

STORAGE NAME: h2161z.ga
DATE: June 12, 2000

****FAILED TO PASS THE LEGISLATURE****
HOUSE OF REPRESENTATIVES

**COMMITTEE ON
GENERAL APPROPRIATIONS
FINAL ANALYSIS**

BILL #: HB 2161 (PCB GA 00-28)

RELATING TO: Transfer of Criminal Justice Programs

SPONSOR(S): Committee on General Appropriations and Representative Fuller

TIED BILL(S):

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

- (1) GENERAL APPROPRIATIONS YEAS 17 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill transfers the criminal justice and domestic and sexual violence programs from the Department of Community Affairs (DCA) to the Florida Department of Law Enforcement (FDLE) and the Department of Children and Family Services (DCF), respectively. This bill redistributes the collections in the Additional Court Cost Clearing Trust Fund in section 938.01, F.S., to deposit all of these court cost fees in trust funds in the Florida Department of Law Enforcement rather than deposit any of these funds in the Department of Community Affairs' trust fund. The bill further provides direction regarding transfer of funds from FDLE to DCF.

On May 5, 2000, HB 2161 died on the Senate Calendar. However, similar provisions were included in the Appropriations Implementing Bill which became law (Chapter 2000-171, Laws of Florida).

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Presently, the criminal justice and domestic and sexual violence programs are administered by DCA. The bill transfers these two functions to the FDLE and DCF, respectively. Currently, the proceeds of the court cost fees described above are deposited in trust funds in both the Department of Community Affairs and the Department of Law Enforcement. The bill provides that all of these funds will go to FDLE, and FDLE will transfer funds to DCF for use in administering the domestic and sexual violence program.

C. EFFECT OF PROPOSED CHANGES:

The criminal justice and domestic and sexual violence programs will be transferred to state agencies which are presently managing other programs of a similar nature. The bill provides for sufficient funding to manage these programs in these departments.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Provides that court cost collections under s. 938.01, F. S., will go entirely to the Florida Department of Law Enforcement (FDLE) rather than to be divided between the Department of Community Affairs (DCA) and the FDLE.

Section 2. Provides the FDLE is authorized to use appropriated dollars for matching, implementing, administering, evaluating, and qualifying for federal funds.

Section 3. Transfers the criminal justice program from DCA to FDLE by a Type 2 transfer pursuant to section 20.06(2), F.S.

Section 4. Transfers the Prevention of Domestic and Sexual Violence Program from DCA to the Department of Children and Families (DCF) by a Type 2 transfer pursuant to section 20.06(2), F.S.

Section 5. Provides that the FDLE shall transfer funds to DCF for the administration of the Prevention of Domestic and Sexual Violence Program. The funds previously received in DCA were used for this purpose.

Section 6. Provides an effective date of July 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill is neutral with respect to revenue collection or expenditure. The collections which were previously deposited in the DCA trust funds will now be deposited in trust funds in FDLE. The funds will be used by FDLE and DCF.

2. Expenditures:

See above.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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 municipalities or counties to spend money.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of municipalities or counties to raise revenue.

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

This bill does not reduce the percentage of a state tax shared with municipalities or counties.

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V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON GENERAL APPROPRIATIONS:

Prepared by:

Staff Director:

Kurt Hamon

David K. Coburn

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON GENERAL APPROPRIATIONS:

Prepared by:

Staff Director:

Kurt Hamon

David K. Coburn