

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 800

SPONSOR: Senator Silver

SUBJECT: The disposition of traffic fines.

DATE: March 9, 2001                      REVISED: 03/13/01 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bowman</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/1 amendment</u>
2.	_____	_____	<u>CJ</u>	_____
3.	_____	_____	<u>FT</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

The bill requires that \$12.50 of revenue collected from moving violations be remitted to a municipality who maintains a radio-communication program independently of the county, and which municipality was declared to be in a financial emergency in the preceding 5 years and has had a financial emergencies board, to be used to fund law enforcement automation. A municipality meeting this definition receives this revenue even if the county where the municipality is located is participating in an intergovernmental radio communication program approved by the Department of Management Services.

This bill amends section 318.21, Florida Statutes.

**II. Present Situation:**

Section 318.21, F.S., provides for the disposition of civil penalties collected by a county court. Subsection 10 provides that \$12.50 from each moving traffic violation must be used by the county to fund the county's participation in an intergovernmental radio communication program approved by the Department of Management Services. The Division of Communications (DIVCOM) of the Department of Management Services (department) administers an intergovernmental radio communications program.

The department has defined an intergovernmental radio communications program as a cooperative venture that includes the participation of two or more local agencies, or one or more local agencies and one or more state agencies. A local program is approved by DIVCOM when:

- The program includes the sharing of support facilities (e.g. towers, shelters, microwave) by participating entities, or

- The program includes the establishment of a mutual aid system using common radio frequency channels between participating entities, or
- The program sets forth a feasible methodology that utilizes the radio frequency spectrum in an efficient manner.
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According to the department, the majority of Florida's counties participate in the program. Only three counties are without an intergovernmental radio program, and the status of an additional seven counties is unknown.

Under the section, if the county collecting the fines is not participating in this program, the funds must be used to fund local law enforcement automation and must be distributed to the municipality or special improvement district in which the violation occurred or to the county, if the violation occurred in the unincorporated area of the county.

Section 218.503, F.S., defines when a local government is in a state of financial emergency and s. 218.503(3)(g)1, F.S., grants the governor the authority to establish a financial emergencies board to oversee the activities of the local governmental entity. In 1996, Governor Chiles, established a financial emergencies board pursuant to executive order 96-391, issued December 2, 1996, to oversee the operation of the City of Miami.

### **III. Effect of Proposed Changes:**

The bill would require a municipality who maintains a radio-communication program independently of the county, and which municipality was declared to be in a financial emergency in the preceding 5 years and has had a financial emergencies board, to use the \$12.50 per moving violation revenue that is attributable to violations occurring in the municipality to fund local law enforcement automation, even if the county where the municipality is located is participating in the intergovernmental radio communication program.

The only municipality for which a financial emergencies board has been established in the last five years is the City of Miami. As the financial emergencies board for the City of Miami was created on December 2, 1996; after December 2, 2001, the City of Miami would appear to no longer qualify to receive the traffic violation funds contemplated by the amendment to s. 318.21(10), F.S., because the time period from the declaration of a state of financial emergency will be outside of the window of the "preceding 5 years."

The effective date of the bill is July 1, 2001.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

The bill would potentially reduce the revenue a county with an intergovernmental radio communications program receives pursuant to s. 318.21, F.S., where an eligible municipality within the county maintains a radio-communication program independently of the county.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The revenue distributed to a county for participation in an intergovernmental radio communication will be diminished where an eligible municipality within that county maintains a radio-communication program independent of the county. In contrast, municipalities will potentially receive revenue under subsection 10 of s. 318.21, F.S., where they would otherwise receive no revenue when the county participates in an intergovernmental radio communication program.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

#1 by Committee on Comprehensive Planning, Local & Military Affairs:

For purposes of qualifying to receive certain moving violation civil penalties, the amendment changes the requirement that a municipality “has been declared” in a state of financial emergency within the preceding 5 years, to that a municipality “has been in” a state of financial emergency within the preceding 5 years.