

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 573 Allocation of Court Costs

**SPONSOR(S):** Civil Justice Subcommittee; Stone

**TIED BILLS:** None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice Subcommittee	11 Y, 1 N, As CS	Bond	Bond
2) Justice Appropriations Subcommittee			
3) Judiciary Committee			

### SUMMARY ANALYSIS

Current law allows each county to assess an additional court cost of up to \$65 imposed against a person who pleads guilty or nolo contendere to, or is found guilty of, or adjudicated delinquent for, any felony, misdemeanor, delinquent act, or criminal traffic offense. Funds collected must be split into equal funds to supplement state and local funding of expenditures in 4 categories. The categories are court innovation, legal aid, law library, and juvenile alternative programs.

This bill eliminates the mandatory even split and allows each participating county to determine the allocation of funds received. The categories are unchanged.

This bill does not appear to have a fiscal impact on state or local government.

The effective date of the bill is October 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

Section 939.185(1), F.S., allows each county to assess an additional court cost of up to \$65 imposed against a person who pleads guilty or nolo contendere to, or is found guilty of, or adjudicated delinquent for, any felony, misdemeanor, delinquent act, or criminal traffic offense. Only 3 counties do not assess the additional court cost.

Funds collected must be split into 4 equal funds to supplement state and local funding of expenditures, and may only be used for purposes specified by statute. The four funds are for:

- Court innovations, as determined by the chief judge of the circuit, to supplement state funding for the elements of the state courts system.
- Legal aid programs required by law.<sup>1</sup>
- Personnel and legal materials for the public as part of a law library.
- Teen court programs, juvenile assessment centers, and other juvenile alternative programs.

Unspent monies in a fund at the end of a fiscal year must be transferred to the court innovation fund.

The funds provided to counties pursuant to s. 939.185(1), F.S., do not fully fund the listed programs. In FY 2013-14,<sup>2</sup> counties collected \$17.9 million in assessments authorized by s. 939.185(1), F.S., and expended \$44.5 million total for programs within the four categories.<sup>3</sup>

#### Effect of the Bill

The bill eliminates the mandatory split of monies collected, thereby allowing a county commission to determine the allocation of monies collected pursuant to s. 939.185, F.S. Unspent monies at the end of a fiscal year are carried forward for future allocation to one or more of the authorized purposes at the discretion of the county commission.

#### B. SECTION DIRECTORY:

Section 1 amends s. 939.185, F.S., regarding assessment of additional court costs and surcharges.

Section 2 amends s. 938.19, F.S., regarding teen courts, to change a cross-reference.

Section 3 provides and effective date of October 1, 2016.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

The bill does not appear to have any impact on state revenues.

##### 2. Expenditures:

The bill does not appear to have any impact on state expenditures.

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<sup>1</sup> A county may not reduce legal aid funding below that expended in the FY 2002-03. s. 29.008(3)(a), F.S.

<sup>2</sup> Note that the fiscal year for counties differs from that of the state. County fiscal years start on October 1.

<sup>3</sup> *Statewide Analysis of F.S. 939.185 / Assessment of Additional Court Costs, FY 2014 Year End Summary*, prepared by the Florida Chief Financial Officer, on file with the Civil Justice Subcommittee. This source document is also available by linking through <http://www.myfloridacfo.com/division/aa/Reports/>. Note that the source document contains fund balances by county.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill does not appear to have any impact on local government expenditures..

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

The bill does not appear to have any direct economic impact on the private sector.

**D. FISCAL COMMENTS:**

On a statewide basis, the counties have spent more on the programs than was collected from this funding source. In FY 2013-14, counties collected \$17,886,304 million in assessments authorized by s. 939.185(1), F.S., and expended for programs within the four categories:<sup>4</sup>

Court Innovation	\$18,533,699
Legal Aid	\$10,809,292
Law Library	\$ 6,416,841
Juvenile Alternative Programs	\$ 8,766,417
Total FY 2013-14 Expenditures	\$44,526,249

At the end of FY 2013-14, the court innovation fund carry forward balance was \$11,574,792.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

The 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:

None.

**B. RULE-MAKING AUTHORITY:**

The bill does not appear to create a need for rulemaking or rulemaking authority.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On December 2, 2015, the Civil Justice Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment changed the effective date to correspond to the county fiscal year cycle. This analysis is drafted to the committee substitute as passed by the Civil Justice Subcommittee.

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<sup>4</sup> *Id.*