

By Representatives Thrasher, Crady, Bainter, Cosgrove,  
Mackey, Logan, Ritter, Spratt, Betancourt, Burroughs and Crow

1                                   A bill to be entitled  
2           An act relating to court funding; creating s.  
3           25.402, F.S.; providing compensation to  
4           counties for certain costs through a trust fund  
5           to be administered by the Supreme Court;  
6           amending s. 318.21, F.S., 1996 Supplement,  
7           relating to the disposition of civil penalties  
8           by county courts; providing for distribution of  
9           civil penalties to the County Article V Trust  
10          Fund beginning July 1, 1998; creating s.  
11          939.18, F.S.; providing for an additional  
12          assessment on persons pleading guilty or nolo  
13          contendere to, or found guilty of, a crime to  
14          be used to provide and maintain court  
15          facilities; requiring clerks of circuit court  
16          to submit specified financial reports;  
17          providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

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21           Section 1. Section 25.402, Florida Statutes, is  
22 created to read:

23           25.402 County Article V Trust Fund.--  
24           (1)(a) The trust fund moneys in the County Article V  
25 Trust Fund, administered by the Supreme Court, must be used to  
26 compensate counties for the costs they incur under Article V  
27 of the State Constitution in operating the state courts system  
28 and in performing executive branch functions that are part of  
29 the civil justice system or criminal justice system, including  
30 the costs they incur in providing and maintaining court  
31 facilities.

1           (b) The Supreme Court, after consultation with  
2 representatives of county government, shall adopt a  
3 comprehensive plan for the operation of the trust fund and the  
4 expenditure of moneys deposited into the trust fund. The plan  
5 should include provisions to compensate counties with fewer  
6 than 75,000 residents for court facility needs.

7           (c) The trust fund shall be funded with moneys  
8 generated from civil penalties assessed under s. 318.21(2)(h).

9           (2) This section is repealed July 1, 2001.

10           Section 2. Effective July 1, 1998, subsection (1) of  
11 section 318.21, 1996 Supplement, paragraph (a) of subsection  
12 (2) is amended, and paragraph (h) is added to that subsection  
13 to read:

14           318.21 Disposition of civil penalties by county  
15 courts.--All civil penalties received by a county court  
16 pursuant to the provisions of this chapter shall be  
17 distributed and paid monthly as follows:

18           (1) One dollar from every civil penalty shall be paid  
19 to the Department of Children Health and Family Rehabilitative  
20 Services for deposit into the Child Welfare Training Trust  
21 Fund for child welfare training purposes pursuant to s. 402.40  
22 ~~s. 404.40~~. One dollar from every civil penalty shall be paid  
23 to the Department of Juvenile Justice for deposit into the  
24 Juvenile Justice Training Trust Fund for juvenile justice  
25 purposes pursuant to s. 39.024.

26           (2) Of the remainder:

27           (a)

28           1. Fifteen ~~Twenty~~ and six-tenths percent shall be paid  
29 to the General Revenue Fund of the state, except that the  
30 first \$300,000 shall be deposited into the Grants and  
31 Donations Trust Fund in the Department of Children Health and

1 ~~Family Rehabilitative~~ Services for administrative costs,  
2 training costs, and costs associated with the implementation  
3 and maintenance of Florida foster care citizen review panels  
4 as provided for in s. 39.4531.

5 2. Subparagraph 1. is repealed June 30, 1999.

6 (h)1. Five percent must be deposited in the County  
7 Article V Trust Fund.

8 2. Subparagraph 1. is repealed June 30, 1999.

9 Section 3. Effective July 1, 1999, subsection (1) of  
10 section 318.21, Florida Statutes, 1996 Supplement, is amended,  
11 paragraph (a) of subsection (2) is amended, and paragraph (h)  
12 is added to that subsection to read:

13 318.21 Disposition of civil penalties by county  
14 courts.--All civil penalties received by a county court  
15 pursuant to the provisions of this chapter shall be  
16 distributed and paid monthly as follows:

17 (1) One dollar from every civil penalty shall be paid  
18 to the Department of ~~Children Health and Family Rehabilitative~~  
19 ~~Services~~ for deposit into the Child Welfare Training Trust  
20 Fund for child welfare training purposes pursuant to s. 402.40  
21 ~~s. 404.40~~. One dollar from every civil penalty shall be paid  
22 to the Department of Juvenile Justice for deposit into the  
23 Juvenile Justice Training Trust Fund for juvenile justice  
24 purposes pursuant to s. 39.024.

25 (2) Of the remainder:

26 (a)

27 1. Ten ~~Twenty~~ and six-tenths percent shall be paid to  
28 the General Revenue Fund of the state, except that the first  
29 \$300,000 shall be deposited into the Grants and Donations  
30 Trust Fund in the Department of ~~Children Health and Family~~  
31 ~~Rehabilitative~~ Services for administrative costs, training

1 costs, and costs associated with the implementation and  
2 maintenance of Florida foster care citizen review panels as  
3 provided for in s. 39.4531.

4 2. Subparagraph 1. is repealed June 30, 2000.

5 (h)1. Ten percent must be deposited in the County  
6 Article V Trust Fund.

7 2. Subparagraph 1. is repealed June 30, 2000.

8 Section 4. Effective July 1, 2000, subsection (1) of  
9 section 318.21, Florida Statutes, 1996 Supplement, is amended,  
10 paragraph (a) of subsection (2) is amended, and paragraph (h)  
11 is added to that subsection to read:

12 318.21 Disposition of civil penalties by county  
13 courts.--All civil penalties received by a county court  
14 pursuant to the provisions of this chapter shall be  
15 distributed and paid monthly as follows:

16 (1) One dollar from every civil penalty shall be paid  
17 to the Department of Children Health and Family Rehabilitative  
18 Services for deposit into the Child Welfare Training Trust  
19 Fund for child welfare training purposes pursuant to s. 402.40  
20 ~~s. 404.40~~. One dollar from every civil penalty shall be paid  
21 to the Department of Juvenile Justice for deposit into the  
22 Juvenile Justice Training Trust Fund for juvenile justice  
23 purposes pursuant to s. 39.024.

24 (2) Of the remainder:

25 (a)

26 1. Five ~~Twenty~~ and six-tenths percent shall be paid to  
27 the General Revenue Fund of the state, except that the first  
28 \$300,000 shall be deposited into the Grants and Donations  
29 Trust Fund in the Department of Children Health and Family  
30 Rehabilitative Services for administrative costs, training  
31 costs, and costs associated with the implementation and

1 maintenance of Florida foster care citizen review panels as  
2 provided for in s. 39.4531.

3 2. Subparagraph 1. is repealed June 30, 2001.

4 (h)1. Fifteen percent must be deposited in the County  
5 Article V Trust Fund.

6 2. Subparagraph 1. is repealed June 30, 2001.

7 Section 5. Effective July 1, 2001, subsection (1) and  
8 paragraph (a) of subsection (2) of section 318.21, Florida  
9 Statutes, 1996 Supplement, are amended to read:

10 318.21 Disposition of civil penalties by county  
11 courts.--All civil penalties received by a county court  
12 pursuant to the provisions of this chapter shall be  
13 distributed and paid monthly as follows:

14 (1) One dollar from every civil penalty shall be paid  
15 to the Department of Children Health and Family Rehabilitative  
16 Services for deposit into the Child Welfare Training Trust  
17 Fund for child welfare training purposes pursuant to s. 402.40  
18 ~~s. 404.40~~. One dollar from every civil penalty shall be paid  
19 to the Department of Juvenile Justice for deposit into the  
20 Juvenile Justice Training Trust Fund for juvenile justice  
21 purposes pursuant to s. 39.024.

22 (2) Of the remainder:

23 (a) Twenty and six-tenths percent shall be paid to the  
24 County Article V Trust Fund ~~General Revenue Fund of the state,~~  
25 except that the first \$300,000 shall be deposited into the  
26 Grants and Donations Trust Fund in the Department of Children  
27 ~~Health~~ and Family Rehabilitative Services for administrative  
28 costs, training costs, and costs associated with the  
29 implementation and maintenance of Florida foster care citizen  
30 review panels as provided for in s. 39.4531.

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1           Section 6. Section 939.18, Florida Statutes, is  
2 created to read:

3           939.18 Assessment of additional court costs for court  
4 facilities.--

5           (1)(a) When a person pleads guilty or nolo contendere  
6 to, or is found guilty of, any felony, misdemeanor, or  
7 criminal traffic offense under the laws of this state, the  
8 court may assess an additional court cost, not to exceed \$150.  
9 Such additional assessment must be accounted for separately by  
10 the county in which the offense occurred to be used for  
11 providing and maintaining court facilities under rules adopted  
12 by the Supreme Court which prescribe the methods of  
13 expenditure, the permissible purposes of expenditure, the  
14 investment requirements for the fund, and the accounting and  
15 reporting requirements to be enforced by each county as to the  
16 funds collected.

17           (b) The court may order a person to pay the additional  
18 court cost if it finds that the person has the ability to pay  
19 the additional assessment and will not be prevented thereby  
20 from making restitution or other compensation to victims which  
21 is authorized by law or from paying child support.

22           (2) The clerk of the circuit court shall annually  
23 prepare a financial report detailing the amount of court costs  
24 assessed and received, and expenditures and earnings from the  
25 investment of such funds. This report must be submitted to the  
26 board of county commissioners, the chief judge of the judicial  
27 circuit in which the county is situated, and the Office of the  
28 State Courts Administrator.

29           Section 7. This act shall take effect July 1, 1997.  
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SENATE SUMMARY

Provides that funds in the County Article V Trust Fund must be used to compensate counties for the costs they incur under Article V of the State Constitution in operating the state courts system and in performing executive branch functions that are part of the civil justice system or criminal justice system including maintenance of court facilities. Requires the Supreme Court to adopt a comprehensive plan for the operation of the trust fund and expenditure of the funds. Provides that the trust fund is to be funded from civil penalties assessed under s. 318.21(2)(h), Florida Statutes. Provides for future repeal of the funding for the trust fund. Provides for an additional assessment not to exceed \$150 on persons pleading guilty or nolo contendere to, or found guilty of, a crime, which assessment is to be used to provide and maintain court facilities. Requires that clerks of the circuit courts submit specified financial reports.