

STORAGE NAME: h1147a.cp
DATE: April 14, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
CRIME AND PUNISHMENT
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 1147

RELATING TO: Court Costs

SPONSOR(S): Representative Heyman

STATUTE(S) AFFECTED: Chapters 943, 960, 775, 27, 316, 39, 893, 11, 142, 318, 397, 401, 426, 921, 947, 948, 960, and creating chapter 938.

COMPANION BILL(S): SB 1550

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

- (1) CRIME AND PUNISHMENT YEAS 7 NAYS 0
- (2) FINANCE AND TAXATION
- (3) CRIMINAL JUSTICE APPROPRIATIONS
- (4)
- (5)

I. SUMMARY:

The bill creates a new chapter of the Florida Statutes which consolidates all the court costs that may be imposed in a criminal case. The new chapter divides all the court costs into four groups:

- Part 1. Mandatory Costs in all Cases.
- Part 2. Mandatory Costs in Specific Types of Cases.
- Part 3. Mandatory Court Costs Authorized by Local Governmental Entities.
- Part 4. Discretionary Costs in Specific Types of Cases.

The costs consolidated by the bill are neither increased nor decreased by the bill. However, the consolidating of all the court costs will make it easier for judges to find the applicable court costs, thus causing more costs to be imposed and possibly increasing revenue for various trust funds and the State.

The bill does not change the allocation of revenue received from court costs.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Statutory provisions providing for both mandatory and discretionary court costs are dispersed throughout Florida Statutes. Section 27.2455(3), F.S., is the single largest mandatory cost, and the section requires that any person who pleads to a criminal offense pay a cost according to the following schedule:

1. Felonies.....\$200
2. Misdemeanors.....\$50
3. Criminal Traffic Offenses.....\$50

Of this money, the clerk of court keeps \$3 for each misdemeanor and criminal traffic offense, and \$5 for each felony as a service charge. The remainder must be used to reimburse the county for expenses incurred by providing services to the state attorney or the public defender, or the medical examiner.

Every person who pleads or is convicted of a criminal offense also has a \$50 cost imposed which is used to provide funding for the Crimes Compensation Trust Fund. There are many other costs that may be imposed in a case. Some of the costs that may be imposed in a case are currently located in the chapter which makes an act illegal. For example, some costs that may be imposed for driving under the influence are located in chapter 316, and costs allowed for violating a law relating to controlled substances may be found in Chapter 893. The complexity of gleaning the correct costs from the statutes has caused some circuits to impose "standard" court costs for all felonies and "standard" costs for all misdemeanors, despite the fact that different offenses often require or allow different court costs to be imposed. Indeed, one court has referred to the statutory scheme of costs as "Byzantine."

B. EFFECT OF PROPOSED CHANGES:

The bill creates a new chapter of the Florida Statutes which consolidates all the court costs that may be imposed in a criminal case. The new chapter divides all the court costs into four groups:

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The bill does not change the allocation of the revenue from court costs.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Not Applicable.

(2) what is the cost of such responsibility at the new level/agency?

Not Applicable.

(3) how is the new agency accountable to the people governed?

Not Applicable.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

Not Applicable.

(2) Who makes the decisions?

Not Applicable.

(3) Are private alternatives permitted?

Not Applicable.

(4) Are families required to participate in a program?

Not Applicable.

(5) Are families penalized for not participating in a program?

Not Applicable.

b. Does the bill directly affect the legal rights and obligations between family members?

Not Applicable.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

Not Applicable.

(2) service providers?

Not Applicable.

(3) government employees/agencies?

Not Applicable.

D. SECTION-BY-SECTION RESEARCH:

This section need be completed only in the discretion of the Committee.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

2. Recurring Effects:

See Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

See Fiscal Comments.

4. Total Revenues and Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

See Fiscal Comments.

2. Recurring Effects:

See Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

See Fiscal Comments.

2. Direct Private Sector Benefits:

See Fiscal Comments.

3. Effects on Competition, Private Enterprise and Employment Markets:

See Fiscal Comments.

D. FISCAL COMMENTS:

The costs consolidated by the bill are neither increased nor decreased by the bill. However, the consolidating of all the court costs will make it easier for judges to find the applicable court costs, thus causing more costs to be imposed and possibly increasing revenue for various trust funds and the State. The bill does not change the allocation of revenue received from court costs.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill contains no mandates on local governments.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not impair local government revenue raising authority.

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

The bill does not significantly reduce the amount of state tax shared with local governments.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

A "strike everything" amendment was passed by the committee. The amendment makes technical changes and consolidates additional costs.

VII. SIGNATURES:

COMMITTEE ON CRIME AND PUNISHMENT:

Prepared by:

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J. Willis Renuart

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