

CHAPTER 99-203

Senate Bill No. 182

An act relating to trust funds; creating s. 365.173, F.S.; creating the Wireless Emergency Telephone System Fund within the Department of Management Services; providing criteria for the fund; providing for use of moneys in the fund; requiring the Auditor General to annually audit the fund; requiring providers to submit budgets and supporting information to the board; requiring the board to submit a legislative budget request to the Legislature; requiring a report; providing a contingent effective date.

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

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

365.173 Wireless Emergency Telephone System Fund.—

(1) All revenues derived from the E911 fee levied on subscribers under s. 365.172 must be paid 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 Telephone System Fund, a fund created in the Department of Management Services as an insured, interest-bearing account. All moneys in such fund are to be expended by the Department of Management Services for the purposes provided in this section and s. 365.172. These funds are not subject to s. 215.20.

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

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

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

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

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

(b) Fifty-four percent of the moneys shall be held in escrow in an insured, interest-bearing account and distributed in response to sworn invoices submitted to the board by providers to reimburse such providers for the actual

costs incurred to provide 911 or E911 service, including the costs of complying with the order. Such costs include costs and expenses incurred by providers to design, purchase, lease, program, install, test, upgrade, operate, and maintain all necessary data, hardware, and software required to provide E911 service. Up to 2 percent of the funds allocated to providers shall be retained by the board to be applied to costs and expenses incurred for the purposes of managing, administering, and overseeing the receipts and disbursements from the fund. Any funds retained for such purposes in a calendar year which are not applied to such costs and expenses by March 31 of the following year shall be distributed to providers pursuant to this paragraph. Beginning in State Fiscal Year 2000-2001, each provider shall submit to the board, by August 1 of each year, a detailed estimate of the capital and operating expenses for which it anticipates that it will seek reimbursement under this paragraph during the ensuing state fiscal year. By September 1 of each year, the board shall submit to the Legislature its legislative budget request for funds to be allocated to providers under this paragraph during the ensuing state fiscal year. The budget request shall be based on the information submitted by the providers and estimated surcharge revenues.

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

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

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

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

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

Section 2. This act shall take effect on the effective date of Senate Bill 178, relating to wireless emergency 911 telephone service, but it shall not

take effect unless it is enacted by at least a three-fifths vote of the membership of each house of the Legislature.

Approved by the Governor May 26, 1999.

Filed in Office Secretary of State May 26, 1999.