

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: March 9, 1998 Revised: 3/20/98 _____

Subject: Crime Stoppers Trust Fund

| | <u>Analyst</u> | <u>Staff Director</u> | <u>Reference</u> | <u>Action</u> |
|----|----------------|-----------------------|------------------|------------------------|
| 1. | <u>Gomez</u> | <u>Miller</u> | <u>CJ</u> | <u>Favorable</u> |
| 2. | <u>Geraci</u> | <u>Moody</u> | <u>JU</u> | <u>Fav/1 amendment</u> |
| 3. | _____ | _____ | <u>WM</u> | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |

I. Summary:

This bill 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. CS/CS/SB 502 creates a means for funding this trust fund.

This bill shall take effect on July 1, 1998.

This bill creates yet unnumbered sections of the Florida Statutes.

II. 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 nonprofit 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., requires the Department of Legal Affairs to establish and administer the Crime Stoppers Trust Fund to provide funding for Crime Stoppers programs. The section defines the term "Crime Stoppers" to mean members of the Florida Association of Crime Stoppers.

s. 16.555(1)(c), F.S. The section requires the Department of Legal Affairs to:

- 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.

Section 16.555, F.S. was created in 1991. A state constitutional provision passed in 1992 provides that all trust funds in existence on November 4, 1992, expire 4 years after that date.

s. 19(f)(2), Art. III, 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.

C. Constitutional and Statutory Restrictions on Trust Funds

No trust fund may be created by general law except by a three-fifths vote of the membership of each house of the Legislature in a separate bill for that purpose only. s. 19(f)(1), Art. III, Fla. Const. Further, all trust funds expire no later than 4 years after the date they are created. s. 19(f)(2), Art. III, 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. For executive branch trust funds, the agency responsible for

the administration of the trust fund and the Governor shall recommend to the House Speaker and Senate President whether the trust fund should be allowed to terminate or should be recreated.

III. Effect of Proposed Changes:

This bill creates the Crime Stoppers Trust Fund. The fund is to be administered by the Department of Legal Affairs, presumably in accordance with s. 16.555, F.S. Under the state constitutional provision on trust funds, the Crime Stoppers Trust Fund shall expire on July 1, 2002, unless terminated sooner. Pursuant to s. 215.3206(1), F.S., the Crime Stoppers Trust Fund is to undergo sunset review in the 2002 legislative regular session.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

Trust funds may be created by general law only by a three-fifths vote of the membership of each house of the Legislature and only in a separate bill for that specific purpose. s. 19(f)(1), Art. III, Fla. Const. Further, all trust funds must expire no later than 4 years after the date they are created. s. 19(f)(2), Art. III, Fla. Const.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill creates the Crime Stoppers Trust Fund to be administered by the Department of Legal Affairs. Currently, the Department of Legal Affairs makes applications for all federal, state, or private grants which meet the purposes of advancing Florida Crime Stoppers. s. 16.555, F.S.

Funding for the Crime Stoppers Trust Fund is provided in a companion bill, CS/CS/SB 502 which creates a new court cost of \$20 for all criminal offenses. Under current law, a similar 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 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.

Since a trust fund is necessary in order to administer and disburse these funds, this bill will have a positive impact on Crime Stoppers programs within the Florida Association of Crime Stoppers.

C. Government Sector Impact:

A related bill, CS/CS/SB 502 would 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 Stoppers' costs or to increase their level of current support. Since a trust fund is necessary in order to administer and disburse these funds, this bill will have a positive impact on local governments.

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

The CS/CS/SB 502 creates a new \$20 surcharge on any criminal fine imposed. The clerks of court are to collect the costs and to forward the money collected to the Department of Legal Affairs for deposit into the Crime Stoppers Trust Fund. The clerks may retain \$3 per assessment as a service charge.

VIII. Amendments:

#1 by Judiciary:

Changes effective date to the date that the companion bill CS/CS/SB 502, or similar legislation, takes effect and provides that if such legislation does not become law, this bill shall not take effect.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
