

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1980

SPONSOR: Senator Burt

SUBJECT: Criminal Justice Programs

DATE: April 4, 2001

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Erickson</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
2.	_____	_____	<u>CA</u>	_____
3.	_____	_____	<u>FT</u>	_____
4.	_____	_____	<u>APJ</u>	_____
5.	_____	_____	<u>AP</u>	_____
6.	_____	_____	_____	_____

## I. Summary:

Senate Bill 1980 includes numerous substantive law changes to reflect the transfer of the Criminal Justice Program from the Department of Community Affairs (DCA) to the Florida Department of Law Enforcement (FDLE).

This bill substantially amends ss. 938.01 and 943.25, F.S.

## II. Present Situation:

Prior to the 2000 Legislative Session, the DCA administered the criminal justice program, which 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.

The Criminal Justice Grants office, federal funds, and responsibilities were transferred from DCA to FDLE via a Type 2 transfer July 1, 2000. The substantive law changes necessary to effect this transfer were placed in the appropriations implementing bill, ch. 2000-171, L.O.F. According to Senate Appropriations staff and FDLE, the implementing bill sunsets on June 30, 2001, so identical substantive law changes are required to keep this transfer in effect. (For a description of the necessary, substantive law changes, see "Effect of Proposed Changes.")

### **III. Effect of Proposed Changes:**

Senate Bill 1980 amends s. 938.01, F.S., relating to the Additional Court Cost Clearing Trust Fund to delete all references to earmarking and disbursements from the Fund to the DCA, effectively earmarking and disbursing monies from the Fund to the FDLE exclusively.

The bill also amends s. 943.25(1), F.S., which currently provides that the DCA 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. The bill deletes reference to the DCA and replaces it with reference to FDLE.

The bill also provides that a Type 2 transfer, as defined in s. 20.06, F.S, transfers the Criminal Justice Program of the DCA to FDLE. This program is composed of the Byrne State and Local Law Enforcement Assistance Program, local law enforcement block grants, the Drug-Free Communities Program, residential substance abuse treatment of state prisoners, the bulletproof vest program, the Guantanamo Bay Refugee and Entrant Assistance Program, the national criminal history improvement program, and the Violent Offender Incarceration and Truth-in-Sentencing Program.

The bill also authorizes FDLE to adopt rules necessary for the operation of the criminal justice program.

Finally, the bill transfers the Prevention of Domestic and Sexual Violence Program from the DCA to the Department of Children and Family Services by a Type 2 transfer. The Program is composed of the Governor's Task Force on Domestic and Sexual Violence and the Violence Against Women Program.

From the funds deposited into the Department of Law Enforcement Operating Trust Fund, FDLE shall transfer funds to the Department of Children and Family Services to be used as matching funds for the administration of the Prevention of Domestic and Sexual Violence Program. The amount of the transfer for fiscal year 2001-2002 shall be determined by the Governor's Office of Planning and Budgeting in consultation with the DCA, FDLE, and the Department of Children and Family Services and shall be based on the 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.

The bill takes effect on July 1, 2001.

### **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:**

A recommended \$2,000,000 in recurring General Revenue appears in the Governor's Recommended Budget (FY 2001-02) for expansion of the Florida Violent Crime Council to include drug investigation funding.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.