

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 917

Domestic Violence

SPONSOR(S): Kelly

TIED BILLS:

IDEN./SIM. BILLS: SB 1040

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Criminal & Civil Justice Appropriations Committee		McAuliffe	Davis
2)	Criminal & Civil Justice Policy Council			
3)	Full Appropriations Council on Education & Economic Development			
4)				
5)				

SUMMARY ANALYSIS

Current law provides a \$201 surcharge on offenders convicted of sexual battery and other offenses including many of the aggravated battery and domestic violence offenses. \$85 of this fee is deposited into the Domestic Violence Trust Fund. This bill increases that surcharge to \$301, and the amount deposited into the trust fund to \$185.

This bill will have a positive fiscal impact on the Domestic Violence Trust Fund where funds are used by the Department of Children and Family Services to fund domestic violence centers.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Section 741.01, F.S., establishes the Domestic Violence Trust Fund within the Executive Office of the Governor for the purpose of collecting and disbursing funds generated from certain fees and surcharges. Those funds are directed to the Department of Children and Family Services (department) for the specific purpose of funding domestic violence centers.

The department certifies and monitors domestic violence centers across the state of Florida. There are currently 42 certified domestic violence centers which provide crisis intervention and support services to adult victims of domestic violence and their children. The department also provides oversight of state and federal funding for domestic violence services. Section 39.903 (7), F.S., requires the department to contract with a statewide association (Florida Coalition Against Domestic Violence) to implement, administer, and evaluate all services provided by the domestic violence centers.

Current law (s. 938.08, F.S.) provides a \$201 surcharge on offenders convicted of sexual battery and other offenses including many of the aggravated battery and domestic violence offenses. Of this fee, \$85 is deposited into the Domestic Violence Trust Fund to fund domestic violence centers; the clerk of the court retains \$1; and the remainder of the surcharge is provided to the governing board of counties to defray the costs of incarcerating persons sentenced for domestic violence crimes and to provide additional training to law enforcement personnel in combating domestic violence.

This bill increases the surcharge to \$301, and provides that the entire \$100 increase be deposited into the Domestic Violence Trust Fund.

B. SECTION DIRECTORY:

Section 1. Amends s. 938.08, F.S., increasing a surcharge payment.

Section 2. Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See "Fiscal Comments."

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

This bill will have a positive fiscal impact on the Domestic Violence Trust Fund. According to the Florida Department of Law Enforcement, in 2008 there were 20,888 people convicted of the offenses assessed the surcharge under s. 938.08, F.S. According to these numbers, the \$100 increase for the Domestic Violence Trust Fund in this bill would generate approximately \$2,088,800 for domestic violence centers.

This will not affect the advance of this surcharge which is currently provided to the governing board of the county.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES