

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; providing an
 46 | appropriation; providing effective dates.

47 |
 48 | Be It Enacted by the Legislature of the State of Florida:

49 |
 50 | Section 1. Subsections (3) through (9) of section 365.172,
 51 | Florida Statutes, are amended, present subsections (9) through
 52 | (14) of that section are renumbered as subsections (10) through
 53 | (15), respectively, and a new subsection (9) is added to that
 54 | section, to read:

55 | 365.172 Emergency communications number ~~"E911."~~
 56 | (3) DEFINITIONS.—Only as used in this section and ss.

57 | 365.171, 365.173, and 365.174, the term:

58 | (a) "Answering point" means the public safety agency that
59 | receives incoming 911 calls and dispatches appropriate public
60 | safety agencies to respond to the calls.

61 | (b) "Authorized expenditures" means expenditures of the
62 | fee, as specified in subsection (10) ~~(9)~~.

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

68 | (d) "Automatic number identification" means the capability
69 | of the E911 service which enables the automatic display of the
70 | service number used to place a 911 call.

71 | (e) "Board" or "E911 Board" means the board of directors
72 | of the E911 Board established in subsection (5).

73 | (f) "Building permit review" means a review for compliance
74 | with building construction standards adopted by the local
75 | government under chapter 553 and does not include a review for
76 | compliance with land development regulations.

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

84 | (h) "Designed service" means the configuration and manner

85 of deployment of service the wireless provider has designed for
86 an area as part of its network.

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

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

102 (k) "Fee" means the E911 fee authorized and imposed under
103 subsections ~~subsection~~ (8) and (9).

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

110 (m) "Historic building, structure, site, object, or
111 district" means any building, structure, site, object, or
112 district that has been officially designated as a historic

113 building, historic structure, historic site, historic object, or
 114 historic district through a federal, state, or local designation
 115 program.

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

124 (o) "Local exchange carrier" means a "competitive local
 125 exchange telecommunications company" or a "local exchange
 126 telecommunications company" as defined in s. 364.02.

127 (p) "Local government" means any municipality, county, or
 128 political subdivision or agency of a municipality, county, or
 129 political subdivision.

130 (q) "Medium county" means any county that has a population
 131 of 75,000 or more but less than 750,000.

132 (r) "Mobile telephone number" or "MTN" means the telephone
 133 number assigned to a wireless telephone at the time of initial
 134 activation.

135 (s) "Nonwireless category" means the revenues to the fund
 136 received from voice communications services providers other than
 137 wireless providers.

138 (t) "Office" means the Technology Program within the
 139 Department of Management Services, as designated by the
 140 secretary of the department.

141 (u) "Order" means:

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

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

149 b. Memorandum and Order No. FCC 97-402 adopted on December
150 23, 1997.

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

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

153 2. Orders and rules subsequently adopted by the Federal
154 Communications Commission relating to the provision of 911
155 services, including Order Number FCC-05-116, adopted May 19,
156 2005.

157 (v) "Prepaid wireless category" means all revenues in the
158 fund received through the Department of Revenue from the fee
159 authorized and imposed under subsection (9).

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

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

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

175 ~~(y)(x)~~ "Public safety agency" means a functional division
176 of a public agency which provides firefighting, law enforcement,
177 medical, or other emergency services.

178 (z) "Public safety answering point" or "PSAP" means the
179 public safety agency that receives incoming 911 requests for
180 assistance and dispatches appropriate public safety agencies to
181 respond to the requests in accordance with the state E911 plan.

182 ~~(aa)(y)~~ "Rural county" means any county that has a
183 population of fewer than 75,000.

184 ~~(bb)(z)~~ "Service identifier" means the service number,
185 access line, or other unique subscriber identifier assigned to a
186 subscriber and established by the Federal Communications
187 Commission for purposes of routing calls whereby the subscriber
188 has access to the E911 system.

189 ~~(cc)(aa)~~ "Tower" means any structure designed primarily to
190 support a wireless provider's antennae.

191 ~~(dd)(bb)~~ "Voice communications services" means two-way
192 voice service, through the use of any technology, which actually
193 provides access to E911 services, and includes communications
194 services, as defined in s. 202.11, which actually provide access
195 to E911 services and which are required to be included in the
196 provision of E911 services pursuant to orders and rules adopted

197 by the Federal Communications Commission. The term includes
198 voice-over-Internet-protocol service. For the purposes of this
199 section, the term "voice-over-Internet-protocol service" or
200 "VoIP service" means interconnected VoIP services having the
201 following characteristics:

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

211 (ee)~~(ee)~~ "Voice communications services provider" or
212 "provider" means any person or entity providing voice
213 communications services, except that the term does not include
214 any person or entity that resells voice communications services
215 and was assessed the fee authorized and imposed under subsection
216 (8) by its resale supplier.

217 (ff)~~(dd)~~ "Wireless 911 system" or "wireless 911 service"
218 means an emergency telephone system or service that provides a
219 subscriber with the ability to reach an answering point by
220 accessing the digits "911."

221 (gg)~~(ee)~~ "Wireless category" means the revenues to the
222 fund received from a wireless provider from the fee authorized
223 and imposed under subsection (8).

224 (hh)~~(ff)~~ "Wireless communications facility" means any

225 equipment or facility used to provide service and may include,
 226 but is not limited to, antennae, towers, equipment enclosures,
 227 cabling, antenna brackets, and other such equipment. Placing a
 228 wireless communications facility on an existing structure does
 229 not cause the existing structure to become a wireless
 230 communications facility.

231 (ii)~~(gg)~~ "Wireless provider" means a person who provides
 232 wireless service and:

- 233 1. Is subject to the requirements of the order; or
- 234 2. Elects to provide wireless 911 service or E911 service
 235 in this state.

236 (jj)~~(hh)~~ "Wireless service" means "commercial mobile radio
 237 service" as provided under ss. 3(27) and 332(d) of the Federal
 238 Telecommunications Act of 1996, 47 U.S.C. ss. 151 et seq., and
 239 the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-
 240 66, August 10, 1993, 107 Stat. 312. The term includes service
 241 provided by any wireless real-time two-way wire communication
 242 device, including radio-telephone communications used in
 243 cellular telephone service; personal communications service; or
 244 the functional or competitive equivalent of a radio-telephone
 245 communications line used in cellular telephone service, a
 246 personal communications service, or a network radio access line.
 247 The term does not include wireless providers that offer mainly
 248 dispatch service in a more localized, noncellular configuration;
 249 providers offering only data, one-way, or stored-voice services
 250 on an interconnected basis; providers of air-to-ground services;
 251 or public coast stations.

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

253 | oversee the administration of the fee authorized and imposed ~~on~~
 254 | ~~subscribers of voice communications services~~ under subsections
 255 | ~~subsection~~ (8) and (9).

256 | (5) THE E911 BOARD.—

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

270 | (b) The board shall consist of 11 members, one of whom
 271 | must be the system director designated under s. 365.171(5), or
 272 | his or her designee, who shall serve as the chair of the board.
 273 | The remaining 10 members of the board shall be appointed by the
 274 | Governor and must be composed of 5 county 911 coordinators,
 275 | consisting of a representative from a rural county, a
 276 | representative from a medium county, a representative from a
 277 | large county, and 2 at-large representatives recommended by the
 278 | Florida Association of Counties in consultation with the county
 279 | 911 coordinators; 3 local exchange carrier member
 280 | representatives, one of whom must be a representative of the

281 local exchange carrier having the greatest number of access
282 lines in the state and one of whom must be a representative of a
283 certificated competitive local exchange telecommunications
284 company; and 2 member representatives from the wireless
285 telecommunications industry, with consideration given to
286 wireless providers that are not affiliated with local exchange
287 carriers. Not more than one member may be appointed to represent
288 any single provider on the board.

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

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

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

306 (a) The board shall:

- 307 1. Administer the E911 fee.
308 2. Implement, maintain, and oversee the fund.

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

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

317 b. Revenues in the fund which have not been disbursed
318 because sworn invoices as required by s. 365.173(2)(e)
319 ~~365.173(2)(d)~~ have not been submitted to the board may be used
320 by the board as needed to provide grants to counties for the
321 purpose of upgrading E911 systems. The counties must use the
322 funds only for capital expenditures directly attributable to
323 establishing and provisioning E911 services, which may include
324 next-generation deployment. Prior to the distribution of grants,
325 the board shall provide 90 days' written notice to all counties
326 and publish electronically an approved application process.
327 County grant applications shall be prioritized based on the
328 availability of funds, current system life expectancy, system
329 replacement needs, and Phase II compliance per the Federal
330 Communications Commission. No grants will be available to any
331 county for next-generation deployment until all counties are
332 Phase II complete. The board shall take all actions within its
333 authority to ensure that county recipients of such grants use
334 these funds only for the purpose under which they have been
335 provided and may take any actions within its authority to secure
336 county repayment of grant revenues upon determination that the

337 funds were not used for the purpose under which they were
338 provided.

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

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

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

363 e. After taking the action required in sub-subparagraphs
364 a.-d., the board may review and, with all members participating

365 in the vote, adjust the percentage allocations or adjust the
366 amount of the fee as provided, ~~or both~~, under paragraph (8)(g)
367 ~~(8)(h)~~, and, if the board determines that the revenues in the
368 wireless category exceed the amount needed to reimburse wireless
369 providers for the cost to implement E911 services, the board may
370 transfer revenue to the counties from the existing funds within
371 the wireless category. The board shall disburse the funds
372 equitably to all counties using a timeframe and distribution
373 methodology established by the board.

374 4. Review documentation submitted by wireless providers
375 which reflects current and projected funds derived from the fee,
376 and the expenses incurred and expected to be incurred in order
377 to comply with the E911 service requirements contained in the
378 order for the purposes of:

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

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

384 c. Ascertaining the projected costs of compliance with the
385 requirements of the order and projected collections of the fee.

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

388 5. Meet monthly in the most efficient and cost-effective
389 manner, including telephonically when practical, for the
390 business to be conducted, to review and approve or reject, in
391 whole or in part, applications submitted by wireless providers
392 for recovery of moneys deposited into the wireless category, and

393 | to authorize the transfer of, and distribute, the fee allocation
394 | to the counties.

395 | 6. Hire and retain employees, which may include an
396 | independent executive director who shall possess experience in
397 | the area of telecommunications and emergency 911 issues, for the
398 | purposes of performing the technical and administrative
399 | functions for the board.

400 | 7. Make and enter into contracts, pursuant to chapter 287,
401 | and execute other instruments necessary or convenient for the
402 | exercise of the powers and functions of the board.

403 | 8. Sue and be sued, and appear and defend in all actions
404 | and proceedings, in its corporate name to the same extent as a
405 | natural person.

406 | 9. Adopt, use, and alter a common corporate seal.

407 | 10. Elect or appoint the officers and agents that are
408 | required by the affairs of the board.

409 | 11. The board may adopt rules under ss. 120.536(1) and
410 | 120.54 to implement this section and ss. 365.173 and 365.174.

411 | 12. Provide coordination, support, and technical
412 | assistance to counties to promote the deployment of advanced 911
413 | and E911 systems in the state.

414 | 13. Provide coordination and support for educational
415 | opportunities related to E911 issues for the E911 community in
416 | this state.

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

420 | 15. Coordinate input from this state at national forums

421 and associations, to ensure that policies related to E911
422 systems and services are consistent with the policies of the
423 E911 community in this state.

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

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

435 18. Have the authority to secure the services of an
436 independent, private attorney via invitation to bid, request for
437 proposals, invitation to negotiate, or professional contracts
438 for legal services already established at the Division of
439 Purchasing of the Department of Management Services.

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

443 (c) By February 28 of each year, the board shall prepare a
444 report for submission by the office to the Governor, the
445 President of the Senate, and the Speaker of the House of
446 Representatives which addresses for the immediately preceding
447 state fiscal year and county fiscal ~~calendar~~ year:

448 1. The annual receipts, including the total amount of fee

449 revenues collected by each provider, the total disbursements of
 450 money in the fund, including the amount of fund-reimbursed
 451 expenses incurred by each wireless provider to comply with the
 452 order, and the amount of moneys on deposit in the fund.

453 2. Whether the amount of the fee and the allocation
 454 percentages set forth in s. 365.173 have been or should be
 455 adjusted to comply with the requirements of the order or other
 456 provisions of this chapter, and the reasons for making or not
 457 making a recommended adjustment to the fee.

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

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

460 (7) REQUEST FOR PROPOSALS FOR INDEPENDENT ACCOUNTING
 461 FIRM.—

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

468 1. A description of the scope and general requirements of
 469 the services requested.

470 2. A description of the specific accounting and reporting
 471 services required for administering the fund, including
 472 processing checks and distributing funds as directed by the
 473 board under s. 365.173.

474 3. A description of information to be provided by the
 475 proposer, including the proposer's background and qualifications
 476 and the proposed cost of the services to be provided.

477 (b) The board shall establish a committee to review
478 requests for proposals which must include the statewide E911
479 system director designated under s. 365.171(5), or his or her
480 designee, and two members of the board, one of whom is a county
481 911 coordinator and one of whom represents a voice
482 communications services provider. The review committee shall
483 review the proposals received by the board and recommend an
484 independent accounting firm to the board for final selection. By
485 agreeing to serve on the review committee, each member of the
486 review committee shall verify that he or she does not have any
487 interest or employment, directly or indirectly, with potential
488 proposers which conflicts in any manner or degree with his or
489 her performance on the committee.

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

497 (8) E911 FEE.—

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

504 1. Each voice communications service provider other than a

505 wireless provider shall bill the fee to a subscriber based on
 506 the number of access lines having access to the E911 system, on
 507 a service-identifier basis, up to a maximum of 25 access lines
 508 per account bill rendered.

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

517 3. Except in the case of prepaid wireless service, each
 518 wireless provider shall bill the fee to a subscriber on a per-
 519 service-identifier basis for service identifiers whose primary
 520 place of use is within this state. Before November 1, 2013 ~~July~~
 521 ~~1, 2013~~, the fee shall not be assessed on or collected from a
 522 provider with respect to an end user's service if that end
 523 user's service is a prepaid wireless service ~~calling arrangement~~
 524 that is subject to subsection (9) s. 212.05(1)(e).

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

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

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

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

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

542
543 The provider may list the fee as a separate entry on each bill,
544 in which case the fee must be identified as a fee for E911
545 services. A provider shall remit the fee to the board only if
546 the fee is paid by the subscriber. If a provider receives a
547 partial payment for a monthly bill from a subscriber, the amount
548 received shall first be applied to the payment due the provider
549 for providing voice communications service.

550 (b) A provider is not obligated to take any legal action
551 to enforce collection of the fees for which any subscriber is
552 billed. A county subscribing to 911 service remains liable to
553 the provider delivering the 911 service or equipment for any 911
554 service, equipment, operation, or maintenance charge owed by the
555 county to the provider.

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

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

561 The remainder shall be delivered to the board and deposited by
562 the board into the fund. The board shall distribute the
563 remainder pursuant to s. 365.173.

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

580 (f) The rate of the fee ~~shall be set by the board after~~
581 ~~considering the factors set forth in paragraphs (h) and (i), but~~
582 may not exceed 50 cents per month for ~~per~~ each service
583 identifier. Beginning on January 1, 2014, the fee shall be 43
584 cents per month for each service identifier. The fee shall apply
585 uniformly and be imposed throughout the state, except for those
586 counties that, before July 1, 2007, had adopted an ordinance or
587 resolution establishing a fee less than 50 cents per month per
588 access line. In those counties the fee established by ordinance

589 may be changed only to the uniform statewide rate no sooner than
 590 30 days after notification is made by the county's board of
 591 county commissioners to the board.

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

594 (g)(h) No later than November 1, 2007, The board may
 595 adjust the allocation percentages for distribution of the fund
 596 as provided in s. 365.173. After January 1, 2015, the board may
 597 adjust the rate of the fee under paragraph (f) based on the
 598 criteria in this paragraph and paragraph (h). Any adjustment in
 599 the rate must be approved by a two-thirds vote of the total
 600 number of E911 board members. When setting the percentages or
 601 ~~and~~ contemplating any adjustments to the fee, the board shall
 602 consider the following:

603 1. The revenues currently allocated for wireless service
 604 provider costs for implementing E911 service and projected costs
 605 for implementing E911 service, including recurring costs for
 606 Phase I and Phase II and the effect of new technologies;

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

609 3. The need to fund statewide, regional, and county grants
 610 in accordance with sub-subparagraph (6)(a)3.b. and s.
 611 365.173(2)(h).

612 (h)-(i) The board may adjust the allocation percentages or
 613 adjust the amount of the fee as provided in paragraph (g), ~~or~~
 614 ~~both,~~ if necessary to ensure full cost recovery or prevent
 615 overrecovery of costs incurred in the provision of E911 service,
 616 including costs incurred or projected to be incurred to comply

617 with the order. Any new allocation percentages or reduced or
 618 increased fee may not be adjusted for 1 year. In no event shall
 619 the fee ~~may not~~ exceed 50 cents per month for ~~per~~ each service
 620 identifier. The ~~board-established~~ fee, and any board adjustment
 621 of the fee, shall be uniform throughout the state, except for
 622 the counties identified in paragraph (f). No less than 90 days
 623 before the effective date of any adjustment to the fee, the
 624 board shall provide written notice of the adjusted fee amount
 625 and effective date to each voice communications services
 626 provider from which the board is then receiving the fee.

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

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

634 (k) A local government may not levy the fee or any
 635 additional fee on providers or subscribers for the provision of
 636 E911 service.

637 (l) For purposes of this section, the definitions
 638 contained in s. 202.11 and the provisions of s. 202.155 apply in
 639 the same manner and to the same extent as the definitions and
 640 provisions apply to the taxes levied under chapter 202 on mobile
 641 communications services.

642 (9) PREPAID WIRELESS E911 FEE.-

643 (a) In order to allow sellers of all sizes and
 644 technological capabilities adequate time to comply with this

645 subsection, a seller of prepaid wireless service shall begin
646 collecting the prepaid wireless E911 fee on November 1, 2013, at
647 the rate of 43 cents for each retail transaction. Sellers will
648 retain 100 percent of collections for 2 months to offset the
649 cost of setup.

650 (b) Effective January 1, 2014, the prepaid wireless E911
651 fee shall be imposed per retail transaction at the rate
652 established in paragraphs (8)(f)-(h). In no event shall the fee
653 exceed 50 cents for each retail transaction. No less than 90
654 days before the effective date of any adjustment to the fee
655 under paragraph (8)(g), the Department of Revenue shall provide
656 written notice of the adjusted fee amount and its effective date
657 to each seller from which the department is then receiving the
658 fee. No less than 120 days before the effective date of any
659 adjustment to the fee imposed under this subsection the board
660 shall provide notice to the Department of Revenue of the
661 adjusted fee amount and effective date of the adjustment.

662 (c) The prepaid wireless E911 fee shall be collected by
663 the seller from the consumer with respect to each retail
664 transaction occurring in this state. The amount of the prepaid
665 wireless E911 fee shall either be separately stated on an
666 invoice, receipt, or other similar document that is provided to
667 the consumer by the seller or otherwise disclosed to the
668 consumer.

669 (d) For purposes of paragraph (c), a retail transaction
670 that takes place in person by a consumer at a business location
671 of the seller shall be treated as occurring in this state if
672 that business location is in this state. Such transaction is

673 deemed to have occurred in the county of the business location.
674 When a retail transaction does not take place at the seller's
675 business location, the transaction shall be treated as taking
676 place at the consumer's shipping address or, if no item is
677 shipped, at the consumer's address or the location associated
678 with the consumer's mobile telephone number. Such transaction is
679 deemed to have occurred in the county of the consumer's shipping
680 address when items are shipped to the consumer or, when no items
681 are shipped, the county of the consumer's address or the
682 location associated with the consumer's mobile telephone number.
683 A transaction for which the specific Florida county cannot be
684 determined shall be treated as nonspecific.

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

689 (f) The amount of the prepaid wireless E911 fee that is
690 collected by a seller from a consumer and that is separately
691 stated on an invoice, receipt, or similar document provided to
692 the consumer by the seller, shall not be included in the base
693 for measuring any tax, fee, surcharge, or other charge that is
694 imposed by this state, any political subdivision of this state,
695 or any intergovernmental agency.

696 (g)1. Beginning February 1, 2014, each seller shall file a
697 return and remit the prepaid wireless E911 fees collected in the
698 previous month to the Department of Revenue on or before the
699 20th day of the month. If the 20th day falls on a Saturday,
700 Sunday, or legal holiday, payments accompanied by returns are

701 due on the next succeeding day that is not a Saturday, Sunday,
702 or legal holiday observed by federal or state agencies as
703 defined in chapter 683 and s. 7503 of the Internal Revenue Code
704 of 1986, as amended. A seller may remit the prepaid wireless
705 E911 fee by electronic funds transfer and file a fee return with
706 the Department of Revenue that is initiated through an
707 electronic data interchange.

708 2. When a seller is authorized by the Department of
709 Revenue pursuant to s. 212.11(1)(c) or (d) to file a sales and
710 use tax return on a quarterly, semiannual, or annual reporting
711 basis, the seller may file a return and remit the prepaid
712 wireless E911 fees on or before the 20th day of the month
713 following the authorized reporting period for sales and use tax.

714 3. Sellers collecting less than \$50 per month of prepaid
715 wireless E911 fees may file a quarterly return for the calendar
716 quarters ending in March, June, September, and December. Such
717 sellers must file a return and remit the prepaid wireless E911
718 fees collected during each calendar quarter on or before the
719 20th day of the month following that calendar quarter.

720 4. All sellers must provide the following information on
721 each prepaid wireless E911 fee return filed with the Department
722 of Revenue:

723 a. The seller's name, federal identification number,
724 taxpayer identification number issued by the Department of
725 Revenue, business location address and mailing address, and
726 county of the business location in accordance with paragraph
727 (d);

728 b. The reporting period;

729 c. The number of prepaid wireless services sold during the
730 reporting period;

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

733 e. The amount of any retailer collection allowance
734 deducted from the amount of prepaid wireless E911 fees
735 collected; and

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

737 5. Any seller who operates two or more business locations
738 for which returns are required to be filed with the Department
739 of Revenue may file a consolidated return reporting and
740 remitting the prepaid wireless E911 fee for all business
741 locations. Such sellers must report the prepaid wireless E911
742 fees collected in each county, in accordance with paragraph (d),
743 on a reporting schedule filed with the fee return.

744 6. A return is not required for a reporting period when no
745 prepaid wireless E911 fee is to be remitted for that period.

746 7. The Department of Revenue serves as an agent of the
747 E911 Board for collection of the prepaid wireless E911 fee, and
748 the board retains the authority to administer the fee as
749 provided in this section and s. 365.173.

750 (h) Every seller of prepaid wireless services in this
751 state must register with the Department of Revenue for each
752 place of business as required by s. 212.18(3) and the Department
753 of Revenue's administrative rule regarding registration as a
754 sales and use tax dealer. A separate application is required for
755 each place of business. A valid certificate of registration
756 issued by the Department of Revenue to a seller for sales and

757 use tax purposes is sufficient for purposes of the registration
758 requirement of this subsection. There is no fee for registration
759 for remittance of the prepaid wireless service E911 fee.

760 (i) The Department of Revenue shall deposit the funds
761 remitted under this subsection into the Audit and Warrant
762 Clearing Trust Fund established in s. 215.199 and retain up to
763 3.2 percent of the funds remitted under this subsection to
764 reimburse its direct costs of administering the collection and
765 remittance of prepaid wireless fees. Thereafter, the Department
766 of Revenue shall transfer all remaining funds remitted under
767 this subsection to the Emergency Communications Number E911
768 System Fund monthly for use as provided in s. 365.173.

769 (j) Beginning January 1, 2014, a seller may retain 5
770 percent of the prepaid wireless E911 fees that are collected by
771 the seller from consumers as a retailer collection allowance.

772 (k) A provider or seller of prepaid wireless service is
773 not liable for damages to any person resulting from or incurred
774 in connection with providing or failing to provide 911 or E911
775 service or for identifying or failing to identify the telephone
776 number, address, location, or name associated with any person or
777 device that is accessing or attempting to access 911 or E911
778 service.

779 (l) A provider or seller of prepaid wireless service is
780 not liable for damages to any person resulting from or incurred
781 in connection with providing any lawful assistance to any
782 investigative or law enforcement officer of the United States,
783 any state, or any political subdivision of any state in

784 connection with any lawful investigation or other law
785 enforcement activity by such law enforcement officer.

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

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

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

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

795 1. "Consumer" means a person who purchases prepaid
796 wireless service in a retail sale.

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

800 3. "Provider" means a person that provides prepaid
801 wireless service pursuant to a license issued by the Federal
802 Communications Commission.

803 4. "Retail transaction" means the purchase by a consumer
804 from a seller of prepaid wireless service that may be applied to
805 a single service identifier for use by the consumer. If a
806 consumer makes a purchase of multiple prepaid wireless services
807 in a single transaction, each individual prepaid wireless
808 service shall be considered a separate retail transaction for
809 purposes of calculating the prepaid wireless E911 fee.

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

812 ~~(10)-(9)~~ AUTHORIZED EXPENDITURES OF E911 FEE.—

813 (a) For purposes of this section, E911 service includes
814 the functions of database management, call taking, dispatching,
815 location verification, and call transfer. Department of Health
816 certification and recertification and training costs for 911
817 public safety telecommunications, including dispatching, are
818 functions of 911 services.

819 (b) All costs directly attributable to the establishment
820 or provision of E911 service and contracting for E911 services
821 are eligible for expenditure of moneys derived from imposition
822 of the fee authorized by this section. These costs include the
823 acquisition, implementation, and maintenance of Public Safety
824 Answering Point (PSAP) equipment and E911 service features, as
825 defined in the providers' published schedules ~~Public Service~~
826 ~~Commission's lawfully approved 911 and E911 and related tariffs~~
827 or the acquisition, installation, and maintenance of other E911
828 equipment, including circuits, call answering equipment, call
829 transfer equipment, ANI controllers, ALI controllers, ANI
830 displays, ALI displays, station instruments, E911
831 telecommunications systems, visual call information and storage
832 devices, recording equipment, telephone devices and other
833 equipment for the hearing impaired used in the E911 system, PSAP
834 backup power systems, consoles, automatic call distributors, and
835 interfaces, including hardware and software, for computer-aided
836 dispatch (CAD) systems, integrated CAD systems for that portion
837 of the systems used for E911 call taking, GIS system and
838 software equipment and information displays, network clocks,
839 salary and associated expenses for E911 call takers for that

840 portion of their time spent taking and transferring E911 calls,
841 salary and associated expenses for a county to employ a full-
842 time equivalent E911 coordinator position and a full-time
843 equivalent mapping or geographical data position, and technical
844 system maintenance, database, and administration personnel ~~and a~~
845 ~~staff assistant position per county~~ for the portion of their
846 time spent administrating the E911 system, emergency medical,
847 fire, and law enforcement prearrival instruction software,
848 charts and training costs, training costs for PSAP call takers,
849 supervisors, and managers in the proper methods and techniques
850 used in taking and transferring E911 calls, costs to train and
851 educate PSAP employees regarding E911 service or E911 equipment,
852 including fees collected by the Department of Health for the
853 certification and recertification of 911 public safety
854 telecommunicators as required under s. 401.465, and expenses
855 required to develop and maintain all information, including ALI
856 and ANI databases and other information source repositories,
857 necessary to properly inform call takers as to location address,
858 type of emergency, and other information directly relevant to
859 the E911 call-taking and transferring function. Moneys derived
860 from the fee may also be used for next-generation E911 network
861 services, next-generation E911 database services, next-
862 generation E911 equipment, and wireless E911 routing systems.

863 (c) The moneys may not be used to pay for any item not
864 listed in this subsection, including, but not limited to, any
865 capital or operational costs for emergency responses which occur
866 after the call transfer to the responding public safety entity
867 and the costs for constructing, leasing, maintaining, or

868 renovating buildings, except for those building modifications
869 necessary to maintain the security and environmental integrity
870 of the PSAP and E911 equipment rooms.

871 Section 2. Effective January 1, 2014, section 365.173,
872 Florida Statutes, is amended to read:

873 365.173 Emergency Communications Number E911 System Fund.—

874 (1) (a) All revenues derived from the fee levied on
875 subscribers under s. 365.172 (8) must be paid by the board into
876 the State Treasury on or before the 15th day of each month. Such
877 moneys must be accounted for in a special fund to be designated
878 as the Emergency Communications Number E911 System Fund, a fund
879 created in the Technology Program, or other office as designated
880 by the Secretary of Management Services. All revenues derived
881 from the fee levied on prepaid wireless service under s.
882 365.172 (9), less the costs of administering collection of the
883 fee, must be transferred by the Department of Revenue to the
884 Emergency Communications Number E911 System Fund on or before
885 the 25th day of each month following the month of receipt., and,
886 For accounting purposes, the Emergency Communications Number
887 E911 System Fund must be segregated into three ~~two~~ separate
888 categories:

- 889 1. (a) The wireless category; ~~and~~
890 2. (b) The nonwireless category; ~~and~~
891 3. The prepaid wireless category.

892 (b) All moneys must be invested by the Chief Financial
893 Officer pursuant to s. 17.61. All moneys in such fund are to be
894 expended by the office for the purposes provided in this section
895 and s. 365.172. These funds are not subject to s. 215.20.

896 (2) As determined by the board pursuant to s.
 897 365.172(8)(g) ~~365.172(8)(h)~~, and subject to any modifications
 898 approved by the board pursuant to s. 365.172(6)(a)3. or (8)(h)
 899 ~~(8)(i)~~, the moneys in the fund shall be distributed and used
 900 only as follows:

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

905 1. Authorized expenditures, as specified in s. 365.172(10)
 906 ~~365.172(9)~~.

907 2. Costs to comply with the requirements for E911 service
 908 contained in the order and any future rules related to the
 909 order.

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

915 (c) Sixty-one percent of the moneys in the prepaid
 916 wireless category shall be distributed each month to counties
 917 based on the total amount of fees reported and paid in each
 918 county and shall be used exclusively for payment of authorized
 919 expenditures, as specified in s. 365.172(10). The moneys from
 920 prepaid wireless fees identified as nonspecific in accordance
 921 with s. 365.172(9) shall be distributed as determined by the
 922 E911 Board.

923 (d) ~~(e)~~ Any county that receives funds under paragraphs

924 (a), ~~and~~ (b), and (c) shall establish a fund to be used
925 exclusively for the receipt and expenditure of the revenues
926 collected under paragraphs (a), ~~and~~ (b), and (c). All fees
927 placed in the fund and any interest accrued shall be used solely
928 for costs described in subparagraphs (a)1. and 2. and may not be
929 reduced, withheld, or allocated for other purposes. The money
930 collected and interest earned in this fund shall be appropriated
931 for these purposes by the county commissioners and incorporated
932 into the annual county budget. The fund shall be included within
933 the financial audit performed in accordance with s. 218.39. The
934 financial audit shall assure that all E911 fee revenues,
935 interest, and E911 grant funding are used for payment of
936 authorized expenditures, as specified in s. 365.172(10) and as
937 specified in the E911 Board grant and special disbursement
938 programs. The county is responsible for all expenditures of
939 revenues distributed from the county E911 fund and shall submit
940 the financial audit reports to the board for review. A county
941 may carry forward up to 30 percent of the total funds disbursed
942 to the county by the board during a calendar year for
943 expenditures for capital outlay, capital improvements, or
944 equipment replacement, if such expenditures are made for the
945 purposes specified in subparagraphs (a)1. and 2.; however, the
946 30-percent limitation does not apply to funds disbursed to a
947 county under s. 365.172(6)(a)3., and a county may carry forward
948 any percentage of the funds, except that any grant provided
949 shall continue to be subject to any condition imposed by the
950 board. In order to prevent an excess recovery of costs incurred
951 in providing E911 service, a county that receives funds greater

952 than the permissible E911 costs described in s. 365.172(10)
953 ~~365.172(9)~~, including the 30-percent carryforward allowance,
954 must return the excess funds to the E911 board to be allocated
955 under s. 365.172(6) (a).

956 ~~(e)(d)~~ Twenty ~~Thirty~~ percent of the moneys in the wireless
957 category shall be distributed to wireless providers in response
958 to sworn invoices submitted to the board by wireless providers
959 to reimburse such wireless providers for the actual costs
960 incurred to provide 911 or E911 service, including the costs of
961 complying with the order. Such costs include costs and expenses
962 incurred by wireless providers to design, purchase, lease,
963 program, install, test, upgrade, operate, and maintain all
964 necessary data, hardware, and software required to provide E911
965 service. Each wireless provider shall submit to the board, by
966 August 1 of each year, a detailed estimate of the capital and
967 operating expenses for which it anticipates that it will seek
968 reimbursement under this paragraph during the ensuing state
969 fiscal year. In order to be eligible for recovery during any
970 ensuing state fiscal year, a wireless provider must submit all
971 sworn invoices for allowable purchases made within the previous
972 calendar year no later than March 31 of the fiscal year. By
973 September 15 of each year, the board shall submit to the
974 Legislature its legislative budget request for funds to be
975 allocated to wireless providers under this paragraph during the
976 ensuing state fiscal year. The budget request shall be based on
977 the information submitted by the wireless providers and
978 estimated surcharge revenues. Distributions of moneys in the
979 fund by the board to wireless providers must be fair and

980 nondiscriminatory. If the total amount of moneys requested by
981 wireless providers pursuant to invoices submitted to the board
982 and approved for payment exceeds the amount in the fund in any
983 month, wireless providers that have invoices approved for
984 payment shall receive a pro rata share of moneys in the fund and
985 the balance of the payments shall be carried over to the
986 following month or months until all of the approved payments are
987 made. The board may adopt rules necessary to address the manner
988 in which pro rata distributions are made when the total amount
989 of funds requested by wireless providers pursuant to invoices
990 submitted to the board exceeds the total amount of moneys on
991 deposit in the fund.

992 ~~(c) Notwithstanding paragraphs (a) and (d), the amount of~~
993 ~~money that remained in the wireless 911 system fund on December~~
994 ~~31, 2006, must be disbursed to wireless providers for the~~
995 ~~recovery of allowable costs incurred in previous years ending~~
996 ~~December 31, 2006, and in accordance with paragraph (d). In~~
997 ~~order to be eligible for recovered costs incurred under~~
998 ~~paragraph (d), a wireless provider must submit sworn invoices to~~
999 ~~the board by December 31, 2007. The board must disburse the~~
1000 ~~designated funds in the wireless 911 system fund on or after~~
1001 ~~January 1, 2008.~~

1002 (f) One percent of the moneys in each category of the fund
1003 shall be retained by the board to be applied to costs and
1004 expenses incurred for the purposes of managing, administering,
1005 and overseeing the receipts and disbursements from the fund and
1006 other activities as defined in s. 365.172(6). Any funds retained
1007 for such purposes in a calendar year which are not applied to

1008 such costs and expenses by March 31 of the following year shall
1009 be redistributed as determined by the board.

1010 (g) Three ~~Two~~ percent of the moneys in each category of
1011 the fund shall be used to make monthly distributions to rural
1012 counties for the purpose of providing facilities and network and
1013 service enhancements and assistance for the 911 or E911 systems
1014 operated by rural counties and for the provision of grants by
1015 the office to rural counties for upgrading and replacing E911
1016 systems.

1017 (h) Thirty-five percent of the moneys in the prepaid
1018 wireless category shall be retained by the board to provide
1019 state E911 grants to be awarded in accordance with the following
1020 order of priority: ~~By September 1, 2007, up to \$15 million of~~
1021 ~~the existing 911 system fund shall be available for distribution~~
1022 ~~by the board to the counties in order to prevent a loss in the~~
1023 ~~ordinary and expected time value of money caused by any timing~~
1024 ~~delay in remittance to the counties of wireline fees caused by~~
1025 ~~the one-time transfer of collecting wireline fees by the~~
1026 ~~counties to the board. All disbursements for this purpose must~~
1027 ~~be returned to the fund from the future remittance by the~~
1028 ~~nonwireless category.~~

1029 1. For all large, medium, and rural counties to upgrade or
1030 replace E911 systems.

1031 2. For all large, medium, and rural counties to develop
1032 and maintain statewide 911 routing, geographic, and management
1033 information systems.

1034 3. For all large, medium, and rural counties to develop
1035 and maintain next-generation 911 services and equipment.

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1036 (i) If the wireless category has funds remaining in it on
1037 December 31 after disbursements have been made during the
1038 calendar year immediately prior to December 31, the board may
1039 disburse the excess funds in the wireless category in accordance
1040 with s. 365.172(6)(a)3.b.

1041 (3) The Legislature recognizes that the fee authorized
1042 under s. 365.172 may not necessarily provide the total funding
1043 required for establishing or providing the E911 service. It is
1044 the intent of the Legislature that all revenue from the fee be
1045 used as specified in ~~this~~ subsection (2).

1046 Section 3. For the 2013-2014 fiscal year, the nonrecurring
1047 sum of \$500,000 is appropriated from the General Revenue Fund to
1048 the Department of Revenue for the purposes of administering this
1049 act.

1050 Section 4. Except as otherwise expressly provided in this
1051 act, this act shall take effect July 1, 2013.