

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 providers to submit budgets and  
8           supporting information to the board; requiring  
9           the board to submit a legislative budget  
10          request to the Legislature; requiring the  
11          Auditor General to annually audit the fund;  
12          requiring a report; providing a contingent  
13          effective date.

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

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

19           365.173 Wireless Emergency Telephone System Fund.--  
20           (1) All revenues derived from the E911 fee levied on  
21           subscribers under s. 365.172 must be paid into the State  
22           Treasury on or before the 15th day of each month. Such moneys  
23           must be accounted for in a special fund to be designated as  
24           the Wireless Emergency Telephone System Fund, a fund created  
25           in the Department of Management Services as an insured,  
26           interest-bearing account. All moneys in such fund are to be  
27           expended by the Department of Management Services for the  
28           purposes provided in this section and s. 365.172. These funds  
29           are not subject to s. 215.20.

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

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

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

10           2. Costs to comply with the requirements for E911  
11 service contained in the order and any future rules related to  
12 the order.

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

20           (b) Fifty-four percent of the moneys shall be held in  
21 escrow in an insured, interest-bearing account and distributed  
22 in response to sworn invoices submitted to the board by  
23 providers to reimburse such providers for the actual costs  
24 incurred to provide 911 or E911 service, including the costs  
25 of complying with the order. Such costs include costs and  
26 expenses incurred by providers to design, purchase, lease,  
27 program, install, test, upgrade, operate, and maintain all  
28 necessary data, hardware, and software required to provide  
29 E911 service. Up to 2 percent of the funds allocated to  
30 providers shall be retained by the board to be applied to  
31 costs and expenses incurred for the purposes of managing,

1 administering, and overseeing the receipts and disbursements  
2 from the fund. Any funds retained for such purposes in a  
3 calendar year which are not applied to such costs and expenses  
4 by March 31 of the following year shall be distributed to  
5 providers pursuant to this paragraph. Beginning in state  
6 fiscal year 2000-2001, each provider shall submit to the  
7 board, by August 1 of each year, a detailed estimate of the  
8 capital and operating expenses for which it anticipates that  
9 it will seek reimbursement under this paragraph during the  
10 ensuing state fiscal year. By September 1 of each year, the  
11 board shall submit to the Legislature its legislative budget  
12 request for funds to be allocated to providers under this  
13 paragraph during the ensuing state fiscal year. The budget  
14 request shall be based on the information submitted by the  
15 providers and estimated surcharge revenues.

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

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

1           (c) Two percent of the moneys shall be used to make  
2 monthly distributions to rural counties for the purpose of  
3 providing facilities and network and service enhancements and  
4 assistance for the 911 or E911 systems operated by rural  
5 counties and for the provision of reimbursable loans and  
6 grants by the department to rural counties for upgrading 911  
7 systems.

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

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

19           Section 2. This act shall take effect July 1, 1999, if  
20 House Bill 621 or similar legislation, relating to wireless  
21 emergency 911 telephone service, is adopted in the same  
22 legislative session or an extension thereof.  
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