

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 273 Law Enforcement Communications
SPONSOR(S): Jenne and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 740

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|---|---------------|-------------------|-----------------------|
| 1) <u>Safety & Security Council</u> | <u></u> | <u>Cunningham</u> | <u>Havlicak</u> |
| 2) <u></u> | <u></u> | <u></u> | <u></u> |
| 3) <u></u> | <u></u> | <u></u> | <u></u> |
| 4) <u></u> | <u></u> | <u></u> | <u></u> |
| 5) <u></u> | <u></u> | <u></u> | <u></u> |

SUMMARY ANALYSIS

The Statewide Law Enforcement Radio System (SLERS) provides state law enforcement officers with a shared 800 MHz radio system and provides a limited number of public mutual aid channels that may be used by local law enforcement agencies.

The Joint Task Force on State Agency Law Enforcement Communications advises its member-agencies of the needs for the planning, designing, and establishment of the SLERS. Currently, the task force consists of eight state agency members.

This bill increases the membership of the Joint Task Force on State Agency Law Enforcement Communications from eight to fifteen members.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government – This bill increases the membership of the Joint Task Force on State Agency Law Enforcement Communications.

B. EFFECT OF PROPOSED CHANGES:

Pursuant to s. 282.1095, F.S., Enterprise Information Technology Services (EITS), a statutorily created organization administratively housed within the Department of Management Services, has acquired and implemented a statewide radio communications system to serve law enforcement units of state agencies, and to serve local law enforcement agencies through a mutual aid channel.¹ This shared system, known as the Statewide Law Enforcement Radio System (SLERS), provides state law enforcement officers with a shared 800 MHz radio system.² SLERS also provides a limited number of public mutual aide channels that may be used by local law enforcement agencies that have an 800 MHz radio system.

Aside from the public mutual aide channels, there are two ways in which local law enforcement agencies may use SLERS. Local law enforcement agencies may opt to join SLERS as a *third-party subscriber*, which allows the local entity to use SLERS as their *primary* radio system. Third-party subscribers must buy the necessary equipment and pay a monthly fee for the service. Local law enforcement agencies may also opt to join SLERS as an *interoperability user*, which allows the local entity to use SLERS in a limited capacity to communicate with other state law enforcement agencies. Interoperability users must also buy any necessary equipment and pay a monthly fee for the service.

Section 282.1095, F.S., establishes the Joint Task Force on State Agency Law Enforcement Communications. The purpose of the task force is to advise its member-agencies of the needs for the planning, designing, and establishment of the SLERS.³ The task force is authorized to meet as necessary, but must meet at least quarterly.⁴ Currently, the task force consists of the following eight state agency members:

- A representative of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation who shall be appointed by the secretary of the department.
- A representative of the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles who shall be appointed by the executive director of the department.
- A representative of the Department of Law Enforcement who shall be appointed by the executive director of the department.
- A representative of the Fish and Wildlife Conservation Commission who shall be appointed by the executive director of the commission.
- A representative of the Division of Law Enforcement of the Department of Environmental Protection who shall be appointed by the secretary of the department.
- A representative of the Department of Corrections who shall be appointed by the secretary of the department.
- A representative of the Division of State Fire Marshal of the Department of Financial Services who shall be appointed by the State Fire Marshal.

¹ http://dms.myflorida.com/eits/public_safety/radio_communications/statewide_law_enforcement_radio_system.

² *Id.*

³ s. 282.1095(1), F.S.

⁴ s. 282.1095(2)(d), F.S.

- A representative of the Department of Transportation who shall be appointed by the secretary of the department.

HB 273 increases the membership of the Joint Task Force on State Agency Law Enforcement Communications from eight to fifteen members. The bill adds the following *state agency member*:

- A representative of the Division of Emergency Management who shall be appointed by the director of the division.

The bill also adds the following *professional agency and labor union members*:

- A representative of the Florida Police Chiefs Association who shall be appointed by the president of the association.
- A representative of the Florida Sheriffs Association who shall be appointed by the president of the association.
- A representative of the Florida Fire Chiefs Association who shall be appointed by the president of the association.
- A representative of the Florida Police Benevolent Association who shall be appointed by the president of the association.
- A representative of the Florida Fraternal Order of Police who shall be appointed by the president of the order.
- A representative of the Florida Professional Firefighters Association who shall be appointed by the president of the association.

C. SECTION DIRECTORY:

Section 1. Amends s. 282.1095, F.S., relating to the state agency law enforcement radio system and interoperability network.

Section 2. This bill takes effect July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Per diem and travel expenses incurred by members of the task force in attending its meetings and in attending to its affairs are paid from funds budgeted to the state agency that the member represents.⁵ Because this bill only adds one state agency member to the Joint Task Force on State Agency Law Enforcement Communications, the fiscal impact will likely be insignificant.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

⁵ See s. 282.1095(2)(e), F.S.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill adds professional associations and labor unions to the Joint Task Force on State Agency Law Enforcement Communications. As noted in the "Comments" section below, it is unclear whether these entities will be required to pay the per diem and travel expenses of its representatives on the task force.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Currently, s. 282.1095(2)(e), F.S., provides that the per diem and travel expenses incurred by a member of the joint task force in attending its meetings and in attending to its affairs shall be paid from funds budgeted to the state agency that the member represents. This bill adds entities that are not state agencies to the membership of the task force. As such, it is unclear who would be obligated to pay the per diem and travel expenses incurred by members of such entities.

The Department of Management Services states the following in its bill analysis:

The proposed new Joint Task Force members would be a significant change from current membership which is just state agencies. The proposed new members would add professional associations and labor unions. Under the present configuration, the rank and file users are represented on the Board by the eight state agency statutory members.

Third-party subscribers presently represent about 5% of all SLERS users. At some time, it may be appropriate to provide an official voice for them in SLERS matters but it is not clear if the seven proposed members will meet that need.

Interoperability users represent about 9% of the population served. Expanding the voice of the interoperability participants is needed but a better forum for that is an expansion of the Florida Executive Interoperable Technologies Committee (FEITC) under the Domestic Security Oversight Council.

D. STATEMENT OF THE SPONSOR

No statement was submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES