

1 A bill to be entitled
 2 An act relating to wireless communications funds; amending
 3 s. 365.173, F.S.; redesignating the Wireless Emergency
 4 Telephone System Fund as the "Emergency Communications
 5 Number E911 System Fund"; requiring that all revenues
 6 derived from a fee levied by a county on local exchange
 7 subscribers be paid into the State Treasury by a specified
 8 date and that the moneys be accounted for in a special
 9 fund; providing a methodology for the distribution of the
 10 funds; requiring the Auditor General to annually audit the
 11 fund; providing a contingent effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Section 365.173, Florida Statutes, is amended
 16 to read:

17 365.173 ~~Wireless~~ Emergency Communications Number E911
 18 ~~Telephone~~ System Fund.--

19 (1) All revenues derived from the ~~E911~~ fee levied on
 20 subscribers under s. 365.172 must be paid by the board into the
 21 State Treasury on or before the 15th day of each month. Such
 22 moneys must be accounted for in a special fund to be designated
 23 as the ~~Wireless~~ Emergency Communications Number E911 Telephone
 24 System Fund, a fund created in the Florida Enterprise
 25 Information State Technology Services Office, or other office as
 26 designated by the Secretary of Management Services, and, for
 27 accounting purposes, must be segregated into two separate
 28 accounts:

- 29 (a) The wireless account; and
- 30 (b) The nonwireless account. ~~and~~

31

32 All moneys must be invested by the Chief Financial Officer
 33 pursuant to s. 17.61. All moneys in such fund are to be expended
 34 by the ~~State Technology~~ office for the purposes provided in this
 35 section and s. 365.172. These funds are not subject to s.
 36 215.20.

37 (2) As determined by the board pursuant to s.
 38 365.172(8)(h), and subject to any modifications approved by the
 39 board pursuant to s. 365.172(6)(a)3. or (8)(i) ~~(8)(e)~~, the
 40 moneys in the fund shall be distributed and used only as
 41 follows:

42 (a) Sixty-seven ~~Forty-four~~ percent of the moneys in the
 43 wireless account shall be distributed each month to counties,
 44 based on the total number of service identifiers ~~wireless~~
 45 ~~subscriber billing addresses~~ in each county, and shall be used
 46 exclusively for payment of:

47 1. Authorized expenditures ~~Recurring costs of providing~~
 48 ~~911 or E911 service,~~ as specified in s. 365.172(9) ~~provided by~~
 49 ~~s. 365.171(13)(a)6.~~

50 2. Costs to comply with the requirements for E911 service
 51 contained in the order and any future rules related to the
 52 order.

53 (b) Ninety-seven percent of the moneys in the nonwireless
 54 account shall be distributed each month to counties based on the
 55 total number of service identifiers in each county, and shall be
 56 used exclusively for payment of authorized expenditures, as

HB 921

2007

57 specified in s. 365.172(9).

58
59 Any county that receives funds under paragraphs (a) and (b) ~~this~~
60 ~~paragraph~~ shall establish a fund to be used exclusively for the
61 receipt and expenditure of the revenues collected under
62 paragraphs (a) and (b) ~~this paragraph~~. All fees placed in the
63 fund and any interest accrued shall be used solely for costs
64 described in subparagraphs (a)1. and 2. The money collected and
65 interest earned in this fund shall be appropriated for these
66 purposes by the county commissioners and incorporated into the
67 annual county budget. The fund shall be included within the
68 financial audit performed in accordance with s. 218.39. A county
69 may carry forward up to 20 ~~30~~ percent of the total funds
70 disbursed to the county by the board during a calendar year for
71 expenditures for capital outlay, capital improvements, or
72 equipment replacement, if such expenditures are made for the
73 purposes specified in subparagraphs (a)1. and 2.; however, the
74 20-percent limitation does not apply to funds disbursed to a
75 county under s. 365.172(6)(a)3., and a county may carry forward
76 any percentage of the funds, except that any grant provided
77 shall continue to be subject to any condition imposed by the
78 board ~~this paragraph~~.

79 (c)-(b) Thirty ~~Fifty four~~ percent of the moneys in the
80 wireless account shall be distributed to wireless providers in
81 response to sworn invoices submitted to the board by wireless
82 providers to reimburse such wireless providers for the actual
83 costs incurred to provide 911 or E911 service, including the
84 costs of complying with the order. Such costs include costs and

85 expenses incurred by wireless providers to design, purchase,
 86 lease, program, install, test, upgrade, operate, and maintain
 87 all necessary data, hardware, and software required to provide
 88 E911 service. ~~Up to 2 percent of the funds allocated to~~
 89 ~~providers shall be retained by the board to be applied to costs~~
 90 ~~and expenses incurred for the purposes of managing,~~
 91 ~~administering, and overseeing the receipts and disbursements~~
 92 ~~from the fund and other activities as defined in s. 365.172(6).~~
 93 ~~Any funds retained for such purposes in a calendar year which~~
 94 ~~are not applied to such costs and expenses by March 31 of the~~
 95 ~~following year shall be distributed to providers pursuant to~~
 96 ~~this paragraph.~~ Each wireless provider shall submit to the
 97 board, by August 1 of each year, a detailed estimate of the
 98 capital and operating expenses for which it anticipates that it
 99 will seek reimbursement under this paragraph during the ensuing
 100 state fiscal year. By September 15 of each year, the board shall
 101 submit to the Legislature its legislative budget request for
 102 funds to be allocated to wireless providers under this paragraph
 103 during the ensuing state fiscal year. The budget request shall
 104 be based on the information submitted by the wireless providers
 105 and estimated surcharge revenues. Distributions of moneys in the
 106 fund by the board to wireless providers must be fair and
 107 nondiscriminatory. If the total amount of moneys requested by
 108 wireless providers pursuant to invoices submitted to the board
 109 and approved for payment exceeds the amount in the fund in any
 110 month, wireless providers that have invoices approved for
 111 payment shall receive a pro rata share of moneys in the fund and
 112 the balance of the payments shall be carried over to the

HB 921

2007

113 following month or months until all of the approved payments are
 114 made. The board may adopt rules necessary to address the manner
 115 in which pro rata distributions are made when the total amount
 116 of funds requested by wireless providers pursuant to invoices
 117 submitted to the board exceeds the total amount of moneys on
 118 deposit in the fund.

119 (d) One percent of the moneys in the fund shall be
 120 retained by the board to be applied to costs and expenses
 121 incurred for the purposes of managing, administering, and
 122 overseeing the receipts and disbursements from the fund and
 123 other activities as defined in s. 365.172(6). Any funds retained
 124 for such purposes in a calendar year which are not applied to
 125 such costs and expenses by March 31 of the following year shall
 126 be redistributed as determined by the board.

127 (e)~~(e)~~ Two percent of the moneys in the fund shall be used
 128 to make monthly distributions to rural counties for the purpose
 129 of providing facilities and network and service enhancements and
 130 assistance for the 911 or E911 systems operated by rural
 131 counties and for the provision of ~~reimbursable loans and grants~~
 132 by the office to rural counties for upgrading and replacing E911
 133 ~~911~~ systems.

134
 135 The Legislature recognizes that the ~~wireless E911~~ fee authorized
 136 under s. 365.172 may ~~will~~ not necessarily provide the total
 137 funding required for establishing or providing the E911 ~~911~~
 138 service. It is the intent of the Legislature that all revenue
 139 from the fee be used as specified in this subsection ~~s.~~
 140 ~~365.171(13)(a)6.~~

HB 921

2007

141 (3) ~~Through fiscal year 2008-2009,~~ The Auditor General
142 shall annually audit the fund to ensure that moneys in the fund
143 are being managed in accordance with this section and s.
144 365.172. The Auditor General shall provide a report of the
145 annual audit to the board.

146 Section 2. This act shall take effect upon becoming a law,
147 if House Bill 919, or similar legislation is adopted in the same
148 legislative session or an extension thereof and becomes law.