

STORAGE NAME: h1955.it.doc
DATE: April 18, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
INFORMATION TECHNOLOGY
ANALYSIS**

BILL #: HB 1955 (Formerly PCB IT 01-06)
RELATING TO: Law Enforcement Radio Operating Trust Fund
SPONSOR(S): Committee on Information Technology and Representative Hart
TIED BILL(S): SB 1968

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) INFORMATION TECHNOLOGY
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

As amended, HB 1955 would amend subsection (2) of s. 282.1095, Florida Statutes, to create a new paragraph (f) and re-number existing paragraphs (f) and (g) to be paragraphs (g) and (h). The new paragraph (f) in subsection (2) would create the "Law Enforcement Radio Operating Trust Fund" in the State Technology Office separate and distinct from the "State Agency Law Enforcement Radio System Trust Fund" in the State Technology Office of the Department of Management Services; express the purpose for creating said Trust Fund; transfer to said Trust Fund the funds in the "State Agency Law Enforcement Radio System Trust Fund" that are not expended or obligated in Fiscal Year 2000-2001; provide the means for funding the Law Enforcement Radio Operating Trust Fund; provide for termination and review of said Trust Fund; and provide an effective date.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

The State Agency Law Enforcement Radio System Trust Fund is established in section 282.1095(1) F.S. The trust fund is funded from surcharges collected under ss. 320.0802 and 328.72. Section 320.0802 provides for the assessment of a \$1.00 surcharge on motor vehicle licenses and deposit of those monies into the State Agency Law Enforcement Radio System Trust Fund. Section 328.72 provides for the assessment of a \$1.00 surcharge on vessel registrations and deposit of those monies into the State Agency Law Enforcement Radio System Trust Fund.

Section 282.1095 (3) provides for the State Technology Office to use revenues deposited in the Trust Fund to acquire the equipment, software, engineering, administrative and maintenance necessary to construct, operate and maintain 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.

Presently, the State Agency Law Enforcement Radio Communications System is established, operated and maintained by CommNet Eriksson under contract with the State Technology Office and that contract is funded by the revenues generated from the assessments authorized in ss. 320.0802 and 328.72 and deposited in the State Agency Law Enforcement Radio System Trust Fund.

Subsections 282.1095(2) (f) and (g) authorize the STO to rent or lease space on any tower under its control (towers used for the law enforcement radio system), and to rent, lease or sublease ground space as necessary to locate equipment to support antennae on towers and for construction of privately owned or publicly owned towers. Revenues from these transactions are also deposited in the State Agency Law Enforcement Radio System Trust Fund. These monies are not payable to the contractor operating and maintaining the State Agency Law Enforcement Radio System, as only the assessments authorized in ss. 320.0802 and 328.72 are committed to fund payment of the sums the provider is due to receive for the performances it renders under its contract with the State Technology Office and the revenues generated by those assessments are sufficient to fund payment of those sums.

C. EFFECT OF PROPOSED CHANGES:

As amended, HB 1955 would create the Law Enforcement Radio Operating Trust Fund within the State Technology Office for the purpose establishing a separate and distinct fiscal vehicle for receiving and disbursing revenues received from sources other than the assessments authorized in ss. 320.0802 and 3238.72 to provide a means to simplify accounting of revenues received and payments made to cover the operating costs the office incurs in administering operation and maintenance of the State Agency law Enforcement Radio Communications System.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Provides for amendment of Section 282.1095, Florida Statutes, to create a new paragraph (f) in subsection (2) and for re-numbering existing paragraphs (f) and (g) to be paragraphs (g) and (h). The new paragraph (f) in subsection (2) would create the Law Enforcement Radio Operating Trust Fund within the State Technology Office, express the purpose for creating said Trust Fund, provide the means for funding said Trust Fund, and provide for review and termination of said Trust Fund.

Section 2: Provides that the bill would take effect on July 1, 2001 or upon becoming a law, whichever first occurs.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

As Amended, the bill would create the Law Enforcement Radio Operating Trust Fund within the State Technology Office in the Department of Management Services. The State Technology Office presently administers the State Agency Law Enforcement Radio System Trust Fund. Effective July 1, 2001, all funds then in the State Agency Law Enforcement Radio System Trust Fund that are not expended or obligated during Fiscal Year 2000-2001 would be transferred to the Law Enforcement Radio Operating Trust Fund, and revenues thereafter generated from rent, lease, sublease, revenue sharing or sale of any right, title or interest in any real or personal property the State Technology Office may hold or acquire through designing, engineering, implementing, operating or maintaining the State Agency Law Enforcement Radio System would be deposited in the Law Enforcement Radio Operating Trust Fund to pay the operating costs the State Technology Office incurs in designing, engineering, acquiring and implementing the System, and all revenues thereafter generated from the assessments authorized in ss. 320.0802 and 328.72 would continue to be deposited in the State Agency Law Enforcement Radio System Trust Fund to pay the sums due to be paid to the provider of the System. Therefore, passage of the legislation proposed by the bill, as amended, would provide a fiscal vehicle to simplify and improve the efficiency and economy of accounting for all revenues received and expended to pay the costs incurred by the State Technology Office in designing, engineering, acquiring and implementing the State Agency Law Enforcement Radio System, and would have no adverse fiscal impact on state agencies using the

System, the provider of the System, the State Technology Office, or any other agency of the State of Florida.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Amendment No. 1 was a strike everything amendment proposed by Representative Mealor that was adopted without objection.

VII. SIGNATURES:

COMMITTEE ON HOUSE INFORMATION TECHNOLOGY:

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