

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 1968

SPONSOR: Senator Mitchell

SUBJECT: State Law Enforcement Radio Operating Trust Fund

DATE: April 1, 2001

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rhea	Wilson	GO	Favorable
2.	_____	_____	AGG	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

This bill creates the Law Enforcement Radio Operating Trust Fund within the State Technology Office for the purpose of paying operating costs associated with the statewide radio communications system.

This bill amends section 282.1095 of the Florida Statutes.

## II. Present Situation:

Section 19(f), Art. III of the State Constitution states:

No trust fund of the State of Florida or other public body may be created by law without a three-fifths (3/5) vote of the membership of each house of the legislature in a separate bill for that purpose only.

State trust funds must terminate not more than four years after the effective date of the act authorizing the creation of the trust fund. The Legislature is permitted to set a shorter time period for which any trust fund is authorized.<sup>1</sup>

Section 215.3207, F.S., establishes criteria for the creation of trust funds. A trust fund may be created by law only by the Legislature and only if passed by a three-fifths vote of the membership of each house in a separate bill for the purpose only. Except for trust funds being re-created by the Legislature, each trust fund must be created by statutory language that specifies at least the following:

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<sup>1</sup> Section 18 (2), Art. III of the State Constitution.

- < The name of the trust fund.
- < The agency or branch of state government responsible for administering the trust fund.
- < The requirements or purposes that the trust fund is established to meet.
- < The sources of moneys to be credited to the trust fund or specific sources of receipts to be deposited in the trust fund.

Under s. 215.3208, F.S., the Legislature must review all state trust funds at least once every four years. The schedule for review is included in the legislative budget instructions. The trust funds are identified by a six-digit code in the Florida Accounting Information Resource Subsystem.

When the Legislature terminates a trust fund, the agency or branch of state government that administers the trust fund shall pay any outstanding debts or obligations of the trust fund as soon as practicable, and the Comptroller must close out and remove the trust fund from the various state accounting systems.

Section 282.1095, F.S., authorizes the State Technology Office (STO) to acquire and implement a statewide radio communications system to serve law enforcement units of state agencies, and to serve local law enforcement agencies through a mutual aid channel. The Joint Task Force on State Agency Law Enforcement Communications is in the STO to advise the STO of member-agency needs for the planning, designing, and establishment of the joint system.

Under s. 282.1095, F.S., there is a State Agency Law Enforcement Radio System Trust Fund. This trust fund is funded from surcharges collected under ss. 320.0802 and 328.72, F.S. Section 32.0802, F.S., levies on each license imposed under 320.08, F.S.<sup>2</sup> a surcharge in the amount of \$1. Section 328.72(9), F.S., also levies a surcharge on each vessel registration fee in the amount of \$1.

### **III. Effect of Proposed Changes:**

The bill creates the Law Enforcement Radio Operating Trust Fund within the State Technology Office (STO) for the purpose of paying operating costs associated with the statewide radio communications system.

For fiscal year 2001-2002, the unobligated cash balance in the State Agency Law Enforcement Radio System Trust Fund identified by the STO is to be transferred to the State Law Enforcement Radio Operating Trust Fund.

Section 2. of the bill provides that the State Law Enforcement Trust Fund is to be terminated on July 1, 2005, unless terminated sooner. A scheduled review is to occur prior to termination.

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<sup>2</sup> This section imposes a license tax for the operation of motor vehicles, mopeds, motorized bicycles and mobile homes.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

*See Present Situation above.*

**V. Economic Impact and Fiscal Note:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.