

**STORAGE NAME:** h3495s1.cp

**DATE:** March 12, 1998

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
CRIME AND PUNISHMENT  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** CS/HB 3495

**RELATING TO:** Crime prevention

**SPONSOR(S):** Committee on Crime and Punishment, Rep. Ball & others

**COMPANION BILL(S):** SB 0678 (similar)

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

(1) CRIME AND PUNISHMENT YEAS 8 NAYS 0

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I. SUMMARY:

The bill amends section 960.001, Florida Statutes, to authorize law enforcement agencies to participate in crime prevention and educational activities related to crime prevention.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Section 187.101, Florida Statutes, provides for a State Comprehensive Plan implementing long-range policy guidance for the orderly social, economic, and physical growth of the state.

Section 187.102(7), F.S., includes the following policy for the State Comprehensive Plan:

9. Increase crime prevention efforts to enhance the protection of individual personal safety and property.

Chapter 187 does not specify which state agencies are to be involved in crime prevention.

Florida Statutes do not specifically authorize State Attorneys to participate in crime prevention programs.

Chapter 960, Florida Statutes, provides for victim rights and victim assistance, but not crime prevention.

B. EFFECT OF PROPOSED CHANGES:

The bill adds a new paragraph to Section 960.001, Florida Statutes that authorizes law enforcement agencies to participate in crime prevention and educational activities. The bill also provides that any funds appropriated for prevention activities may be used to promote public awareness and public participation in prevention efforts.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

- a. Does the bill create, increase or reduce, either directly or indirectly:

- (1) any authority to make rules or adjudicate disputes?

No.

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

The bill will clarify the authority of law enforcement agencies to develop and operate crime prevention programs.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

The bill does not require that an agency assume any additional responsibilities.

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

The bill increases the flexibility of law enforcement agencies to become more involved in crime prevention.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Section 187.201(7)(b)9., and chapter 960, Florida Statutes.

E. SECTION-BY-SECTION RESEARCH:

Section 1. See Effects of Proposed Changes

Section 2. Provides an effective date of July 1 of the year in which enacted.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

See Fiscal Comments.

2. Recurring Effects:

See Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

See Fiscal Comments.

4. Total Revenues and Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

See Fiscal Comments.

2. Recurring Effects:

See Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

See Fiscal Comments.

2. Direct Private Sector Benefits:

See Fiscal Comments.

3. Effects on Competition, Private Enterprise and Employment Markets:

See Fiscal Comments.

D. FISCAL COMMENTS:

See Fiscal Comments.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not impose an unconstitutional mandate.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not affect the revenue raising authority of a government agency.

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

The bill does not cause a reduction of state taxes shared with counties and municipalities.

V. COMMENTS:

Some law enforcement agencies, like the Department of Legal Affairs, have statutory or local authority to be involved in crime prevention programs. Other entities, such as the State Attorneys are concerned that it can difficult to receive the consent of the Comptroller or local government for money, already allocated to the State Attorneys, to be spent on crime prevention programs such as juvenile diversion programs, because there is not statutory authority for the State Attorneys to be involved with crime prevention.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

A strike-everything amendment was adopted by the Crime and Punishment Committee on March 11, 1998. The original bill make the following legislative findings under a new section of Florida Statutes:

1. Crime prevention efforts are an essential part of the state's services to victims and witnesses.
2. Crime prevention efforts will further the State Comprehensive Plan goal of enhancing the protection and safety of the public.

VII. SIGNATURES:

COMMITTEE ON CRIME AND PUNISHMENT:

Prepared by:

Legislative Research Director:

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J. Willis Renuart

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