

CHAPTER 2012-177

Committee Substitute for Committee Substitute for House Bill No. 801

An act relating to emergency 911 service; amending s. 365.171, F.S.; providing an exception to certain confidentiality provisions for a 911 public safety telecommunicator when a confirmed coronary emergency call is taking place; amending s. 365.172, F.S.; increasing the membership of the E911 Board and revising the qualifications required for the members; requiring that a voice communications service provider, other than a wireless service provider, impose a fee based on the number of access lines to the E911 system and on the basis of certain access lines for each digital transmission link, up to a specified number of access lines per account bill rendered; revising the criteria that a local government may use in order to indemnify a local carrier; expanding the types of providers that may be indemnified and that are not liable for certain damages; revising cross-references; defining the term “911 or E911 service”; amending s. 401.2915, F.S.; providing for a person or entity in possession of an automated external defibrillator to notify the local public safety answering point regarding the location of the defibrillator; amending s. 427.706, F.S.; removing the requirement that the Florida Telephone Association recommend certain representatives to an advisory committee to the Public Service Commission; providing an effective date.

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

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

365.171 Emergency communications number E911 state plan.—

(12) CONFIDENTIALITY OF RECORDS.—

(a) Any record, recording, or information, or portions thereof, obtained by a public agency or a public safety agency for the purpose of providing services in an emergency and which reveals the name, address, telephone number, or personal information about, or information which may identify any person requesting emergency service or reporting an emergency by accessing an emergency communications E911 system is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that such record or information may be disclosed to a public safety agency. The exemption applies only to the name, address, telephone number or personal information about, or information which may identify any person requesting emergency services or reporting an emergency while such information is in the custody of the public agency or public safety agency providing emergency services. A telecommunications company or commercial mobile radio service provider shall not be liable for damages to any person resulting from or in connection with such telephone company's or

commercial mobile radio service provider's provision of any lawful assistance to any investigative or law enforcement officer of the State of Florida or political subdivisions thereof, of the United States, or of any other state or political subdivision thereof, in connection with any lawful investigation or other law enforcement activity by such law enforcement officer unless the telecommunications company or commercial mobile radio service provider acted in a wanton and willful manner.

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

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

365.172 Emergency communications number "E911."—

(5) THE E911 BOARD.—

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

(b) The board shall consist of eleven ~~nine~~ members, one of whom must be the system director designated under s. 365.171(5), or his or her designee, who shall serve as the chair of the board. The remaining ten ~~eight~~ members of the board shall be appointed by the Governor and must be composed of five ~~four~~ county 911 coordinators, consisting of a representative from a rural county, a representative from a medium county, a representative from a large county, and two ~~an~~ at-large representatives ~~representative~~ recommended by the Florida Association of Counties in consultation with the county 911 coordinators; three ~~two~~ local exchange carrier member representatives ~~members~~, one of whom ~~which~~ must be a representative ~~of~~ the local exchange carrier having the greatest number of access lines in the state and ~~one of whom must be a representative of a certificated competitive local exchange telecommunications company~~; and two member representatives

members from the wireless telecommunications industry, with ~~recom-~~
~~mended by the Florida Telecommunications Industry Association in con-~~
~~sultation with the wireless telecommunications industry. In recommending~~
~~members from the wireless telecommunications industry,~~ consideration
must be given to wireless providers that ~~who~~ are not affiliated with local
exchange carriers. Not more than one member may be appointed to represent
any single provider on the board.

(8) E911 FEE.—

(a) Each voice communications services provider shall collect the fee
described in this subsection. Each provider, as part of its monthly billing
process, shall bill the fee as follows. The fee shall not be assessed on any pay
telephone in the state.

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

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

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

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

b. For purposes of this section, the term:

(I) “Prepaid wireless service” means the right to access telecommunica-
tions services, which ~~that~~ must be paid for in advance and is sold in
predetermined units or dollars enabling the originator to make calls such
that the number of units or dollars declines with use in a known amount.

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

~~4.3.~~ The ~~All~~ voice communications services providers not addressed
under subparagraphs 1., 2., and 3. ~~2.~~ shall bill the fee on a per-service-

identifier basis for service identifiers whose primary place of use is within the state up to a maximum of 25 service identifiers for each account bill rendered.

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

(e) Effective September 1, 2007, voice communications services providers billing the fee to subscribers shall deliver revenues from the fee to the board within 60 days after the end of the month in which the fee was billed, together with a monthly report of the number of service identifiers in each county. Each wireless provider and other applicable provider identified in subparagraph (a)~~4~~. (a)~~3~~. shall report the number of service identifiers for subscribers whose place of primary use is in each county. All provider subscriber information provided to the board is subject to s. 365.174. If a provider chooses to remit any fee amounts to the board before they are paid by the subscribers, a provider may apply to the board for a refund of, or may take a credit for, any such fees remitted to the board which are not collected by the provider within 6 months following the month in which the fees are charged off for federal income tax purposes as bad debt.

(11) INDEMNIFICATION AND LIMITATION OF LIABILITY.—~~A local government may~~ governments are authorized to undertake to indemnify local exchange carriers against liability in accordance with the published schedules lawfully filed tariffs of the company. Notwithstanding an indemnification agreement, a local exchange carrier, voice communications services provider, or other service provider that provides 911 or E911 service on a retail or wholesale basis is not liable for damages resulting from or in connection with 911 or E911 service, or for identification of the telephone number, or address, or name associated with any person accessing 911 or E911 service, unless the carrier or voice communications services provider acted with malicious purpose or in a manner exhibiting wanton and willful disregard of the rights, safety, or property of a person when providing such services. ~~A carrier or voice communications services provider is not liable for damages to any person resulting from or in connection with the carrier's or provider's provision of any lawful assistance to any investigative or law enforcement officer of the United States, this state, or a political subdivision thereof, or of any other state or political subdivision thereof, in connection with any lawful investigation or other law enforcement activity by such law enforcement officer.~~ For purposes of this subsection, the term "911 or E911 service" means a telecommunications service, voice or nonvoice communications service, or other wireline or wireless service, including, but not limited to, a service using Internet protocol, which provides, in whole or in part, any of the following functions: providing members of the public with the ability to reach an answering point by using the digits 9-1-1; directing 911 calls to answering points by selective routing; providing for automatic number

identification and automatic location-identification features; or providing wireless E911 services as defined in the order.

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

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

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

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

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

427.706 Advisory committee.—

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

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

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

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

Approved by the Governor April 27, 2012.

Filed in Office Secretary of State April 27, 2012.