

By the Fiscal Responsibility Council and Representative Johnson

1                                   A bill to be entitled  
2           An act relating to the transfer of criminal  
3           justice programs; amending ss. 938.01 and  
4           943.25, F.S., relating to the Court Cost  
5           Clearing Trust Fund and criminal justice trust  
6           funds; preserving certain funding functions  
7           scheduled for repeal on July 1, 2001, relating  
8           to deposit of certain funds for use by the  
9           Department of Law Enforcement rather than the  
10          Department of Community Affairs; transferring  
11          the Criminal Justice Program from the  
12          Department of Community Affairs to the  
13          Department of Law Enforcement; transferring the  
14          Prevention of Domestic and Sexual Violence  
15          Program from the Department of Community  
16          Affairs to the Department of Children and  
17          Family Services and providing matching funds  
18          for the administration of such program;  
19          providing for transfer of funds; providing an  
20          effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:  
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24           Section 1. Subsection (1) of section 938.01, Florida  
25 Statutes, as amended by chapter 2000-171, Laws of Florida, is  
26 amended to read:

27           938.01 Additional Court Cost Clearing Trust Fund.--

28           (1) All courts created by Art. V of the State  
29 Constitution shall, in addition to any fine or other penalty,  
30 assess \$3 as a court cost against every person convicted for  
31 violation of a state penal or criminal statute or convicted

1 for violation of a municipal or county ordinance. Any person  
2 whose adjudication is withheld pursuant to the provisions of  
3 s. 318.14(9) or (10) shall also be assessed such cost. In  
4 addition, \$3 from every bond estreature or forfeited bail bond  
5 related to such penal statutes or penal ordinances shall be  
6 forwarded to the Treasurer as described in this subsection.  
7 However, no such assessment may be made against any person  
8 convicted for violation of any state statute, municipal  
9 ordinance, or county ordinance relating to the parking of  
10 vehicles.

11 (a) All such costs collected by the courts shall be  
12 remitted to the Department of Revenue, in accordance with  
13 administrative rules adopted by the executive director of the  
14 Department of Revenue, for deposit in the Additional Court  
15 Cost Clearing Trust Fund and shall be earmarked to the  
16 Department of Law Enforcement ~~and the Department of Community~~  
17 ~~Affairs~~ for distribution as follows:

18 1. Two dollars and seventy-five cents of each \$3  
19 assessment shall be deposited in the Criminal Justice  
20 Standards and Training Trust Fund, and the remaining 25 cents  
21 of each such assessment shall be deposited into the Department  
22 of Law Enforcement Operating Trust Fund and shall be disbursed  
23 to ~~the Bureau of Public Safety Management~~ of the Department of  
24 Law Enforcement ~~Community Affairs~~.

25 2. Ninety-two percent of the money distributed to the  
26 Additional Court Cost Clearing Trust Fund pursuant to s.  
27 318.21 shall be earmarked to the Department of Law Enforcement  
28 for deposit in the Criminal Justice Standards and Training  
29 Trust Fund, and 8 percent of such money shall be deposited  
30 into the Department of Law Enforcement Operating Trust Fund  
31 and shall be disbursed to ~~the Bureau of Public Safety~~

1 ~~Management~~ of the Department of Law Enforcement Community  
2 Affairs.

3 (b) The funds deposited in the Criminal Justice  
4 Standards and Training Trust Fund and the Department of Law  
5 Enforcement Operating Trust Fund may be invested. Any interest  
6 earned from investing such funds and any unencumbered funds  
7 remaining at the end of the budget cycle shall remain in the  
8 respective trust fund until the following year.

9 (c) All funds in the Criminal Justice Standards and  
10 Training Trust Fund earmarked to the Department of Law  
11 Enforcement shall be disbursed only in compliance with s.  
12 943.25(9).

13 Section 2. Subsection (1) of section 943.25, Florida  
14 Statutes, as amended by chapter 2000-171, Laws of Florida, is  
15 amended to read:

16 943.25 Criminal justice trust funds; source of funds;  
17 use of funds.--

18 (1) The Department of Law Enforcement Community  
19 ~~Affairs~~ may approve, for disbursement from the Department of  
20 Law Enforcement ~~its~~ Operating Trust Fund, those appropriated  
21 sums necessary and required by the state for grant matching,  
22 implementing, administering, evaluating, and qualifying for  
23 such federal funds. Disbursements from the trust fund for the  
24 purpose of supplanting state general revenue funds may not be  
25 made without specific legislative appropriation.

26 Section 3. The Criminal Justice Program shall be  
27 transferred from the Department of Community Affairs to the  
28 Department of Law Enforcement by a type two transfer, pursuant  
29 to s. 20.06(2), Florida Statutes. The Criminal Justice Program  
30 so transferred is comprised of the Byrne State and Local Law  
31 Enforcement Assistance Program, Local Law Enforcement Block

1 Grants, Drug-Free Communities Program, Residential Substance  
2 Abuse Treatment of State Prisoners, the Bulletproof Vest  
3 Program, the Guantanamo Bay Refugee and Entrant Assistance  
4 Program, the National Criminal History Improvement Program,  
5 and the Violent Offender Incarceration and Truth-in-Sentencing  
6 Program.

7       Section 4. (1) The Prevention of Domestic and Sexual  
8 Violence Program is transferred from the Department of  
9 Community Affairs to the Department of Children and Family  
10 Services by a type two transfer, pursuant to s. 20.06(2),  
11 Florida Statutes. The Prevention of Domestic and Sexual  
12 Violence Program so transferred is comprised of the Governor's  
13 Task Force on Domestic and Sexual Violence and the Violence  
14 Against Women Program.

15       (2) From the funds deposited into the Department of  
16 Law Enforcement Operating Trust Fund pursuant to s.  
17 938.01(1)(a)1. and 2., Florida Statutes, the Department of Law  
18 Enforcement shall transfer funds to the Department of Children  
19 and Family Services to be used as matching funds for the  
20 administration of the Prevention of Domestic and Sexual  
21 Violence Program transferred from the Department of Community  
22 Affairs. The amount of the transfer for fiscal year 2001-2002  
23 shall be determined by the Governor's Office of Planning and  
24 Budgeting, in consultation with the Department of Community  
25 Affairs, the Department of Law Enforcement, and the Department  
26 of Children and Family Services, and shall be based on the  
27 historic use of these funds and current needs of the  
28 Prevention of Domestic and Sexual Violence Program. In  
29 subsequent years, the transfer of funds shall be based on the  
30 amount appropriated in the General Appropriations Act.

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