

STORAGE NAME: h1729.frc
DATE: March 22, 2001

HOUSE OF REPRESENTATIVES
FISCAL RESPONSIBILITY COUNCIL
ANALYSIS

BILL #: HB 1729

RELATING TO: Transfer of the Office for Certification and Monitoring of Batterers' Intervention Programs

SPONSOR(S): Fiscal Responsibility Council and Representative Ball

TIED BILL(S):

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

- (1) FISCAL RESPONSIBILITY COUNCIL YEAS 21 NAYS 0
 - (2)
 - (3)
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I. SUMMARY:

This legislation transfers the Office of Certification and Monitoring of Batterer's Intervention Programs from the Department of Corrections to the Department of Children and Family Services. It removes the Department of Corrections responsibility for sentencing scoresheet preparation. It transfers authority for fee assessment and collections relating to Batterer's Intervention Programs from the Department of Corrections to the Department of Children and Family Services.

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:

Batterer's Intervention (BIP)

Currently, the Department of Corrections, Office of Program Services, houses the Office of Certification and Monitoring of Batterers Intervention Programs (OCMBIP). This office was established by the 1995 Legislature, s. 745.32 and s. 745.325, F.S. In this capacity, the OCMBIP maintains and oversees program compliance with the state minimum standards for certified batterers intervention programs (Certification Procedures and Minimum Standards for Assessors and Batterers' Intervention Programs, January 2000). Under the authority of s. 945.76, F.S. the OCMBIP collects a \$300.00 fee from batterers' intervention programs applying for state certification and a \$100.00 fee from individuals applying for state certification as an assessor. In addition, court ordered perpetrators of domestic violence are required to pay a one-time \$30.00 participant's fee which is collected by the certified programs and forwarded to the OCMBIP on a monthly basis. These funds are deposited into the Batterers' Intervention Trust Fund and used to fund activities of the OCMBIP. The OCMBIP is addressed in the department's administrative rule 33-504.201.

The vast majority of offenders are court-ordered into batterers' intervention programs as a result of civil injunctions and/or misdemeanor charges of domestic violence. The Department of Children and Family Services also refers appropriate clients who come in contact with their agency.

Currently, the Department of Corrections has 8 positions in the Batterer's Intervention Program that offers program services and counseling.

The House Criminal Justice Appropriations Committee has tentatively approved a proposal by the Governor to transfer the Office of Certification and Monitoring of Batterers Intervention Programs to the Department of Children and Family Services.

Scoresheet Preparation

Current law (s. 921.002, F.S. and the Rules of Criminal Procedure 3.704) provides that the Department of Corrections is responsible for the following regarding scoresheets prepared for sentencing in the circuit courts:

- Collecting scoresheets from the circuit courts
- Entering scoresheet data into a database
- Ensuring accuracy of the database
- Preparing scoresheets in sentencing events in some circuits
- Ordering printed copies of the scoresheets
- Supplying sufficient copies of the scoresheets to all offices of the state attorneys
- Analyzing the data and publishing the results to the public, courts, legislature, and other governmental entities.

The Office of Community Corrections does most of the work that is assigned to the Department of Corrections. In the most recent year reported (1999-2000), the Office of Community Corrections received and processed 122,671 scoresheets collected from circuit courts throughout the state. In addition, the Bureau of Research and Data Analysis is responsible for analyzing the data and preparing reports for publication.

As it relates to actual preparation of scoresheets, this work is done by the State Attorney in some circuits and by the Department of Corrections in others. During FY99-00, State Attorneys offices prepared 72.1% of the scoresheets. This figure, however, does not account for the scoresheets that the Department prepares in conjunction with presentence investigations and violation reports submitted to the court. The Department also prepares a large number of scoresheets in some circuits to assist courts that have established special "rocket docket" arrangements. These allow judges, prosecutors and public defenders to move routine cases that are plea-bargained through the system more rapidly than would be possible through the normal court processes.

Community Corrections funded FTE's associated with the Sentencing Guidelines Program are:

- 22 Correctional Probation Officers
- 2 Correctional Services Administrators
- 25 Parole and Probation Specialists
- 1 Senior Clerk

The House Criminal Justice Appropriations Committee has tentatively approved a proposal to reduce the Department of Corrections budget by 23 FTE and \$1,029,282 by relieving the department of its responsibility to prepare sentencing shoresheets. The database, however, would remain in the Department of Corrections.

C. EFFECT OF PROPOSED CHANGES:

This bill transfers the Office for Certification and Monitoring of Batterers' Intervention Programs, along with all associated resources, powers, and responsibilities from the Department of Corrections to the Department of Children and Family Services. This includes the responsibility to collect fees associated with this program which would be transferred into the Executive Office of the Governor's Domestic Violence Trust Fund to be directed to the Department of Children and Family Services.

The bill also relieves the Department of Corrections of its current responsibility related to the preparation of sentencing scoresheets.

D. SECTION-BY-SECTION ANALYSIS:

See Effect of Proposed Changes section above.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

This bill will allow for a reduction of 23 FTE and \$1,029,282 General Revenue from the Department of Corrections budget. There will be an indeterminate impact on the State Attorney offices that currently do not prepare their own scoresheets.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

FISCAL COMMENTS:

Any balance of appropriations and other resources associated with the Batterers' Intervention Program would be transferred to the Department of Children and Family Services. In addition, fees which are currently collected by the Department of Corrections and deposited into its Operating Trust Fund would instead be collected by the Department of Children and Family Services and deposited into the Governor's Domestic Violence Trust Fund. Currently, fee revenue accounts for \$319,630 of the program's current operating budget of \$574,439.

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:

None

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

None

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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:

N/A

VII. SIGNATURES:

FISCAL RESPONSIBILITY COUNCIL:

Prepared by:

Staff Director:

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