

STORAGE NAME: h1731.frc
DATE: March 22, 2001

HOUSE OF REPRESENTATIVES
FISCAL RESPONSIBILITY COUNCIL
ANALYSIS

BILL #: HB 1731
RELATING TO: Transfer of Criminal Justice Programs
SPONSOR(S): Fiscal Responsibility Council and Representative Johnson

TIED BILL(S):

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

- (1) FISCAL RESPONSIBILITY COUNCIL YEAS 19 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill transfers the criminal justice and domestic and sexual violence programs from the Department of Community Affairs (DCA) to the Florida Department of Law Enforcement (FDLE) and the Department of Children and Family Services (DCF). This bill redistributes the collections in the Additional Court Cost Clearing Trust Fund in section 938.01, F.S., to deposit all of these court cost fees in trust funds in the Florida Department of Law Enforcement rather than deposit any of these funds in the Department of Community Affairs' trust fund. The bill further provides direction regarding transfer of funds from FDLE to DCF. Similar provisions were included in the Appropriations Implementing Bill that became law in the 2000 legislative session (Chapter 2000-171, Laws of Florida).

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:

Prior to July 1, 2000, the criminal justice and domestic and sexual violence programs were administered by DCA. The General Appropriations Act and the Appropriations Implementing Bill enacted during the 2000 legislative session transferred these two functions to the FDLE and DCF, respectively. Prior to these legislative actions, the proceeds of the court cost collections under s. 938.01, F.S., were deposited in trust funds in both the Department of Community Affairs and the Department of Law Enforcement. The bill reenacts and makes permanent these transfers and provides that all of the funds received in the criminal justice and domestic and sexual violence programs will be deposited in the Department of Law Enforcement Operating Trust Fund in FDLE. FDLE will transfer appropriate funds to DCF for the administrative cost in the domestic and sexual violence program.

C. EFFECT OF PROPOSED CHANGES:

The criminal justice and domestic and sexual violence programs will be permanently transferred to state agencies that are presently managing other programs of a similar nature. The bill provides a sufficient source of funding to manage these programs in these departments.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Provides that court cost collections under s. 938.01, F. S., will go entirely to the Florida Department of Law Enforcement (FDLE) rather than to be divided between the Department of Community Affairs (DCA) and the FDLE.

Section 2. Provides the FDLE is authorized to use appropriated dollars for matching, implementing, administering, evaluating, and qualifying for federal funds.

Section 3. Transfers the criminal justice program from DCA to FDLE by a Type 2 transfer pursuant to section 20.06(2), F.S.

Section 4. Transfers the Prevention of Domestic and Sexual Violence Program from DCA to the Department of Children and Families (DCF) by a Type 2 transfer pursuant to section 20.06(2), F.S.

Section 5. Provides that the FDLE shall transfer funds to DCF for the administration of the Prevention of Domestic and Sexual Violence Program. The funds previously received in DCA were used for this purpose.

Section 6. Provides an effective date upon becoming law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill is neutral with respect to revenue collection or expenditure. The collections that were previously deposited in DCA trust funds will now be deposited in trust funds in FDLE. The funds will be used by FDLE and DCF.

2. Expenditures:

See above.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill makes the transfer of these programs, enacted in the General Appropriations Act and the Appropriations Implementing Bill in the 2000 legislative session, permanent.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require municipalities or counties to spend money.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of municipalities or counties to raise revenue.

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

This bill does not reduce the percentage of a state tax shared with municipalities or counties.

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V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

FISCAL RESPONSIBILITY COUNCIL:

Prepared by:

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