

STORAGE NAME: h0505s1a.cpcs.doc
DATE: February 21, 2002

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
CRIME PREVENTION, CORRECTIONS & SAFETY
ANALYSIS**

BILL #: CS/HB 505
RELATING TO: Law Enforcement/Consolidation/FDLE
SPONSOR(S): Committee on State Administration and Representative(s) Needleman

TIED BILL(S):

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

- (1) STATE ADMINISTRATION YEAS 5 NAYS 0
- (2) CRIME PREVENTION, CORRECTIONS & SAFETY YEAS 9 NAYS 0
- (3) CRIMINAL JUSTICE APPROPRIATIONS
- (4) COUNCIL FOR SMARTER GOVERNMENT
- (5)

I. SUMMARY:

This Committee Substitute creates a time-limited Law Enforcement Agency Consolidation Task Force charged with investigating and reporting to the Legislature by no later than 30 days prior to the opening day of the 2003 legislative session, on the issue of the impact of consolidating state law enforcement agencies under a unified command.

The task force will have five members: two appointed by the Governor with expertise in corporate mergers, one member of the Senate appointed by the President of the Senate, one member of the House of Representatives appointed by the Speaker of the House, and the Attorney General or a designate of the Attorney General.

Members are to be appointed by July 1, 2002. The first meeting must occur no later than July 15, 2002. The task force will be abolished effective July 1, 2003.

This bill appears to have an insignificant fiscal impact upon State government and no fiscal impact on local government.

This bill takes effect upon becoming law.

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II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input 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"/> |

The bill creates a time-limited task force.

B. PRESENT SITUATION:

Currently, state law enforcement responsibilities and law enforcement positions are dispersed among the departments, agencies, universities, and community colleges of the state. State agencies with law enforcement units include the Departments of Environmental Protection, Legal Affairs, Agriculture and Consumer Services, Insurance, Transportation, Law Enforcement, Management Services, Highway Safety and Motor Vehicles, Business and Professional Regulation, and the Florida School for the Deaf and Blind. State universities and community colleges also have law enforcement units. Finally, the Fresh Water and Wildlife Conservation Commission, a constitutional agency, also has significant law enforcement responsibilities.

The Department of Corrections (DOC) employs 97 inspectors whose responsibilities include criminal and administrative investigations of matters relating to the DOC, including conduct of employees, inmates, and visitors. The department's inspectors conduct criminal investigations up to the point of arrest,¹ but do not have the authority to make an arrest. Currently, DOC has 40 inspectors who hold law enforcement officer certification in addition to their correctional officer certification. However, these inspectors have no authority to act as law enforcement officers on behalf of the DOC, and therefore are not included in this analysis for purposes of state law enforcement consolidation.

C. EFFECT OF PROPOSED CHANGES:

This CS creates a Law Enforcement Agency Consolidation Task Force charged with investigating the issue of consolidating state law enforcement personnel under a unified command.

The Task Force

The task force membership consists of five members:

- Two persons in the private sector with expertise in corporate mergers appointed by the Governor;
- The Attorney General or the Attorney General's designee;
- A member of the Senate appointed by the Senate President; and
- A member of the House of Representatives appointed by the Speaker of the House.

¹ s. 944.31, F.S.

Members are to be selected no later than July 1, 2002. The task force is to meet for the first time no later than July 15, 2002, at which time the task force will appoint its chair from its members.

Three members constitute a quorum. The task force is subject to public record requirements found in chapter 119, F.S. The task force must adhere to public meeting requirements found in s. 286.011, F.S., and ensure that the public has opportunity to participate at the meetings. The Executive Office of the Governor is required to provide timely notice of the time and place of task force meetings to those persons requesting notice.

The task force members do not receive compensation for their membership on the task force, but receive reimbursement for per diem and travel expenses.

The Executive Office of the Governor will staff the task force within existing appropriations.

The task force will be abolished on July 1, 2003.

The Task Force's Report

The task force is to investigate and report to the Legislature on the effect of consolidating state law enforcement personnel under a unified command. Its initial report is due no later than 45 days prior to the first day of the 2003 regular legislative session. Its final report is due no later than 30 days prior to the first day of the 2003 regular legislative session.

In these reports, the task force must:

- Identify all law enforcement functions and personnel positions that exist in each state agency;
- Identify all statutory provisions assigning law enforcement duties to state agencies;
- Identify the options considered by the Task force for consolidation of law enforcement functions, duties, and personnel, and identify the costs for consolidation under each option;
- Determine whether consolidation of all law enforcement functions, law enforcement personnel, or both, would prove more effective and efficient than the current distribution of law enforcement activities and sworn personnel. This determination must include a cost analysis and comparison; and
- If the determination is made that consolidation is more effective and efficient than the current distribution of law enforcement activities and sworn personnel, recommend proposed legislation based upon the recommended best option for consolidating all law enforcement functions, law enforcement personnel, or both. This recommendation must include provision for any necessary restructuring of agencies as a result of the recommended reorganization.

State Agency Responsibilities

Agencies are to cooperate with the task force in the performance of its duties. Each agency that has law enforcement functions or sworn law enforcement personnel are specifically required to produce a report that provides the authority the agency relies upon for the performance of the responsibilities or the employment of sworn personnel.

Effective Date

The bill takes effect upon becoming law.

D. SECTION-BY-SECTION ANALYSIS:

See "Effect of Proposed Changes," above.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Insignificant. Costs are absorbed in the budget of the Executive Officer of the Governor.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Information obtained from the Fiscal Responsibility Council indicates that there are 3937 full time equivalent career service positions in the state agencies that perform law enforcement functions. These positions are found in:

<u>Department</u>	<u>Law Enforcement Positions</u>
Environmental Protection	136
Legal Affairs	45
Agriculture & Consumer Affairs	212
Insurance	223
Transportation	225
Law Enforcement	395
Management Services	59
Highway Safety & Motor Vehicles	1748
Business & Professional Regulation	174
Fish & Wildlife Conservation Comm.	668
School for the Deaf & Blind	9

Additionally, the Division of Colleges and Universities reports that there are approximately 408 full time equivalent positions that perform law enforcement functions at the state's ten universities. Information on the number of positions performing law enforcement functions in the community

college police forces was most recently requested Friday, February 8, 2002, but as of publication, the Division of Colleges and Universities has not responded.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

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

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

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

The 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.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

At its February 12, 2002, meeting, the Committee on State Administration adopted the Proposed Committee Substitute to HB 505, described above. The committee adopted one amendment to the PCS which makes clear that meetings of the task force will be conducted in accordance with s. 286.011, F.S., and that the task force staff will timely notify all who request notice of the initial and subsequent meetings of the task force.

HB 505 would have consolidated state law enforcement personnel under a unified command within the Department of Law Enforcement, limited the transfer of management level positions in law enforcement units to no more than 10 percent of existing management level positions in those units and directed the Division of Statutory Revision to prepare a reviser's bill to reflect the transfer of the positions to the department.

On February 21, 2002, the Committee on Crime Prevention, Corrections, and Safety adopted one amendment that is traveling with the bill. This amendment clarifies that the Law Enforcement Agency Consolidation Task Force will sunset on July 1, 2003.

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VII. SIGNATURES:

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