

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

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

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

52 |  
 53 | Section 1. Subsections (3) through (9) of section 365.172,  
 54 | Florida Statutes, are amended, present subsections (9) through  
 55 | (14) of that section are renumbered as subsections (10) through  
 56 | (15), respectively, and a new subsection (9) is added to that

57 section, to read:

58 365.172 Emergency communications number ~~"E911."~~

59 (3) DEFINITIONS.—Only as used in this section and ss.

60 365.171, 365.173, and 365.174, the term:

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

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

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

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

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

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

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

85 equipment associated with the location and operation of the  
 86 antennae.

87 (g)~~(h)~~ "Designed service" means the configuration and  
 88 manner of deployment of service the wireless provider has  
 89 designed for an area as part of its network.

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

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

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

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

113 | wireless, prepaid wireless, and nonwireless categories.

114 |        (l)~~(m)~~ "Historic building, structure, site, object, or  
115 | district" means any building, structure, site, object, or  
116 | district that has been officially designated as a historic  
117 | building, historic structure, historic site, historic object, or  
118 | historic district through a federal, state, or local designation  
119 | program.

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

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

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

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

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

139 |        (r)~~(s)~~ "Nonwireless category" means the revenues to the  
140 | fund received from voice communications services providers other

141 | than wireless providers.

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

145 |       ~~(t)(u)~~ "Order" means:

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

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

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

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

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

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

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

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

169 decremented on a predetermined basis in exchange for the right  
 170 to access wireless service.

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

173 (w) "Public agency" means the state and any municipality,  
 174 county, municipal corporation, or other governmental entity,  
 175 public district, or public authority located in whole or in part  
 176 within this state which provides, or has authority to provide,  
 177 firefighting, law enforcement, ambulance, medical, or other  
 178 emergency services.

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

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

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

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

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

196 (cc)~~(bb)~~ "Voice communications services" means two-way

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197 voice service, through the use of any technology, which actually  
198 provides access to E911 services, and includes communications  
199 services, as defined in s. 202.11, which actually provide access  
200 to E911 services and which are required to be included in the  
201 provision of E911 services pursuant to orders and rules adopted  
202 by the Federal Communications Commission. The term includes  
203 voice-over-Internet-protocol service. For the purposes of this  
204 section, the term "voice-over-Internet-protocol service" or  
205 "VoIP service" means interconnected VoIP services having the  
206 following characteristics:

- 207 1. The service enables real-time, two-way voice  
208 communications;
- 209 2. The service requires a broadband connection from the  
210 user's locations;
- 211 3. The service requires IP-compatible customer premises  
212 equipment; and
- 213 4. The service offering allows users generally to receive  
214 calls that originate on the public switched telephone network  
215 and to terminate calls on the public switched telephone network.

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

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



225 accessing the digits "911."

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

229 (gg)~~(ff)~~ "Wireless communications facility" means any  
 230 equipment or facility used to provide service and may include,  
 231 but is not limited to, antennae, towers, equipment enclosures,  
 232 cabling, antenna brackets, and other such equipment. Placing a  
 233 wireless communications facility on an existing structure does  
 234 not cause the existing structure to become a wireless  
 235 communications facility.

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

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

241 (ii)~~(hh)~~ "Wireless service" means "commercial mobile radio  
 242 service" as provided under ss. 3(27) and 332(d) of the Federal  
 243 Telecommunications Act of 1996, 47 U.S.C. ss. 151 et seq., and  
 244 the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-  
 245 66, August 10, 1993, 107 Stat. 312. The term includes service  
 246 provided by any wireless real-time two-way wire communication  
 247 device, including radio-telephone communications used in  
 248 cellular telephone service; personal communications service; or  
 249 the functional or competitive equivalent of a radio-telephone  
 250 communications line used in cellular telephone service, a  
 251 personal communications service, or a network radio access line.  
 252 The term does not include wireless providers that offer mainly

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253 dispatch service in a more localized, noncellular configuration;  
254 providers offering only data, one-way, or stored-voice services  
255 on an interconnected basis; providers of air-to-ground services;  
256 or public coast stations.

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

261 (5) THE E911 BOARD.—

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

275 (b) The board shall consist of 11 members, one of whom  
276 must be the system director designated under s. 365.171(5), or  
277 his or her designee, who shall serve as the chair of the board.  
278 The remaining 10 members of the board shall be appointed by the  
279 Governor and must be composed of 5 county 911 coordinators,  
280 consisting of a representative from a rural county, a

281 representative from a medium county, a representative from a  
282 large county, and 2 at-large representatives recommended by the  
283 Florida Association of Counties in consultation with the county  
284 911 coordinators; 3 local exchange carrier member  
285 representatives, one of whom must be a representative of the  
286 local exchange carrier having the greatest number of access  
287 lines in the state and one of whom must be a representative of a  
288 certificated competitive local exchange telecommunications  
289 company; and 2 member representatives from the wireless  
290 telecommunications industry, with consideration given to  
291 wireless providers that are not affiliated with local exchange  
292 carriers. Not more than one member may be appointed to represent  
293 any single provider on the board.

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

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

309 | ~~board, notwithstanding any other provision to the contrary.~~

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

311 | (a) The board shall:

312 | 1. Administer the E911 fee.

313 | 2. Implement, maintain, and oversee the fund.

314 | 3. Review and oversee the disbursement of the revenues  
315 | deposited into the fund as provided in s. 365.173.

316 | a. The board may establish a schedule for implementing  
317 | wireless E911 service by service area, and prioritize  
318 | disbursements of revenues from the fund to providers and rural  
319 | counties as provided in s. 365.173(2)(e) ~~s. 365.173(2)(d)~~ and  
320 | (g) pursuant to the schedule, in order to implement E911  
321 | services in the most efficient and cost-effective manner.

322 | b. Revenues in the fund which have not been disbursed  
323 | because sworn invoices as required by s. 365.173(2)(e) ~~s.~~  
324 | ~~365.173(2)(d)~~ have not been submitted to the board may be used  
325 | by the board as needed to provide grants to counties for the  
326 | purpose of upgrading E911 systems. The counties must use the  
327 | funds only for capital expenditures or remotely provided hosted  
328 | 911 answering point call-taking equipment and network services  
329 | directly attributable to establishing and provisioning E911  
330 | services, which may include next-generation deployment. Prior to  
331 | the distribution of grants, the board shall provide 90 days'  
332 | written notice to all counties and publish electronically an  
333 | approved application process. County grant applications shall be  
334 | prioritized based on the availability of funds, current system  
335 | life expectancy, system replacement needs, and Phase II  
336 | compliance per the Federal Communications Commission. No grants

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337 will be available to any county for next-generation deployment  
338 until all counties are Phase II complete. The board shall take  
339 all actions within its authority to ensure that county  
340 recipients of such grants use these funds only for the purpose  
341 under which they have been provided and may take any actions  
342 within its authority to secure county repayment of grant  
343 revenues upon determination that the funds were not used for the  
344 purpose under which they were provided.

345 c. When determining the funding provided in a state 911  
346 grant application request, the board shall take into account  
347 information on the amount of carryforward funds retained by the  
348 counties. The information will be based on the amount of county  
349 carryforward funds reported in the financial audit required in  
350 s. 365.173(2) (d). E911 State Grant Program funding requests will  
351 be limited by any county carryforward funds in excess of the  
352 allowable 30 percent amount of fee revenue calculated on a 2-  
353 year basis.

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

357 ~~d. By September 1, 2007, the board shall authorize the~~  
358 ~~transfer of up to \$15 million to the counties from existing~~  
359 ~~money within the fund established under s. 365.173(1). The money~~  
360 ~~shall be disbursed equitably to all of the counties using a~~  
361 ~~timeframe and distribution methodology established by the board~~  
362 ~~before September 1, 2007, in order to prevent a loss to the~~  
363 ~~counties in the ordinary and expected time value of money caused~~  
364 ~~by any timing delay in remittance to the counties of wireline~~

365 ~~fees caused by the one-time transfer of collecting wireline fees~~  
366 ~~by the counties to the board. All disbursements for this purpose~~  
367 ~~must be returned to the fund from future remittances by the~~  
368 ~~nonwireless category.~~

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

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

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

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

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

392 d. Implementing changes to the allocation percentages or

393 adjusting the fee under paragraph (8) (h) ~~(8) (i)~~.

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

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

406         7. Make and enter into contracts, pursuant to chapter 287,  
 407 and execute other instruments necessary or convenient for the  
 408 exercise of the powers and functions of the board.

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

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

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

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

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

420         13. Provide coordination and support for educational

421 | opportunities related to E911 issues for the E911 community in  
422 | this state.

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

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

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

434 |       17. Do all acts and things necessary or convenient to  
435 | carry out the powers granted in this section in a manner that is  
436 | competitively and technologically neutral as to all voice  
437 | communications services providers, including, but not limited  
438 | to, consideration of emerging technology and related cost  
439 | savings, while taking into account embedded costs in current  
440 | systems.

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

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



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

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

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

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

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

466 (7) REQUEST FOR PROPOSALS FOR INDEPENDENT ACCOUNTING  
467 FIRM.—

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

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

476 2. A description of the specific accounting and reporting

477 services required for administering the fund, including  
 478 processing checks and distributing funds as directed by the  
 479 board under s. 365.173.

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

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

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

503 (8) E911 FEE.—

504 (a) Each voice communications services provider shall

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

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

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

523 3. Except in the case of prepaid wireless service, each  
524 wireless provider shall bill the fee to a subscriber on a per-  
525 service-identifier basis for service identifiers whose primary  
526 place of use is within this state. ~~Before July 1, 2013,~~ The fee  
527 shall not be assessed on or collected from a provider with  
528 respect to an end user's service if that end user's service is a  
529 prepaid wireless service before the fee under subsection (9)  
530 takes effect ~~calling arrangement that is subject to s.~~  
531 ~~212.05(1)(e).~~

532 a. ~~An E911 fee shall not be collected from the sale of~~

533 ~~prepaid wireless service before July 1, 2013.~~

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

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

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

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

549  
550 The provider may list the fee as a separate entry on each bill,  
551 in which case the fee must be identified as a fee for E911  
552 services. A provider shall remit the fee to the board only if  
553 the fee is paid by the subscriber. If a provider receives a  
554 partial payment for a monthly bill from a subscriber, the amount  
555 received shall first be applied to the payment due the provider  
556 for providing voice communications service.

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

561 service, equipment, operation, or maintenance charge owed by the  
 562 county to the provider.

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

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

571 (e) ~~Effective September 1, 2007,~~ Voice communications  
 572 services providers billing the fee to subscribers shall deliver  
 573 revenues from the fee to the board within 60 days after the end  
 574 of the month in which the fee was billed, together with a  
 575 monthly report of the number of service identifiers in each  
 576 county. Each wireless provider and other applicable provider  
 577 identified in subparagraph (a)4. shall report the number of  
 578 service identifiers for subscribers whose place of primary use  
 579 is in each county. All provider subscriber information provided  
 580 to the board is subject to s. 365.174. If a provider chooses to  
 581 remit any fee amounts to the board before they are paid by the  
 582 subscribers, a provider may apply to the board for a refund of,  
 583 or may take a credit for, any such fees remitted to the board  
 584 which are not collected by the provider within 6 months  
 585 following the month in which the fees are charged off for  
 586 federal income tax purposes as bad debt.

587 (f) The rate of the fee ~~shall be set by the board after~~  
 588 ~~considering the factors set forth in paragraphs (h) and (i), but~~

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

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

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

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

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

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617 3. The need to fund statewide, regional, and county grants  
618 in accordance with sub-subparagraph (6) (a)3.b. and s.  
619 365.173(2) (h) .

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

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

637 (j) State and local taxes do not apply to the fee. The  
638 amount of the E911 fee collected by a provider may not be  
639 included in the base for measuring any tax, fee, surcharge, or  
640 other charge imposed by this state, any political subdivision of  
641 this state, or any governmental agency.

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

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

650 (9) PREPAID WIRELESS E911 FEE.—

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

660 (b) Effective on the first day of the month following 180  
661 days after this act takes effect, the prepaid wireless E911 fee  
662 is imposed per retail transaction at the rate established in  
663 paragraphs (8)(f)-(h) and shall be remitted in accordance with  
664 paragraph (g). In no event shall the fee exceed 50 cents for  
665 each retail transaction. At least 90 days before the effective  
666 date of any adjustment to the fee under paragraph (8)(g), the  
667 Department of Revenue shall provide written notice of the  
668 adjusted fee amount and its effective date to each seller from  
669 which the department is then receiving the fee. At least 120  
670 days before the effective date of any adjustment to the fee  
671 imposed under this subsection, the board shall provide notice to  
672 the Department of Revenue of the adjusted fee amount and



673 effective date of the adjustment.

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

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

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

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

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

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

726        2. A seller collecting less than \$50 per month of prepaid  
727 wireless E911 fees may file a quarterly return for the calendar

728 quarters ending in March, June, September, and December. The  
729 seller must file a return and remit the prepaid wireless E911  
730 fees collected during each calendar quarter on or before the  
731 20th day of the month following that calendar quarter.

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

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

740 b. The reporting period;

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

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

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

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

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

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

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

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

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

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

784 (k) A provider or seller of prepaid wireless service is  
785 not liable for damages to any person resulting from or incurred  
786 in connection with providing or failing to provide 911 or E911  
787 service or for identifying or failing to identify the telephone  
788 number, address, location, or name associated with any person or  
789 device that is accessing or attempting to access 911 or E911  
790 service.

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

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

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

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

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

807 1. "Consumer" means a person who purchases prepaid  
808 wireless service in a retail sale.

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

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

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

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

824           (10)(9) AUTHORIZED EXPENDITURES OF E911 FEE.—

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

831           (b) All costs directly attributable to the establishment  
832 or provision of E911 service and contracting for E911 services  
833 are eligible for expenditure of moneys derived from imposition  
834 of the fee authorized by this section. These costs include the  
835 acquisition, implementation, and maintenance of Public Safety  
836 Answering Point (PSAP) equipment and E911 service features, as  
837 defined in the providers' published schedules ~~Public Service~~  
838 ~~Commission's lawfully approved 911 and E911 and related tariffs~~  
839 or the acquisition, installation, and maintenance of other E911

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840 equipment, including: circuits; call answering equipment;~~;~~ call  
841 transfer equipment;~~;~~ ANI or ALI controllers;~~;~~ ~~ALI controllers,~~  
842 ANI or ALI displays;~~;~~ ~~ALI displays,~~ station instruments;~~;~~ E911  
843 telecommunications systems;~~;~~ visual call information and storage  
844 devices;~~;~~ recording equipment;~~;~~ telephone devices and other  
845 equipment for the hearing impaired used in the E911 system;~~;~~  
846 PSAP backup power systems;~~;~~ consoles;~~;~~ automatic call  
847 distributors, and interfaces, including hardware and software,  
848 for computer-aided dispatch (CAD) systems;~~;~~ integrated CAD  
849 systems for that portion of the systems used for E911 call  
850 taking; GIS system and software equipment and information  
851 displays; network clocks;~~;~~ salary and associated expenses for  
852 E911 call takers for that portion of their time spent taking and  
853 transferring E911 calls, salary, and associated expenses for a  
854 county to employ a full-time equivalent E911 coordinator  
855 position and a full-time equivalent mapping or geographical data  
856 position, and technical system maintenance, database, and  
857 administration personnel and a staff assistant position per  
858 ~~county~~ for the portion of their time spent administrating the  
859 E911 system; emergency medical, fire, and law enforcement  
860 prearrival instruction software; charts and training costs; ~~;~~  
861 training costs for PSAP call takers, supervisors, and managers  
862 in the proper methods and techniques used in taking and  
863 transferring E911 calls;~~;~~ costs to train and educate PSAP  
864 employees regarding E911 service or E911 equipment, including  
865 fees collected by the Department of Health for the certification  
866 and recertification of 911 public safety telecommunicators as  
867 required under s. 401.465;~~;~~ and expenses required to develop and

868 maintain all information, including ALI and ANI databases and  
 869 other information source repositories, necessary to properly  
 870 inform call takers as to location address, type of emergency,  
 871 and other information directly relevant to the E911 call-taking  
 872 and transferring function. Moneys derived from the fee may also  
 873 be used for next-generation E911 network services, next-  
 874 generation E911 database services, next-generation E911  
 875 equipment, and wireless E911 routing systems.

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

884 Section 2. Effective on the date that the prepaid wireless  
 885 E911 fee is imposed and remitted to the state under section  
 886 365.172(9)(b), Florida Statutes, as amended by this act, section  
 887 365.173, Florida Statutes, is amended to read:

888 365.173 Emergency Communications Number E911 System Fund.—

889 (1) REVENUES.—

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



896 by the Secretary of Management Services.7

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

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

- 906 1.(a) The wireless category; and
- 907 2.(b) The nonwireless category; and
- 908 3. The prepaid wireless category.

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

913 (2) DISTRIBUTION AND USE OF FUNDS.—As determined by the  
 914 board pursuant to s. 365.172(8)(g) s. 365.172(8)(h), and subject  
 915 to any modifications approved by the board pursuant to s.  
 916 365.172(6)(a)3. or (8)(h) ~~(8)(i)~~, the moneys in the fund shall  
 917 be distributed and used only as follows:

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

- 922 1. Authorized expenditures, as specified in s. 365.172(10)  
 923 s. ~~365.172(9)~~.

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

927 (b) Ninety-six ~~Ninety-seven~~ percent of the moneys in the  
 928 nonwireless category shall be distributed each month to counties  
 929 based on the total number of service identifiers in each county  
 930 and shall be used exclusively for payment of authorized  
 931 expenditures, as specified in s. 365.172(10) ~~s. 365.172(9)~~.

932 (c) Sixty-one percent of the moneys in the prepaid  
 933 wireless category shall be distributed each month to counties  
 934 based on the total amount of fees reported and paid in each  
 935 county and shall be used exclusively for payment of authorized  
 936 expenditures, as specified in s. 365.172(10). The moneys from  
 937 prepaid wireless fees identified as nonspecific in accordance  
 938 with s. 365.172(9) shall be distributed as determined by the  
 939 E911 Board.

940 (d) ~~(e)~~ Any county that receives funds under paragraphs  
 941 (a), ~~and~~ (b), and (c) shall establish a fund to be used  
 942 exclusively for the receipt and expenditure of the revenues  
 943 collected under paragraphs (a), ~~and~~ (b), and (c). All fees  
 944 placed in the fund and any interest accrued shall be used solely  
 945 for costs described in subparagraphs (a)1. and 2. and may not be  
 946 reduced, withheld, or allocated for other purposes. The money  
 947 collected and interest earned in this fund shall be appropriated  
 948 for these purposes by the county commissioners and incorporated  
 949 into the annual county budget. The fund shall be included within  
 950 the financial audit performed in accordance with s. 218.39. The  
 951 financial audit shall assure that all E911 fee revenues,

952 interest, and E911 grant funding are used for payment of  
 953 authorized expenditures, as specified in s. 365.172(10) and as  
 954 specified in the E911 Board grant and special disbursement  
 955 programs. The county is responsible for all expenditures of  
 956 revenues distributed from the county E911 fund and shall submit  
 957 the financial audit reports to the board for review. A county  
 958 may carry forward up to 30 percent of the total funds disbursed  
 959 to the county by the board during a county fiscal ~~calendar~~ year  
 960 for expenditures for capital outlay, capital improvements, ~~or~~  
 961 equipment replacement, or implementation of a hosted system if  
 962 such expenditures are made for the purposes specified in  
 963 subparagraphs (a)1. and 2.; however, the 30-percent limitation  
 964 does not apply to funds disbursed to a county under s.  
 965 365.172(6)(a)3., and a county may carry forward any percentage  
 966 of the funds, except that any grant provided shall continue to  
 967 be subject to any condition imposed by the board. In order to  
 968 prevent an excess recovery of costs incurred in providing E911  
 969 service, a county that receives funds greater than the  
 970 permissible E911 costs described in s. 365.172(10) ~~s.~~  
 971 ~~365.172(9)~~, including the 30-percent carryforward allowance,  
 972 must return the excess funds to the E911 board to be allocated  
 973 under s. 365.172(6)(a).

974 (e)-(d) Twenty ~~Thirty~~ percent of the moneys in the wireless  
 975 category shall be distributed to wireless providers in response  
 976 to sworn invoices submitted to the board by wireless providers  
 977 to reimburse such wireless providers for the actual costs  
 978 incurred to provide 911 or E911 service, including the costs of  
 979 complying with the order. Such costs include costs and expenses

980 incurred by wireless providers to design, purchase, lease,  
981 program, install, test, upgrade, operate, and maintain all  
982 necessary data, hardware, and software required to provide E911  
983 service. Each wireless provider shall submit to the board, by  
984 August 1 of each year, a detailed estimate of the capital and  
985 operating expenses for which it anticipates that it will seek  
986 reimbursement under this paragraph during the ensuing state  
987 fiscal year. In order to be eligible for recovery during any  
988 ensuing state fiscal year, a wireless provider must submit all  
989 sworn invoices for allowable purchases made within the previous  
990 calendar year no later than March 31 of the fiscal year. By  
991 September 15 of each year, the board shall submit to the  
992 Legislature its legislative budget request for funds to be  
993 allocated to wireless providers under this paragraph during the  
994 ensuing state fiscal year. The budget request shall be based on  
995 the information submitted by the wireless providers and  
996 estimated surcharge revenues. Distributions of moneys in the  
997 fund by the board to wireless providers must be fair and  
998 nondiscriminatory. If the total amount of moneys requested by  
999 wireless providers pursuant to invoices submitted to the board  
1000 and approved for payment exceeds the amount in the fund in any  
1001 month, wireless providers that have invoices approved for  
1002 payment shall receive a pro rata share of moneys in the fund and  
1003 the balance of the payments shall be carried over to the  
1004 following month or months until all of the approved payments are  
1005 made. The board may adopt rules necessary to address the manner  
1006 in which pro rata distributions are made when the total amount  
1007 of funds requested by wireless providers pursuant to invoices

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1008 submitted to the board exceeds the total amount of moneys on  
1009 deposit in the fund.

1010 ~~(c) Notwithstanding paragraphs (a) and (d), the amount of~~  
1011 ~~money that remained in the wireless 911 system fund on December~~  
1012 ~~31, 2006, must be disbursed to wireless providers for the~~  
1013 ~~recovery of allowable costs incurred in previous years ending~~  
1014 ~~December 31, 2006, and in accordance with paragraph (d). In~~  
1015 ~~order to be eligible for recovered costs incurred under~~  
1016 ~~paragraph (d), a wireless provider must submit sworn invoices to~~  
1017 ~~the board by December 31, 2007. The board must disburse the~~  
1018 ~~designated funds in the wireless 911 system fund on or after~~  
1019 ~~January 1, 2008.~~

1020 (f) One percent of the moneys in each category of the fund  
1021 shall be retained by the board to be applied to costs and  
1022 expenses incurred for the purposes of managing, administering,  
1023 and overseeing the receipts and disbursements from the fund and  
1024 other activities as defined in s. 365.172(6). Any funds retained  
1025 for such purposes in a calendar year which are not applied to  
1026 such costs and expenses by March 31 of the following year shall  
1027 be redistributed as determined by the board.

1028 (g) Three ~~Two~~ percent of the moneys in each category of  
1029 the fund shall be used to make monthly distributions to rural  
1030 counties for the purpose of providing facilities and network and  
1031 service enhancements and assistance for the 911 or E911 systems  
1032 operated by rural counties and for the provision of grants by  
1033 the office to rural counties for upgrading and replacing E911  
1034 systems.

1035 (h) Thirty-five percent of the moneys in the prepaid

1036 wireless category shall be retained by the board to provide  
 1037 state E911 grants to be awarded in accordance with the following  
 1038 order of priority:

1039 1. For all large, medium, and rural counties to upgrade or  
 1040 replace E911 systems.

1041 2. For all large, medium, and rural counties to develop  
 1042 and maintain statewide 911 routing, geographic, and management  
 1043 information systems.

1044 3. For all large, medium, and rural counties to develop  
 1045 and maintain next-generation 911 services and equipment. By  
 1046 ~~September 1, 2007, up to \$15 million of the existing 911 system~~  
 1047 ~~fund shall be available for distribution by the board to the~~  
 1048 ~~counties in order to prevent a loss in the ordinary and expected~~  
 1049 ~~time value of money caused by any timing delay in remittance to~~  
 1050 ~~the counties of wireline fees caused by the one-time transfer of~~  
 1051 ~~collecting wireline fees by the counties to the board. All~~  
 1052 ~~disbursements for this purpose must be returned to the fund from~~  
 1053 ~~the future remittance by the nonwireless category.~~

1054 (i) If the wireless category has funds remaining in it on  
 1055 December 31 after disbursements have been made during the  
 1056 calendar year immediately prior to December 31, the board may  
 1057 disburse the excess funds in the wireless category in accordance  
 1058 with s. 365.172(6)(a)3.b.

1059 (3) The Legislature recognizes that the fee authorized  
 1060 under s. 365.172 may not necessarily provide the total funding  
 1061 required for establishing or providing the E911 service. It is  
 1062 the intent of the Legislature that all revenue from the fee be  
 1063 used as specified in ~~this~~ subsection (2).

1064 Section 3. Paragraph (a) of subsection (2) of section  
 1065 401.465, Florida Statutes, is amended to read:  
 1066 401.465 911 public safety telecommunicator certification.—  
 1067 (2) PERSONNEL; STANDARDS AND CERTIFICATION.—  
 1068 (a) Effective October 1, 2012, any person employed as a  
 1069 911 public safety telecommunicator at a public safety answering  
 1070 point, as defined in s. 365.172(3) ~~s. 365.172(3)(a)~~, must be  
 1071 certified by the department.

1072 Section 4. The Division of Law Revision and Information is  
 1073 directed to replace the phrase "on the first day of the month  
 1074 following 120 days after this act takes effect" or the phrase  
 1075 "on the first day of the month following 180 days after this act  
 1076 takes effect" wherever it occurs in this act with the respective  
 1077 date.

1078 Section 5. For the 2014-2015 fiscal year, the nonrecurring  
 1079 sum of \$500,000 is appropriated from the General Revenue Fund to  
 1080 the Department of Revenue for the purposes of administering this  
 1081 act.

1082 Section 6. Except as otherwise expressly provided in this  
 1083 act, this act shall take effect upon becoming a law.