

STORAGE NAME: h1521a.lecp

DATE: April 6, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LAW ENFORCEMENT AND CRIME PREVENTION
ANALYSIS**

BILL #: HB 1521

RELATING TO: Crime Stoppers Trust Fund

SPONSOR(S): Representative Spratt

COMPANION BILL(S): SB 1478(i)

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

- (1) LAW ENFORCEMENT AND CRIME PREVENTION YEAS 9 NAYS 0
 - (2) CRIMINAL JUSTICE APPROPRIATIONS
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

In 1998, the Legislature required that trial courts impose a \$20 court cost in all criminal cases where the defendant enters a plea of guilty or is found guilty. Of this amount, \$17 is forwarded to the Department of Legal Affairs for deposit in the Crime Stoppers Trust Fund, and the clerk of court retains a \$3 collection fee. Official Crime Stoppers Programs can apply for grants from the trust fund through the Attorney General's Office.

House Bill 1521 transfers the receipt of court surcharge revenues for local Crime Stoppers programs from the Department of Legal Affairs to each board of the county commissioners. Distribution guidelines are provided in the bill. Thus, HB 1521 provides for Crime Stoppers funds to be collected locally, administered locally, and spent locally.

II. SUBSTANTIVE ANALYSIS:

A. 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.

Crime Stoppers programs originally were funded almost exclusively by private business and organizations. The programs used the funds primarily to set up rewards for unsolved crimes. Local law enforcement agencies contributed both by providing an officer who served 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 an official member 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 have been made.

B. EFFECT OF PROPOSED CHANGES:

HB 1521 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.

The bill provides that in any county in which a Crime Stoppers program is operated by the Sheriff, all trust fund moneys shall be distributed to the Sheriff for the purpose of funding the Crime Stoppers program. In counties where the Crime Stoppers program is operated under the approval of the Sheriff and in consultation with the chiefs of police, that the funds be distributed to the Crime Stoppers program. If there no Crime Stoppers program in the county, the board of county commissioners may expend funds in conformance with the requirements of set forth above.

The bill 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.

The bill also 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.

A strike-everything amendment offered by the sponsor and adopted by the Committee on Law Enforcement and Crime Prevention, includes the following provisions:

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.

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

The bill 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.

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?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

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

N/A

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?

N/A

(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?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

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

N/A

4. Individual Freedom:

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

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

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?

N/A

- (2) service providers?

N/A

- (3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

s. 938.06 and s. 16.555, F.S.

E. SECTION-BY-SECTION ANALYSIS:

This section need be completed only in the discretion of the Committee.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

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A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

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

N/A

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 5, 1999, the Committee on Law Enforcement and Crime Prevention approved a strike-everything amendment which includes the following provisions:

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VII. SIGNATURES:

COMMITTEE ON LAW ENFORCEMENT AND CRIME PREVENTION:

Prepared by:

Staff Director:

Kurt E. Ahrendt

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