

By the Committee on Comprehensive Planning, Local and Military Affairs

316-85C-99

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A bill to be entitled  
An act relating to trust funds; creating s.  
365.173, F.S.; creating the Wireless Emergency  
Telephone System Fund within the Department of  
Management Services; providing criteria for the  
fund; providing for distribution and use of  
moneys in the fund; requiring the Auditor  
General to annually audit the fund; requiring a  
report; providing a contingent effective date.

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

Section 1. Section 365.173, Florida Statutes, is  
created to read:

365.173 Wireless Emergency Telephone System Fund.--

(1) All revenues derived from the E911 fee levied on  
subscribers under s. 365.172 must be paid into the State  
Treasury on or before the 15th day of each month. Such moneys  
must be accounted for in a special fund to be designated as  
the Wireless Emergency Telephone System Fund, a fund created  
in the Department of Management Services as an insured,  
interest-bearing account. All moneys in such fund are  
appropriated to the Department of Management Services for the  
purposes provided in this section and s. 365.172. These funds  
are not subject to s. 215.20.

(2) Subject to any modifications approved by the board  
pursuant to s. 365.172(8)(c), the moneys in the fund shall be  
distributed and used only as follows:

(a) Forty-four percent of the moneys shall be held in  
escrow in an insured, interest-bearing account and distributed

1 each month to counties, based on the total number of wireless  
2 subscriber billing addresses in each county, for payment of:

3 1. Recurring costs of providing 911 or E911 service,  
4 as provided by s. 365.171(13)(a)6.

5 2. Costs to comply with the requirements for E911  
6 service contained in the order and any future rules related to  
7 the order.

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9 A county may carry forward, for up to 3 successive calendar  
10 years, up to 30 percent of the total funds disbursed to the  
11 county by the board during a calendar year for expenditures  
12 for capital outlay, capital improvements, or equipment  
13 replacement, if such expenditures are made for the purposes  
14 specified in this paragraph.

15 (b) Fifty-four percent of the moneys shall be held in  
16 escrow in an insured, interest-bearing account and distributed  
17 in response to sworn invoices submitted to the board by  
18 providers to reimburse such providers for the actual costs  
19 incurred to provide 911 or E911 service, including the costs  
20 of complying with the order. Such costs include costs and  
21 expenses incurred by providers to design, purchase, lease,  
22 program, install, test, upgrade, operate, and maintain all  
23 necessary data, hardware, and software required to provide  
24 E911 service. Up to 2 percent of the funds allocated to  
25 providers shall be retained by the board to be applied to  
26 costs and expenses incurred for the purposes of managing,  
27 administering, and overseeing the receipts and disbursements  
28 from the fund. Any funds retained for such purposes in a  
29 calendar year which are not applied to such costs and expenses  
30 by March 31 of the following year shall be distributed to  
31 providers pursuant to this paragraph.

1           1. Distributions of moneys in the fund by the board to  
2 providers must be fair and nondiscriminatory. If the total  
3 amount of moneys requested by providers pursuant to invoices  
4 submitted to the board and approved for payment exceeds the  
5 amount in the fund in any month, providers that have invoices  
6 approved for payment shall receive a pro rata share of moneys  
7 in the fund and the balance of the payments shall be carried  
8 over to the following month or months until all of the  
9 approved payments are made. The board may adopt rules  
10 necessary to address the manner in which pro rata  
11 distributions are made when the total amount of funds  
12 requested by providers pursuant to invoices submitted to the  
13 board exceeds the total amount of moneys on deposit in the  
14 fund.

15           2. The board may not make any distributions to  
16 providers before January 1, 2000.

17           (c) Two percent of the moneys shall be used to make  
18 monthly distributions to rural counties for the purpose of  
19 providing facilities and network and service enhancements and  
20 assistance for the 911 or E911 systems operated by rural  
21 counties and for the provision of reimbursable loans and  
22 grants by the department to rural counties for upgrading 911  
23 systems.

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25 The Legislature recognizes that the wireless E911 fee  
26 authorized under s. 365.172 will not necessarily provide the  
27 total funding required for establishing or providing the 911  
28 service. It is the intent of the Legislature that all revenue  
29 from the fee be used as specified in s. 365.171(13)(a)6.

30           (3) The Auditor General shall annually audit the fund  
31 to ensure that moneys in the fund are being managed in

1 accordance with this section and s. 365.172. The Auditor  
2 General shall provide a report of the annual audit to the  
3 board.

4 Section 2. This act shall take effect on the effective  
5 date of Senate Bill \_\_\_\_\_, relating to wireless emergency 911  
6 telephone service, but it shall not take effect unless it is  
7 enacted by at least a three-fifths vote of the membership of  
8 each house of the Legislature.

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11 SENATE SUMMARY

12 Creates the Wireless Emergency Telephone System Fund  
13 within the Department of Management Services for the  
14 deposit of fees levied on subscribers of wireless  
15 telephone service. Provides for distributing moneys in  
the fund to reimburse counties and providers for the  
costs of providing 911 and E911 services. Requires that  
the Auditor General audit the fund each year.

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