

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Revision 7 to Article V Legislation - Interim Update

DEPARTMENT: Fiscal Services **DIVISION:** _____

AUTHORIZED BY: Sally Sherman **Contact:** Lisa Spriggs **EXT.** 7172

Agenda Date <u>5/25/04</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing X Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

Brief the Board of County Commissioners on Article V/Revision 7 legislation (Senate Bill 2962) and its impact on Seminole County.

This is an overview of SB 2962, legislation implementing Revision 7 to Article V of the Florida Constitution, which is effective July 1, 2004.

The final legislation provides for additional funding sources for specified purposes:

- Imposition of a \$4 per page recording fee, created to fund court-related technology costs. Of the \$4 fee, \$2 is directed to the BCC to fund the information technology needs of the State Attorney, Public Defender, and Courts. State estimates reflect approximately \$1,200,000 will be generated from this fee. Staff has assumed a proportionate cost for information technology mandates in its analysis.
- Authorizations for the County to impose a mandatory surcharge of up to \$15 on civil and criminal traffic infractions to fund court facilities. State estimates reflect \$1,000,000 would be generated from the imposition of the \$15 fee in Seminole County. The current estimated costs for maintenance of the new Criminal Justice Center exceeds \$1 million.
- Authorizations for County to impose an additional court cost of up to \$65 on those who plead guilty or nolo contendere to, or are found guilty of a felony, misdemeanor or criminal traffic offense. At a rate of \$65, State estimates reflect \$580,000 would be generated in Seminole County. Funds restricted to an even 25% distribution (approximately \$145,000 each) among four designations of programs. Any unspent funds at the close of the fiscal year can be transferred for use in 1.

1. **Innovative Court Programs** – Can be used for programs to supplement State funding requirements and local requirements. This category includes a total of 12 estimated positions, 11 positions are currently funded by the

Reviewed by:
Co Atty: _____
DFS: _____
Other: _____
DCM: <u>SS</u>
CM: <u>LB</u>
File No. <u>RFSA00</u>

County under Judicial (dependency court cases, civil domestic cases, probate, foreclosure services) and 1 position under Guardian ad Litem that will not be funded by the State.

2. **Legal Aid** – The County is mandated to provide legal aid at a minimum funding level of \$310,000 in fiscal year 2004/05.
 3. **Law Library** – Can be used to fund personnel and legal materials for the public. The County's current funding level is \$75,000 annually.
 4. **Juvenile Programs** – Can be used to fund teen court programs, juvenile assessment centers, and other juvenile alternative programs. The County's PAY and Teen Court programs would fall under this category at a current funding level of \$510,000.
- Imposition by legislation, a \$2.50 and a \$3.00 court cost and authorization for the County to impose an additional \$2.00 court cost on traffic infractions to be used for criminal justice education and training programs. Staff anticipates no financial impact in this area to the County.

Other fiscal impacts include:

- Requires as of June 30, 2004, a year-end close of funds by the County Clerk. Any excess fees are to be remitted to the County on December 31, 2004, likewise any shortfall is to be funded by the County.
- Requires County cash balances as of July 1, 2004, which are dedicated to specific court programs to be used on those programs until depleted.
- Requires County to pay for all counsel fees, due process expenses (expert witnesses, court reporters, interpreters, mental health evaluations, etc.) and appointed counsel expenses for all services rendered prior to July 1, 2004.
- Clarification of the County obligations:
 - Responsibility for the funding of furnishings and equipment in non-public areas of the courthouse ends on July 1, 2005.
 - Responsible for funding of multi-task equipment (printers/copiers), faxes, wireless communications, cell phones, pagers, video conferencing, toll charges, long distance, and IT personnel.
 - Creates a minimum funding requirement for county responsibilities establishing fiscal year 2002/03 as the base year and providing a 1.5% annual inflationary factor (i.e. FY2004/05 budget is FY2002/03 actual plus 3%).
 - Requires Sheriff's Office to partner with DJJ in a juvenile assessment center or with a school board to participate in a suspension program.
 - Authorizes the County to contract with a private party for the collection of unpaid court debts owed. Allows any cost associated with collection to be added to the amount owed, not to exceed 40% of the original fines and costs.

- Reduction of the previously recommended filing fee for the prosecution of local ordinance violations from \$200 to \$10 with a \$40 court cost assessment against the non-prevailing party when an accused options to challenge a citation in court.
- Authorizes the County to contract with the State Attorney to prosecute local ordinance violations and the Public Defender to defend those accused at a rate of \$50 per hour.

Staff has performed a preliminary fiscal impact analysis of the legislation as adopted. The analysis reveals an overall impact of (\$15,000) with the assumption of all optional fees being implemented and providing for funding to all current programs. The mandated impact is (\$465,000) but changes to \$535,000 favorably, with the imposition of the \$15 facilities fee. The BCC can choose to impose an additional court cost of \$65, but must utilize these funds under their intended allocations as noted above. Staff is engaged in a detailed legal interpretation and financial analysis of the legislation to ensure proper implementation and perfection of fiscal estimates.

Staff is seeking Board direction on the following items:

1. County imposition of the \$15 facilities fee.
2. County imposition of the \$65 additional court cost. If imposed, this fee would be restricted in use for special programs per legislation.
3. County funding of local programs:
 - Judicial personnel for innovation programs
 - Guardian ad Litem
 - Law Library
 - PAY/Teen Court
 - Adult Drug Court (FY2005/06)

**Seminole County
Article V / Revision 7 Implementation
Summary of Financial Impact**

**Previously anticipated annual impact from
November 2003 staff report** **\$ (1,000,000)**

Information Technology:

BCC share of \$4 per page recording fee	\$ 1,200,000	
Adjustment for information technology costs already included in previous analysis	<u>(650,000)</u>	550,000

Legal Aid Program adjustment to minimum funding	(15,000)
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Adjusted estimated annual impact as Mandated	<u>(465,000)</u>
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Imposition of Optional Fees by County:

Facilities Fees \$15 on Traffic Infractions	<u>1,000,000</u>
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Adjusted impact w/ facilities fees imposed	535,000
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Additional Court Cost of \$65	580,000
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Cost of Related Optional Programs:

Innovative Court Programs		
Judicial (11 positions)	(475,000)	
Guardian ad Litem (1 position)	<u>(70,000)</u>	(545,000)

Legal Aid (included above)	
Law Library	(75,000)

Juvenile Programs	
PAY/Teen Court	<u>(510,000)</u>

Adjusted estimated annual impact w/ optional fee provisions and funding of all current programs	<u><u>\$ (15,000)</u></u>
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