

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 providers to submit budgets  
9           and supporting information to the board;  
10          requiring the board to submit a legislative  
11          budget request to the Legislature; requiring a  
12          report; providing a contingent effective date.

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

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

18           365.173 Wireless Emergency Telephone System Fund.--

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

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:

1           (a) Forty-four percent of the moneys shall be held in  
2 escrow in an insured, interest-bearing account and distributed  
3 each month to counties, based on the total number of wireless  
4 subscriber billing addresses in each county, for payment of:

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

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

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

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

1 by March 31 of the following year shall be distributed to  
2 providers pursuant to this paragraph. Beginning in State  
3 Fiscal Year 2000-2001, each provider shall submit to the  
4 board, by August 1 of each year, a detailed estimate of the  
5 capital and operating expenses for which it anticipates that  
6 it will seek reimbursement under this paragraph during the  
7 ensuing state fiscal year. By September 1 of each year, the  
8 board shall submit to the Legislature its legislative budget  
9 request for funds to be allocated to providers under this  
10 paragraph during the ensuing state fiscal year. The budget  
11 request shall be based on the information submitted by the  
12 providers and estimated surcharge revenues.

13 1. Distributions of moneys in the fund by the board to  
14 providers must be fair and nondiscriminatory. If the total  
15 amount of moneys requested by providers pursuant to invoices  
16 submitted to the board and approved for payment exceeds the  
17 amount in the fund in any month, providers that have invoices  
18 approved for payment shall receive a pro rata share of moneys  
19 in the fund and the balance of the payments shall be carried  
20 over to the following month or months until all of the  
21 approved payments are made. The board may adopt rules  
22 necessary to address the manner in which pro rata  
23 distributions are made when the total amount of funds  
24 requested by providers pursuant to invoices submitted to the  
25 board exceeds the total amount of moneys on deposit in the  
26 fund.

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

29 (c) Two percent of the moneys shall be used to make  
30 monthly distributions to rural counties for the purpose of  
31 providing facilities and network and service enhancements and

1 assistance for the 911 or E911 systems operated by rural  
2 counties and for the provision of reimbursable loans and  
3 grants by the department to rural counties for upgrading 911  
4 systems.

5  
6 The Legislature recognizes that the wireless E911 fee  
7 authorized under s. 365.172 will not necessarily provide the  
8 total funding required for establishing or providing the 911  
9 service. It is the intent of the Legislature that all revenue  
10 from the fee be used as specified in s. 365.171(13)(a)6.

11 (3) The Auditor General shall annually audit the fund  
12 to ensure that moneys in the fund are being managed in  
13 accordance with this section and s. 365.172. The Auditor  
14 General shall provide a report of the annual audit to the  
15 board.

16 Section 2. This act shall take effect on the effective  
17 date of Senate Bill 178, relating to wireless emergency 911  
18 telephone service, but it shall not take effect unless it is  
19 enacted by at least a three-fifths vote of the membership of  
20 each house of the Legislature.