

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 741 Court Costs
SPONSOR(S): Reagan; Proctor
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1030

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Courts</u>	<u>6 Y, 0 N</u>	<u>Larson</u>	<u>Bond</u>
2) <u>Safety & Security Council</u>	<u></u>	<u>Larson</u>	<u>Havlicak</u>
3) <u>Policy & Budget Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

This bill increases by \$2 the mandatory court costs for:

- Traffic infractions
- Boating infractions
- Misdemeanor and felony violations

This bill increases state revenues by \$5.2 million annually, which is distributed to the Criminal Justice Training Standards Trust Fund and the Operating Trust Fund within the Florida Department of Law Enforcement. The bill decreases the revenue distribution to the Domestic Violence Trust Fund within the Department of Children & Family Services.

This bill does not appear to have a fiscal impact on local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Ensure Lower Taxes -- The bill increases a mandatory fee charged against all traffic tickets and criminal convictions.

B. EFFECT OF PROPOSED CHANGES:

Background

The Florida Department of Law Enforcement (FDLE) Criminal Justice Standards and Training (CJST) Trust Fund was created in 1976 and funded from a court cost assessment of \$1.00. Revenue was used to fund law enforcement training programs, training facilities, and block grant funding of local criminal justice programs. The assessment for the CJST Trust Fund was increased in 1986 to \$3.00 for each criminal case, bond estreature or forfeited bail, and civil traffic infraction.

Currently, the Clerks of Court collect court costs of \$3.00 for:

- Pedestrian infractions;
- Moving and nonmoving traffic infractions;
- Swimming and diving infractions;
- Moving or nonmoving boating infractions;
- Misdemeanor and felony violations; and
- Ordinance violations.¹

Funds collected in the CJST Trust Fund are remitted to the Department of Revenue. The Department of Revenue then deposits monies collected in the Additional Court Cost Clearing Trust Fund.² Funds deposited to the Additional Court Cost Clearing Trust Fund are distributed as follows:

- Ninety-two percent (\$2.76) to the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund.
- Six and three-tenths percent (18.9¢) to the Department of Law Enforcement Operating Trust Fund for the Criminal Justice Grant Program.
- One and seven-tenths percent (5.1¢) to the Department of Children and Family Services Domestic Violence Trust Fund.

The CJST Trust Fund receives much of its funding from the assessment of the \$3.00 additional court costs that are received by a county court clerk. The CJST Trust Fund provides funding for:

- The payment of expenses incurred by the Criminal Justice Standards and Training Commission (CJSTC) and the FDLE Professionalism Program;
- Criminal justice training programs and training school enhancements;
- Establishment of basic recruit, advanced and career development training programs; and
- Development of psychological, selection and performance evaluation tests.

Effect of Bill

This bill increases the \$3 additional court costs to \$5. This bill also changes how the additional courts costs are allocated between the three funds as follows:

¹ See s. 318.18(11)(a),(d), F.S. and s. 327.73(11)(a),(b), F.S.

² See s. 938.01, F.S.

- Ninety-five and two-tenths percent (\$4.76) to the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund.
- Three and eight-tenths percent (19¢) to the Department of Law Enforcement Operating Trust Fund for the Criminal Justice Grant Program.
- One percent (5¢) to the Department of Children & Family Services Domestic Violence Trust Fund.

C. SECTION DIRECTORY:

Section 1 amends s. 318.18, F.S. relating to the amount of civil penalties.

Section 2 amends s. 327.73, F.S. relating to court costs imposed on noncriminal infractions.

Section 3 amends s. 938.01, F.S. relating to the Additional Court Cost Clearing Trust Fund.

Section 4 provides an effective date of July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The Department of Revenue reported that \$8.7 million was collected in Fiscal Year 2005-2006 from the additional court cost as provided for in ss. 318.18, 327.73, and 938.01, F.S.

It is projected that the increased court costs from \$3 to \$5 related to civil penalties, noncriminal infractions and violations of a municipal or county ordinance will generate an additional \$5.2 million.

The Criminal Justice Standards and Training Trust Fund and the Operating Trust Fund within FDLE will receive increases in revenue due to the redistribution of court cost assessments, while the Department of Children & Families will receive a slight decrease in revenue.

	2007-2008	2008-2009	2009-2010	Total
Recurring:				
Estimated Revenue	13,975,818	13,975,818	13,975,818	41,927,453

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill will increase court costs charged to individual by \$2.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

None