

**The Florida Senate**  
**PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT**

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

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Prepared By: Criminal Justice Committee

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BILL: CS/SB 1030

INTRODUCER: Criminal Justice Committee and Senators Argenziano and Bennett

SUBJECT: Court Costs

DATE: March 20, 2007

REVISED: \_\_\_\_\_

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

**I. Summary:**

The bill increases court costs in the amount of two dollars (\$2) assessed against a person who is found to have violated a criminal law and certain civil infractions. 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.

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

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

This bill substantially amends the following sections of the Florida Statutes: 318.18, 327.73, 938.01, and 938.30.

**II. Present Situation:**

Section 938.01, F.S., provides that courts shall assess certain mandatory court costs to be paid by citizens who have violated criminal laws, noncriminal traffic infractions, noncriminal vessel infractions, municipal ordinances, and county ordinances.

Currently, under this statute, three dollars' court costs in these cases are collected and remitted to the Department of Revenue for deposit into the Additional Court Cost Clearing Trust Fund. The monies in the Trust Fund are allocated as follows:

- Ninety-two percent to the Florida Department of Law Enforcement Criminal Justice Standards and Training Trust Fund;
- Six and three-tenths percent to the FDLE 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 reports that the Criminal Justice Standards and Training Trust Fund provides funding for: 1) the payment of expenses incurred by the Criminal Justice Standards and Training Commission (CJSTC) and the FDLE Professionalism Program; 2) CJSTC approved criminal justice training programs and training school enhancements; 3) the establishment of basic recruit, advanced, and career development training programs; and 4) the development of psychological, selection, and performance evaluation tests. According to FDLE, Trust Fund revenues have been relatively flat for the past four years while the demand for training dollars is steadily increasing.

Section 39.903(3), F.S., requires the Department of Children and Family Services to operate the “domestic violence program,” which provides administration and supervision 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 ss. 943.0585 or 943.059 F.S., he or she may request that a court seal or expunge their criminal history record. The statutory requirements do not include 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 sealing or expunction is sought at the time of the petition.

### **III. Effect of Proposed Changes:**

The bill increases, from \$3 to \$5, the amount of court costs to be collected and remitted to the Additional Court Cost Clearing Trust Fund, pursuant to s. 938.01, F.S.

The disbursement percentages from the Additional Court Cost Clearing Trust Fund to the Florida Department of Law Enforcement Criminal Justice Standards and Training Trust Fund, the FDLE Operating Trust Fund for the Criminal Justice Grant Program, and the Department of Children and Family Services Domestic Violence Trust Fund are adjusted by the bill as follows:

- FDLE Criminal Justice Standards and Training Trust Fund: from 92 percent to 95.2 percent
- FDLE Operating Trust Fund (for Criminal Justice Grant Program): from 6.3 percent to 3.78 percent
- Department of Children and Family Services Domestic Violence Trust Fund: from 1.7 percent to 1.02 percent

It is expected that the changes in the percentages of distribution of the Court Cost Clearing Trust Fund will have the effect of the total overall \$2 per case increase being allocated to the Criminal Justice Standards and Training Trust Fund.

The bill further requires, by amending s. 938.30, F.S., that a person seeking a sealing or expunction of his or her criminal history from a court must pay all outstanding fines and court costs, unless the court does not require payment.

#### **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:**

The bill will require citizens who are found by the courts to have committed criminal law violations, local ordinance violations, and civil traffic or vessel infractions to remit an additional \$2 in court costs per case.

##### **B. Private Sector Impact:**

As stated above, citizens before the courts for certain law violations will be expected to pay an additional \$2 in court costs if they are found to have committed the violation.

##### **C. Government Sector Impact:**

FDLE projects an additional \$5 million recurring revenue for training and professionalism programs and costs.

FDLE projections indicate that DCF should maintain the current level of allocations from the Trust Fund.

#### **VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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