

# 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: CS/SB 800

SPONSOR: Finance and Taxation Committee and Senator Silver

SUBJECT: The disposition of traffic fines.

DATE: April 10, 2001

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bowman</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/1 amendment</u>
2.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
3.	<u>Keating</u>	<u>Johansen</u>	<u>FT</u>	<u>Favorable/CS</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

The bill requires that if a municipality within the county has been in a state of financial emergency during the preceding 5 years, has had a financial emergencies board established, regardless of whether the board is currently in existence, and maintains a radio-communication program independent of the county, the \$12.50 of revenue collected from moving violations be distributed to that municipality. This revenue must be used to fund law enforcement automation.

This bill amends section 318.21, Florida Statutes.

## II. Present Situation:

The 1992 Legislature allowed a county that participates in an intergovernmental radio communication program approved by the Division of Communications of the Department of General Services (Department of Management Services), to assess a surcharge of up to \$12.50 per moving traffic violation. Proceeds from the surcharge are be used to fund the county's participation in the intergovernmental radio communication program.

Section 318.21, F.S., provides for the disposition of civil penalties collected by a county court. Subsection (10) provides that \$12.50 from each moving traffic violation must be used by the county to fund the county's participation in an intergovernmental radio communication program approved by the Department of Management Services. The Division of Communications (DIVCOM) of the Department of Management Services (department) administers an intergovernmental radio communication program.

The department has defined an intergovernmental radio communication program as a cooperative venture that includes the participation of two or more local agencies, or one or more local agencies and one or more state agencies. A local program is approved by DIVCOM when:

- The program includes the sharing of support facilities (e.g. towers, shelters, microwave) by participating entities, or
- The program includes the establishment of a mutual aid system using common radio frequency channels between participating entities, or
- The program sets forth a feasible methodology that utilizes the radio frequency spectrum in an efficient manner.

According to the department, 57 of Florida's counties participate in the program. Only three counties are without an intergovernmental radio program, and the status of an additional seven counties is unknown.

Under the section, if the county collecting the fines is not participating in this program, the funds must be used to fund local law enforcement automation and must be distributed to the municipality or special improvement district in which the violation occurred or to the county, if the violation occurred in the unincorporated area of the county.

Section 218.503, F.S., defines when a local government is in a state of financial emergency and s. 218.503(3)(g)1., F.S., grants the governor the authority to establish a financial emergencies board to oversee the activities of the local governmental entity. In 1996, Governor Chiles established a financial emergencies board pursuant to executive order 96-391, issued December 2, 1996, to oversee the operation of the City of Miami.

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

The bill amends subsection (10) of s. 318.21, F.S., requiring that if a municipality within the county has been in a state of financial emergency during the preceding 5 years, has had a financial emergencies board established, regardless of whether the board is currently in existence, and maintains a radio-communication program independent of the county, the \$12.50 of revenue collected from moving traffic violations be distributed to that municipality. This revenue must be used to fund law enforcement automation

The only municipality for which a financial emergencies board has been established in the last five years is the City of Miami.

The effective date of the bill is July 1, 2001.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

According to the Revenue Estimating Conference, the bill would shift \$200,000 in moving traffic violations from Dade County to the City of Miami.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The revenue distributed to Dade County for participation in an intergovernmental radio communication program will be decreased by an estimated \$200,000 a year, while the City of Miami will see a \$200,000 increase in revenues.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.