

# 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/CS/SB 1350

SPONSOR: Comprehensive Planning Committee, Criminal Justice Committee & Senator Bennett

SUBJECT: Civil Penalties

DATE: April 21, 2003                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Wiehle</u>	<u>Caldwell</u>	<u>CU</u>	<u>Fav/2 amendments</u>
3.	<u>Herrin</u>	<u>Yeatman</u>	<u>CP</u>	<u>Fav/CS</u>
4.	_____	_____	<u>ACJ</u>	_____
5.	_____	_____	<u>AP</u>	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill provides that if a municipality maintains an independent radio communication program that can achieve interoperable communication with the county’s system, certain civil traffic penalties collected within the territorial jurisdiction of the municipality must be distributed to the municipality in which the violation occurred. The funds directed to the municipalities are to be used to fund local law enforcement automation and communications. This bill does not effect an interlocal agreement between a municipality and a county concerning these funds that is in effect on March 4, 2003.

This bill substantially amends section 318.21 of the Florida Statutes.

**II. Present Situation:**

**Disposition of Traffic Infraction Proceeds**

Chapter 318, F.S., governs the disposition of traffic infraction proceeds. Section 318.21, F.S., provides for the disposition of civil penalties collected by the county court due to traffic infractions. Section 318.21(9), F.S., provides that \$12.50 of the penalties collected for a moving violation is paid to fund a county’s participation in an intergovernmental radio program approved by the Department of Management Services. If the 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 municipality or special improvement district in which the violation occurred or the county if the violation occurred in an unincorporated area.

**DMS Intergovernmental Radio Communication Program**

The State Technology Office within 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 the State Technology Office when:

- The program includes the sharing of support facilities (e.g. towers, shelters, 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.

According to information provided by the department, 64 of Florida's counties participate in the program.

**III. Effect of Proposed Changes:**

**Section 1** amends s. 318.21(9), F.S., to provide that if a municipality maintains an 800 megahertz radio communication program, independent of the county, that can achieve interoperable communication with the county's system, certain funds collected within the territorial jurisdiction of the municipality, as a result of a moving traffic violation, must be distributed to the municipality in which the violation occurred. (Note: The term "interoperable", as it relates to telecommunications, networking, and the internet, refers to the ability to work together and exchange information.) The funds must be used to fund local law enforcement automation or communications.

**Section 2** provides the bill does not effect an interlocal agreement between a municipality and a county concerning these funds that is in effect on March 4, 2003.

The bill shall take effect July 1, 2003.

**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:**

This bill's fiscal impact on counties and municipalities is indeterminate. If a municipality maintains a radio communication program that can achieve interoperable communication with the county, funds collected within the territorial jurisdiction of the municipality will be distributed to the municipality rather than the county. This could result in a shift of funds to municipalities that currently go to the counties. During 2001, approximately 2.2 million traffic citations for moving violations were issued in Florida. If \$12.50 were collected from each citation, there would be approximately \$27.5 million generated under s. 318.21(9), F.S. However, the amount collected is not known and the amount that would be shifted from counties to municipalities is not known.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Noted above under the Tax/Fee Issues section.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.