#### HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #:HB 5059PCB GEAC 08-26State Agency Law Enforcement Radio System Trust FundSPONSOR(S):Government Efficiency & Accountability Council and GrantTIED BILLS:IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Government Efficiency & Accountability Council	13 Y, 0 N	Hicks/Dykes	Cooper
1) Policy & Budget Council		Leznoff	Hansen
2)			
3)			
4)			
5)			

# SUMMARY ANALYSIS

The State Agency Law Enforcement Radio System Trust Fund was established by the Florida Legislature in 1988 for the purpose of acquiring and implementing 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. The source of funding for enhancements and improvements to the radio system is a \$3 surcharge paid on all criminal offenses listed in s. 318.17, Florida Statutes, and for all noncriminal moving traffic violations under chapter 316, Florida Statutes. The Department of Management Services is currently authorized to retain sufficient funds in the State Agency Law Enforcement Radio System Trust Fund to recover costs of managing, administering and overseeing the Statewide Radio System. Funds received in excess of the funds needed for these purposes are retained in the trust fund by the Department for future enhancements and improvements.

Current Florida law does not provide authority for the Department of Management Services to incur expenditures in the State Agency Law Enforcement Radio System Trust Fund for the purpose of providing technical assistance to state agencies and local law enforcement agencies with their emergency wireless communications systems. This bill authorizes the Department of Management Services to do so.

This bill also clarifies that the Department of Management Services shall determine and direct the purposes for which the funds of the state agency law enforcement radio system trust fund are used.

Though the bill expands the Department of Management Services permissible use of the State Agency Law Enforcement Radio Trust Fund, it has no direct fiscal impact. However, the proposed General Appropriations Act shifts the appropriation of \$214,721 in General Revenue to this trust fund.

This bill is effective July 1, 2008.

# FULL ANALYSIS

# I. SUBSTANTIVE ANALYSIS

### A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

#### **Current Situation**

Subsection (17) of section 318.18, Florida Statute, directs the quarterly deposit of revenues from the \$3 surcharge paid on all criminal offenses listed in s. 318.17, Florida Statute and for all noncriminal moving traffic violations under chapter 316, Florida Statute into the State Agency Law Enforcement Radio System Trust Fund of the Department of Management Services for the state agency law enforcement radio system, as described in s. 282.1095, Florida Statute The Department of Management Services is permitted to retain funds sufficient to cover the costs associated with managing, administering and overseeing the Statewide Law Enforcement radio system.

#### Effect of Proposed Changes

This bill authorizes the Department of Management Services to incur expenditures in the State Agency Law Enforcement Radio System Trust Fund for the purpose of providing technical assistance to state agencies and local law enforcement agencies with their statewide system of regional law enforcement communications.

This bill also clarifies that the Department of Management Services is responsible for determining and directing the purposes for which the funds of the State Agency Law Enforcement Radio System Trust Fund are used.

C. SECTION DIRECTORY:

Section 1 amends s. 318.18, Florida Statute to revise trust fund purposes.

Section 2 reenacts s. 318.21, Florida Statutes

Section 3 provides an effective date of July 1, 2008.

# **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

# B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

This bill permits the use of the State Agency Law Enforcement Radio System Trust Fund for the purpose of providing technical assistance to state agencies and local law enforcement agencies with their statewide system of regional law enforcement communications. It has no direct fiscal impact. However, the House proposed General Appropriations Act shifts funds in the amount of \$214,721 and 2 FTE for the from General Revenue to the State Agency Law Enforcement Radio System Trust Fund. It is projected that \$6.7M will be collected in revenues to the fund for FY 2008-09.

# **III. COMMENTS**

- A. CONSTITUTIONAL ISSUES:
  - 1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

- B. RULE-MAKING AUTHORITY: None.
- C. DRAFTING ISSUES OR OTHER COMMENTS: None.
- D. STATEMENT OF THE SPONSOR Not applicable.

# **IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**

None.