

**STORAGE NAME:** h0059B.frc.doc  
**DATE:** October 24, 2001

**HOUSE OF REPRESENTATIVES**  
**FISCAL RESPONSIBILITY COUNCIL**  
**ANALYSIS**

**BILL #:** HB 59B (PCB FRC 01-09B)  
**RELATING TO:** Court-Appointed Counsel  
**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 18 NAYS 9
  - (2)
  - (3)
  - (4)
  - (5)
- 

I. SUMMARY:

This bill makes state payment of court-appointed counsel representing indigent parents at shelter hearings permissive rather than mandatory.

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:

Chapter 39.013, Florida Statutes, provides that court appointed counsel for indigent parents at shelter hearings shall be paid from state funds appropriated by general law. \$3,500,000 is currently appropriated in the Justice Administrative Commission to reimburse counties for these expenses. According to the Justice Administrative Commission, the state funds represent less than half of total county expenditures for representation of indigent parents.

C. EFFECT OF PROPOSED CHANGES:

The bill would make the current language mandating state payment for court-ordered counsel for indigent parents at shelter hearings permissive.

D. SECTION-BY-SECTION ANALYSIS:

See Effect of Proposed Changes above.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None. See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See fiscal comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

Passage of the bill will not have a direct fiscal impact on State or Local governments since current state expenditures do not fully cover all costs of indigent counsel and the bill would continue to permit state funding of these costs.

The House proposed budget for Special Session B includes a \$3,500,000 reduction of state funds that would be used to reimburse counties for expenditures associated with court-ordered counsel.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

Under both current practice and this bill, counties may have increased costs for court – appointed council. In order to bind counties, this bill will require a legislative finding of important state interest and a 2/3 vote of each house of the Legislature.

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.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

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N/A

VIII. SIGNATURES:

FISCAL RESPONSIBILITY COUNCIL:

Prepared by:

Staff Director:

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Jim DeBeaugrine

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David Coburn