

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 85 Sunshine Security Act
SPONSOR(S): Needelman
TIED BILLS: none **IDEN./SIM. BILLS:** none

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|---------------------------------------|----------|---------|----------------|
| 1) State Administration | 5 Y, 0 N | Bond | Everhart |
| 2) Public Safety & Crime Prevention | | Kramer | De La Paz |
| 3) Public Safety Appropriations (Sub) | | | |
| 4) Appropriations | | | |
| 5) | | | |

SUMMARY ANALYSIS

Currently, there are 26 separate law enforcement commands employing approximately 6,200 individuals dispersed among the departments, agencies, universities and community colleges of the state.

This bill creates a five-person Law Enforcement Agency Consolidation Task Force to explore whether the state should consolidate some or all of these law enforcement positions under one department for the purpose of a unified command. Two members are to be appointed by the Governor, one by the Attorney General, and one each by President of the Senate and the Speaker of the House. The task force must issue its report prior to the 2005 session.

This bill appears to have a minimal nonrecurring fiscal impact upon state government. This bill does not appear to have a fiscal impact on local governments.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0085b.ps.doc
DATE: March 12, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input 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:

This bill creates a new task force.

B. EFFECT OF PROPOSED CHANGES:

Background

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 are as follows:¹

| Agency | Sworn Employees | Non-Sworn Employees | Law Enforcement Managers | Other Employees |
|--|-----------------|---------------------|--------------------------|-----------------|
| Department of Agriculture and Consumer Services | 213 | 79 | 1 | |
| Department of Business and Professional Regulation | 140 | 1 | 1 | |
| Department of Children and Families | 2 | 38 | | |
| Department of Corrections | | 6 | | |
| Department of Environmental Protection | 134 | 2 | 3 | |
| Department of Financial Services | 188 | 60 | 1 | |
| Department of Highway Safety and Motor Vehicles | 1,586 | 286 | 14 | |
| Department of Juvenile Justice | 4 | 10 | | |
| Department of Law Enforcement | 426 | 197 | 2 | 1,193 |
| Department of Legal Affairs | 39 | 43 | 1 | |
| Department of Transportation | 208 | 10 | | |
| Florida Fish and Wildlife Conservation Commission | 669 | 69 | 17 | |
| Florida School for the Deaf and the Blind | 7 | 1 | 1 | |
| TOTALS | 3,616 | 802 | 41 | 1,193 |

In addition, the 11 state universities have 462 authorized law enforcement positions;² and three of the 28 community colleges have law enforcement units, employing a total of 51 sworn police officers.³

¹ Chart provided by the Department of Management Services on December 2, 2003.

Effect of Bill

This bill 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 membership consists of five members:

- Two persons from private industry who have expertise in corporate mergers are to be 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.

Members are to be selected no later than July 10, 2004. The task force is to meet for the first time no later than July 15, 2004, 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., and public meeting requirements found in s. 286.011, F.S. The public in attendance at a meeting must be given an opportunity to participate in the meeting. 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 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 2005 regular legislative session.⁴ Its final report is due no later than 30 days prior to the first day of the 2005 regular legislative session.⁵

In these reports, the task force must:

- Identify all law enforcement functions and duties of 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.

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

² Information from Division of Colleges and Universities, December 10, 2003.

³ Pensacola Community College has 15 full-time officers, Santa Fe Community College has 20 full-time and 1 part-time officers, and Tallahassee Community College has 12 full-time and 3 part-time officers. Information provided by the Division of Community Colleges, December 3, 2003.

⁴ Saturday, January 22, 2004.

⁵ Sunday, February 6, 2005.

report no later than August 1, 2004 that provides the authority the agency relies upon for the performance of the responsibilities or the employment of sworn personnel.

The bill takes effect upon becoming law. The task force will be abolished by its own terms on July 1, 2005.

C. SECTION DIRECTORY:

Section 1 of the bill creates the task force and specifies its duties.

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. This bill does not create, modify, amend, or eliminate a state revenue source.

2. Expenditures:

Task force members will not receive any salary, but must be reimbursed for travel and per diem. Members will be required to meet, and thus will incur travel and per diem costs. The bill does not specify who pays for travel and per diem expenses; thus, such expenses will be the responsibility of the agency appointing such persons to the task force.

Assuming \$500 per person per meeting (travel and per diem), staff support of three individuals at each meeting, and four meetings, plus publication and other staff support costs of \$2,000; the non-recurring fiscal impact to general revenue is estimated at \$18,000.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None. This bill does not create, modify, amend, or eliminate a local government revenue source.

2. Expenditures:

None. This bill does not create, modify, amend, or eliminate a local government expenditure.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Additionally, the Division of Colleges and Universities reported in 2002 that there were 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 is not currently available.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The due dates for the draft report and the final report both fall on weekends. The two reports are only 15 days apart, and contain the same information; it is unclear why both are necessary.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.