

STORAGE NAME: h0937.leps

DATE: April 9, 1997

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

BILL #: HB 937

RELATING TO: Disposition of Unclaimed Moneys

SPONSOR(S): Representative MacKenzie and Others

STATUTE(S) AFFECTED: Section 116.21, Florida Statutes

COMPANION BILL(S): CS/SB 956 (c)

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

- (1) COMMUNITY AFFAIRS YEAS 5 NAYS 0
- (2) LAW ENFORCEMENT AND PUBLIC SAFETY
- (3)
- (4)
- (5)

I. SUMMARY:

This bill is intended to permit municipalities with municipal detention facilities and municipal prosecutors to claim unclaimed moneys from violations of ordinances within the municipality's jurisdiction from the county's fine and forfeiture fund. The bill provides for reimbursement of the county's cost of publication of notice of unclaimed funds by the municipality.

This bill does not appear to have any significant fiscal impact on state or local (county and/or municipal) governments.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

In 1943, the Legislature enacted Chapter 116.21, Florida Statutes (Chapter 22050, Laws of Florida), authorizing the sheriffs and clerks of the courts of counties of the State of Florida to annually pay into the fine and forfeiture fund of the counties any unclaimed moneys deposited or collected by them in their official capacity including:

- Proceeds from a special tax, not to exceed two mills, assessed and collected on real and personal property of the county, for the costs of criminal prosecutions;
- All fines and forfeitures collected in the county under the state penal laws, except for fines and forfeitures statutorily designated for the Crimes Compensation Fund, the Operating Trust Fund of the Department of Law Enforcement, or a County Alcohol or Other Drug Abuse Trust Fund;
- All costs refunded to the county;
- All funds arising from the hire or other disposition of convicts; and
- The proceeds of all forfeited bail bonds or recognizances in all other cases.

The Legislature established a limitation of one year for making claims on the money and established notice and publishing requirements of the names of defendants and amounts of unclaimed moneys.

Annually, unclaimed moneys collected within the counties are, after proper notice, paid into the fine and forfeiture fund of the county in which the money was collected.

B. EFFECT OF PROPOSED CHANGES:

To permit municipalities with municipal detention facilities and municipal prosecutors also to annually pay into their fine and forfeiture fund any unclaimed moneys deposited or collected by them in their official capacity, subject to the same limits, notice, and publishing requirements as the sheriffs and clerks.

This proposed change appears to apply only to the City of Fort Lauderdale, in Broward County. The amount of unclaimed moneys deposited or collected by the City is estimated to be approximately \$7,500 annually.

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?

Yes, for the municipal officer who will make and compile the list of any and all unclaimed moneys that come into the municipality's jurisdiction.

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

No.

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

Not applicable.

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

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

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

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.

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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?

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:

Not applicable.

(1) Who evaluates the family's needs?

(2) Who makes the decisions?

(3) Are private alternatives permitted?

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

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

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

No.

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- 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:

Not applicable.

(1) parents and guardians?

(2) service providers?

(3) government employees/agencies?

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Subsection 116.21(3), Florida Statutes, is amended to accommodate the addition of municipal officers to the list of positions eligible to make a claim against unclaimed moneys from the fine and forfeiture fund which were collected due to violations of the municipality's ordinances within the municipality's territorial jurisdiction of the county.

Section 2: This section provides that the act shall take 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.

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B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

Yes. There will be a small, recurring transfer of revenue from the county to any municipality that has a municipal detention facility and a municipal prosecutor. Based on information provided to the committee, it appears that only one municipality, Fort Lauderdale, is eligible for this transfer of revenue. According to the City of Fort Lauderdale, the amount of the transfer is estimated to be approximately \$7,500 annually.

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 expend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the revenue raising authority of cities or counties.

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

This bill does not reduce state taxes shared with counties or cities.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

One amendment was adopted by the House Committee on Community Affairs on March 18, 1997. The amendment removed from the bill everything after the enacting clause. The amendment inserted language to allow any municipality that has its own municipal prosecutor and municipal detention facility to have a claim against unclaimed moneys collected due to violations of the municipality's ordinances within the county in subsection 116.21(3), Florida Statutes.

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

Tonya Sue Chavis, Esquire

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AS REVISED BY THE COMMITTEE ON LAW ENFORCEMENT AND PUBLIC SAFETY:

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