

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2252

SPONSOR: Senator Burt

SUBJECT: Law Enforcement Communications

DATE: April 22, 2000 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wilson</u>	<u>Wilson</u>	<u>GO</u>	<u>Favorable</u>
2.	_____	_____	<u>RC</u>	_____
3.	_____	_____	<u>FP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The bill creates a review panel for the development of a strategy that will permit completion of the dedicated law enforcement radio bandwidth communications system begun in 1984.

This bill creates an undesignated section of the Florida Statutes.

II. Present Situation:

In 1984 the Governor and Cabinet created a multi-agency Joint Task Force on State Law Enforcement Communications. The Task Force was charged with the development of a multi-user statewide communications system which would address the frequency congestion and technological obsolescence rapidly overtaking law enforcement agencies. Initial pilot project sites encompassed Dade, Monroe and a portion of Broward Counties. By 1988 the Task Force was made a statutory entity through the enactment of ch. 88-144, Laws of Florida, and its original purposes had been augmented through the addition of a mutual aid channel and a trust fund for the receipt of revenues.

By the end of fiscal 1994 the original three and one-half year pilot project had grown to five and one-half years and the initial pilot phase had expanded statewide. The system was now also designed to respond to other technological imperatives, including mobile rather than fixed handsets, multiple communication channels, digital rather than solely analog signal capacity, and customized officer-to-officer communication capabilities.

Beginning in 1996, the Federal Communications Commission informed the State of Florida that it would renew its licensing authority for the dedicated 800 Megahertz bandwidth system only upon all geographic components of the system becoming operational by June 30, 2004.

The history of the system has been one characterized not only by delay but also by poor cost estimation, defective technological selection, and uncoordinated, multiple agency actions. Three separate Auditor General reports summarized these operational failures and attributed them to inadequately established policies and procedures, poor documentation of cost formats, a consultant failure to perform, and an unrealistic implementation schedule. A subsequent report issued by the Legislature's Office of Program Policy Analysis and Government Accountability noted cost overruns due to design and equipment changes. The original 1988 cost estimate of \$162 million for communications had grown to \$367 million in 1994 and had escalated again to \$541 million by 1996 with a projected delayed implementation date of 2004. A 1996 legislative request for a reduced version of the original plan was estimated to cost between \$354 million and \$416 million.

Two state agencies have begun the tower acquisition phase of the project, necessary due to the inappropriateness of satellite-based technology for law enforcement communications. The Department of Transportation has begun siting towers on the Florida Turnpike and, to a lesser extent, on state-owned rights of way. The Department of Corrections has contracted with various vendors on its prison sites.

In 1999, a private company approached the functional owner of the 800 MHZ system, the DMS, with a conceptual proposal under which it would assume responsibility for system completion and provide operational and maintenance support for thirty years. The private party would provide a pre-negotiated amount of cash to the Joint Task Force and would be permitted to use excess capacity of the towers for its own proprietary needs. The proposal was not executed due to expressed legislative reservations about the lack of detail in the proposal relative to a significant commitment of resources and the need for the development of an executive plan of action. Subsequently, the DMS has received two additional proposals for private sector assumption of responsibility which it is presently reviewing.

III. Effect of Proposed Changes:

The bill creates the State Law Enforcement Radio System Review Panel. Six of its ten members are legislators, three each from the Senate and House of Representatives appointed by their respective presiding officers, two members appointed by the Governor, the Director of the Division of Bond Finance in the State Board of Administration, and the chair of the Joint Task Force on State Agency Law Enforcement Communications.

The review panel is charged with reviewing, evaluating, and selecting a proposal for the timely completion of the statewide law enforcement communications system which will protect existing and future public investment, ensure optimal value, and produce the best long-term solution. The panel may recommend to the Board of Trustees of the Internal Improvement Trust Fund that state lands be used or conveyed consistent with its recommendations.

The panel may also redirect appropriated funds for fiscal year 2001 consistent with the selected implementation strategy and approve contracts between private vendors and the DMS within appropriated amounts.

The panel is abolished September 1, 2000.

The bill provides an appropriation of \$30,000 for travel related expenses only of the panel for the remainder of fiscal year 2000 and for the first quarter of fiscal year 2001.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

The “review panel” is a term not organizationally recognizable in Florida law. Because the entity acts in an executive capacity, its ability to actually “select” a proposal or to “redirect any funds appropriated” strains the limits of the separation of powers between the Executive and Legislative Branches. The panel is also given the authority to approve contracts between private vendors and the DMS. This provision, too, may prove troublesome as the department nominally reports to the Governor, not a review panel, the majority of members of which are members of the Legislative Branch.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill provides two appropriations of \$15,000 each for the remainder of the fiscal year 2000 and for fiscal year 2001 for associated travel and per diem expenses of the review panel.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
