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Governor Charlie Crist

Secretary Linda H. South

March 17, 2010

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: PS Docket No. 09-14

Dear Secretary Dortch:

Consistent with Section 6(f) of the NET 911 Act, the following information is being provided to the Secretary of the Federal Communications Commission (FCC) as specified in the FCC's Public Notice, DA 10-240.

The State of Florida has established a funding mechanism for the purposes of 911 or E911 support and implementation. The legislative intent is to provide funds to counties to pay certain costs associated with their 911 or E911 systems, to contract for E911 services, and to reimburse wireless telephone service providers for costs incurred to provide 911 or E911 services. E911 fees are collected as required by Florida Statute §365.172 (8) and disbursed as required by Florida Statute §365.173. Local government may not levy the fee or any additional fee on providers or subscribers for the provision of E911 service. The State E911 fee is not assessed on Indian tribal areas and to our knowledge they do not have a separate fee collected by the service providers.

E911 fees are collected as required by Florida Statutes §365.172 (8) and §365.173, which provides for segregation into two separate categories based on wireless and nonwireless service. The initial E911 fee and allocation percentages were set by the legislature as required by Florida Statute §365.173.

The Florida E911 Board adjusts the allocation percentages or reduces the amount of the fee, or both, if necessary to assure full cost recovery or prevent over recovery of costs incurred in the provision of E911 service, including costs incurred or projected to be incurred.

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We serve those who serve Florida.

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Wireless E911 Fee

The rate of the fee, currently 50 cents, is set by the E911 Board; it is capped and may not exceed 50 cents per month per each service identifier. The fee applies uniformly and is imposed throughout the state. Wireless providers collect the E911 fee from subscribers, retain a 1% administrative fee, and submit the remainder of collected fees to the E911 Board, which distributes the monies back to the counties through monthly disbursements and a rural county grant program and to wireless service providers in response to sworn invoices for E911 service.

The total amount of wireless E911 fee revenues collected in calendar year 2009 were \$75,932,488.

- Current Wireless 911 Fee Allocation Percentages:
 - 67% distributed each month to counties for purposes of providing E911 service (payments are based on the number of wireless subscribers in each county)
 - 30% available for distribution to wireless service providers in response to sworn invoices for the actual costs incurred in providing E911 service
 - 2% used to provide extra assistance to rural counties for providing 911 or E911 service
 - 1% of the funds is retained by the E911 Board for administrative and operational purposes

Nonwireless E911 Fee (Wireline & VoIP)

The rate of the fee, currently 50 cents, is set by the E911 Board; it is capped and may not exceed 50 cents per month per each service identifier. The fee applies uniformly and is imposed throughout the state, except for three counties that, before July 1, 2007, had adopted an ordinance or resolution establishing a fee less than 50 cents per month per access line. Nonwireless providers collect the E911 fee from customers, retain a 1% administrative fee, and submit the remainder of collected fees to the E911 Board, which distributes the monies back to the counties through monthly disbursements and a rural county grant program.

The total amount of nonwireless E911 fee revenues collected in calendar year 2009 were \$49,599,186.

- Current Nonwireless E911 Fee Allocation Percentages:
 - 97% distributed each month to counties for purposes of providing E911 service (payments are based on the number of nonwireless subscribers in each county)
 - 2% used to provide extra assistance to rural counties for providing 911 or E911 service
 - 1% of the funds is retained by the E911 Board for administrative and operational purposes

E911 statutory criteria established in Florida Statute §365.173 specify the allowable uses of the collected E911 funds. In addition, the authorized county expenditures are detailed in Florida Statute §365.172(9).

The E911 Board was established to help implement a statewide E911 system for wireless and nonwireless voice communication users. The E911 Board's primary function is to administer, with oversight of the Department of Management Services, the funds derived from the monthly fee on each subscriber with a Florida billing address (place of primary use). The E911 Board makes disbursements from the E911 Trust Fund to county governments and wireless providers as required by Florida Statute §365.173. Oversight is provided at different levels throughout the process:

The E911 Board provides annual reports to the governor and the legislature on amounts collected and expended, the purposes for which expenditures have been made, and the status of E911 service in this state.

The Auditor General annually audits the fund to ensure that monies in the fund are being managed as required by the statutes. The Auditor General provides a report of the annual audit to the E911 Board.

Counties are required to establish a fund to be used exclusively for the receipt and expenditure of the revenues. The money collected and interest earned in the county's E911 fund is appropriated for the statutory E911 purposes by the county commissioners and incorporated into the annual county budget. The county E911 funds are included within the financial audit performed as required by Florida Statute 218.39. County E911 funds have been periodically audited by the Auditor General and the Department of Management Services Inspector General's Office.

All of the E911 fee revenues and funds collected for 911 or E911 purposes have been made available or used for the purposes designated in Florida Statutes §365.172 and §365.173.

At the State level, no E911 fee revenues and funds collected for 911 or E911 purposes have been used for any other purposes other than those designated in Florida Statutes §365.172 and §365.173. Actual county spending can only be attested to at the county level. One hundred percent state auditing and oversight of spending is not provided, however, Florida Statute §365.172(9)(c) prohibits county utilization of E911 funds for purposes other than E911 purposes.

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Information on Florida's funding mechanism, E911 Board information, E911 Statute links and information on Florida E911 systems is available at <http://dms.myflorida.com> under the links for Telecommunication/Public Safety Bureau/Florida E911.

Sincerely,

A handwritten signature in black ink, appearing to read "L. South", written in a cursive style.

Linda H. South

Secretary