

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 5501 PCB SAT 21-01 Surcharges Paid for Criminal Offenses and Noncriminal Moving Traffic Violations

**SPONSOR(S):** State Administration & Technology Appropriations Subcommittee, Stevenson

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: State Administration & Technology Appropriations Subcommittee	13 Y, 0 N	Helpling	Topp
1) Appropriations Committee	25 Y, 0 N	Helpling	Pridgeon

### SUMMARY ANALYSIS

The bill extends the expiration date of a \$3 surcharge to July 1, 2026, to continue the support for the cost of the Statewide Law Enforcement Radio System (SLERS) to conform to the FY 2021-22 General Appropriations Act (GAA).

The Department of Management Services (DMS), pursuant to chapter 282, F.S., is tasked with the overall responsibility of a statewide radio communications system, known as SLERS, to serve state law enforcement officers and other participating agencies throughout the state. DMS is directed to consult with the Joint Task Force on State Agency Law Enforcement Communications in conjunction with the Department of Law Enforcement and the Division of Emergency Management to establish policies, procedures, and standards to incorporate into a comprehensive management plan for the use and operation of the system. Since September 2000, DMS has contracted for the operation and maintenance of the system. The current vendor for the system is L3Harris. SLERS provides mission-critical communications services for 21 state agencies and 41 partner jurisdictions and agencies. As of August 2020, SLERS supports over 24,000 active radios.

To support the cost of SLERS, there is a \$1 fee imposed on each vehicle and vessel registered in the state. Additionally, a \$3 surcharge is imposed on certain criminal offenses and noncriminal moving traffic violations. The surcharges are deposited into the State Agency Law Enforcement Radio System Trust Fund. The \$3 surcharge generates approximately \$3.8 million a year. The \$3 surcharge expires July 1, 2021.

The bill provides an effective date of July 1, 2021.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Background**

The Department of Management Services (DMS), pursuant to chapter 282, F.S., is tasked with the overall responsibility of 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. 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.<sup>1</sup>

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 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 Department of Financial Services who shall be appointed by the Chief Financial Officer.
- A representative of the Department of Agriculture and Consumer Services who shall be appointed by the Commissioner of Agriculture.
- A representative of the Florida Sheriffs Association who shall be appointed by the president of the Florida Sheriffs Association.<sup>2</sup>

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.<sup>3</sup> Since September 2000, DMS has contracted for the operation and maintenance of the system. The current vendor for SLERS is L3Harris. SLERS provides mission-critical communications services for 21 state agencies and 41 partner jurisdictions and agencies. As of August 2020, SLERS supports over 24,000 active radios.<sup>4</sup>

Section 282.709(3), F.S., creates the State Agency Law Enforcement Radio System Trust Fund. Moneys deposited into the trust fund are used to fund the costs of the system and may be used by DMS for payment of recurring maintenance costs of SLERS. Surcharges, including a \$1 surcharge imposed on each vehicle and vessel registered in the state<sup>5</sup> and a \$3 surcharge on certain criminal

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<sup>1</sup> S. 282.709(1)(b), F.S.

<sup>2</sup> S. 282.709(2)(a), F.S.

<sup>3</sup> S. 282.709(4)(b), F.S.

<sup>4</sup> Statewide Law Enforcement Radio System (SLERS-2) Business Case, Dec.11, 2020, on file with the House State Administration & Technology Appropriations Subcommittee.

<sup>5</sup> Ss. 320.0802 and 328.72(9), F.S.

offenses and noncriminal moving traffic violations,<sup>6</sup> are deposited into the trust fund. The \$3 surcharge imposed on the specified criminal and noncriminal moving traffic violations is set to expire July 1, 2021.<sup>7</sup>

**Effect of the Bill**

The bill extends the expiration date of the \$3 surcharge to July 1, 2026, to continue the support for the cost of SLERS to conform to the FY 2021-22 General Appropriations Act (GAA).

The bill provides an effective date of July 1, 2021.

**B. SECTION DIRECTORY:**

- Section 1: Amends section 318.18, F.S., to extend the expiration date of the \$3 surcharge to July 1, 2026.
- Section 2: Amends section 318.21, F.S., regarding a cross reference.
- Section 3: Provides an effective date.

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

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

1. Revenues:

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

	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21 (estimated)</b>	<b>2021-22 (estimated)</b>
<b>\$1 Surcharge Collection</b>	\$21,650,899	\$22,102,641	\$22,200,388	\$22,307,018	\$22,708,721
<b>\$3 Surcharge Collection*</b>	\$4,224,018	\$4,234,814	\$3,945,428	\$2,988,525	\$3,848,196
<b>Miscellaneous Revenues</b>	\$304,972	\$417,211	\$571,092	\$1,648,544	\$222,916
<b>TOTAL</b>	\$26,179,889	\$26,754,666	\$26,716,908	\$26,944,087	\$26,779,833

\*Expires July 1, 2021

Total programs cost from FY 2018-19 to FY 2020-21 have ranged from \$25.9 million to \$28.9 million, which includes the cost of the current contract. The contract in those same fiscal years has ranged from \$19.9 million to \$21.6 million. By extending the expiration date of the \$3 surcharge, the state will continue to collect an estimated \$3.8 million a year, which is used to fund the overall cost of SLERS.

2. Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

<sup>6</sup> S. 318.18(17), F.S.

<sup>7</sup> *Id.*

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

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. As such, Article VII, s. 19 of the Florida Constitution may apply if the provisions in the bill related to the surcharge on certain criminal and noncriminal moving traffic violations are interpreted as the imposition of a new state tax or fee. The bill extends the expiration date of the \$3 surcharge from July 1, 2021 to July 1, 2026.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.