

THE JUDICIAL BRANCH OF GOVERNMENT

PEGGY A. QUINCE, CHIEF JUSTICE



SPECIAL SESSION A, 2009

**A SUMMARY OF BUDGET REDUCTIONS (SB2A), INCREASED PENALTIES (SB12A), AND
THE CREATION OF THE STATE COURTS REVENUE TRUST FUND (SB14A)**

JANUARY 14, 2009

Special Session A Update

The budget compromise reached this weekend by state lawmakers in their special session has good news for Florida's courts.

The court system sustained a 1.25 percent reduction rather than the 4 percent reduction that was contemplated at one point. The judicial branch extends special thanks to both House and Senate leaders, who met with the chief justice on the court budget early in the fiscal year and committed to working with the courts to avoid another round of massive staff reductions.

Although the courts lost nearly \$15.9 million in general revenue funds from their budget, most of those reductions were then restored through trust fund dollars. The final cut to the courts, then, was just over \$5 million.

The budget – the Conference Report on SB 2-A Special Appropriations Act – will be ready for final votes on Wednesday, Jan. 14.

More good news came with the Legislature's decision to create a new State Courts Revenue Trust Fund, the first step in implementing the courts' plan for stabilizing court funding. It was through this fund that the courts were shielded from deeper cuts.

The Senate and House differed on the source of revenue for this new trust fund. The Senate proposed using filing fees and the House proposed using fines. The House prevailed on this point, which leaves an issue that must be addressed during regular session. The judicial branch does not want a return to the perception or opportunity for cash register justice, which was why it pressed for approval of the Senate proposal. House and Senate members have indicated their willingness to address this concern during the regular session.

A summary of the substantive bills and budget reductions follow:

SB 12-A

The Conference Report on SB 12-A does the following:

- ✓ Amends the statute which allows a person charged with a noncriminal traffic infraction to elect traffic school, to delete the provision which imposes a 18% deduction in the fines imposed in the case of such election and directs the 18% to a newly created trust fund for the state courts system. Further provides that the new revenue cannot be used by the clerks in calculating their budgets.
- ✓ Increases the current fine by \$25 for driving 10-14 mph and 15-19 mph over the speed limit and directs that new money to the newly created trust fund for the state courts system. Also provides that the clerks may not use the new revenues in calculating their budgets.
- ✓ Provides an Article V assessment for noncriminal moving and nonmoving traffic offenses, \$5 of which goes to the new trust fund for the state court system. Also provides that the clerks may not use the new revenues in calculating their budgets. Additionally, it provides that two thirds of the remainder of the assessment will go to a trust fund for the State Attorneys and one third will go to a trust fund for the Public Defenders.
- ✓ Exempts the \$12.50 administrative fee passed last session from the earmarks applied to other fines imposed in civil traffic infractions. For example, in subsections (1) and (2) of 318.21, Florida Statutes, the first \$1 of any civil penalty goes to the Child Welfare Training Trust Fund. An additional dollar goes to the Juvenile Justice Training Trust Fund. There are additional earmarks to General Revenue (20.6%) and other trust funds which would not now apply to the administrative fee passed last year.
- ✓ Exempts the newly created \$10 Article V assessment from the earmarks applied to other fines imposed in civil traffic infractions. This exemption is similar to the provision of exemption made for the \$12.50 assessment, above.

- ✓ Amends the statute authorizing the imposition of fines to make it clear that a judge can impose a fine when adjudication is withheld and to direct all fines imposed when adjudication is withheld to the new state courts trust fund. Also provides that the clerks may not use the new revenues to calculate their budgets.
- ✓ Changes the statute on placing a defendant on probation to allow a judge to withhold adjudication in non felony cases without placing the person on probation. It also allows the judge to impose a fine on a person not put on probation after adjudication has been withheld.

SB 12-A goes into effect the later of February 1, 2009 or on becoming law.

SB 14-A

SB 14-A creates the State Courts Revenue Trust Fund to be used “for the purpose of funding the state courts system.” Fines increased in CS/SB 12-A and earmarked for the courts are directed to this new trust fund.

SB 14-A will take effect on the same date as SB 12-A.

Budget Reductions

State Courts System FINAL CONFERENCE REPORT FOR SENATE BILL 2-A
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Line #	Issue Title	FTE	Recurring General Revenue (GR)	Non-Recurring GR	Trust	FY 2009-10 GR/Trust Annualization	Issue Total
SUPREME COURT							
1	FY 2008-09 Base Budget Reductions (Holdback)	(1.0)	(175,977)				(175,977)
2	TOTAL: SUPREME COURT	(1.0)	(175,977)				(175,977)
EXECUTIVE DIRECTION (OSCA)							
3	FY 2008-09 Base Budget Reductions (Holdback)		(240,741)				(240,741)
4	TOTAL: EXECUTIVE DIRECTIONS (OSCA)		(240,741)				(240,741)
DISTRICT COURTS OF APPEAL							
5	FY 2008-09 Base Budget Reductions (Holdback)		(103,746)				(103,746)
6	TOTAL: DISTRICT COURTS OF APPEAL		(103,746)				(103,746)
TRIAL COURTS							
7	FY 2008-09 Base Budget Reductions (Holdback)	(20.0)	(3,707,551)				(3,707,551)
8	State Court System Operations - Deduct GR		(11,618,199)			(34,651,586)	(46,269,785)
9	State Court System Operations - Increase Trust Fund Authority				10,804,925	34,654,586	45,459,511
10	TOTAL: TRIAL COURTS	(20.0)	(15,325,750)		10,804,925	3,000	(4,517,825)
JUDICIAL QUALIFICATIONS COMMISSION							
11	FY 2008-09 Base Budget Reductions (Holdback)		(21,754)				(21,754)
12	TOTAL: JQC		(21,754)				(21,754)
13	TOTAL : JUDICIAL BRANCH	(21.0)	(15,867,968)		10,804,925	3,000	(5,060,043)

Back of the Bill Language:

Section 50. - Pursuant to section 215.32 (2) (b) 4.a., Florida Statutes, \$296,772,480 from unobligated cash balance amounts specified from the following trust funds shall be transferred to the General Revenue Fund for Fiscal Year 2008-2009:

STATE COURTS SYSTEM

Mediation and Arbitration Trust Fund1,450,000
 Court Education Trust Fund2,000,000

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