

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 45 CS Law Enforcement
SPONSOR(S): Needelman
TIED BILLS: none **IDEN./SIM. BILLS:** SB 1772

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Criminal Justice Committee	5 Y, 1 N, w/CS	Bond	Kramer
2) Governmental Operations Committee	5 Y, 0 N	Luppert	Everhart
3) Fiscal Council			
4) Justice Council			
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 a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives prior to the 2006 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: h0045c.GO.doc
DATE: 3/9/2005

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government - This bill may increase the size of government as it creates a task force, although the apparent purpose of the task force is to examine decreasing the size of state government.

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.

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.

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 and law enforcement 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, 2005. The task force is to meet for the first time no later than July 15, 2005, 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 in accordance with s. 112.061, F.S.

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 2006 regular legislative session.⁴ Its final report is due no later than 30 days prior to the first day of the 2006 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 any law enforcement functions, law enforcement personnel, or both. This recommendation must include provision for any necessary restructuring of state 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 report no later than August 1, 2005 that provides the authority the agency relies upon for the performance of the responsibilities or the employment of sworn personnel.

⁴ Saturday, January 21, 2006.

⁵ Sunday, February 5, 2006.

The bill takes effect upon becoming law. The task force will be abolished by its own terms on July 1, 2006.

C. SECTION DIRECTORY:

Section 1. 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.

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.

House staff estimates a non-recurring, fiscal impact of approximately \$18,000 to the state General Revenue Fund. This estimate assumes costs of \$16,000 for travel and per diem, or \$500 per person per meeting. [Five panel members and three support staff, for four meetings.] Publication and other staff support costs are estimated at \$2,000.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

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

On February 9, 2005, the Criminal Justice Committee adopted one amendment to this bill. The amendment requires the two gubernatorial appointees to have law enforcement experience. The bill was then reported favorably with a committee substitute.