

STORAGE NAME: h3659.leps

DATE: March 6, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LAW ENFORCEMENT AND PUBLIC SAFETY
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 3659

RELATING TO: Trust Funds (Crime Stoppers Trust Fund)

SPONSOR(S): Representative Sindler

COMPANION BILL(S): SB 978 (i)

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

- (1) LAW ENFORCEMENT AND PUBLIC SAFETY
 - (2) FINANCE AND TAXATION
 - (3) CRIMINAL JUSTICE APPROPRIATIONS
 - (4)
 - (5)
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I. SUMMARY:

House Bill 3659 creates the Crime Stoppers Trust Fund, to be administered by the Department of Legal Affairs. The Crime Stoppers Trust Fund is to undergo "sunset review" and shall terminate on July 1, 2002, unless terminated sooner.

This bill shall take effect on July 1, 1998.

This bill creates yet unnumbered sections of the Florida Statutes.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

A. Crime Stoppers Programs.

Crime Stoppers is a citizen, media, and police co-operative program designed to involve the public in the fight against crime. Crime Stoppers programs typically allow citizens to anonymously supply the police with information about an unsolved crime or a future crime. Cash rewards are given for information which leads to prosecution of the criminal.

Crime Stoppers began in Albuquerque, New Mexico in 1976. A homicide detective with the Albuquerque Police asked a local television station to broadcast a re-enactment of an unsolved murder on its newscast. A reward was offered and a caller contacted the police the next day with a tip that led the police to the two men who were responsible. The success of this concept launched a program which is now internationally known as "Crime Stoppers." There are now hundreds of Crime Stoppers programs worldwide.

Soon after the Albuquerque program was created, Orlando became the second city to create a program. Other Florida cities followed suit, and in 1981 the programs created a non-profit organization known as the Florida Association of Crime Stoppers. There are now Crime Stoppers programs located in every region of the state. The Association currently has 21 members, and, according to the Association's President, there are some Crime Stoppers programs in the state that are not members of the Association.

Each Crime Stoppers program is run by a volunteer board of directors. The day to day management is left to a coordinator who is a law enforcement officer. The coordinator serves as the liaison between the board, the public, the media, and the law enforcement community.

In Florida, Crime Stoppers programs are funded almost exclusively by private business and organizations. The programs use the funds primarily to set up rewards for unsolved crimes. Local law enforcement agencies contribute both by providing an officer who serves as a coordinator and by providing some support staff.

B. Trust Fund.

Section 16.555, F.S., provides a funding mechanism for Crime Stoppers programs. The section defines the term "Crime Stoppers" to mean members of the Florida Association of Crime Stoppers. § 16.555(1)(c), F.S. The section requires that the Department of Legal Affairs: make applications for all federal, state, or private grants which meet the purposes of advancing Florida Crime Stoppers; establish a trust fund to administer grants to fund Crime Stoppers and its crime fighting programs within local government units; and administer and disburse funds.

Current section 16.555, F.S., created in 1991, provides for the Crime Stoppers Trust Fund. A state constitutional provision passed in 1992 provides that all trust funds in existence on November 4, 1992, expired four years after that date. (Art. III, § 19(f)(2), Fla. Const.) Additionally, according to the Attorney General's Office, the Crime Stoppers Trust Fund was never created due to a lack of funds. Accordingly, the trust fund does not currently exist.

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No trust fund may be created by general law except by a 3/5 vote of the membership of each house of the legislature in a separate bill for that purpose only. (Art. III, § 19(f)(1), Fla. Const.) Further, all trust funds expire no later than four years after the date they are created. (Art. III, § 19(f)(2), Fla. Const.) Section 215.3206, F.S., provides for "sunset" review of trust funds in the regular session preceding the trust fund's date of expiration. The agency responsible for the administration of the trust fund and the Governor for executive branch trust funds, or the Chief Justice for judicial branch trust funds, shall recommend to the Speaker and Senate President whether the trust fund should be allowed to terminate or should be re-created.

B. EFFECT OF PROPOSED CHANGES:

This bill creates the Crime Stoppers Trust Fund to be administered by the Department of Legal Affairs. Under the state constitutional provision on trust funds, the Crime Stoppers Trust fund shall expire on July 1, 2002, unless terminated sooner. Pursuant to section 215.3206(1), F.S., the Crime Stoppers Trust Fund is to undergo "sunset review" in the 2002 legislative regular session.

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?

N/A

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

N/A

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

N/A

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?

N/A

(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?

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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:

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

N/A

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

N/A

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?

N/A

- 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:

N/A

E. SECTION-BY-SECTION RESEARCH:

This section need be completed only in the discretion of the Committee.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

The Department of Legal Affairs estimates that it can absorb the costs of administration of the Crime Stoppers Trust Fund within existing resources.

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

The bill will have a positive impact on local governments to the extent that they may use the proceeds of grants authorized pursuant to the bill to defray current Crime Stopper costs or to increase their level of current support.

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

The bill, along with CS/HB 3255, will have a positive impact on Crime Stoppers programs within the Florida Association of Crime Stoppers. Currently, a cost of \$50 is imposed and collected when any person pleads guilty or nolo contendere to, or is convicted of or adjudicated delinquent for, any felony, misdemeanor, delinquent act, or criminal traffic offense or the violation of any municipal or county ordinance which adopts by reference any misdemeanor under state law. s. 938.03, F.S. According to the Department of Legal Affairs, which administers the funds from this cost in the Crimes Compensation Trust Fund, this cost has produced approximately \$16 million each year for the last 2 fiscal years. If the \$20 cost assessed pursuant to CS/HB 3255 were assessed and collected at the same rate as is presently assessed and collected for the \$50 cost for the Crimes Compensations Trust Fund, this would produce approximately \$5.5 million annually. (These calculations are based on net proceeds after deduction of the service charge of the clerks of court, which is \$1 per assessment for the Crimes Compensation Trust Fund cost and \$3 per assessment for the Crime Stoppers Trust Fund.)

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

N/A

D. FISCAL COMMENTS:

N/A

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

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A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

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

N/A

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON LAW ENFORCEMENT AND PUBLIC SAFETY:

Prepared by:

Legislative Research Director:

Kurt E. Ahrendt

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