STORAGE NAME: h0553.ca
DATE: March 19, 1997

HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
COMMUNITY AFFAIRS
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: HB 553

RELATING TO: Drugs or Alcohol/Fines

SPONSOR(S): Representative Hill

STATUTE(S) AFFECTED: Sections 397.321 and 939.017, F.S.

COMPANION BILL(S): SB 2282 (s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:
(1) LAW ENFORCEMENT AND PUBLIC SAFETY
(2) COMMUNITY AFFAIRS
(3)
(4)
(5)

I. SUMMARY:

House Bill 553 redirects fines collected for misdemeanor convictions of drug and alcohol offenses from the Department of Health & Rehabilitative Services (currently known as the the Department of Children & Family Services) to the respective jurisdictional counties. The money collected would then be deposited with the County Alcohol and other Drug Abuse Trust Fund for allocation to local substance abuse programs.

This bill has no significant fiscal impact.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Fines collected by the clerk of the court for misdemeanor convictions involving drugs or alcohol are currently forwarded to the Treasurer to be deposited with the Department of Children & Family Services for allocation to local substance abuse programs under section 397.321, F.S. The Department of Children and Family Services (Department) is required to return these fees to the county which collected them once that county gets approval for the expenditure of the funds within a Department approved drug and alcohol program. Once an expenditure is approved, it can take as long as 19 months for the money to be returned to the county.

B. EFFECT OF PROPOSED CHANGES:

This bill will streamline the system by taking the Department of Children and Family services out of the fiscal process and redirecting fines collected for drug or alcohol-related misdemeanor convictions to the jurisdictional county of collection for deposit in that local county's Alcohol and Other Drug Abuse Trust Fund.

The bill also repeals subsection (20) of section 397.321, F.S., which required the Department of Health and Rehabilitative Services to review county projects using these funds.

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?

Not applicable.

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

The jurisdictional counties will assume the responsibility of allocating the funds collected to the respective local substance abuse treatment programs.

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

Not applicable.

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?

See section C, 1, a, (2) above.

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

Administrative costs incurred by the counties are estimated to be insignificant.

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

Accountability of the individual counties is not addressed in the bill.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

3. Personal Responsibility:

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

Not applicable.

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

Not applicable.

4. Individual Freedom:

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

      Not applicable.

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

      Not applicable.

5. Family Empowerment:

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

      (1) Who evaluates the family's needs?

          Not applicable.

      (2) Who makes the decisions?

          Not applicable.

      (3) Are private alternatives permitted?

          Not applicable.

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

          Not applicable.

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

          Not applicable.

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

      Not applicable.

   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?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends the current law to require the clerk of the court to collect and forward fines to the jurisdictional county of collection, to be allocated to local substance abuse programs under section 893.165, F.S.

Section 2: Repeals subsection (20) of section 397.321, F.S. , removing the Department of Children and Family Service's responsibility for reviewing a county's program before disbursing funds to that county.

Section 3: Provides that this act will be effective upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

The Department of Children & Families expects a workload reduction due to the repeal of the review process. Because the money collected will now stay within the county, there will also be a streamlined system for distribution of funds to local drug abuse programs within the counties

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

   None.

2. Recurring Effects:

   Any additional administrative cost to the counties is estimated to be fiscally insignificant.

3. Long Run Effects Other Than Normal Growth:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

   None.

2. Direct Private Sector Benefits:

   None.

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

   None.

D. FISCAL COMMENTS:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

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

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

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON LAW ENFORCEMENT AND PUBLIC SAFETY:

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AS REVISED BY THE COMMITTEE ON COMMUNITY AFFAIRS:

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