recording equipment; telephone devices and  
 956 other equipment for the hearing impaired used in the E911  
 957 system; PSAP backup power systems; consoles; automatic call  
 958 distributors; ~~and~~ interfaces, including hardware and software,  
 959 for computer-aided dispatch (CAD) systems, public safety land  
 960 mobile radio systems (LMR) and radio consoles that provide two-  
 961 way radio communication with responders, and in-building  
 962 coverage; ~~integrated CAD systems for that portion of the systems~~  
 963 ~~used for E911 call taking~~; GIS system and software equipment and  
 964 information displays; network clocks; cybersecurity, including  
 965 hardware, software, and services; salary and associated expenses  
 966 for 911 ~~E911~~ call takers and emergency dispatchers ~~for that~~  
 967 ~~portion of their time spent taking and transferring E911 calls,~~  
 968 salary, and associated expenses for a county to employ a full-  
 969 time equivalent 911 ~~E911~~ coordinator position and a full-time  
 970 equivalent mapping or geographical data position, and technical  
 971 system maintenance, database, and administration personnel for  
 972 the portion of their time spent administrating the emergency  
 973 communications ~~E911~~ system; emergency medical, fire, and law  
 974 enforcement prearrival instruction software; charts and training  
 975 costs; training costs for PSAP call takers, dispatchers,

976 supervisors, and managers in the proper methods and techniques  
 977 used in taking and transferring 911 ~~E911~~ calls; costs to train  
 978 and educate PSAP employees and the public regarding 911 and  
 979 radio ~~E911~~ service or NG911 ~~E911~~ equipment, including fees  
 980 collected by the Department of Health for the certification and  
 981 recertification of 911 public safety telecommunicators as  
 982 required under s. 401.465; and expenses required to develop and  
 983 maintain all information, including ALI and ANI databases, call  
 984 taker access to smart city technology data, emergency  
 985 communications broadband network information, and other  
 986 ~~information source repositories, necessary to properly inform~~  
 987 ~~call takers as to location address, type of emergency, and other~~  
 988 information directly relevant to the processing of a request for  
 989 emergency assistance ~~E911 call-taking and transferring function.~~  
 990 ~~Moneys derived from the fee may also be used for next-generation~~  
 991 ~~E911 network services, next-generation E911 database services,~~  
 992 ~~next-generation E911 equipment, and wireless E911 routing~~  
 993 ~~systems.~~  
 994 (c) The moneys may not be used to pay for any item not  
 995 listed in this subsection, including, but not limited to, any  
 996 capital or operational costs related to responders dispatched to  
 997 the emergency, and ~~for emergency responses which occur after the~~  
 998 ~~call transfer to the responding public safety entity and the~~  
 999 costs for utilities, constructing, leasing, maintaining, or  
 1000 renovating buildings, except for those building modifications

1001 necessary to maintain the security and environmental integrity  
 1002 of the PSAP and emergency communications ~~E911~~ equipment rooms.

1003 (11) LIABILITY OF COUNTIES.—A county subscribing to 911  
 1004 service remains liable to the local exchange carrier for any 911  
 1005 service, equipment, operation, or maintenance charge owed by the  
 1006 county to the local exchange carrier. As used in this  
 1007 subsection, the term "local exchange carrier" means a local  
 1008 exchange telecommunications service provider of 911 service or  
 1009 equipment to any county within its certificated area.

1010 (12) INDEMNIFICATION AND LIMITATION OF LIABILITY.—A local  
 1011 government may indemnify local exchange carriers against  
 1012 liability in accordance with the published schedules of the  
 1013 company. Notwithstanding an indemnification agreement, a local  
 1014 exchange carrier, voice communications services provider, or  
 1015 other service provider that provides 911, ~~or~~ E911, or NG911  
 1016 service on a retail or wholesale basis is not liable for damages  
 1017 resulting from or in connection with 911, ~~or~~ E911, or NG911  
 1018 service, or for identification of the telephone number, or  
 1019 address, or name associated with any person accessing 911, ~~or~~  
 1020 E911, or NG911 service, unless the carrier or provider acted  
 1021 with malicious purpose or in a manner exhibiting wanton and  
 1022 willful disregard of the rights, safety, or property of a person  
 1023 when providing such services. A carrier or provider is not  
 1024 liable for damages to any person resulting from or in connection  
 1025 with the carrier's or provider's provision of any lawful

1026 assistance to any investigative or law enforcement officer of  
 1027 the United States, this state, or a political subdivision  
 1028 thereof, or of any other state or political subdivision thereof,  
 1029 in connection with any lawful investigation or other law  
 1030 enforcement activity by such law enforcement officer. For  
 1031 purposes of this subsection, the term "911, ~~or~~ E911, or NG911  
 1032 service" means a telecommunications service, voice or nonvoice  
 1033 communications service, or other wireline or wireless service,  
 1034 including, but not limited to, a service using Internet  
 1035 protocol, which provides, in whole or in part, any of the  
 1036 following functions: providing members of the public with the  
 1037 ability to reach an answering point by using the digits 9-1-1;  
 1038 directing 911 calls to answering points by selective routing;  
 1039 providing for automatic number identification and automatic  
 1040 location-identification features; or providing wireless E911  
 1041 services as defined in the order.

1042 (13) FACILITATING EMERGENCY COMMUNICATIONS ~~E911~~ SERVICE  
 1043 IMPLEMENTATION.—To balance the public need for reliable  
 1044 emergency communications ~~E911~~ services through reliable wireless  
 1045 systems and the public interest served by governmental zoning  
 1046 and land development regulations and notwithstanding any other  
 1047 law or local ordinance to the contrary, the following standards  
 1048 shall apply to a local government's actions, as a regulatory  
 1049 body, in the regulation of the placement, construction, or  
 1050 modification of a wireless communications facility. This

1051 subsection shall not, however, be construed to waive or alter  
1052 the provisions of s. 286.011 or s. 286.0115. For the purposes of  
1053 this subsection only, "local government" shall mean any  
1054 municipality or county and any agency of a municipality or  
1055 county only. The term "local government" does not, however,  
1056 include any airport, as defined by s. 330.27(2), even if it is  
1057 owned or controlled by or through a municipality, county, or  
1058 agency of a municipality or county. Further, notwithstanding  
1059 anything in this section to the contrary, this subsection does  
1060 not apply to or control a local government's actions as a  
1061 property or structure owner in the use of any property or  
1062 structure owned by such entity for the placement, construction,  
1063 or modification of wireless communications facilities. In the  
1064 use of property or structures owned by the local government,  
1065 however, a local government may not use its regulatory authority  
1066 so as to avoid compliance with, or in a manner that does not  
1067 advance, the provisions of this subsection.

1068 (a) Collocation among wireless providers is encouraged by  
1069 the state.

1070 1.a. Collocations on towers, including nonconforming  
1071 towers, that meet the requirements in sub-sub-subparagraphs (I),  
1072 (II), and (III), are subject to only building permit review,  
1073 which may include a review for compliance with this  
1074 subparagraph. Such collocations are not subject to any design or  
1075 placement requirements of the local government's land

1076 development regulations in effect at the time of the collocation  
1077 that are more restrictive than those in effect at the time of  
1078 the initial antennae placement approval, to any other portion of  
1079 the land development regulations, or to public hearing review.  
1080 This sub-subparagraph shall not preclude a public hearing for  
1081 any appeal of the decision on the collocation application.

1082 (I) The collocation does not increase the height of the  
1083 tower to which the antennae are to be attached, measured to the  
1084 highest point of any part of the tower or any existing antenna  
1085 attached to the tower;

1086 (II) The collocation does not increase the ground space  
1087 area, commonly known as the compound, approved in the site plan  
1088 for equipment enclosures and ancillary facilities; and

1089 (III) The collocation consists of antennae, equipment  
1090 enclosures, and ancillary facilities that are of a design and  
1091 configuration consistent with all applicable regulations,  
1092 restrictions, or conditions, if any, applied to the initial  
1093 antennae placed on the tower and to its accompanying equipment  
1094 enclosures and ancillary facilities and, if applicable, applied  
1095 to the tower supporting the antennae. Such regulations may  
1096 include the design and aesthetic requirements, but not  
1097 procedural requirements, other than those authorized by this  
1098 section, of the local government's land development regulations  
1099 in effect at the time the initial antennae placement was  
1100 approved.

1101           b. Except for a historic building, structure, site,  
1102 object, or district, or a tower included in sub-subparagraph a.,  
1103 collocations on all other existing structures that meet the  
1104 requirements in sub-sub-subparagraphs (I)-(IV) shall be subject  
1105 to no more than building permit review, and an administrative  
1106 review for compliance with this subparagraph. Such collocations  
1107 are not subject to any portion of the local government's land  
1108 development regulations not addressed herein, or to public  
1109 hearing review. This sub-subparagraph shall not preclude a  
1110 public hearing for any appeal of the decision on the collocation  
1111 application.

1112           (I) The collocation does not increase the height of the  
1113 existing structure to which the antennae are to be attached,  
1114 measured to the highest point of any part of the structure or  
1115 any existing antenna attached to the structure;

1116           (II) The collocation does not increase the ground space  
1117 area, otherwise known as the compound, if any, approved in the  
1118 site plan for equipment enclosures and ancillary facilities;

1119           (III) The collocation consists of antennae, equipment  
1120 enclosures, and ancillary facilities that are of a design and  
1121 configuration consistent with any applicable structural or  
1122 aesthetic design requirements and any requirements for location  
1123 on the structure, but not prohibitions or restrictions on the  
1124 placement of additional collocations on the existing structure  
1125 or procedural requirements, other than those authorized by this

1126 section, of the local government's land development regulations  
1127 in effect at the time of the collocation application; and

1128 (IV) The collocation consists of antennae, equipment  
1129 enclosures, and ancillary facilities that are of a design and  
1130 configuration consistent with all applicable restrictions or  
1131 conditions, if any, that do not conflict with sub-sub-  
1132 subparagraph (III) and were applied to the initial antennae  
1133 placed on the structure and to its accompanying equipment  
1134 enclosures and ancillary facilities and, if applicable, applied  
1135 to the structure supporting the antennae.

1136 c. Regulations, restrictions, conditions, or permits of  
1137 the local government, acting in its regulatory capacity, that  
1138 limit the number of collocations or require review processes  
1139 inconsistent with this subsection shall not apply to  
1140 collocations addressed in this subparagraph.

1141 d. If only a portion of the collocation does not meet the  
1142 requirements of this subparagraph, such as an increase in the  
1143 height of the proposed antennae over the existing structure  
1144 height or a proposal to expand the ground space approved in the  
1145 site plan for the equipment enclosure, where all other portions  
1146 of the collocation meet the requirements of this subparagraph,  
1147 that portion of the collocation only may be reviewed under the  
1148 local government's regulations applicable to an initial  
1149 placement of that portion of the facility, including, but not  
1150 limited to, its land development regulations, and within the

1151 review timeframes of subparagraph (d)2., and the rest of the  
1152 collocation shall be reviewed in accordance with this  
1153 subparagraph. A collocation proposal under this subparagraph  
1154 that increases the ground space area, otherwise known as the  
1155 compound, approved in the original site plan for equipment  
1156 enclosures and ancillary facilities by no more than a cumulative  
1157 amount of 400 square feet or 50 percent of the original compound  
1158 size, whichever is greater, shall, however, require no more than  
1159 administrative review for compliance with the local government's  
1160 regulations, including, but not limited to, land development  
1161 regulations review, and building permit review, with no public  
1162 hearing review. This sub-subparagraph shall not preclude a  
1163 public hearing for any appeal of the decision on the collocation  
1164 application.

1165       2. If a collocation does not meet the requirements of  
1166 subparagraph 1., the local government may review the application  
1167 under the local government's regulations, including, but not  
1168 limited to, land development regulations, applicable to the  
1169 placement of initial antennae and their accompanying equipment  
1170 enclosure and ancillary facilities.

1171       3. If a collocation meets the requirements of subparagraph  
1172 1., the collocation shall not be considered a modification to an  
1173 existing structure or an impermissible modification of a  
1174 nonconforming structure.

1175       4. The owner of the existing tower on which the proposed

1176 antennae are to be collocated shall remain responsible for  
1177 compliance with any applicable condition or requirement of a  
1178 permit or agreement, or any applicable condition or requirement  
1179 of the land development regulations to which the existing tower  
1180 had to comply at the time the tower was permitted, including any  
1181 aesthetic requirements, provided the condition or requirement is  
1182 not inconsistent with this paragraph.

1183 5. An existing tower, including a nonconforming tower, may  
1184 be structurally modified in order to permit collocation or may  
1185 be replaced through no more than administrative review and  
1186 building permit review, and is not subject to public hearing  
1187 review, if the overall height of the tower is not increased and,  
1188 if a replacement, the replacement tower is a monopole tower or,  
1189 if the existing tower is a camouflaged tower, the replacement  
1190 tower is a like-camouflaged tower. This subparagraph shall not  
1191 preclude a public hearing for any appeal of the decision on the  
1192 application.

1193 (b)1. A local government's land development and  
1194 construction regulations for wireless communications facilities  
1195 and the local government's review of an application for the  
1196 placement, construction, or modification of a wireless  
1197 communications facility shall only address land development or  
1198 zoning issues. In such local government regulations or review,  
1199 the local government may not require information on or evaluate  
1200 a wireless provider's business decisions about its service,

1201 customer demand for its service, or quality of its service to or  
 1202 from a particular area or site, unless the wireless provider  
 1203 voluntarily offers this information to the local government. In  
 1204 such local government regulations or review, a local government  
 1205 may not require information on or evaluate the wireless  
 1206 provider's designed service unless the information or materials  
 1207 are directly related to an identified land development or zoning  
 1208 issue or unless the wireless provider voluntarily offers the  
 1209 information. Information or materials directly related to an  
 1210 identified land development or zoning issue may include, but are  
 1211 not limited to, evidence that no existing structure can  
 1212 reasonably be used for the antennae placement instead of the  
 1213 construction of a new tower, that residential areas cannot be  
 1214 served from outside the residential area, as addressed in  
 1215 subparagraph 3., or that the proposed height of a new tower or  
 1216 initial antennae placement or a proposed height increase of a  
 1217 modified tower, replacement tower, or collocation is necessary  
 1218 to provide the provider's designed service. Nothing in this  
 1219 paragraph shall limit the local government from reviewing any  
 1220 applicable land development or zoning issue addressed in its  
 1221 adopted regulations that does not conflict with this section,  
 1222 including, but not limited to, aesthetics, landscaping, land  
 1223 use-based ~~land use based~~ location priorities, structural design,  
 1224 and setbacks.

1225 2. Any setback or distance separation required of a tower

1226 | may not exceed the minimum distance necessary, as determined by  
1227 | the local government, to satisfy the structural safety or  
1228 | aesthetic concerns that are to be protected by the setback or  
1229 | distance separation.

1230 |         3. A local government may exclude the placement of  
1231 | wireless communications facilities in a residential area or  
1232 | residential zoning district but only in a manner that does not  
1233 | constitute an actual or effective prohibition of the provider's  
1234 | service in that residential area or zoning district. If a  
1235 | wireless provider demonstrates to the satisfaction of the local  
1236 | government that the provider cannot reasonably provide its  
1237 | service to the residential area or zone from outside the  
1238 | residential area or zone, the municipality or county and  
1239 | provider shall cooperate to determine an appropriate location  
1240 | for a wireless communications facility of an appropriate design  
1241 | within the residential area or zone. The local government may  
1242 | require that the wireless provider reimburse the reasonable  
1243 | costs incurred by the local government for this cooperative  
1244 | determination. An application for such cooperative determination  
1245 | shall not be considered an application under paragraph (d).

1246 |         4. A local government may impose a reasonable fee on  
1247 | applications to place, construct, or modify a wireless  
1248 | communications facility only if a similar fee is imposed on  
1249 | applicants seeking other similar types of zoning, land use, or  
1250 | building permit review. A local government may impose fees for

1251 the review of applications for wireless communications  
1252 facilities by consultants or experts who conduct code compliance  
1253 review for the local government but any fee is limited to  
1254 specifically identified reasonable expenses incurred in the  
1255 review. A local government may impose reasonable surety  
1256 requirements to ensure the removal of wireless communications  
1257 facilities that are no longer being used.

1258 5. A local government may impose design requirements, such  
1259 as requirements for designing towers to support collocation or  
1260 aesthetic requirements, except as otherwise limited in this  
1261 section, but shall not impose or require information on  
1262 compliance with building code type standards for the  
1263 construction or modification of wireless communications  
1264 facilities beyond those adopted by the local government under  
1265 chapter 553 and that apply to all similar types of construction.

1266 (c) Local governments may not require wireless providers  
1267 to provide evidence of a wireless communications facility's  
1268 compliance with federal regulations, except evidence of  
1269 compliance with applicable Federal Aviation Administration  
1270 requirements under 14 C.F.R. part 77, as amended, and evidence  
1271 of proper Federal Communications Commission licensure, or other  
1272 evidence of Federal Communications Commission authorized  
1273 spectrum use, but may request the Federal Communications  
1274 Commission to provide information as to a wireless provider's  
1275 compliance with federal regulations, as authorized by federal

1276 law.

1277 (d)1. A local government shall grant or deny each properly  
 1278 completed application for a collocation under subparagraph (a)1.  
 1279 based on the application's compliance with the local  
 1280 government's applicable regulations, as provided for in  
 1281 subparagraph (a)1. and consistent with this subsection, and  
 1282 within the normal timeframe for a similar building permit review  
 1283 but in no case later than 45 business days after the date the  
 1284 application is determined to be properly completed in accordance  
 1285 with this paragraph.

1286 2. A local government shall grant or deny each properly  
 1287 completed application for any other wireless communications  
 1288 facility based on the application's compliance with the local  
 1289 government's applicable regulations, including but not limited  
 1290 to land development regulations, consistent with this subsection  
 1291 and within the normal timeframe for a similar type review but in  
 1292 no case later than 90 business days after the date the  
 1293 application is determined to be properly completed in accordance  
 1294 with this paragraph.

1295 3.a. An application is deemed submitted or resubmitted on  
 1296 the date the application is received by the local government. If  
 1297 the local government does not notify the applicant in writing  
 1298 that the application is not completed in compliance with the  
 1299 local government's regulations within 20 business days after the  
 1300 date the application is initially submitted or additional

1301 information resubmitted, the application is deemed, for  
1302 administrative purposes only, to be properly completed and  
1303 properly submitted. However, the determination shall not be  
1304 deemed as an approval of the application. If the application is  
1305 not completed in compliance with the local government's  
1306 regulations, the local government shall so notify the applicant  
1307 in writing and the notification must indicate with specificity  
1308 any deficiencies in the required documents or deficiencies in  
1309 the content of the required documents which, if cured, make the  
1310 application properly completed. Upon resubmission of information  
1311 to cure the stated deficiencies, the local government shall  
1312 notify the applicant, in writing, within the normal timeframes  
1313 of review, but in no case longer than 20 business days after the  
1314 additional information is submitted, of any remaining  
1315 deficiencies that must be cured. Deficiencies in document type  
1316 or content not specified by the local government do not make the  
1317 application incomplete. Notwithstanding this sub-subparagraph,  
1318 if a specified deficiency is not properly cured when the  
1319 applicant resubmits its application to comply with the notice of  
1320 deficiencies, the local government may continue to request the  
1321 information until such time as the specified deficiency is  
1322 cured. The local government may establish reasonable timeframes  
1323 within which the required information to cure the application  
1324 deficiency is to be provided or the application will be  
1325 considered withdrawn or closed.

1326           b. If the local government fails to grant or deny a  
1327 properly completed application for a wireless communications  
1328 facility within the timeframes set forth in this paragraph, the  
1329 application shall be deemed automatically approved and the  
1330 applicant may proceed with placement of the facilities without  
1331 interference or penalty. The timeframes specified in  
1332 subparagraph 2. may be extended only to the extent that the  
1333 application has not been granted or denied because the local  
1334 government's procedures generally applicable to all other  
1335 similar types of applications require action by the governing  
1336 body and such action has not taken place within the timeframes  
1337 specified in subparagraph 2. Under such circumstances, the local  
1338 government must act to either grant or deny the application at  
1339 its next regularly scheduled meeting or, otherwise, the  
1340 application is deemed to be automatically approved.

1341           c. To be effective, a waiver of the timeframes set forth  
1342 in this paragraph must be voluntarily agreed to by the applicant  
1343 and the local government. A local government may request, but  
1344 not require, a waiver of the timeframes by the applicant, except  
1345 that, with respect to a specific application, a one-time waiver  
1346 may be required in the case of a declared local, state, or  
1347 federal emergency that directly affects the administration of  
1348 all permitting activities of the local government.

1349           (e) The replacement of or modification to a wireless  
1350 communications facility, except a tower, that results in a

1351 wireless communications facility not readily discernibly  
1352 different in size, type, and appearance when viewed from ground  
1353 level from surrounding properties, and the replacement or  
1354 modification of equipment that is not visible from surrounding  
1355 properties, all as reasonably determined by the local  
1356 government, are subject to no more than applicable building  
1357 permit review.

1358 (f) Any other law to the contrary notwithstanding, the  
1359 Department of Management Services shall negotiate, in the name  
1360 of the state, leases for wireless communications facilities that  
1361 provide access to state government-owned property not acquired  
1362 for transportation purposes, and the Department of  
1363 Transportation shall negotiate, in the name of the state, leases  
1364 for wireless communications facilities that provide access to  
1365 property acquired for state rights-of-way. On property acquired  
1366 for transportation purposes, leases shall be granted in  
1367 accordance with s. 337.251. On other state government-owned  
1368 property, leases shall be granted on a space available, first-  
1369 come, first-served basis. Payments required by state government  
1370 under a lease must be reasonable and must reflect the market  
1371 rate for the use of the state government-owned property. The  
1372 Department of Management Services and the Department of  
1373 Transportation are authorized to adopt rules for the terms and  
1374 conditions and granting of any such leases.

1375 (g) If any person adversely affected by any action, or

1376 failure to act, or regulation, or requirement of a local  
1377 government in the review or regulation of the wireless  
1378 communication facilities files an appeal or brings an  
1379 appropriate action in a court or venue of competent  
1380 jurisdiction, following the exhaustion of all administrative  
1381 remedies, the matter shall be considered on an expedited basis.

1382 (14) MISUSE OF 911, ~~OR E911, OR NG911~~ SYSTEM; PENALTY.—  
1383 911, ~~and E911, and NG911~~ service must be used solely for  
1384 emergency communications by the public. Any person who accesses  
1385 the number 911 for the purpose of making a false alarm or  
1386 complaint or reporting false information that could result in  
1387 the emergency response of any public safety agency; any person  
1388 who knowingly uses or attempts to use such service for a purpose  
1389 other than obtaining public safety assistance; or any person who  
1390 knowingly uses or attempts to use such service in an effort to  
1391 avoid any charge for service, commits a misdemeanor of the first  
1392 degree, punishable as provided in s. 775.082 or s. 775.083.  
1393 After being convicted of unauthorized use of such service four  
1394 times, a person who continues to engage in such unauthorized use  
1395 commits a felony of the third degree, punishable as provided in  
1396 s. 775.082, s. 775.083, or s. 775.084. In addition, if the value  
1397 of the service or the service charge obtained in a manner  
1398 prohibited by this subsection exceeds \$100, the person  
1399 committing the offense commits a felony of the third degree,  
1400 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1401 (15) TEXT-TO-911 SERVICE.—Each county shall develop a  
 1402 countywide implementation plan addressing text-to-911 services  
 1403 and, by January 1, 2022, enact a system to allow text-to-911  
 1404 services.

1405 (16) STATE LAW NOT PREEMPTED.—This section and ss. 365.173  
 1406 and 365.174 do not alter any state law that otherwise regulates  
 1407 voice communications services providers.

1408 Section 2. Section 365.173, Florida Statutes, is amended  
 1409 to read:

1410 365.173 Emergency Communications Trust ~~Number E911 System~~  
 1411 Fund.—

1412 (1) REVENUES.—

1413 (a) Revenues derived from the fee levied on subscribers  
 1414 under s. 365.172(8) must be paid by the board into the State  
 1415 Treasury on or before the 15th day of each month. Such moneys  
 1416 must be accounted for in a special fund to be designated as the  
 1417 Emergency Communications Trust ~~Number E911 System~~ Fund, a fund  
 1418 created in the Division of Telecommunications, or other office  
 1419 as designated by the Secretary of Management Services.

1420 (b) Revenues derived from the fee levied on prepaid  
 1421 wireless service under s. 365.172(9), less the costs of  
 1422 administering collection of the fee, must be transferred by the  
 1423 Department of Revenue to the Emergency Communications Trust  
 1424 ~~Number E911 System~~ Fund on or before the 25th day of each month  
 1425 following the month of receipt.

1426 (c) For accounting purposes, the Emergency Communications  
 1427 ~~Trust Number E911 System~~ Fund must be segregated into three  
 1428 separate categories:

- 1429 1. The wireless category;
- 1430 2. The nonwireless category; and
- 1431 3. The prepaid wireless category.

1432 (d) All moneys must be invested by the Chief Financial  
 1433 Officer pursuant to s. 17.61. All moneys in such fund are to be  
 1434 expended by the office for the purposes provided in this section  
 1435 and s. 365.172. These funds are not subject to s. 215.20.

1436 (2) DISTRIBUTION AND USE OF FUNDS.—As determined by the  
 1437 board pursuant to s. 365.172(8)(f) ~~s. 365.172(8)(g)~~, and subject  
 1438 to any modifications approved by the board pursuant to s.  
 1439 365.172(6)(a)3. or (8)(g) ~~s. 365.172(6)(a)3. or (8)(h)~~, the  
 1440 moneys in the fund shall be distributed and used only as  
 1441 follows:

1442 (a) Ninety-five ~~Seventy-six~~ percent of the moneys in the  
 1443 wireless category shall be distributed each month to counties,  
 1444 based on the total number of service identifiers in each county,  
 1445 to and shall be used exclusively for payment of:

1446 ~~1.~~ authorized expenditures, as specified in s.  
 1447 365.172(10).

1448 ~~2. Costs to comply with the requirements for E911 service~~  
 1449 ~~contained in the order and any future rules related to the~~  
 1450 ~~order.~~

1451 (b) Ninety-six percent of the moneys in the nonwireless  
 1452 category shall be distributed each month to counties based on  
 1453 the total number of service identifiers in each county and shall  
 1454 be used exclusively for payment of authorized expenditures, as  
 1455 specified in s. 365.172(10).

1456 (c) Sixty-one percent of the moneys in the prepaid  
 1457 wireless category shall be distributed each month to counties  
 1458 based on the total amount of fees reported and paid in each  
 1459 county and shall be used exclusively for payment of authorized  
 1460 expenditures, as specified in s. 365.172(10). The moneys from  
 1461 prepaid wireless ~~E911~~ fees identified as nonspecific in  
 1462 accordance with s. 365.172(9) shall be distributed as determined  
 1463 by the Emergency Communications ~~E911~~ Board.

1464 (d) Any county that receives funds under paragraphs (a),  
 1465 (b), and (c) shall establish a fund to be used exclusively for  
 1466 the receipt and expenditure of the revenues collected under  
 1467 paragraphs (a), (b), and (c). All fees placed in the fund and  
 1468 any interest accrued shall be used solely for costs described in  
 1469 subparagraphs (a)1. and 2. and may not be reduced, withheld, or  
 1470 allocated for other purposes. The money collected and interest  
 1471 earned in this fund shall be appropriated for these purposes by  
 1472 the county commissioners and incorporated into the annual county  
 1473 budget. The fund shall be included within the financial audit  
 1474 performed in accordance with s. 218.39. The financial audit  
 1475 shall assure that all emergency communications ~~E911~~ fee

1476 revenues, interest, and emergency communications ~~E911~~ grant  
1477 funding are used for payment of authorized expenditures, as  
1478 specified in s. 365.172(10) and as specified in the Emergency  
1479 Communications ~~E911~~ Board grant and special disbursement  
1480 programs. The board may, in accordance with board rules,  
1481 withhold future distribution of grant funds or request a return  
1482 of all or a portion of funds previously awarded based on  
1483 findings from the financial audit. The county is responsible for  
1484 all expenditures of revenues distributed from the county  
1485 emergency communications ~~E911~~ fund and shall submit the  
1486 financial audit reports to the board for review. A county may  
1487 carry forward up to 30 percent of the total funds disbursed to  
1488 the county by the board during a county fiscal year for  
1489 expenditures for capital outlay, capital improvements, equipment  
1490 replacement, or implementation of a hosted system if such  
1491 expenditures are made for the purposes specified in  
1492 subparagraphs (a)1. and 2.; however, the 30-percent limitation  
1493 does not apply to funds disbursed to a county under s.  
1494 365.172(6)(a)3., and a county may carry forward any percentage  
1495 of the funds, except that any grant provided shall continue to  
1496 be subject to any condition imposed by the board. In order to  
1497 prevent an excess recovery of costs incurred in providing  
1498 emergency communication ~~E911~~ service, a county that receives  
1499 funds greater than the permissible emergency communication ~~E911~~  
1500 costs described in s. 365.172(10), including the 30-percent

1501 carryforward allowance, must return the excess funds to the ~~E911~~  
1502 board to be allocated under s. 365.172(6)(a).

1503 ~~(c) Twenty percent of the moneys in the wireless category~~  
1504 ~~shall be distributed to wireless providers in response to sworn~~  
1505 ~~invoices submitted to the board by wireless providers to~~  
1506 ~~reimburse such wireless providers for the actual costs incurred~~  
1507 ~~to provide 911 or E911 service, including the costs of complying~~  
1508 ~~with the order. Such costs include costs and expenses incurred~~  
1509 ~~by wireless providers to design, purchase, lease, program,~~  
1510 ~~install, test, upgrade, operate, and maintain all necessary~~  
1511 ~~data, hardware, and software required to provide E911 service.~~  
1512 ~~Each wireless provider shall submit to the board, by August 1 of~~  
1513 ~~each year, a detailed estimate of the capital and operating~~  
1514 ~~expenses for which it anticipates that it will seek~~  
1515 ~~reimbursement under this paragraph during the ensuing state~~  
1516 ~~fiscal year. In order to be eligible for recovery during any~~  
1517 ~~ensuing state fiscal year, a wireless provider must submit all~~  
1518 ~~sworn invoices for allowable purchases made within the previous~~  
1519 ~~calendar year no later than March 31 of the fiscal year. By~~  
1520 ~~September 15 of each year, the board shall submit to the~~  
1521 ~~Legislature its legislative budget request for funds to be~~  
1522 ~~allocated to wireless providers under this paragraph during the~~  
1523 ~~ensuing state fiscal year. The budget request shall be based on~~  
1524 ~~the information submitted by the wireless providers and~~  
1525 ~~estimated surcharge revenues. Distributions of moneys in the~~

1526 ~~fund by the board to wireless providers must be fair and~~  
1527 ~~nondiscriminatory. If the total amount of moneys requested by~~  
1528 ~~wireless providers pursuant to invoices submitted to the board~~  
1529 ~~and approved for payment exceeds the amount in the fund in any~~  
1530 ~~month, wireless providers that have invoices approved for~~  
1531 ~~payment shall receive a pro rata share of moneys in the fund and~~  
1532 ~~the balance of the payments shall be carried over to the~~  
1533 ~~following month or months until all of the approved payments are~~  
1534 ~~made. The board may adopt rules necessary to address the manner~~  
1535 ~~in which pro rata distributions are made when the total amount~~  
1536 ~~of funds requested by wireless providers pursuant to invoices~~  
1537 ~~submitted to the board exceeds the total amount of moneys on~~  
1538 ~~deposit in the fund.~~

1539 (e)~~(f)~~ One percent of the moneys in each category of the  
1540 fund shall be retained by the board to be applied to costs and  
1541 expenses incurred for the purposes of managing, administering,  
1542 and overseeing the receipts and disbursements from the fund and  
1543 other activities as defined in s. 365.172(6). Any funds retained  
1544 for such purposes in a calendar year which are not applied to  
1545 such costs and expenses by March 31 of the following year shall  
1546 be redistributed as determined by the board.

1547 (f)~~(g)~~ Three percent of the moneys in each category of the  
1548 fund and an additional 1 percent of the moneys collected in the  
1549 wireless category shall be used to make monthly distributions to  
1550 rural counties for the purpose of providing facilities and

1551 network and service enhancements and assistance for the  
 1552 emergency communications ~~911 or E911~~ systems operated by rural  
 1553 counties and for the provision of grants by the office to rural  
 1554 counties for upgrading and replacing emergency communications  
 1555 ~~E911~~ systems.

1556 ~~(g)-(h)~~ Thirty-five percent of the moneys in the prepaid  
 1557 wireless category shall be retained by the board to provide  
 1558 state emergency communications ~~E911~~ grants to be awarded in  
 1559 accordance with the following order of priority:

1560 1. For all large, medium, and rural counties to upgrade or  
 1561 replace emergency communications ~~E911~~ systems.

1562 2. For all large, medium, and rural counties to develop  
 1563 and maintain statewide 911 routing, geographic, and management  
 1564 information systems.

1565 3. For all large, medium, and rural counties to develop  
 1566 and maintain next-generation 911 services and equipment.

1567 ~~(h)-(i)~~ If the wireless category has funds remaining in it  
 1568 on December 31 after disbursements have been made during the  
 1569 calendar year immediately prior to December 31, the board may  
 1570 disburse the excess funds in the wireless category in accordance  
 1571 with s. 365.172 (6) (a)3.b.

1572 (3) The Legislature recognizes that the fee authorized  
 1573 under s. 365.172 may not necessarily provide the total funding  
 1574 required for establishing or providing the emergency  
 1575 communications ~~E911~~ service. It is the intent of the Legislature

1576 that all revenue from the fee be used as specified in subsection  
1577 (2).

1578 Section 3. Subsection (1) of section 365.177, Florida  
1579 Statutes, is amended to read:

1580 365.177 Transfer of E911 calls between systems.—

1581 (1) The office shall develop a plan by December 30, 2023  
1582 ~~February 1, 2020~~, to upgrade all 911 public safety answering  
1583 points within the state to allow the transfer of an emergency  
1584 call from one local, multijurisdictional, or regional E911  
1585 system to another local, multijurisdictional, or regional E911  
1586 system in the state by December 30, 2033. Such transfer should  
1587 include voice, text message, image, video, caller identification  
1588 information, location information, and additional standards-  
1589 based 911 call information. The plan shall prioritize the  
1590 upgrade of PSAPs based on the population served by each PSAP,  
1591 the capability of a jurisdiction or region to modernize PSAPs  
1592 beyond legacy 911 infrastructure, and the ability of a  
1593 jurisdiction or region to address interoperability between  
1594 PSAPs. The plan must identify and address the projected costs of  
1595 providing these transfer capabilities and project the ability of  
1596 each county to meet operational costs based on disbursement of  
1597 funds under s. 365.173(2)(a), (b), and (c).

1598 Section 4. Subsection (10) of section 212.05965, Florida  
1599 Statutes, is amended to read:

1600 212.05965 Taxation of marketplace sales.—

1601 (10) Notwithstanding any other law, the marketplace  
 1602 provider is also responsible for collecting and remitting any  
 1603 prepaid wireless public safety emergency communications systems  
 1604 ~~E911~~ fee under s. 365.172, waste tire fee under s. 403.718, and  
 1605 lead-acid battery fee under s. 403.7185 at the time of sale for  
 1606 taxable retail sales made through its marketplace.

1607 Section 5. Section 365.171, Florida Statutes, is amended  
 1608 to read:

1609 365.171 Emergency communications ~~number E911~~ state plan.—

1610 (1) SHORT TITLE.—This section may be cited as the "Florida  
 1611 Emergency Communications ~~Number E911~~ State Plan Act."

1612 (2) LEGISLATIVE INTENT.—It is the intent of the  
 1613 Legislature that the communications number "911" be the  
 1614 designated emergency communications number. A public safety  
 1615 agency may not advertise or otherwise promote the use of any  
 1616 communications number for emergency response services other than  
 1617 "911." It is further the intent of the Legislature to implement  
 1618 and continually update a cohesive statewide emergency  
 1619 communications ~~number "E911"~~ plan for enhanced 911 services  
 1620 which will provide citizens with rapid direct access to public  
 1621 safety agencies by accessing "911" with the objective of  
 1622 reducing the response time to situations requiring law  
 1623 enforcement, fire, medical, rescue, and other emergency  
 1624 services.

1625 (3) DEFINITIONS.—As used in this section, the term:

1626 (a) "Office" means the Division of Telecommunications  
 1627 within the Department of Management Services, as designated by  
 1628 the secretary of the department.

1629 (b) "Local government" means any city, county, or  
 1630 political subdivision of the state and its agencies.

1631 (c) "Public agency" means the state and any city, county,  
 1632 city and county, municipal corporation, chartered organization,  
 1633 public district, or public authority located in whole or in part  
 1634 within this state which provides, or has authority to provide,  
 1635 firefighting, law enforcement, ambulance, medical, or other  
 1636 emergency services.

1637 (d) "Public safety agency" means a functional division of  
 1638 a public agency which provides firefighting, law enforcement,  
 1639 medical, or other emergency services.

1640 (4) STATE PLAN.—The office shall develop, maintain, and  
 1641 implement appropriate modifications for a statewide emergency  
 1642 communications ~~E911 system~~ plan. The plan shall provide for:

1643 (a) The public agency emergency communications  
 1644 requirements for each entity of local government in the state.

1645 (b) A system to meet specific local government  
 1646 requirements. Such system shall include law enforcement,  
 1647 firefighting, and emergency medical services and may include  
 1648 other emergency services such as poison control, suicide  
 1649 prevention, and emergency management services.

1650 (c) Identification of the mutual aid agreements necessary

1651 to obtain an effective emergency communications systems ~~E911~~  
1652 ~~system~~.

1653 (d) A funding provision that identifies the cost necessary  
1654 to implement the emergency communications ~~E911~~ system.  
1655

1656 The office shall be responsible for the implementation and  
1657 coordination of such plan. The office shall adopt any necessary  
1658 rules and schedules related to public agencies for implementing  
1659 and coordinating the plan, pursuant to chapter 120.

1660 (5) SYSTEM DIRECTOR.—The secretary of the department or  
1661 his or her designee is designated as the director of the  
1662 statewide emergency communications ~~number E911~~ system and, for  
1663 the purpose of carrying out the provisions of this section, is  
1664 authorized to coordinate the activities of the system with  
1665 state, county, local, and private agencies. The director in  
1666 implementing the system shall consult, cooperate, and coordinate  
1667 with local law enforcement agencies.

1668 (6) REGIONAL SYSTEMS.—This section does not prohibit or  
1669 discourage the formation of multijurisdictional or regional  
1670 systems; and any system established pursuant to this section may  
1671 include the jurisdiction, or any portion thereof, of more than  
1672 one public agency. It is the intent of the Legislature that  
1673 emergency communications services ~~E911 service~~ be available  
1674 throughout the state. Expenditure by counties of the ~~E911~~ fee  
1675 authorized and imposed under s. 365.172 should support this

1676 intent to the greatest extent feasible within the context of  
 1677 local service needs and fiscal capability. This section does not  
 1678 prohibit two or more counties from establishing a combined  
 1679 emergency ~~E911~~ communications service by an interlocal agreement  
 1680 and using the fees authorized and imposed by s. 365.172 for such  
 1681 combined ~~E911~~ service.

1682 (7) TELECOMMUNICATIONS INDUSTRY COORDINATION.—The office  
 1683 shall coordinate with the Florida Public Service Commission  
 1684 which shall encourage the Florida telecommunications industry to  
 1685 activate facility modification plans for timely emergency  
 1686 communications services ~~E911~~ implementation.

1687 (8) COIN TELEPHONES.—The Florida Public Service Commission  
 1688 shall establish rules to be followed by the telecommunications  
 1689 companies in this state designed toward encouraging the  
 1690 provision of coin-free dialing of "911" calls wherever  
 1691 economically practicable and in the public interest.

1692 (9) SYSTEM APPROVAL.—No emergency communications number  
 1693 E911 system shall be established and no present system shall be  
 1694 expanded without prior approval of the office.

1695 (10) COMPLIANCE.—All public agencies shall assist the  
 1696 office in their efforts to carry out the intent of this section,  
 1697 and such agencies shall comply with the developed plan.

1698 (11) FEDERAL ASSISTANCE.—The secretary of the department  
 1699 or his or her designee may apply for and accept federal funding  
 1700 assistance in the development and implementation of a statewide

1701 emergency communications ~~number~~ E911 system.

1702 (12) CONFIDENTIALITY OF RECORDS.—

1703 (a) Any record, recording, or information, or portions

1704 thereof, obtained by a public agency or a public safety agency

1705 for the purpose of providing services in an emergency and which

1706 reveals the name, address, telephone number, or personal

1707 information about, or information which may identify any person

1708 requesting emergency service or reporting an emergency by

1709 accessing an emergency communications ~~E911~~ system is

1710 confidential and exempt from the provisions of s. 119.07(1) and

1711 s. 24(a), Art. I of the State Constitution, except that such

1712 record or information may be disclosed to a public safety

1713 agency. The exemption applies only to the name, address,

1714 telephone number or personal information about, or information

1715 which may identify any person requesting emergency services or

1716 reporting an emergency while such information is in the custody

1717 of the public agency or public safety agency providing emergency

1718 services. A telecommunications company or commercial mobile

1719 radio service provider shall not be liable for damages to any

1720 person resulting from or in connection with such telephone

1721 company's or commercial mobile radio service provider's

1722 provision of any lawful assistance to any investigative or law

1723 enforcement officer of the State of Florida or political

1724 subdivisions thereof, of the United States, or of any other

1725 state or political subdivision thereof, in connection with any

1726 lawful investigation or other law enforcement activity by such  
1727 law enforcement officer unless the telecommunications company or  
1728 commercial mobile radio service provider acted in a wanton and  
1729 willful manner.

1730 (b) Notwithstanding paragraph (a), a 911 public safety  
1731 telecommunicator, as defined in s. 401.465, may contact any  
1732 private person or entity that owns an automated external  
1733 defibrillator who has notified the local emergency medical  
1734 services medical director or public safety answering point of  
1735 such ownership if a confirmed coronary emergency call is taking  
1736 place and the location of the coronary emergency is within a  
1737 reasonable distance from the location of the defibrillator, and  
1738 may provide the location of the coronary emergency to that  
1739 person or entity.

1740 Section 6. Paragraph (b) of subsection (2) of section  
1741 365.174, Florida Statutes, is amended to read:

1742 365.174 Proprietary confidential business information.—  
1743 (2)

1744 (b) The Department of Revenue may provide information  
1745 relative to s. 365.172(9) to the Secretary of Management  
1746 Services, or his or her authorized agent, or to the Emergency  
1747 Communications ~~E911~~ Board established in s. 365.172(5) for use  
1748 in the conduct of the official business of the Department of  
1749 Management Services or the Emergency Communications ~~E911~~ Board.

1750 Section 7. This act shall take effect July 1, 2023.