

Bill No. SB 1200

Barcode 592806

CHAMBER ACTION

Senate

House

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The Committee on Communications and Public Utilities (Bennett)  
recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

365.173 ~~Wireless~~ Emergency Communications Number E911  
~~Telephone~~ System Fund.--

(1) All revenues derived from the ~~E911~~ fee levied on  
subscribers under s. 365.172 must be paid by the board 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 Communications Number  
E911 Telephone System Fund, a fund created in the Florida  
Enterprise Information State Technology Services Office, or  
other office as designated by the Secretary of Management  
Services, and, for accounting purposes, must be segregated  
into two separate categories:

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1           (a) The wireless category; and

2           (b) The nonwireless category.~~and~~

3

4 All moneys must be invested by the Chief Financial Officer  
5 pursuant to s. 17.61. All moneys in such fund are to be  
6 expended by the ~~State Technology~~ office for the purposes  
7 provided in this section and s. 365.172. These funds are not  
8 subject to s. 215.20.

9           (2) As determined by the board pursuant to s.  
10 365.172(8)(h), and subject to any modifications approved by  
11 the board pursuant to s. 365.172(6)(a)3. or(8)(i) ~~(8)(e)~~, the  
12 moneys in the fund shall be distributed and used only as  
13 follows:

14           (a) ~~Sixty-seven~~ Forty-four percent of the moneys in  
15 the wireless category shall be distributed each month to  
16 counties, based on the total number of service identifiers  
17 ~~wireless subscriber billing addresses~~ in each county, and  
18 shall be used exclusively for payment of:

19           1. Authorized expenditures ~~Recurring costs of~~  
20 ~~providing 911 or E911 service,~~ as specified in s. 365.172(9)  
21 ~~provided by s. 365.171(13)(a)6.~~

22           2. Costs to comply with the requirements for E911  
23 service contained in the order and any future rules related to  
24 the order.

25           (b) Ninety-seven percent of the moneys in the  
26 nonwireless category shall be distributed each month to  
27 counties based on the total number of service identifiers in  
28 each county, and shall be used exclusively for payment of  
29 authorized expenditures, as specified in s. 365.172(9).

30

31 Any county that receives funds under paragraphs (a) and (b)

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1 ~~this paragraph~~ shall establish a fund to be used exclusively  
2 for the receipt and expenditure of the revenues collected  
3 under paragraphs (a) and (b) ~~this paragraph~~. All fees placed  
4 in the fund and any interest accrued shall be used solely for  
5 costs described in subparagraphs 1. and 2. The money collected  
6 and interest earned in this fund shall be appropriated for  
7 these purposes by the county commissioners and incorporated  
8 into the annual county budget. The fund shall be included  
9 within the financial audit performed in accordance with s.  
10 218.39. A county may carry forward up to 20 ~~30~~ percent of the  
11 total funds disbursed to the county by the board during a  
12 calendar year for expenditures for capital outlay, capital  
13 improvements, or equipment replacement, if such expenditures  
14 are made for the purposes specified in subparagraphs(a) 1. and  
15 2.; however, the 20-percent limitation does not apply to funds  
16 disbursed to a county under s. 365.172(6)(a)3., and a county  
17 may carry forward any percentage of the funds, except that any  
18 grant provided shall continue to be subject to any condition  
19 imposed by the board ~~this paragraph~~. In order to prevent an  
20 excess recovery of costs incurred in providing E911 service, a  
21 county that receives funds greater than the permissible E911  
22 costs described in s.365.172(9), including the 20 percent  
23 carryforward allowance, must return the excess funds to the  
24 E911 board to be allocated under s. 365.172(6)(a).

25 ~~(c)(b)~~ Thirty ~~Fifty-four~~ percent of the moneys in the  
26 wireless category shall be distributed to wireless providers  
27 in response to sworn invoices submitted to the board by  
28 wireless providers to reimburse such wireless providers for  
29 the actual costs incurred to provide 911 or E911 service,  
30 including the costs of complying with the order. Such costs  
31 include costs and expenses incurred by wireless providers to

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1 design, purchase, lease, program, install, test, upgrade,  
2 operate, and maintain all necessary data, hardware, and  
3 software required to provide E911 service. ~~Up to 2 percent of~~  
4 ~~the funds allocated to providers shall be retained by the~~  
5 ~~board to be applied to costs and expenses incurred for the~~  
6 ~~purposes of managing, administering, and overseeing the~~  
7 ~~receipts and disbursements from the fund and other activities~~  
8 ~~as defined in s. 365.172(6). Any funds retained for such~~  
9 ~~purposes in a calendar year which are not applied to such~~  
10 ~~costs and expenses by March 31 of the following year shall be~~  
11 ~~distributed to providers pursuant to this paragraph. Each~~  
12 wireless provider shall submit to the board, by August 1 of  
13 each year, a detailed estimate of the capital and operating  
14 expenses for which it anticipates that it will seek  
15 reimbursement under this paragraph during the ensuing state  
16 fiscal year. In order to be eligible for recovery during any  
17 ensuing state fiscal year, a wireless provider must submit all  
18 sworn invoices for allowable purchases made within the  
19 previous calendar year no later than March 31 of the fiscal  
20 year. By September 15 of each year, the board shall submit to  
21 the Legislature its legislative budget request for funds to be  
22 allocated to wireless providers under this paragraph during  
23 the ensuing state fiscal year. The budget request shall be  
24 based on the information submitted by the wireless providers  
25 and estimated surcharge revenues. Distributions of moneys in  
26 the fund by the board to wireless providers must be fair and  
27 nondiscriminatory. If the total amount of moneys requested by  
28 wireless providers pursuant to invoices submitted to the board  
29 and approved for payment exceeds the amount in the fund in any  
30 month, wireless providers that have invoices approved for  
31 payment shall receive a pro rata share of moneys in the fund

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1 and the balance of the payments shall be carried over to the  
2 following month or months until all of the approved payments  
3 are made. The board may adopt rules necessary to address the  
4 manner in which pro rata distributions are made when the total  
5 amount of funds requested by wireless providers pursuant to  
6 invoices submitted to the board exceeds the total amount of  
7 moneys on deposit in the fund.

8 (d) Notwithstanding paragraphs (a) and (c), the amount  
9 of money that remained in the wireless 911 system fund on  
10 December 31, 2006, must be disbursed to wireless providers for  
11 the recovery of allowable costs incurred in previous years  
12 ending December 31, 2006. In order to be eligible for  
13 recovered costs incurred under s. 365.172(9), a wireless  
14 provider must submit sworn invoices to the board by December  
15 31, 2007. The board must disburse the designated funds in the  
16 wireless 911 system fund on or after January 1, 2008.

17 (e) One percent of the moneys in the fund shall be  
18 retained by the board to be applied to costs and expenses  
19 incurred for the purposes of managing, administering, and  
20 overseeing the receipts and disbursements from the fund and  
21 other activities as defined in s. 365.172(6). Any funds  
22 retained for such purposes in a calendar year which are not  
23 applied to such costs and expenses by March 31 of the  
24 following year shall be redistributed as determined by the  
25 board.

26 (f)(c) Two percent of the moneys in the fund shall be  
27 used to make monthly distributions to rural counties for the  
28 purpose of providing facilities and network and service  
29 enhancements and assistance for the 911 or E911 systems  
30 operated by rural counties and for the provision of  
31 reimbursable loans and grants by the office to rural counties

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1 for upgrading and replacing E911 ~~911~~ systems.

2       (g) Up to \$15 million of the existing 911 system fund  
3 shall be available for distribution by the board in order to  
4 prevent a loss to the counties in the ordinary and expected  
5 time value of money caused by any timing delay in remittance  
6 to the counties of wireline fees caused by the one-time  
7 transfer of collecting wireline fees by the counties to the  
8 board. All funds used from the carryforward shall be returned  
9 to the fund from the actual remittance by the nonwireless  
10 category.

11       (h) If the 911 system fund has funds remaining in it  
12 on December 31 after disbursements have been made during the  
13 calendar year immediately prior to December 31, the board may  
14 disburse these excess funds in accordance with this  
15 subsection.

16  
17 The Legislature recognizes that the ~~wireless E911~~ fee  
18 authorized under s. 365.172 ~~may~~ will not necessarily provide  
19 the total funding required for establishing or providing the  
20 E911 ~~911~~ service. It is the intent of the Legislature that all  
21 revenue from the fee be used as specified in this subsection  
22 ~~s. 365.171(13)(a)6.~~

23       ~~(3) Through fiscal year 2008-2009,~~ The Auditor General  
24 shall annually audit the fund to ensure that moneys in the  
25 fund are being managed in accordance with this section and s.  
26 365.172. The Auditor General shall provide a report of the  
27 annual audit to the board.

28       Section 2. This act shall take effect upon becoming a  
29 law.

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1 ===== T I T L E    A M E N D M E N T =====

2 And the title is amended as follows:

3           Delete everything before the enacting clause

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5 and insert:

6                           A bill to be entitled

7           An act relating to wireless communications

8           funds; amending s. 365.173, F.S.; redesignating

9           the Wireless Emergency Telephone System Fund as

10          the "Emergency Communications Number E911

11          System Fund"; requiring that all revenues

12          derived from a fee levied by a county on local

13          exchange subscribers be paid into the State

14          Treasury by a specified date and that the

15          moneys be accounted for in a special fund;

16          providing a methodology for the distribution of

17          the funds; requiring counties to return money

18          to the fund under certain circumstances;

19          requiring a wireless provider to submit sworn

20          invoices in order to support claims for

21          reimbursement of allowable costs; requiring

22          that funds in the E911 system fund on a

23          specified date be returned to wireless

24          providers for costs incurred before a specified

25          date; providing procedures for reimbursement;

26          requiring the Auditor General to annually audit

27          the fund; providing an effective date.

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