

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 1732

SPONSOR: Senator Meek

SUBJECT: Domestic Violence/Court Costs

DATE: March 31, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Crosby	Whiddon	CF	Favorable
2.	_____	_____	CJ	_____
3.	_____	_____	FP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Senate Bill 1732 provides for the imposition of additional mandatory court costs upon a person found to have committed an act of domestic violence. This bill provides that the court may, specifically on record, waive said costs. The clerk shall collect the assessment and forward it for deposit in the Domestic Violence Trust Fund. This act shall take effect October 1, 1999.

This bill creates section 938.14, Florida Statutes.

II. Present Situation:

Currently, \$30 from the sale of each marriage license and \$18 from the filing fee for dissolution of marriage are deposited into the Domestic Violence Trust Fund. These funds are administered by the Department of Children and Family Services and are used to fund certified domestic violence centers.

III. Effect of Proposed Changes:

Section 1 creates a new section in ch. 938, F.S., court costs, to provide that an additional \$36 court cost will be assessed against persons pleading guilty or nolo contendere or those found guilty or convicted of an act of domestic violence. This fee will be assessed against the person unless specifically waived by the court, on the record.

The clerk of the court shall collect the costs assessed under this section and, on a monthly basis, transfer the money to the state treasury for deposit in the Domestic Violence Trust Fund. This fund will be disbursed in the same manner as the \$30 fee charged with the marriage license (which is administered by the Department of Children and Family Services and is used to fund certified domestic violence centers).

Section 2 provides an effective date of October 1, 1999.

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:

A \$36 court cost will be assessed against persons who plead guilty or nolo contendere or are found guilty or convicted of an act of domestic violence. This fee may be waived by the court.

C. Government Sector Impact:

The Department of Children and Family Services cannot estimate the significance of this proposed fee and point out that the courts have not always been successful in collecting such fees, as and when imposed.

The Office of State Courts Administrator (OSCA) report that no fiscal impact is indicated for the State Courts System. All administrative costs relevant to assessing, collecting, and remitting this cost to the trust fund will be borne by the clerks of the court. Furthermore, OSCA reports that it is nearly impossible to estimate the revenue impact of this bill because the State Courts System does not collect data on the number of crimes of violence which occur among those who reside in the same dwelling unit; prosecutions in household violence cases are typically under reported; and, while there is some evidence that fees assessed in misdemeanor cases are collected at a higher rate than costs in felony cases, there is no way to determine what percentage of these fees, as assessed, would actually be collected.

The Florida Department of Law Enforcement, in its semi-annual report (January to June, 1998), report a total of 60,378 domestic violence incidences and 31,290 arrests. Information on the disposition of these arrest cases is not provided.

VI. Technical Deficiencies:

None.

VII. Related Issues:

This new assessment is created under Part II of ch. 938, F.S., mandatory costs in specific types of cases. This is the only such assessment in this part of the chapter that may be waived by the court, if done so on the record.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
