

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | 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. EFFECT OF PROPOSED CHANGES:

This bill amends s. 318.21(9) F.S., and provides that if a municipality maintains an independent 800 megahertz radio communication program which can communicate with its county’s system, or if the mutual aid channels are compatible, \$12.50 from each moving traffic violation collected within the territorial jurisdiction of the municipality must be distributed to the municipality for the purpose of funding local law enforcement automation.

Current Law

Chapter 318, F.S., the “Florida Uniform Disposition of Traffic Infractions Act,” governs the disposition of traffic infractions. Section 318.21, F.S., provides for the monthly distribution of civil penalties collected by county courts to various entities.

Section 318.21(10), F.S., provides that \$12.50 of the penalty collected from each moving traffic violation is paid to fund a county’s participation in an intergovernmental radio communication program which is approved by the State Technology Office within the Department of Management Services (DMS). DMS has defined such a 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 the State Technology Office when:

- The program includes the sharing of support facilities (i.e., towers, shelter, microwave) by participating entities;
- 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.

Sixty four of Florida’s 67 counties participate in the program.

If a county does not participate in such a program, the \$12.50 is used to fund local law enforcement automation and must be distributed to the city or special improvement district in which the violation occurred or the county if the violation occurred in an unincorporated area.

Present Situation

In 2002, the Florida Legislature passed a bill containing identical language to this proposal. See, CS/SB 1554. The Governor vetoed this bill, stating:

The bill provides an alternative distribution methodology for the \$12.50 surcharge collected from traffic violations and provided to the county for implementation of an intergovernmental communication system. The methodology provides that if a municipality has an independent 800 MHz radio communications program, or if the mutual-aid channels are compatible, the municipality will receive the \$12.50 surcharge collected from traffic violations occurring in its jurisdiction. The municipality is authorized to use the funds for local law enforcement automation. Last year, Senate Bill 800 contained a similar provision and was vetoed based upon the adverse impact of diverting funds and potential creation of disparate systems.

I have given careful consideration to both the cities and the counties that voiced their opinions on this issue. It is unfortunate that a chasm still exists at a time when our awareness and need for emergency response and emergency services are heightened. In light of the recent terrorist events, I feel even more strongly that governmental entities at the state, county and city levels should work together to provide emergency operation services to the citizens and visitors in our state. I do not want to create unintended consequences which may impede our ability to build an intergovernmental radio communication system by redirecting funds away from the program. In both natural and man-made disasters, mutual-aid capability is essential for responding to the needs of the impacted communities.

It may well be time to revisit this policy in a more deliberative, inclusive manner. Palm Beach County and its municipalities have found a way to resolve this issue by instituting an interagency agreement between the county and municipalities. In this instance, the parties negotiated a solution to ensure each can continue to meet its current obligations and begin to address the burgeoning need for enhancements to law enforcement communication and other automation projects.

C. SECTION DIRECTORY:

Section 1: Amends s. 318.21(9), F.S., to provide that if a municipality within a county maintains an independent 800-megahertz radio communication program that can communicate with the county's systems, or if the mutual aid channels are compatible, funds collected from violations occurring within the municipality must be distributed to the municipality to fund local law enforcement automation.

Section 2: Provides an effective date of upon becoming law.

II. 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:

Indeterminate. If a municipality maintains an 800-megahertz radio communication program independent of the county, funds collected within the territorial jurisdiction of the municipality would be distributed to the municipality rather than the county. This would result in a shift in funds from counties to municipalities.

2. Expenditures:

Indeterminate. Under this proposal, municipalities with such radio communication programs would spend the financial resources at issue to fund local law enforcement automation.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments

A representative¹ of the Association of Counties has indicated that this entity opposes the bill. He stated that the county systems are working efficiently, and this bill will impede a current, functional system. It does not insure interoperability, and may inhibit communications during emergencies.

According to a representative² of the Florida League of Cities, the League would be in favor of this bill.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

The Sponsor intends to offer two amendments to this bill. One amendment specifies that the 800-megahertz radio communication program be one that can achieve interoperability with the county's system, in which case the funds at issue can be used to fund the maintenance and operation of said program. The other amendment provides that the act will not apply to any interlocal agreements between cities and counties concerning these funds that are in effect on March 4, 2003.

¹ Frank Mayernick, Governmental Liaison, Florida Association of Counties.

² Craig Konn, Legislative Counsel, Florida League of Cities.