

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 1554
 SPONSOR: Senator Silver
 SUBJECT: Civil Penalties
 DATE: February 14, 2002 REVISED: 02/19/02 _____

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

I. Summary:

This bill provides that if a municipality maintains a radio communication program independent of the county, and that county participates in an intergovernmental radio communications program approved by the Department of Management Services, certain civil traffic penalties collected within the territorial jurisdiction of the municipality must be distributed to the municipality in which the violation occurred.

This bill amends s. 318.21 of the Florida Statutes.

II. Present Situation:

DMS Intergovernmental Radio Communication Program

The State Technology Office within the Department of Management Services (department) administers an intergovernmental radio communication program. The department has defined an intergovernmental radio communication 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 State Technology Office when:

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

According to information provided by the department, 64 of Florida's counties participate in the program.

Disposition of Traffic Infraction Proceeds

Chapter 318, F.S., governs the disposition of traffic infraction proceeds. Section 318.21, F.S., provides for the disposition of civil penalties collected by the county court due to traffic infractions. Section 321.21(10), F.S., provides that \$12.50 of the penalties collected for a moving violation is paid to fund that county's participation in an intergovernmental radio program approved by the Department of Management Services. If the county does not participate in such a program, the \$12.50 is used to fund local law enforcement automation, and must be distributed to the municipality or special improvement district in which the violation occurred or the county if the violation occurred in an unincorporated area. (See s. 321.21(10), F.S.)

In 2001, ch. 2001-122, L.O.F., amended s. 318.21, F.S. Effective March 2, 2002, s. 321.21(10), F.S., is renumbered as s. 318.21(9), F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 318.21(9), F.S., as amended by ch. 2001-122, L.O.F., to provide that if a municipality maintains a radio communication program independent of the county, and that county participates in an intergovernmental radio communications program approved by the Department of Management Services, funds collected within the territorial jurisdiction of the municipality must be distributed to the municipality in which the violation occurred. Under current law, such funds would be distributed to the county in which the municipality is located. In addition, the provision that such funds must be used to fund local law enforcement automation is changed to "may" be used to fund law enforcement.

Preliminary estimates indicate that 24 municipalities would benefit from this change.

Section 2 provides that this bill takes effect on July 1, 2002.

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:**

This bill's fiscal impact on counties and municipalities is indeterminate. If a municipality maintains a radio communication program independent of the county, funds collected within the territorial jurisdiction of the municipality will be distributed to the municipality rather than the county. This could result in a shift of funds to municipalities that currently go to the counties. During 2000, approximately 2.2 million traffic citations for moving violations were issued in Florida. If \$12.50 were collected from each citation, there would be approximately \$27.5 million generated under s. 318.21(10), F.S. However, the amount collected is not known and the amount that would be shifted from counties to municipalities is not known.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Comprehensive Planning, Local and Military Affairs:

This amendment changes s. 318.1451(5), F.S., to remove the current restriction against government entities providing a list of driver improvement schools or course providers.

#2 by Comprehensive Planning, Local and Military Affairs:

This amendment restores language in current law relative to the disposition of fine proceeds, and adds a provision to allow funds collected within the territorial jurisdiction of a municipality that has an independent radio communication systems to be distributed to those municipalities, and such funds must be used to fund local law enforcement automation.