

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: SPB 2510

INTRODUCER: For consideration by Appropriations Committee

SUBJECT: State Agency Law Enforcement Radio System

DATE: March 30, 2021

REVISED: _____

ANALYST

Davis

STAFF DIRECTOR

Sadberry

REFERENCE

ACTION

Pre-meeting

I. Summary:

SPB 2510 extends the expiring (July 1, 2021) \$3 surcharge on all noncriminal moving traffic violations and specified criminal offenses to continue supporting costs of the Statewide Law Enforcement Radio System until July 1, 2026. The surcharge generates approximately \$4 million annually for the Law Enforcement Radio System Trust Fund to support the administrative functions and enhancements to the system.

II. Present Situation:

Chapter 282, F.S., provides duties and responsibilities required of the Department of Management Services (DMS). Specifically, the DMS is authorized to acquire and administer a statewide radio communications system, which is known as the Statewide Law Enforcement Radio System (SLERS), to serve state law enforcement officers and other participating agencies throughout the state. The DMS bears the overall responsibility for the design, engineering, acquisition, and implementation of the system for ensuring the proper operation and maintenance of all common SLERS equipment.¹

Section 282.709(2), F.S., creates the Joint Task Force on State Agency Law Enforcement Communications (task force). The task force consists of the following members:

- A representative of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation 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 appointed by the executive director of the department.
- A representative of the Department of Law Enforcement appointed by the executive director of the department.
- A representative of the Fish and Wildlife Conservation Commission appointed by the executive director of the commission.

¹ Section 282.709(1)(b), F.S.

- A representative of the Division of Law Enforcement of the Department of Environmental Protection appointed by the secretary of the department.
- A representative of the Department of Corrections appointed by the secretary of the department.
- A representative of the Department of Financial Services appointed by the Chief Financial Officer.
- A representative of the Department of Agriculture and Consumer Services appointed by the Commissioner of Agriculture.
- A representative of the Florida Sheriffs Association appointed by the president of the Florida Sheriffs Association.²

The DMS, in consultation with the task force and in conjunction with the Department of Law Enforcement and the Division of Emergency Management, is required to establish policies, procedures, and standards to incorporate into a comprehensive management plan for the use and operation of SLERS.³ In September 2000, the former State Technology Office and the DMS negotiated a 20-year contract to provide a SLERS system for public safety entities. The SLERS provides mission-critical communications services for 22 state agencies and 41 SLERS partner jurisdictions and agencies offering approximately 98 percent statewide coverage for mobile radios and approximately 86 percent statewide coverage for portable radios outdoors.⁴ As of August 2020, SLERS supported over 24,000 active radios.⁵

Section 282.709(3), F.S., creates the State Agency Law Enforcement Radio System Trust Fund (trust fund). Moneys deposited into the trust fund are used to fund the costs of the SLERS system and may be used by the DMS for payment of recurring maintenance costs of SLERS. The current 20-year contract for the operation of the SLERS system (set to expire on June 30, 2021) is currently funded in the Fiscal Year 2020-2021 General Appropriations Act at \$21.6 million. The funding to support the \$21.6 million appropriation is derived from two surcharges established in statute and deposited in the trust fund. The surcharges include:

- A \$1 surcharge collected from the general public on motor vehicle and vessel registrations as provided in ss. 320.0802 and 328.72(9), F.S., respectively; and
- A \$3 surcharge on specified criminal offenses and for all noncriminal moving traffic violations as established in s. 318.18(17), F.S., to provide for system enhancements of the SLERS network. However, the \$3 fee established in s. 318.18(17), F.S., is set to expire July 1, 2021.

III. Effect of Proposed Changes:

The bill extends the expiration date of the \$3 surcharge on all noncriminal moving traffic violations and specified criminal offenses to July 1, 2026, to continue the support for the cost of SLERS.

² Section 282.709(2)(a), F.S.

³ Section 282.709(4)(b), F.S.

⁴ Florida Statewide Law Enforcement Radio System (SLERS-2) Business Case, Dec. 11, 2020, (on file with the Senate Appropriations Subcommittee on Agriculture, Environment, and General Government).

⁵ *Id.*

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Article VII, s. 19 of the Florida Constitution requires the imposition, authorization, or raising of a state tax or fee be contained in a separate bill that contains no other subject and be approved by two-thirds of the membership of each house of the Legislature. The bill applies to an existing surcharge, as such, Art. VII, s. 19 of the Florida Constitution does not apply. The bill does not raise a state tax or fee, as defined by the constitutional provision. Rather, the bill merely extends the expiration date of the existing \$3 surcharge from July 1, 2021, to July 1, 2026.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

The bill extends the \$3 surcharge on all noncriminal moving traffic violations and specified criminal offenses to continue the support for the cost and enhancements to the SLERS system until July 1, 2026. The fee generates approximately \$4 million annually for the trust fund to support the administrative functions and enhancements to the system.

B. Private Sector Impact:

Individuals committing a noncriminal moving traffic violation or a specified criminal offense will continue to be assessed a \$3 surcharge to support the SLERS.

C. Government Sector Impact:

The chart below, as provided by the DMS, shows the collections and miscellaneous revenues deposited into the State Agency Law Enforcement Radio System Trust Fund.

Revenues (actual and estimated*):					
	2017-18	2018-19	2019-20	2020-21 (estimated*)	2021-22 (estimated*)
\$1 License Surcharge (autos and vessels)	\$ 21,650,899	\$22,102,641	\$22,200,388	\$ 22,307,018	\$ 22,708,721
\$3 Ticket Surcharge (Expires July 1, 2021)	\$ 4,224,018	\$ 4,234,814	\$ 3,945,428	\$ 2,988,525	\$ 3,848,196**
Total (\$1 & \$3 Surcharge)	\$ 25,874,917	\$26,337,455	\$26,145,816	\$ 25,295,543	\$ 26,556,917
Miscellaneous Revenues	\$ 304,972	\$ 417,211	\$ 571,092	\$ 1,648,544	\$ 222,916
TOTAL	\$ 26,179,889	\$26,754,666	\$26,716,908	\$ 26,944,087	\$ 26,779,833
**Based on 4-year average					

Total program costs from Fiscal Year 2017-2018 to Fiscal Year 2020-2021 have ranged from \$25.9 million to \$28.9 million, which includes the cost of the current contract expiring on June 30, 2021. The contract in those same fiscal years has ranged from \$19.9 million to \$21.6 million. Extending the expiration date of the \$3 surcharge until July 1, 2026, authorizes the collection of an estimated \$3.8 million per year to fund the overall cost of the SLERS.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 318.18 and 318.21.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.