

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 252

SPONSOR: Senator Bennett

SUBJECT: County Delinquency Prevention

DATE: December 1, 2003 REVISED: 12/08/03 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cooper</u>	<u>Yeatman</u>	<u>CP</u>	<u>Favorable</u>
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	<u>AAV</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill authorizes a board of county commissioners to impose a fee of \$3 against specified offenses to provide funding for a teen court. Functionally, this is the same authority provided in s. 938.19, F.S., which is repealed July 1, 2004.

This bill substantially amends s. 938.17 of the Florida Statutes.

II. Present Situation:

Section 938.19, F.S., authorizes a board of county commissioners to adopt an ordinance that provides for funding a teen court through the assessment of an additional court cost of \$3 against every person who pleads guilty or nolo contendere to, or is convicted of, a violation of a criminal law, an ordinance, or a traffic offense in the county. The clerk of the circuit court is responsible for administering the collection of assessments, and may retain 5 percent of the assessments collected as income.

However, s. 126, ch. 2003-402, amended s. 938,19, F.S., effective July 1, 2004, to read:

938.19 Teen courts.--Counties are hereby authorized to fund teen courts.

This change repeals the authority to impose the \$3 assessment, the authority for the clerk of court to collect and remit such monies, the authority for the clerk to retain five percent of the assessment as income for the clerk's office, and the authority to use other monies as provided by general law for the operation of a teen court.

In September of 2003, the Florida Association of Court Clerks & Comptroller sent a survey to Florida Counties asking whether they had a teen court program and whether they levy the \$3 court cost assessment to fund the program. The following is a summary of the survey responses:

- 51 of 66 counties indicated that a teen court program was established in their counties;
- 44 counties enacted the \$3 court cost fee pursuant to s. 938.19(1), F.S., to fund the program (The remaining seven counties use other funding sources for the program); and
- The County Clerks of Court collect an estimated \$7.9 million annually from the fee.

III. Effect of Proposed Changes:

Section 1 creates subsection (2) of section 938.17, F.S., to authorize a board of county commissioners to adopt an ordinance that provides for funding a teen court through the assessment of an additional court cost of \$3 against every person who pleads guilty or nolo contendere to, or is convicted of, a violation of a criminal law, an ordinance, or a traffic offense in the county. The clerk of the circuit court is responsible for administering the collection of assessments, and may retain 5 percent of the assessments collected as income.

The teen court is required to account for all funds deposited into the teen court account in a written report to board of county commissioners annually, by August 1. The teen court may be administered by a nonprofit organization, a law enforcement agency, the court administrator, the clerk of the court, or another similar agency authorized by the board of county commissioners.

Functionally, this is the same authority provided in s. 938.19, F.S., which is repealed July 1, 2004.

Section 2 provides that this act shall take effect July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

The Florida Constitution requires that “[n]o trust fund of the State of Florida or other public body may be created by law without a three-fifths vote of the membership of each house of the legislature in a separate bill for that purpose.” Fla. Const., Art. III, s. 19(f).

This bill requires that the fee proceeds “be deposited into an account specifically for the operation and administration of the teen court.” Consequently, this legislation may

require the provision requiring the segregation of accounts be specified in a separate bill approval by three-fifths vote of each house of the Legislature.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

This bill authorizes a board of county commissioners to impose a fee of \$3 against specified offenses to provide funding for a teen court. Functionally, this is the same authority provided in s. 938.19, F.S., which is repealed July 1, 2004.

The County Clerks of Court report that an estimated \$7.9 million is collected annually from the fee.

B. Private Sector Impact:

Specified criminal defendants and juveniles who have been adjudicated delinquent or who have had an adjudication withheld could be assessed an additional court cost of \$3 under the bill.

C. Government Sector Impact:

This fee authority granted in this bill will help defray the costs counties incur in the administration of teen court programs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.