

STORAGE NAME: h0065.cp

DATE: February 3, 1997

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

BILL #: HB 65

RELATING TO: Crime Prevention Assistance

SPONSOR(S): Representative Constantine

STATUTE(S) AFFECTED: Repeals: ss. 426.001, 426.002, 426.003, 426.004, 426.005, 426.006, 426.007, 426.008, 426.009, F.S.

COMPANION BILL(S): None

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

- (1) CRIME AND PUNISHMENT
- (2)
- (3)
- (4)
- (5)

I. SUMMARY:

This bill repeals Chapter 426, F.S., the Handicapped and Elderly Security Assistance Act. Chapter 426, F.S., was enacted in 1984 and is a grant program administered by the Department of Community Affairs that enables housing authorities to carry out crime prevention and security programs designed to reduce the criminal victimization of handicapped and elderly residents. Fines imposed by judges in cases where an individual is adjudicated of committing a crime against a handicapped or disabled person funds the program. According to the Department of Community Affairs, despite urging from the department and others, judges rarely imposed these fines, and no funds in a sufficient amount have ever been collected. The trust fund associated with this program was repealed in 1993, and there are no FTEs associated with this program. [s. 426.003, Chapter 93-120, Laws of Florida]

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Chapter 426, F.S., the Handicapped and Elderly Security Assistance Act was created in 1984. This grant program was to be administered by the Department of Community Affairs and would have enabled housing authorities to carry out crime prevention and security programs designed to reduce the criminal victimization of handicapped and elderly residents. Fines imposed by judges in cases where an individual was adjudicated of committing a crime against a handicapped or disabled person were to fund the program. According to the Department of Community Affairs, despite urging from the department and others, judges rarely imposed these fines, and no funds in a sufficient amount have ever been collected. The trust fund associated with this program was repealed in 1993, and there are no FTEs associated with this program. [s. 426.003, Chapter 93-120, Laws of Florida]

B. EFFECT OF PROPOSED CHANGES:

This bill repeals a crime prevention grant program which has never been implemented.

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?

No

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

This bill changes a crime prevention grant program by eliminating it.

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?

None

(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?

This bill changes a crime prevention grant program by abolishing it.

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

No

4. Individual Freedom:

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

No

- 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?

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?

This bill changes a crime prevention grant program by abolishing it.

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. SECTION-BY-SECTION ANALYSIS:

Section 1

Repeals Chapter 426, the Handicapped and Elderly Security Assistance Act.

Section 2

Amends s. 775.0836 by removing references to s. 426.002, F.S.

Section 3

Amends s. 939.015 by removing references to s. 426.002, F.S.

Section 4

Provides the act takes effect 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:

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:

None

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:

This bill does not have a fiscal impact.

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 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.

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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:**

A bill substantially similar to this one was reported favorably by the Criminal Justice Committee last session [HB 2489]. The bill passed the House but died in the Senate.

VI. **AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:**

VII. **SIGNATURES:**

COMMITTEE ON CRIME AND PUNISHMENT:

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