

CS/HB 921

2007

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 an appropriation; providing a contingent
 12 effective date.

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

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

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

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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

29 two separate categories:

30 1. The wireless category; and

31 2. The nonwireless category.

32 (b) All moneys must be invested by the Chief Financial
33 Officer pursuant to s. 17.61. All moneys in such fund are to be
34 expended by the ~~State Technology~~ office for the purposes
35 provided in this section and s. 365.172. These funds are not
36 subject to s. 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)(e), the moneys in
40 the fund shall be distributed and used only as follows:

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

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

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

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

57 (c) Any county that receives funds under paragraphs (a)
58 and (b) this paragraph shall establish a fund to be used
59 exclusively for the receipt and expenditure of the revenues
60 collected under paragraphs (a) and (b) this paragraph. All fees
61 placed in the fund and any interest accrued shall be used solely
62 for costs described in subparagraphs (a)1. and 2. The money
63 collected and interest earned in this fund shall be appropriated
64 for these purposes by the county commissioners and incorporated
65 into the annual county budget. The fund shall be included within
66 the financial audit performed in accordance with s. 218.39. A
67 county may carry forward up to 20 ~~30~~ percent of the total funds
68 disbursed to the county by the board during a calendar year for
69 expenditures for capital outlay, capital improvements, or
70 equipment replacement, if such expenditures are made for the
71 purposes specified in subparagraphs (a)1. and 2.; provided that
72 such 20-percent limitation shall not apply to funds disbursed to
73 a county pursuant to s. 365.172(6)(a)3., and a county may carry
74 forward any percentage of such funds, except that any grant
75 provided shall continue to be subject to any condition imposed
76 by the board. To prevent overrecovery of costs incurred in the
77 provision of E911 service, any county that receives funds in
78 excess of the E911 costs described in s. 365.172(9), including
79 the 20-percent carryforward allowance, shall return the excess
80 funds to the E911 board to be allocated pursuant to s.
81 365.172(6)(a)3.b. this paragraph.

82 (d)(b) ~~Thirty~~ Fifty four percent of the moneys in the
83 wireless category shall be distributed to wireless providers in
84 response to sworn invoices submitted to the board by wireless

85 providers to reimburse such wireless providers for the actual
86 costs incurred to provide 911 or E911 service, including the
87 costs of complying with the order. Such costs include costs and
88 expenses incurred by wireless providers to design, purchase,
89 lease, program, install, test, upgrade, operate, and maintain
90 all necessary data, hardware, and software required to provide
91 E911 service. ~~Up to 2 percent of the funds allocated to~~
92 ~~providers shall be retained by the board to be applied to costs~~
93 ~~and expenses incurred for the purposes of managing,~~
94 ~~administering, and overseeing the receipts and disbursements~~
95 ~~from the fund and other activities as defined in s. 365.172(6).~~
96 ~~Any funds retained for such purposes in a calendar year which~~
97 ~~are not applied to such costs and expenses by March 31 of the~~
98 ~~following year shall be distributed to providers pursuant to~~
99 ~~this paragraph.~~ Each wireless provider shall submit to the
100 board, by August 1 of each year, a detailed estimate of the
101 capital and operating expenses for which it anticipates that it
102 will seek reimbursement under this paragraph during the ensuing
103 state fiscal year. To be eligible for recovery during any
104 ensuing state fiscal year, a wireless provider must submit all
105 sworn invoices for allowable purchases within the calendar year
106 no later than March 31 of the fiscal year. By September 15 of
107 each year, the board shall submit to the Legislature its
108 legislative budget request for funds to be allocated to wireless
109 providers under this paragraph during the ensuing state fiscal
110 year. The budget request shall be based on the information
111 submitted by the wireless providers and estimated surcharge
112 revenues. Distributions of moneys in the fund by the board to

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113 wireless providers must be fair and nondiscriminatory. If the
114 total amount of moneys requested by wireless providers pursuant
115 to invoices submitted to the board and approved for payment
116 exceeds the amount in the fund in any month, wireless providers
117 that have invoices approved for payment shall receive a pro rata
118 share of moneys in the fund and the balance of the payments
119 shall be carried over to the following month or months until all
120 of the approved payments are made. The board may adopt rules
121 necessary to address the manner in which pro rata distributions
122 are made when the total amount of funds requested by wireless
123 providers pursuant to invoices submitted to the board exceeds
124 the total amount of moneys on deposit in the fund.

125 (e) Notwithstanding paragraphs (a) and (d), the amounts in
126 the wireless 911 fund as of December 31, 2006, shall be
127 disbursed to wireless providers for the recovery of allowable
128 costs incurred in prior years up to and including the year 2006.
129 Wireless providers shall have until December 31, 2007, to submit
130 sworn invoices to the board to support the recovery of costs
131 incurred pursuant to paragraph (d) that were incurred through
132 calendar year 2006. The board may disburse any remaining amounts
133 of the wireless 911 fund associated with 2006 or prior periods
134 in accordance with this subsection after January 1, 2008.

135 (f) One percent of the moneys in the fund shall be
136 retained by the board to be applied to costs and expenses
137 incurred for the purposes of managing, administering, and
138 overseeing the receipts and disbursements from the fund and
139 other activities as defined in s. 365.172(6). Any funds retained
140 for such purposes in a calendar year which are not applied to

141 such costs and expenses by March 31 of the following year shall
 142 be redistributed as determined by the board.

143 (g)(e) Two percent of the moneys in the fund shall be used
 144 to make monthly distributions to rural counties for the purpose
 145 of providing facilities and network and service enhancements and
 146 assistance for the 911 or E911 systems operated by rural
 147 counties and for the provision of ~~reimbursable loans and grants~~
 148 by the office to rural counties for upgrading and replacement of
 149 E911 911 systems.

150 (h) Up to \$15,000,000 of the existing fund resources shall
 151 be available to cover the lag time for the board's initial
 152 disbursements for counties of the wireline fees until such time
 153 as the actual wireline revenues are available for disbursement
 154 by the board. All funds used for this purpose shall be returned
 155 to the fund from the actual remittances by the nonwireless
 156 category.

157 (i) In the event that the fund has any remaining funds
 158 after disbursements for the prior calendar year have been made,
 159 the board may disburse such funds in accordance with this
 160 subsection.

161
 162 The Legislature recognizes that the ~~wireless E911~~ fee authorized
 163 under s. 365.172 may will not necessarily provide the total
 164 funding required for establishing or providing the E911 911
 165 service. It is the intent of the Legislature that all revenue
 166 from the fee be used as specified in this subsection ~~s.~~
 167 ~~365.171(13)(a)6.~~

168 ~~(3) Through fiscal year 2008-2009,~~ The Auditor General

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169 shall annually audit the fund to ensure that moneys in the fund
170 are being managed in accordance with this section and s.
171 365.172. The Auditor General shall provide a report of the
172 annual audit to the board.

173 Section 2. Two and one-half full-time equivalent
174 positions, with an associated salary rate of 151,278, and the
175 sum of \$561,834 in recurring funds is appropriated for fiscal
176 year 2007-2008 from the Emergency Communications Number E911
177 System Fund of the Department of Management Services from
178 revenue received pursuant to s. 365.173, Florida Statutes, for
179 expenditures related to the creation of the statewide E911
180 Board.

181 Section 3. This act shall take effect upon becoming a law,
182 if House Bill 919 or similar legislation is adopted in the same
183 legislative session or an extension thereof and becomes law.