

STORAGE NAME: h0553.leps

DATE: March 6, 1997

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

BILL #: HB 553

RELATING TO: Drugs or Alcohol/Fines

SPONSOR(S): Representative Hill

STATUTE(S) AFFECTED: s. 397.321, 939.017, F.S.

COMPANION BILL(S): None

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

- (1) LAW ENFORCEMENT AND PUBLIC SAFETY
- (2)
- (3)
- (4)
- (5)

I. SUMMARY:

House Bill 553 redirects fines collected for misdemeanor convictions of drug and alcohol offenses from the Department of Health and Rehabilitative Services (Currently known as the the Department of Children and Family Services) to the respective jurisdictional counties. The monies collected would be deposited to the credit of the County Alcohol and other Drug Abuse Trust Fund for allocation to local substance abuse programs under s. 893.165, F.S.

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 to the credit of the Department of Health and Rehabilitative Services (Currently known as the Department of Children and Family Services) for allocation to local substance abuse programs under s. 397.321, F.S.

B. EFFECT OF PROPOSED CHANGES:

This bill would redirect fines collected for drug or alcohol-related misdemeanor convictions to the jurisdictional county of collection for deposit in that local County Alcohol and Other Drug Abuse Trust Fund. The bill also repeals subsection (20) of s. 397.321, F.S., which required the department to review county projects which used those 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?

No.

(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?

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?

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

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

Administrative cost incurred by the counties would 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?

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?

No.

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

Not applicable.

4. Individual Freedom:

STORAGE NAME: h0553.leps

DATE: March 6, 1997

PAGE 4

- 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?

No.

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?

- 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 paragraph (b) of subsection (1) of s. 939.017, F.S. Provides that the clerk of the court shall collect and forward fines to the jurisdictional county of collection as described in s. 893.165(2) to be deposited to the credit of the County Alcohol and Other Drug Abuse Trust Fund for allocation to local substance abuse programs under s. 893.165, F.S.

Section 2 Repeals subsection (20) of s. 397.321, F.S. Removes the department's responsibility for reviewing county projects using the fines monies.

Section 3 Provides an effective date.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

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 would 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.

STORAGE NAME: h0553.leps

DATE: March 6, 1997

PAGE 7

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:

The department expects a nominal workload reduction due to the repeal of the review process, and a faster distribution of funds to local drug abuse programs by the counties.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON LAW ENFORCEMENT AND PUBLIC SAFETY:

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