

1 A bill to be entitled
2 An act relating to trust funds; creating s.
3 365.173, F.S.; creating the Wireless Emergency
4 Telephone System Fund within the Department of
5 Management Services; providing criteria for the
6 fund; providing for use of moneys in the fund;
7 requiring the Auditor General to annually audit
8 the fund; requiring a report; providing a
9 contingent effective date.

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

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

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16 365.173 Wireless Emergency Telephone System Fund.--

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

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

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

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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.

24
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 178, 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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