

# 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: HB 2161

SPONSOR: Committee on Governmental Appropriations and Representative Fuller

SUBJECT: Transfer of Criminal Justice Programs

DATE: April 12, 2000 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Erickson</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
2.	_____	_____	<u>FP</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

## I. Summary:

House Bill 2161 transfers the Criminal Justice Program and the Prevention of Domestic and Sexual Violence Program 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 s. 938.01, F.S., to deposit all of these court cost fees in trust funds in the FDLE rather than deposit any of these funds in the DCA's trust fund. The bill further provides direction regarding transfer of funds from the FDLE to the DCF.

This bill substantially amends the following sections of the Florida Statutes: 938.01 and 943.25

## II. Present Situation:

### I. Statutory Authority for Administration of Certain Programs by the Department of Community Affairs and Funding of those Programs

Presently, s. 938.01, F.S., provides for the assessment of certain costs against every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal ordinance. In addition, there is an assessment of certain costs from every bond estreature or forfeited bail. These assessments are collected by the courts and remitted to the Department of Revenue which, in accordance with its rules, deposits them in the Additional Court Cost Clearing Trust Fund. Those assessments are specifically earmarked for the FDLE and the DCA, and deposited and distributed according to specifications in s. 938.01, F.S. Depending upon the specific disbursement specification, a portion of the assessments may be deposited and distributed in the Criminal Justice Standards and Training Trust Fund or the Operating Trust Fund. Section 938.01, F.S., specifies that several of the disbursements from the Operating Trust Fund are to be disbursed to the "Bureau of Public Safety Management of the Department of Community Affairs."

Section 943.25(1), F.S., provides, in part, that the Department of Community Affairs may approve, for disbursement from the Operating Trust Fund, those appropriated sums necessary and required by the state for grant matching, implementing, administering, evaluating, and qualifying for such federal funds.

## **II. Specific Programs Administered by the Department of Community Affairs**

Presently, the Criminal Justice Program and Prevention of Domestic and Sexual Violence Program are administered by the DCA.

The Criminal Justice Program is comprised of the Byrne State and Local Law Enforcement Assistance Program, the Local Law Enforcement Block Grants, the Drug-Free Communities Program, the Residential Substance Abuse Treatment for State Prisoners Program, the Bulletproof Vest Program, the Guantanamo Bay Refugee and Entrant Assistance Program, the National Crime History Improvement Program, and the Violent Incarceration and Truth-in-Sentencing Program.

Provided is a description of some of the programs under the Criminal Justice Program. The Byrne State and Local Law Enforcement Assistance Program (Anti-Drug Abuse Act of 1988; Public Law 100-690, Subtitle C) provides noncompetitive formula grants to state and local governments in an effort to reduce the production, transfer and use of controlled substances and to decrease drug-related crimes and violence. The funding source is the U.S. Department of Justice. The Byrne Program provides funding (FY 1999-2000: \$25,000,000) to approximately 180 local grantees in Florida. Counties and cities decide cooperatively on projects funded, including projects to decrease drug-related crime, apprehend and prosecute drug offenders, improve information systems, and address prevention, public education, and addiction treatment. This Program also provides criminal justice funds allocated by the Legislature.

The Drug-Free Communities Program (Title IV of the Safe and Drug Free School Act of 1994) provides competitive grants on community-based and statewide not-for-profit corporations and law enforcement partnerships to help carry out drug abuse and violence prevention activities for children and youth under 19 years of age. Many of these young people are not normally served by state or local educational agencies. This Program also supports covered organizations that prevent violence, the illegal use alcohol, tobacco, and drugs, involve parents and are coordinated with related federal, state, and community efforts and resources. The funding source for this Program is the U.S. Department of Education. Funding for FY 1999-2000: \$4,497,908.

Local Law Enforcement Block Grants (The Omnibus Fiscal Year 1996 Appropriations Act) are noncompetitive grants that provide funds to local governments and some state agencies to assist in the development and implementation of law enforcement projects. Funds from these programs can be used for law enforcement support, enhancing security measures in and around schools, establishing or supporting drug courts, and other designated purposes. The source of funding is the U.S. Department of Justice. Funding for FY 1999-2000: \$526,770.

The Residential Substance Abuse Treatment for State Prisoners Program (Violent Crime Control Act of 1994) assists state and local units of government in the development and implementation of residential substance abuse treatment programs within state and local correctional and detention

facilities. The source of funding is the U.S. Department of Justice. Of the \$1,234,644 available for projects, approximately \$747,848 will be used by the Florida Department of Corrections to initiate a Dual Disorder Treatment Program. The remaining \$486,796 will be used to fund several drug treatment programs in local jails. The local projects will be selected by a RFP process. The source of funding is the U.S. Department of Justice. Funding for FY 1999-2000: \$1,808,000.

The Violent Offender Incarceration and Truth-in-Sentencing Program (the Violent Crime Control and Law Enforcement Act of 1994) provides funds to the state to build or expand correctional facilities to increase the bed capacity for the confinement of violent criminals, and to build or expand correctional facilities for the confinement of convicted nonviolent offenders and criminal aliens in order to free suitable existing prison space for the confinement of violent criminals. The source of funding is the U.S. Department of Justice. Funding for FY 1999-2000: an estimated \$42,804,137. The Legislature appropriated all \$42 million to the state for construction of additional adult and juvenile facilities.

The Prevention of Domestic and Sexual Violence Program (Executive Order 96-39; Chapter 94-134, L.O.F.; and Title IV, Section 2001(b), Violence Against Women Act) is comprised of the Governor's Task Force on Domestic Violence and the violence against women grants office. The purpose of this unit is to develop and oversee implementation of public policy in the areas of domestic and sexual violence across the state in such areas as health care, the justice system, social services, community awareness, public education, professional training, and workplace violence, with a special focus on rural and under-served populations. Funding through the Program is provided through competitive and non-competitive grants. The source of funding is the U.S. Department of Justice. Funding for FY 1999-2000: \$15,318,051 (Violence Against Women Act funding).

### III. Effect of Proposed Changes:

House Bill 2161 transfers the Criminal Justice Program and the Prevention of Domestic and Sexual Violence Program 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 s. 938.01, F.S., to deposit all of these court cost fees in the trust funds in the FDLE rather than deposit any of these funds in the DCA's trust fund. The bill further provides direction regarding transfer of funds from the FDLE to the DCF.

Provided is a section-by-section analysis of the bill:

**Section 1.** Provides that court cost collections under s. 938.01, F.S. (Additional Court Cost Clearing Trust Fund), will go entirely to the FDLE rather than be divided between the DCA and the FDLE. References to disbursements to the DCA are deleted.

**Section 2.** Provides that the FDLE is authorized under s. 943.25, F.S., to disburse from the FDLE Operating Trust Fund those appropriated sums necessary and required by the state to match, implement, administer, evaluate, and qualify for federal funds.

**Section 3.** Transfers the Criminal Justice Program from the DCA to the FDLE by a Type 2 transfer pursuant to s. 20.06(2), F.S.

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

**Section 5.** Provides that the FDLE shall transfer funds from its Operating Trust Fund to the DCF to be used as matching funds for the administration of the Prevention of Domestic and Sexual Violence Program. The funds previously received in DCA were used for this purpose. The bill also provides that the amount of the transfer for FY 2000-2001 shall be determined by the Governor's Office of Planning and Budgeting, in consultation with the DCA, the FDLE, the DCF, and shall be based on historic use of these funds and current needs of the Prevention of Domestic and Sexual Violence Program. In subsequent years, the transfer of funds shall be based on the amount appropriated.

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

#### **IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

#### **V. Economic Impact and Fiscal Note:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

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 the FDLE. The funds so deposited will be used by the FDLE and the DCF.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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

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