

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #: SB 1968

FINAL HOUSE FLOOR ACTION:

SPONSOR(S): Budget

116 Y's 0 N's

**COMPANION
BILLS:** None

GOVERNOR'S ACTION: Pending

SUMMARY ANALYSIS

The bill requires the courts to assess individuals convicted of a crime a \$100 fee for any crime lab services when those services are provided by a local county-operated crime laboratory. All fines collected will continue to be deposited into the Florida Department of Law Enforcement's Operating Trust Fund and used to reimburse local county-operated crime laboratories. Currently such assessment is permissive and limited to certain drug related crimes.

The bill will have a positive fiscal impact on certain local governments because the bill requires the court to assess the \$100 fee when crime lab services are provided by a local county-operated crime laboratory.

The bill has an effective date of October 1, 2012.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background

Section 938.25, F.S., allows the courts to assess a \$100 fee to any defendant who pleads guilty or nolo contendere to, or who is convicted of, a drug offense specified in s. 893.13, F.S., relating to the sale, manufacture, or possession with intent to sell certain controlled substances, if the investigation included services provided by any of the state or county-operated criminal analysis laboratories that operate throughout the state. The proceeds from the assessment are deposited into the Operating Trust Fund within Florida Department of Law Enforcement (FDLE) and used by FDLE to recover their state-operated labs or to reimburse the local county-operated crime lab that provided the service.

Effects of the Bill

The bill requires the courts to assess individuals convicted of an offense in chapters 775 – 893, F.S., a \$100 fee for any crime lab services when those services are provided by a local county-operated crime laboratory. All fines collected will continue to be deposited into FDLE's Operating Trust Fund and used to reimburse local county-operated crime laboratories. The effective date of this bill is October 1, 2012.

Current law allows the court to assess the \$100 fee for crime lab services for only certain drug related offences. This bill expands the assessment of the fee to any defendant who pleads guilty or nolo contendere to, or who is convicted of an offence specified in the following chapters:

- Chapter 775 - Definitions; General Penalties; Registration of Criminals
- Chapter 776 - Justifiable Use of Force
- Chapter 777 - Principal; Accessory; Attempt; Solicitation; Conspiracy
- Chapter 782 - Homicide
- Chapter 784 - Assault; Battery; Culpable Negligence
- Chapter 787 - Kidnapping; False Imprisonment; Luring or Enticing a Child; Custody Offenses
- Chapter 790 - Weapons and Firearms
- Chapter 791 - Sale of Fireworks
- Chapter 794 - Sexual Battery
- Chapter 796 - Prostitution
- Chapter 797 - Abortion
- Chapter 798 - Adultery; Cohabitation
- Chapter 800 - Lewdness; Indecent Exposure
- Chapter 806 - Arson and Criminal Mischief
- Chapter 810 - Burglary and Trespass
- Chapter 812 - Theft, Robbery, and Related Crimes
- Chapter 815 - Computer Related Crimes
- Chapter 817 - Fraudulent Practices
- Chapter 818 - Sale of Mortgaged Personal Property; Similar Offenses
- Chapter 823 - Public Nuisances
- Chapter 825 - Abuse and Neglect of the Elderly and Disabled Adults
- Chapter 826 - Bigamy; Incest
- Chapter 827 - Abuse of Children
- Chapter 828 - Animals: Cruelty; Sales; Animal Enterprise Protection
- Chapter 831 - Forgery and Counterfeiting
- Chapter 832 - Violations Involving Checks and Drafts
- Chapter 836 - Defamation; Libel; Threatening Letters, Etc
- Chapter 837 - Perjury

- Chapter 838 - Bribery; Misuse of Public Office
- Chapter 843 - Obstructing Justice
- Chapter 847 - Obscenity
- Chapter 849 - Gambling
- Chapter 856 - Drunkenness; Open House Parties; Loitering; Prowling; Desertion
- Chapter 859 - Poisons; Adulterated Drugs
- Chapter 860 - Offenses Concerning Aircraft, Vehicles, Vessels, Etc.
- Chapter 861 - Offenses Related to Public Roads, Transport, and Waters
- Chapter 865 - Violations of Certain Commercial Restrictions
- Chapter 870 - Affrays; Riots' Routs' Unlawful Assemblies
- Chapter 872 - Offenses Concerning Dead Bodies and Graves
- Chapter 874 - Criminal Gang Enforcement and Prevention
- Chapter 876 - Criminal Anarchy, Treason, Etc.
- Chapter 877 - Miscellaneous Crimes
- Chapter 893 - Drug Abuse Prevention and Control

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.
2. Expenditures: None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.
2. Expenditures:

The bill will have a positive fiscal impact on local government operated crime labs enumerated in s. 943.35 (1), F.S., because the bill requires the court to assess the \$100 fee when crime lab services are provided by those local county-operated crime laboratory. The crime labs affected by this bill are:

- The Broward County Sheriff's Crime Laboratory;
- The Miami-Dade Police Department Crime Laboratory;
- The Indian River Crime Laboratory;
- The Palm Beach County Crime Laboratory; and
- The Pinellas County Forensic Laboratory.

While The Florida Department of Law Enforcement was not able to determine the exact number of cases involving crime laboratory services, FDLE's Statistical Analysis Center reports that 88,623 individuals within the jurisdictions served by county-operated forensic laboratories were found guilty or pled guilty/nolo contendere to offenses in Chapters 755-896, F.S. If all convictions or guilty pleas involved the use of county-operated crime laboratory services, this will generate \$8.86 million for distribution to the five local county-operated crime laboratories.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

More offenders will be required to pay the \$100 crime lab fee.

D. FISCAL COMMENTS: None.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: ss1968z.JUAS.DOCX

DATE: March 19, 2012