

STORAGE NAME: h1379.utco.doc
DATE: April 10, 2001

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
UTILITIES AND TELECOMMUNICATIONS
ANALYSIS**

BILL #: HB 1379
RELATING TO: Emergency Telephone System
SPONSOR(S): Representative Flanagan
TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) INFORMATION TECHNOLOGY 9 YEAS 0 NAYS
 - (2) UTILITIES AND TELECOMMUNICATIONS
 - (3) COUNCIL FOR READY INFRASTRUCTURE
 - (4)
 - (5)
-

I. SUMMARY:

This bill transfers responsibility for the Florida Emergency Telephony Act and the Wireless Emergency Communications Act from the Department of Management Services to the State Technology Office.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

During the 2000 legislative session, the Legislature amended the organizational structure of the Department of Management Services (DMS), to transfer its internal Technology Program to the newly constituted State Technology Office (STO). The STO was tasked with, among other responsibilities: assuming control of existing communications equipment; managing the state's SUNCOM network; and facilities and working with federal, state, and local government in providing for emergency communications networks. Although chapter 282, Florida Statutes, transferred DMS's technology functions to the STO, chapter 365, Florida Statutes, dealing with the state's 911 emergency telephone system, was not changed, and the statutory authority for the emergency telephone system remained within DMS. Although DMS retained statutory authority for system, DMS delegated this authority to the STO. Thus, the STO has been the functional owner of the emergency telephone system for the past year and has been providing the management and oversight of the system.

C. EFFECTS OF PROPOSED CHANGES:

The bill substitutes the term "office" or "director" in place of "department" or "secretary," respectively, to reflect the formal transfer of responsibility for the state's emergency telephone system from DMS to the STO. The bill affects the nominal authority for the operation of the land-line and wireless "911" emergency telephone number specified in ch. 365, F.S. The bill also transfers investment of revenues derived from the emergency "911" fee from an interest bearing account held by the Department of Management Services to the State Treasurer pursuant to s. 18.125, F.S.

This bill reflects that the STO has been the functional owner of, and in fact overseer of, the state's emergency telephone system.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: This section amends section 365.171 (3), (4), (5), (7), (9), (10), (12), and (13), Florida Statutes.

This section changes the words “department” and “Department of Management Services” to “office” and “State Technology Office,” respectively. This change reflects the transfer of the Wireless 911 system from the Department of Management Services to the State Technology Office.

Section 2: This section amends section 365.172 (2) (d), (3) (e), (4), (5) (a), (6) (c) & (d), Florida Statutes.

This section changes the words “department” and “Department of Management Services” to “office” and “State Technology Office,” respectively. This change reflects the transfer of the Wireless 911 system from the Department of Management Services to the State Technology Office.

Section 3: This section amends section 365.173 (1), & (2), Florida Statutes.

This section changes the ownership of the Wireless Emergency Telephone System Fund from DMS to the State Technology Office. This section also removes the requirement that the funds be held in an insured, interest bearing account, and specifies that the State Treasurer, pursuant to section 18.125, Florida Statutes, must invest the funds. In an audit of the Wireless Emergency Telephone System Fund, the Auditor General has stated that the existing language conflicts with the requirement that the State Treasurer has to invest these funds.

It also changes the budget submission date from September 1st to September 15th. Chapter 2000-371, Laws of Florida, amended section 216.023 (1), Florida Statutes, to require that the State agencies submit their budget request to the Governor and the Legislature no later than September 15th. However, section 365.173(2)(b), Florida Statutes, which required the Board to submit its budget request to the Legislature by September 1st, was not amended. The bill would make the budget submission dates consistent.

Section 4: This section amends s 365.174(1), Florida Statutes.

This section changes the word “department” to “office.” This change reflects the transfer of the Wireless 911 system from Department of Management Services to the State Technology Office.

Section 5. This section provides an effective date upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill transfers control over an interest-bearing account from DMS to the State Treasurer. Sections 18.10 and 18.125, Florida Statutes, give the State Treasurer the authority to invest state agency funds in a variety of financial instruments for various time periods. An annual assessment of .12 percent of all funds is imposed. That assessment rises to .2 percent for funds maintained in a separate account. Assessment proceeds are deposited in the Treasurer's Administrative and Investment Trust Fund. There is no practical change effected by the bill as the State Treasurer currently administers the approximately \$13 million in funds on behalf of the department.

Currently the State Treasurer invests these monies in the trust fund pursuant to sections 18.10 and 18.125, Florida Statutes. By removing the language that specifies the monies be held in an insured, interest bearing account at DMS, it removes a conflict that exists in statute. This language is included pursuant to a request of the auditor general.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

STORAGE NAME: h1379.utco.doc

DATE: April 10, 2001

PAGE: 5

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON HOUSE INFORMATION TECHNOLOGY:

Prepared by:

Staff Director:

Richard Martin

Charles Davidson

AS REVISED BY THE COMMITTEE ON UTILITIES AND TELECOMMUNICATIONS:

Prepared by:

Staff Director:

Patrick L. "Booter" Imhof

Patrick L. "Booter" Imhof