

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 1350

SPONSOR: Criminal Justice Committee & Senator Bennett

SUBJECT: Civil Penalties

DATE: April 3, 2003

REVISED: 4/8/03

	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> </u>	<u> </u>	<u>CP</u>	<u> </u>
4.	<u> </u>	<u> </u>	<u>ACJ</u>	<u> </u>
5.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>
6.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

I. Summary:

This bill provides that if a municipality maintains an independent radio communication program which can communicate with the county's system, or if the mutual aid channels are compatible, 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 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 that 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:

The bill amends s. 318.21(9), F.S., to provide that if a municipality maintains a radio communication program independent of the county but which can communicate with the county's system, or if the mutual aid channels are compatible, 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. The funds must be used to fund local law enforcement automation or communications.

Estimates indicate that approximately 24 municipalities would benefit from this change.

The bill takes effect upon becoming a law.

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 independent of 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:**#1 by Communication & Public Utilities**

Limits use of subject civil penalty funds to funding maintenance and operation of the municipality's 800-megahertz radio communication program, not to fund other law enforcement automation or communications. (WITH TITLE AMENDMENT)

#2 by Communication & Public Utilities

Grandfathers interlocal agreements between cities and counties concerning the civil penalty funds that are in existence on the effective date, which is July 1, 2003. (WITH TITLE AMENDMENT)