

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Criminal Justice Committee

BILL: CS/SB 1110

INTRODUCER: Criminal Justice Committee and Senator Dean

SUBJECT: Court Costs

DATE: March 25, 2008 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	Fav/CS
2.			JU	
3.			FT	
4.			JA	
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The bill increases court costs in the amount of two dollars (from \$3 to \$5) assessed against a person who is found to have violated a criminal law or local ordinance. The bill also increases, by the same amount, the assessment to be remitted to the Department of Revenue from every bond estreatment or forfeited bail bond. Any criminal violations listed in s. 318.17, F.S., are also subject to a \$5 court cost. These violations are criminal traffic violations found in Chapter 316, F.S.

The bill also requires a person seeking sealing or expunction of his or her criminal history records to pay all outstanding fines and court costs, unless the court makes a finding otherwise.

The revenue is earmarked for the Florida Department of Law Enforcement's Criminal Justice Standards and Training Trust Fund.

This bill substantially amends the following sections of the Florida Statutes: 318.17, 318.18, 938.01 and 938.30.

II. Present Situation:

The following statutory provisions provide for court costs to be paid and to be distributed as provided in s. 938.01, F.S.

- Section 938.01(1), F.S., provides that courts shall assess a \$3 court cost to be paid by citizens who have been convicted for violation of a criminal law, or convicted for violation of a municipal or county ordinance. It also requires a payment of \$3 from every bond estreature or forfeited bail bond related to a penal statute or penal ordinance.
- Section 318.18(11)(d), F.S., provides that a \$3 court cost shall be paid for each noncriminal traffic infraction.
- Section 327.73(11)(b), F.S., provides that courts shall assess a \$3 court cost for each noncriminal swimming, diving, or boating infraction.

Section 938.01, F.S., provides that the above costs shall be collected and remitted to the Department of Revenue for deposit into the Additional Court Cost Clearing Trust Fund. These costs and the funds deposited in the Additional Court Cost Clearing Trust Fund pursuant to s. 318.21(2)(c), F.S.,¹ are allocated as follows:

- Ninety-two percent to the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund;
- Six and three-tenths percent to the Department of Law Enforcement Operating Trust Fund for the Criminal Justice Grant Program; and
- One and seven-tenths percent to the Department of Children and Family Services Domestic Violence Trust Fund for the domestic violence program pursuant to s. 39.903(3), F.S.

The Florida Department of Law Enforcement (FDLE) reports that the Criminal Justice Standards and Training Trust Fund provides funding for:

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

According to FDLE, over the last twenty years, the number of criminal justice officers in the State of Florida has almost doubled. During this time, per officer funding disbursed to the training schools has steadily declined to \$74.56 per officer for the current year. The following table shows the increases in officers over the last 10 years and the changes in revenue and training budget as reported by FDLE.

¹ Section 318.21, F.S., provides that after the first \$2 of a civil penalty received by a county court pursuant to the provisions of ch. 318, F.S., the Florida Uniform Disposition of Traffic Infractions Act is distributed as specified that 5.1 percent of the remainder shall be remitted to the Department of Revenue for deposit in the Additional Court Cost Clearing Trust Fund established pursuant to s. 938.01, F.S., for criminal justice purposes.

FISCAL YEAR	REVENUE	OFFICER COUNT	% INCR IN OFFICER COUNT OVER 96-97	PER OFFICER FUNDING	REGIONAL TRAINING SCHOOL BUDGET	TRAINING BUDGET % of TOTAL BUDGET
96-97	7,166,148	63,051		\$65	\$4,098,315	57.2%
97-98	9,549,544	65,826	4.4%	\$65	\$4,278,690	44.8%
98-99	11,985,941	67,586	7.2%	\$110	\$7,434,460	62.0%
99-00	12,699,971	68,584	8.8%	\$80	\$5,486,720	43.2%
00-01	13,900,922	70,268	11.4%	\$95	\$6,675,460	48.0%
01-02	13,163,409	70,855	12.4%	\$95	\$6,731,225	51.1%
02-03	16,112,656	71,579	13.5%	\$80	\$5,726,320	35.5%
03-04	15,961,554	71,586	13.5%	\$80	\$5,726,880	35.9%
04-05	15,087,323	73,031	15.8%	\$80	\$5,842,480	38.7%
05-06	16,693,799	74,925	18.8%	\$76	\$5,713,031	34.2%
06-07	17,095,936	75,822	20.3%	\$80	\$6,065,760	35.5%

As mentioned above, one and seven-tenths percent of the funds from the Additional Court Cost Clearing Trust Fund Section is allocated to the Department of Children and Family Services Domestic Violence Trust Fund for the domestic violence program pursuant to s. 39.903(3), F.S. Section 39.903(3), F.S., requires the Department of Children and Family Services to operate the domestic violence program, which provides supervision, direction, coordination, and administration of statewide activities related to domestic violence prevention. The program is responsible for certifying the leading providers of domestic violence services in Florida.

Florida law provides that if a person meets statutory criteria set forth in s. 943.0585 or s. 943.059, F.S., he or she may request that a court expunge or seal his or her criminal history record. The statutory requirements do not include the payment of any outstanding costs or fines, although the petitioner must not be under the supervision of the court for the offense for which the expunction² or sealing³ is sought at the time of the petition.

III. Effect of Proposed Changes:

The bill increases the court costs to be paid to \$5 from \$3 in the following statutory provisions:

- In s. 938.01(1), F.S., by citizens who have been convicted for violation of a criminal law, or convicted for violation of a municipal or county ordinance.
- Also, in s. 938.01(1), F.S., from every bond estreature or forfeited bail bond related to a penal statute or penal ordinance.

In s. 318.11(d), F.S., an assessment of \$5 must be paid for criminal traffic offenses found in Chapter 316, F.S.

As with the current law, these court costs are to be collected and remitted to the Additional Court Cost Clearing Trust Fund, pursuant to s. 938.01, F.S.

² Section 943.0585(2)(g), F.S.

³ Section 943.059(2)(f), F.S.

The bill further requires, by amending s. 938.30, F.S., that a person seeking an expunction or sealing of his or her criminal history from a court must first pay all outstanding fines and court costs, unless the court makes written findings about the appropriateness of expunging or sealing despite the outstanding costs and fines.

The bill provides that it takes effect on July 1, 2008.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will require citizens who are found by the courts to have committed criminal law violations and local ordinance violations, to remit \$2 additional court costs.

C. Government Sector Impact:

The increase in court costs should, according to FDLE's projections, provide an additional \$1.35 million in revenue which translates to an increase of \$15.16 Projected Per Officer Funding for training.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on March 25, 2008:

- The Committee Substitute only assesses additional court costs in criminal cases, deleting any reference to noncriminal infractions.
- The amount of the increase is \$2.00 – to \$5.00 from \$3.00. The \$5.00 is also assessed in all criminal traffic offenses listed in Chapter 316, F.S.
- The funds are allocated so that the additional revenue will be distributed to the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund with no effect on other entities mentioned in the bill.

- B. **Amendments:**

None.