

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.)

BILL: CS/CS/SB 1478

SPONSOR: Fiscal Resource Committee, Comprehensive Planning, Local and Military Affairs Committee and Senator Mitchell

SUBJECT: Crime Stoppers Trust Fund

DATE: April 14, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cooper</u>	<u>Yeatman</u>	<u>CA</u>	<u>Favorable/CS</u>
2.	<u>Fournier</u>	<u>Wood</u>	<u>FR</u>	<u>Favorable/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill transfers the receipt of court surcharge revenues for local Crime Stoppers programs from the Department of Legal Affairs to each board of county commissioners. Distribution guidelines are provided in the bill.

This bill amends s. 938.06, F.S., 1998 Supplement, creates s. 932.80, F.S., and repeals s. 16.555, F.S., as amended by section 2 of chapter 98-319, L.O.F.

II. Present Situation:

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 non-profit organization know as the Florida Association of Crime Stoppers. There are now Crime Stoppers programs located in every region of the state.

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.

Chapter 98-319, L.O.F., created s. 938.06, F.S., 1998 Supplement, which imposed a \$20 surcharge on any criminal fine imposed, to be forwarded to the Department of Legal Affairs for deposit into the Crime Stoppers Trust Fund. The clerks of court are allowed to retain \$3 per assessment as a service charge.

Section 16.555, F.S., 1998 Supplement, provides a funding mechanism for Crime Stopper 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., 1998 Supplement. The section requires that the Department of Legal Affairs: make applications for all federal and state or private grants which meet the purposes of advancing Crime Stoppers in the state; establish a trust fund to administer grants to fund Crime Stoppers and its crime fighting programs within the units of local governments; and administer and disburse the funds.

Surcharge revenues are to be distributed to eligible Crime Stopper programs according to the judicial circuit in which they were collected. Any county may apply to the Department for a grant from the funds collected in the judicial circuit in which the county is located. However, grants may be awarded only to counties which are served by official members of the Florida Association of Crime Stoppers. The grants may be used only to support Crime Stoppers and their crime fighting programs. As of February 28, 1999, \$629,260 had been collected and no disbursements had been made.

III. Effect of Proposed Changes:

Section 1 creates s. 932.80, F.S., to require all "Crimes Stopper" surcharge revenues collected by the clerk of court, under s. 938.06, F.S., to be deposited into a special trust fund of each board of the county commissioners. Trust fund proceeds and interest may only be expended for:

- rewards for information leading to the arrest and prosecution of persons who have committed, or who are committing crimes;
- community notification of the presence of sexual predators, sexual offenders, or violent offenders;
- crime prevention awareness;
- publicity, advertisement and promotion of Crime Stoppers programs and services;
- administrative costs of Crime Stoppers programs that receive funds under this section; and,
- starting a new Crime Stoppers program in counties where none exist.

In counties where a Crime Stoppers program is operated in cooperation with the sheriff and a majority of the municipal police chiefs, in consultation with the Florida Association of Crime Stoppers, Inc., the funds must be distributed to the Crime Stoppers program in that county. In those counties without Crime Stoppers programs, the board of county commissioners may use the funds for the above listed purposes.

Two or more counties are authorized to create a single multi-county Crime Stoppers program, subject to the approval of affected sheriffs and municipal police chiefs.

Crime Stoppers programs receiving surcharge revenues may be required to prepare an annual audit of the expenditures of moneys from the special trust fund.

Section 2 amends s. 938.06, F.S., to require the clerks of the court to forward the \$20 surcharge on criminal fines to the board of county commissioners to be deposited in a special trust fund, rather than forwarding the surcharges to the Department of Legal Affairs, as is required in current law.

Section 3 repeals s. 16.555, F.S., as amended by section 2 of chapter 98-319, L.O.F. This is the provision that created the present configuration for depositing and distributing Crime Stoppers funds.

Section 4 requires all funds in the Department of Legal Affairs Crime Stoppers Trust Fund be remitted to the county where the funds were originally collected, and be deposited into the county's special trust fund for Crime Stoppers surcharge revenues.

Section 5 provides that the act will take effect July 1, 1999.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

Art. III, s. 19(f)(1), of the State Constitution states that

“No trust fund of the State of Florida or other public body may be created by law without a three-fifths vote of the membership of each house of the legislature in a separate bill for that purpose only.”

While it appears that this bill may require the creation of 67 trust funds in the 67 counties, it can be argued that the bill simply requires each county commission to create a special trust fund to receive Crime Stoppers surcharge revenue.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

This bill will result in a loss in state trust revenue and in General Revenue service charge, and a corresponding increase in local revenue. The total amount of revenue expected to be generated by the surcharge is \$2.5 million annually.

B. Private Sector Impact:

None.

C. Government Sector Impact:

County Commissions would be responsible for receiving and distributing Crime Stopper revenues.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.