

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1651 Court Costs for County Delinquency Prevention
SPONSOR(S): Seiler
TIED BILLS: **IDEN./SIM. BILLS:** SB 2400

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Judiciary		Birtman	Havlicak
2) Finance & Tax			
3) Public Safety Appropriations (Sub)			
4) Appropriations			
5)			

SUMMARY ANALYSIS

HB 1651 increases court costs from \$3 to \$5 per case, which can be assessed by circuit and county courts in counties in which the sheriff's office is a partner in a juvenile assessment center or a partner in a suspension program developed in conjunction with the district school board in the county of the sheriff's jurisdiction.

The court cost may be assessed against any person who, with respect to a charge, indictment, prosecution commenced, or petition of delinquency filed in that circuit or county, pleads guilty or nolo contendere to, or is convicted of a violation of a state criminal statute or a municipal or county ordinance, or who pays a fine or civil penalty for any violation of the traffic laws and those in violation of handicapped parking laws.

The bill does not appear to require expenditure of state funds.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Juvenile assessment centers provide a central location where law enforcement officers can bring juveniles accused of committing a crime. The centers allow law enforcement officers to immediately return to their patrol duties while assessment center staff assess juveniles' risk to the community and expedite the appropriate legal proceedings or treatment referrals.¹ Centers are comprised of community operated facilities established cooperatively by the Department of Juvenile Justice and substance abuse programs, mental health providers, law enforcement agencies, schools, health service providers, state attorneys, public defenders, and other agencies serving youth.² Centers are managed and governed through interagency agreements established with participating entities.³ Juvenile assessment centers are required by statute to perform numerous duties with respect to intake and screening services for youth referred to the department.⁴ As of March, 2002, there were 21 juvenile assessment centers serving 47 Florida counties.⁵

Currently, counties in which the sheriff's office is a partner in a written agreement with the Department of Juvenile Justice to participate in a juvenile assessment center or with the district school board to participate in a suspension program, may adopt a county ordinance allowing the assessment of a \$3 court cost.⁶ The costs must be assessed, in addition to any other authorized cost or fine, on every person who, with respect to a charge, indictment, prosecution commenced, or petition of delinquency filed in that county or circuit, pleads guilty, nolo contendere to, or is convicted of, adjudicated delinquent for, or has an adjudication withheld for a felony or misdemeanor, or a criminal traffic offense or handicapped parking violation under state law, or a violation of any municipal or county ordinance, if the violation constitutes a misdemeanor under state law.⁷ The clerks are required to collect the court costs and deposit them into an appropriate, designated account for disbursement to the sheriff as

¹ See "Most Delinquents Sent to Community Supervision; Program Could Improve," OPPAGA Justification Review, Report No. 02-17, March 2002.

² See s. 985.209(2), F.S.

³ See s. 985.209(3), F.S.

⁴ Juvenile assessment centers are required to provide collocated central intake and screening services; facilitate initial screening of and case processing for youth, including delinquency intake, positive identification of the youth, detention admission screening, needs assessment, substance abuse screening and assessments, physical and mental health screening, and diagnostic testing pursuant to s. 985.209(4), F.S. Centers are encouraged to establish truancy programs pursuant to s. 985.209(5), F.S. The Department of Juvenile Justice is encouraged to use juvenile assessment centers for the purpose of conducting predisposition assessments and evaluations of youth pursuant to s. 985.209(7), F.S.

⁵ See OPPAGA Justification Review No. 02-17, March 2002. Juvenile assessment centers are located in Escambia, Leon, Duval, Marion, Pinellas, Pasco, Volusia, Alachua, Orange, Polk, Miami-Dade, Manatee, Sarasota, Hillsborough, Palm Beach, Broward, Brevard, Seminole, St. Lucie, Lee, and Collier Counties.

⁶ See s. 938.17(1), F.S.

⁷ See s. 938.17(2), F.S.

needed for the implementation and operation of an assessment center,⁸ and can withhold 5% for the costs of administering the collection of assessments. A sheriff's office that receives such disbursements must account for all funds deposited in an annual written report to the juvenile justice county council if funds are used for assessment centers, and to the district school board if funds are used for suspension programs.⁹

HB 1651 increases the court cost from \$3 to \$5 per case, and requires the cost to be assessed on every person who, with respect to a charge, indictment, prosecution commenced, or petition of delinquency filed in that county or circuit, pleads guilty or nolo contendere to, or is convicted of, regardless of adjudication, a violation of a state criminal statute or a municipal or county ordinance or who pays a fine or civil penalty for any violation of the traffic laws and those in violation of handicapped parking laws. Any person whose adjudication is withheld pursuant to ss. 318.14(9) or (10), F.S.,¹⁰ must also be assessed. The court cost shall not be deducted from the proceeds of that portion of any fine or civil penalty which is received by a county or municipality pursuant to the law that sets out the disposition of civil penalties received by county courts.¹¹ The assessment shall be added to any civil penalty paid for a violation of chapter 316¹², whether the penalty is paid by mail, paid in person without request for a hearing, or paid after a hearing and determination by the court.

C. SECTION DIRECTORY:

Section 1 amends s. 938.17, F.S. to increase the court costs to \$5 per case and revise the crimes for which the court costs may be assessed.

Section 2 provides an effective date upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Based upon data provided by the Department of Juvenile Justice and the Office of the State Courts Administrator, there were 2,638,913 felony, misdemeanor, criminal traffic, and traffic infractions in 2001. Multiplied by \$5 per case, there is the potential to generate \$13,194,565. Note, however, that the cost may only be assessed in counties in which the sheriff is a partner in a juvenile assessment center or a school suspension program.

2. Expenditures:

None.

⁸ See s. 938.17(3), F.S.

⁹ See s. 938.17(4), F.S.

¹⁰ Sections 318.14(9) and (10), F.S., relate to non-criminal traffic infractions.

¹¹ See ss. 316.660 and 318.21, F.S.

¹² Chapter 316 relates to the State Uniform Traffic Control.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Persons who plead guilty or nolo contendere to, or are convicted of a violation of a state criminal statute, municipal or county ordinance, or who pay a fine or civil penalty for violations of the traffic laws will have to pay additional court costs.

D. FISCAL COMMENTS:

Juvenile assessment centers are generally funded by combinations of private, local, and state funds. In fiscal year 2001-2002, the Legislature appropriated \$5.3 million for the assessment centers. OPPAGA reports that a distribution formula for allocating these funds has not been developed.¹³

Revision 7 to Article V of the State Constitution directs state government to assume the cost of the state court system, to be fully effectuated by July 1, 2004. The Legislature is in the process of defining the state court system to determine which programs and services are part of the state court system.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to expend funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

¹³ See OPPAGA Justification Review No. 02-17, March, 2002.