

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 85 Law Enforcement Agency Consolidation Task Force
SPONSOR(S): Rep. Needelman and Baxley
TIED BILLS: none **IDEN./SIM. BILLS:** SB 2718

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>State Administration</u>	<u>6 Y, 0 N</u>	<u>Bond</u>	<u>Everhart</u>
2) <u>Public Safety & Crime Prevention</u>	<u>6 Y, 0 N</u>	<u>Cole</u>	<u>De La Paz</u>
3) <u>Public Safety & Crime Prevention</u>	<u>15 Y, 1 N</u>	<u>Cole</u>	<u>De La Paz</u>
4) <u>Public Safety Appropriations (Sub)</u>	<u>6 Y, 0 N</u>	<u>Davis</u>	<u>DeBeaugrine</u>
5) <u>Appropriations</u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

Currently, there are approximately 2,600 sworn law enforcement officers, and approximately 4,600 total law enforcement positions, in 11 different departments of state government. In addition, each of the state universities has its own law enforcement agency employing sworn officers.

This bill creates a five-person Law Enforcement Agency Consolidation Task Force to explore whether the state should consolidate some or all of these law enforcement positions under one department for the purpose of a unified command. Two members are to be appointed by the Governor, one by the Attorney General, and one each by President of the Senate and the Speaker of the House. The task force must issue its report prior to the 2004 session.

This bill additionally freezes all vacant management and administrative positions in state government until such time as the report is acted upon.

This bill appears to have a minimal fiscal impact upon state government. There will likely be minimal travel and administrative costs associated with this task force. The agencies that appoint a member to the commission will be responsible for travel costs, if any, of their appointee. The staff from the Governor's office will also be used to assist this task force and any per diem will be paid from that budget.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0085e.ap.doc
DATE: April 16, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | 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. EFFECT OF PROPOSED CHANGES:

Background

Currently, state law enforcement responsibilities and law enforcement positions are dispersed among the departments, agencies, universities, and community colleges of the state. State agencies with law enforcement units include the Departments of Environmental Protection, Legal Affairs, Agriculture and Consumer Services, Insurance, Transportation, Law Enforcement, Management Services, Highway Safety and Motor Vehicles, Business and Professional Regulation, and the Florida School for the Deaf and Blind. State universities and community colleges also have law enforcement units. Finally, the Fresh Water and Wildlife Conservation Commission, a constitutional agency, also has significant law enforcement responsibilities. All twenty state attorneys have the authority to hire sworn law enforcement investigators to assist them in their duties. While most judicial circuits do employ investigators, some state attorneys have phased these positions out, and returned those functions to the local agencies as a cost saving measure.

The Department of Corrections (DOC) employs 97 inspectors whose responsibilities include criminal and administrative investigations of matters relating to the DOC, including conduct of employees, inmates, and visitors. The department's inspectors conduct criminal investigations up to the point of arrest, but do not have the authority to make an arrest. Currently, DOC has 40 inspectors who hold law enforcement officer certification in addition to their correctional officer certification. However, these inspectors have no authority to act as law enforcement officers on behalf of the DOC, and therefore are not included in this analysis for purposes of state law enforcement consolidation.

Effect of Bill

This bill creates a Law Enforcement Agency Consolidation Task Force charged with investigating the issue of consolidating state law enforcement personnel under a unified command.

The task force membership consists of five members:

- Two persons from private industry who have expertise in corporate mergers are to be appointed by the Governor;
- The Attorney General or the Attorney General's designee;
- A member of the Senate appointed by the Senate President; and
- A member of the House of Representatives appointed by the Speaker of the House.

Members are to be selected no later than July 10, 2003. The task force is to meet for the first time no later than July 15, 2003, at which time the task force will appoint its chair from its members.

Three members constitute a quorum. The task force is subject to public record requirements found in chapter 119, F.S., and public meeting requirements found in s. 286.011, F.S. The public in attendance at a meeting must be given an opportunity to participate in the meeting. The Executive Office of the Governor is required to provide timely notice of the time and place of task force meetings to those persons requesting notice.

The task force members do not receive compensation for their membership on the task force, but receive reimbursement for per diem and travel expenses.

The task force is to investigate and report to the Legislature on the effect of consolidating state law enforcement personnel under a unified command. Its initial report is due no later than 45 days prior to the first day of the 2004 regular legislative session.¹ Its final report is due no later than 30 days prior to the first day of the 2004 regular legislative session.²

In these reports, the task force must:

- Identify all law enforcement functions and personnel positions that exist in each state agency;
- Identify all statutory provisions assigning law enforcement duties to state agencies;
- Identify the options considered by the task force for consolidation of law enforcement functions, duties, and personnel, and identify the costs for consolidation under each option;
- Determine whether consolidation of all law enforcement functions, law enforcement personnel, or both, would prove more effective and efficient than the current distribution of law enforcement activities and sworn personnel. This determination must include a cost analysis and comparison; and
- If the determination is made that consolidation is more effective and efficient than the current distribution of law enforcement activities and sworn personnel, recommend proposed legislation based upon the recommended best option for consolidating all law enforcement functions, law enforcement personnel, or both. This recommendation must include provision for any necessary restructuring of agencies as a result of the recommended reorganization.

Agencies are to cooperate with the task force in the performance of its duties. Each agency that has law enforcement functions or sworn law enforcement personnel are specifically required to produce a report that provides the authority the agency relies upon for the performance of the responsibilities or the employment of sworn personnel.

This bill also freezes all management and administrative positions vacant on the effective date of the act. As written, this appears to apply to all management and administrative positions in any state agency or department. This bill will prevent any promotions into management positions until such time as the legislature acts on the findings of the act next session.

The bill takes effect upon becoming law. The task force will be abolished by its own terms on July 1, 2004.

C. SECTION DIRECTORY:

Section 1 of the bill creates the task force and freezes law enforcement management positions.

Section 2 provides an effective date of "upon becoming law."

¹ Saturday, January 17, 2004.

² Sunday, February 1, 2004.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.

2. Expenditures:

There will likely be minimal travel and administrative costs associated with this task force. The agencies that appoint a member to the commission will be responsible for travel costs, if any, of their appointee.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.

2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS:

The Department of Management Services provided the following information:

1. Sworn Law Enforcement Officers	2574
2. Non-Sworn Law Enforcement Employees	770
3. Law Enforcement Managers	24
4. FDLE Employees (excluding employees in #1, #2 & #3 above)	1206
5. Total Employees for Each Agency (roll up of #1, #2, #3 & #4 above)	4574

Using HB 85 language, we have provided you with pertinent information as to counts of affected employees. Currently in the COPES database there is not a single indicator that can be used to identify all sworn law enforcement and non-sworn law enforcement employees. However, we were able to define three categories of employees using the broadband occupational titles. Those categories are sworn law enforcement officers, non-sworn law enforcement employees and law enforcement managers. In addition, we defined a fourth category of non-sworn employees as the Department of Law Enforcement, due to the nature of the agency's work. We are providing a summary (count) of all categories by agency. Depending upon how the language of HB 85 is ultimately interpreted, the numbers above may require revision.

Further breakouts are possible if there is a need to determine affected employees that are not directly associated with law enforcement, yet would be affected by this consolidation. Those break outs may include for example, personnel, purchasing, and other indirect administrative services.

Additionally, the Division of Colleges and Universities reported in 2002 that there were approximately 408 full time equivalent positions that perform law enforcement functions at the state's ten universities. Information on the number of positions performing law enforcement functions in the community college police forces is not currently available.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: Not applicable.

2. Other: None.

B. RULE-MAKING AUTHORITY: None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

1. The due dates for the draft report and the final report both fall on weekends, and are only 15 days apart.

2. As written, subsection (4) of Section 1 of the bill would freeze all vacant management and administrative positions in any state department or agency, which freeze could conceivably last for many months. This provision of the bill is not limited to law enforcement positions. This freeze also does not provide any mechanism to fill a vacant position that is vital to an agency's functioning. The bill sponsor has drafted an amendment in this regard.

3. The Department of Management Services is currently implementing "broadbanding", which includes consolidation of various functions and duties of state employees across all of state government. See PCB SA 03-26.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.