

By Senator Burt

16-1216-01

1 A bill to be entitled
 2 An act relating to state revenues collected by
 3 clerks of the court; creating s. 213.13, F.S.;
 4 providing for electronic remittance to the
 5 Department of Revenue; providing for remittance
 6 by the Department of Revenue to various trust
 7 funds and agencies; providing for remittance of
 8 all moneys collected by the clerks of the court
 9 for the state to the Department of Revenue;
 10 amending ss. 27.52, 28.101, 28.2401, 28.241,
 11 34.041, 44.108, 316.192, 318.18, 318.21,
 12 329.73, 372.7015, 372.72, 382.023, 741.01,
 13 775.0835, 938.01, 938.03, 938.04, 938.06,
 14 938.07, 938.25, 938.27, 960.17, F.S.; providing
 15 for remittance of funds to the Department of
 16 Revenue and deposit in the designated trust
 17 fund; repealing outdated language; providing an
 18 effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 213.13, Florida Statutes, is
 23 created to read:

24 213.13 Electronic remittance and distribution of funds
 25 collected by clerks of the court.--

26 (1) Notwithstanding any other provision of law, the
 27 Department of Revenue shall establish procedures requiring the
 28 electronic transmittal of funds and associated return
 29 information submitted by clerks of the court. These procedures
 30 must be developed in conjunction with the clerks of the court,
 31

1 and the department shall adopt rules necessary to implement
2 the procedures contained in this section.

3 (2) The funds to be remitted electronically by the
4 clerks include proceeds from the taxes imposed by chapter 199,
5 chapter 201, and all other fees, fines, reimbursements, court
6 costs, or other court-related funds that the clerks must remit
7 to the state pursuant to law. At a minimum, these electronic
8 remittance procedures must include:

9 (a) The prescribed reporting frequency and time period
10 for the clerks to remit such funds and the prescribed time
11 period in which the department must electronically deposit the
12 funds received to the appropriate state and local funds and
13 accounts;

14 (b) The electronic format and type of debit remittance
15 system to be used by the clerks to remit the funds to the
16 department;

17 (c) The means of communication used to transmit the
18 required information; and

19 (d) The information that must be submitted with such
20 remittance.

21 (3) The clerks shall submit return information with
22 the electronic payments required by this section in a manner
23 that is initiated through electronic means.

24 (4) To ensure that the Department of Revenue deposits
25 on a correct and timely basis the revenues electronically
26 received from the clerks, the agencies that are statutorily
27 authorized to receive such revenue deposits shall grant the
28 department electronic access to their appropriate funds and
29 accounts.

30 Section 2. Notwithstanding any other provision of law,
31 all moneys collected by the clerks of the court for subsequent

1 distribution to a state agency or to the Supreme Court must be
2 transmitted to the Department of Revenue for appropriate
3 distribution. A uniform remittance form provided by the
4 Department of Revenue detailing the specific amounts due each
5 fund must accompany such submittal.

6 Section 3. Paragraphs (d) and (e) of subsection (1) of
7 section 27.52, Florida Statutes, are amended to read:

8 27.52 Determination of indigency.--

9 (1)

10 (d) If the court finds that the accused person
11 applying for representation appears to be indigent based upon
12 the financial affidavit required under paragraph (f), the
13 court shall appoint the public defender or a conflict attorney
14 to provide representation. If the application fee is not paid
15 prior to the disposition of the case, the clerk shall advise
16 the sentencing judge of this fact and the court shall:

17 1. Assess the application fee as part of the sentence
18 or as a condition of probation; or

19 2. Assess the application fee pursuant to s. 938.29.
20

21 If the indigency examiner finds discrepancies between the
22 financial affidavit and the examiner's investigation of
23 assets, the indigency examiner shall submit the information to
24 the court and the court shall determine whether the public
25 defender or conflict attorney shall continue representation.
26 The defendant may be heard regarding the information
27 discovered by the indigency examiner. If the court, based on
28 the information provided, determines that the defendant is not
29 indigent, the court shall order that the public defender or
30 conflict attorney discontinue representation. Notwithstanding
31 any provision of law or local order to the contrary, the clerk

1 of the court shall assign the first \$40 of any court assessed
2 fees or costs that are paid by an indigent defendant ~~to the~~
3 ~~Indigent Criminal Defense Trust Fund~~ as payment for the
4 application fee. In no event should a person who is found to
5 be indigent be refused counsel for failure to pay the fee.

6 (e) All application fees shall be transferred monthly
7 by the clerk of the court to the Department of Revenue for
8 deposit to the Indigent Criminal Defense Trust Fund,
9 administered by the Justice Administrative Commission, to be
10 used to supplement the general revenue funds appropriated by
11 the Legislature to the public defenders. The clerk of the
12 court may retain 2 percent of application fees collected
13 monthly for administrative costs prior to remitting the
14 remainder to the Department of Revenue ~~Justice Administrative~~
15 ~~Commission~~.

16 Section 4. Section 28.101, Florida Statutes, is
17 amended to read:

18 28.101 Petitions and records of dissolution of
19 marriage; additional charges.--

20 (1) When a party petitions for a dissolution of
21 marriage, in addition to the filing charges in s. 28.241, the
22 clerk shall collect and receive:

23 (a) A charge of \$5. On a monthly basis, the clerk
24 shall transfer the moneys collected pursuant to this paragraph
25 to the Department of Revenue for deposit in the Child Welfare
26 Training Trust Fund created in s. 402.40.

27 (b) A charge of \$5. On a monthly basis, the clerk
28 shall transfer the moneys collected pursuant to this paragraph
29 to the Department of Revenue ~~State Treasury~~ for deposit in the
30 Displaced Homemaker Trust Fund created in s. 446.50. If a
31 petitioner does not have sufficient funds with which to pay

1 this fee and signs an affidavit so stating, all or a portion
2 of the fee shall be waived subject to a subsequent order of
3 the court relative to the payment of the fee.

4 (c) A charge of \$18. On a monthly basis, the clerk
5 shall transfer the moneys collected pursuant to this paragraph
6 to the Department of Revenue ~~State Treasury~~ for deposit in the
7 Domestic Violence Trust Fund. Such funds which are generated
8 shall be directed to the Department of Children and Family
9 Services for the specific purpose of funding domestic violence
10 centers. purpose of funding domestic violence centers.

11 (d) A charge of \$32.50. On a monthly basis, the clerk
12 shall transfer the moneys collected pursuant to this paragraph
13 as follows:

14 1. An amount of \$7.50 to the Department of Revenue
15 ~~State Treasury~~ for deposit in the Displaced Homemaker Trust
16 Fund.

17 2. An amount of \$25 to the Department of Revenue
18 ~~Supreme Court~~ for deposit in the Family Courts Trust Fund.

19 (2) Upon receipt of a final judgment of dissolution of
20 marriage for filing, and in addition to the filing charges in
21 s. 28.241, the clerk shall collect and receive a service
22 charge of \$7 pursuant to s. 382.023 for the recording and
23 reporting of such final judgment of dissolution of marriage to
24 the Department of Health.

25 Section 5. Subsection (3) of section 28.2401, Florida
26 Statutes, is amended to read:

27 28.2401 Service charges in probate matters.--

28 (3) Service charges in excess of those fixed in this
29 section may be imposed by the governing authority of the
30 county by ordinance, or by special or local law, to provide
31 and maintain facilities, including a law library; to provide

1 and maintain equipment; or to provide or maintain a legal aid
2 program. Service charges other than those fixed in this
3 section shall be governed by s. 28.24. An additional service
4 charge of \$2.50 on petitions seeking summary administration,
5 family administration, formal administration, ancillary
6 administration, guardianship, curatorship, and conservatorship
7 shall be paid to the clerk. The clerk shall transfer the \$2.50
8 to the Department of Revenue for deposit into the Court
9 Education Trust Fund.

10 Section 6. Subsection (1) of section 28.241, Florida
11 Statutes, is amended to read:

12 28.241 Filing charges for trial and appellate
13 proceedings.--

14 (1) The party instituting any civil action, suit, or
15 proceeding in the circuit court shall pay to the clerk of that
16 court a service charge of \$40 in all cases in which there are
17 not more than five defendants and an additional service charge
18 of \$2 for each defendant in excess of five. An additional
19 service charge of \$10 shall be paid by the party seeking each
20 severance that is granted. An additional service charge of \$35
21 shall be paid to the clerk for all proceedings of garnishment,
22 attachment, replevin, and distress. An additional service
23 charge of \$8 shall be paid to the clerk for each civil action
24 filed, \$7 of such charge to be remitted by the clerk to the
25 Department of Revenue ~~State Treasurer~~ for deposit into the
26 General Revenue Fund unallocated. An additional charge of
27 \$2.50 shall be paid to the clerk for each civil action brought
28 in circuit or county court, to be remitted by the clerk to the
29 Department of Revenue for deposit ~~deposited~~ into the Court
30 Education Trust Fund; ~~the moneys collected shall be forwarded~~
31 ~~by the clerk to the Supreme Court monthly for deposit in the~~

1 ~~fund.~~ Service charges in excess of those herein fixed may be
2 imposed by the governing authority of the county by ordinance
3 or by special or local law; and such excess shall be expended
4 as provided by such ordinance or any special or local law, now
5 or hereafter in force, to provide and maintain facilities,
6 including a law library, for the use of the courts of the
7 county wherein the service charges are collected; to provide
8 and maintain equipment; or for a legal aid program in such
9 county. In addition, the county is authorized to impose, by
10 ordinance or by special or local law, a fee of up to \$15 for
11 each civil action filed, for the establishment, maintenance,
12 or supplementation of a public guardian pursuant to ss.
13 744.701-744.708, inclusive. Postal charges incurred by the
14 clerk of the circuit court in making service by certified or
15 registered mail on defendants or other parties shall be paid
16 by the party at whose instance service is made. That part of
17 the within fixed or allowable service charges which is not by
18 local or special law applied to the special purposes shall
19 constitute the total service charges of the clerk of such
20 court for all services performed by him or her in civil
21 actions, suits, or proceedings. The sum of all service
22 charges and fees permitted under this subsection may not
23 exceed \$200; however, the \$200 cap may be increased to \$210 in
24 order to provide for the establishment, maintenance, or
25 supplementation of a public guardian as indicated in this
26 subsection.

27 Section 7. Subsection (6) of section 34.041, Florida
28 Statutes, is amended to read:

29 34.041 Service charges and costs.--

30 (6) In addition to the filing fees provided in
31 subsection (1), in all civil cases, the sum of \$7.00 per case

1 shall be paid by the plaintiff when filing an action for the
2 purpose of funding the court costs. Such funds shall be
3 remitted by the clerk to the Department of Revenue for deposit
4 to the General Revenue Fund.

5 Section 8. Subsection (4) of section 44.108, Florida
6 Statutes, is amended to read:

7 44.108 Funding of mediation and
8 arbitration.--Mediation should be accessible to all parties
9 regardless of financial status. Each board of county
10 commissioners may support mediation and arbitration services
11 by appropriating moneys from county revenues and by:

12 (4) If a board of county commissioners levies the
13 service charge authorized in subsection (1), subsection (2),
14 or subsection (3), the clerk of the court shall forward \$1 of
15 each charge to the Department of Revenue for deposit in the
16 ~~Office of the State Courts Administrator. That office shall~~
17 ~~deposit the funds in a~~ state mediation and arbitration trust
18 fund which is hereby established. Such fund shall be used by
19 the Supreme Court to carry out its responsibilities set forth
20 in s. 44.106.

21 Section 9. Subsection (3) of section 316.192, Florida
22 Statutes, is amended to read:

23 316.192 Reckless driving.--

24 (3) Notwithstanding any other provision of this
25 section, \$5 shall be added to a fine imposed pursuant to this
26 section. The clerk shall remit the \$5 to the Department of
27 Revenue for deposit, ~~which \$5 shall be deposited~~ in the
28 Emergency Medical Services Trust Fund.

29 Section 10. Paragraph (a) of subsection (8) of section
30 318.18, Florida Statutes, is amended to read:

31

1 318.18 Amount of civil penalties.--The penalties
2 required for a noncriminal disposition pursuant to s. 318.14
3 are as follows:

4 (8)(a) Any person who fails to comply with the court's
5 requirements or who fails to pay the civil penalties specified
6 in this section within the 30-day period provided for in s.
7 318.14 must pay an additional civil penalty of \$12, \$2.50 of
8 which must be remitted to the Department of Revenue for
9 deposit in ~~deposited into~~ the General Revenue Fund, and \$9.50
10 of which must be remitted to the Department of Revenue for
11 deposit ~~deposited~~ in the Highway Safety Operating Trust Fund.
12 ~~There is hereby appropriated from the Highway Safety Operating~~
13 ~~Trust Fund for fiscal year 1996-1997 the amount of \$4 million.~~
14 ~~From this appropriation~~ The department shall contract with the
15 Florida Association of Court Clerks, Inc., to design,
16 establish, operate, upgrade, and maintain an automated
17 statewide Uniform Traffic Citation Accounting System to be
18 operated by the clerks of the court which shall include, but
19 not be limited to, the accounting for traffic infractions by
20 type, a record of the disposition of the citations, and an
21 accounting system for the fines assessed and the subsequent
22 fine amounts paid to the clerks of the court. On or before
23 December 1, 2001, the clerks of the court must provide the
24 information required by this chapter to be transmitted to the
25 department by electronic transmission pursuant to the
26 contract.

27 Section 11. Section 318.21, Florida Statutes, is
28 amended to read:

29 318.21 Disposition of civil penalties by county
30 courts.--All civil penalties received by a county court
31

1 pursuant to the provisions of this chapter shall be
2 distributed and paid monthly as follows:

3 (1) One dollar from every civil penalty shall be
4 remitted to the Department of Revenue ~~paid to the Department~~
5 ~~of Children and Family Services~~ for deposit into the Child
6 Welfare Training Trust Fund for child welfare training
7 purposes pursuant to s. 402.40. One dollar from every civil
8 penalty shall be remitted to the Department of Revenue ~~paid to~~
9 ~~the Department of Juvenile Justice~~ for deposit into the
10 Juvenile Justice Training Trust Fund for juvenile justice
11 purposes pursuant to s. 985.406.

12 (2) Of the remainder:

13 (a) Five and six-tenths percent shall be remitted to
14 the Department of Revenue for deposit in ~~paid to~~ the General
15 Revenue Fund of the state, except that the first \$300,000
16 shall be deposited into the Grants and Donations Trust Fund in
17 the state courts system for administrative costs, training
18 costs, and costs associated with the implementation and
19 maintenance of Florida foster care citizen review panels in a
20 constitutional charter county as provided for in s. 39.702.

21 (b) Seven and two-tenths percent shall be remitted to
22 the Department of Revenue for deposit ~~deposited~~ in the
23 Emergency Medical Services Trust Fund for the purposes set
24 forth in s. 401.113.

25 (c) Five and one-tenth percent shall be remitted to
26 the Department of Revenue for deposit ~~deposited~~ in the
27 Additional Court Cost Clearing Trust Fund established pursuant
28 to s. 938.01 for criminal justice purposes.

29 (d) Eight and two-tenths percent shall be remitted to
30 the Department of Revenue for deposit ~~deposited~~ in the Brain
31

1 and Spinal Cord Injury Rehabilitation Trust Fund for the
2 purposes set forth in s. 381.79.

3 (e) Two percent shall be remitted to the Department of
4 Revenue for deposit ~~deposited~~ in the endowment fund of the
5 Florida Endowment Foundation for Vocational Rehabilitation
6 established by s. 413.615.

7 (f) Five-tenths percent shall be paid to the clerk of
8 the court for administrative costs.

9 (g)1. If the violation occurred within a municipality
10 or a special improvement district of the Seminole Indian Tribe
11 or Miccosukee Indian Tribe, 56.4 percent shall be paid to that
12 municipality or special improvement district.

13 2. If the violation occurred within the unincorporated
14 area of a county that is not within a special improvement
15 district of the Seminole Indian Tribe or Miccosukee Indian
16 Tribe, 56.4 percent shall be paid to that county.

17 (h) Fifteen percent must be deposited into the County
18 Article V Trust Fund.

19 ~~(i) For fiscal year 2000-2001 only, and in lieu of the~~
20 ~~provisions of paragraph (a), five and six-tenths percent shall~~
21 ~~be paid to the General Revenue Fund of the state, except that~~
22 ~~the first \$300,000 shall be deposited into the Grants and~~
23 ~~Donations Trust Fund in the state courts system for~~
24 ~~administrative costs, training costs, and costs associated~~
25 ~~with the implementation and maintenance of Florida foster care~~
26 ~~citizen review panels as provided for in s. 39.702. This~~
27 ~~paragraph is repealed on July 1, 2001.~~

28 (3)(a) Moneys paid to a municipality or special
29 improvement district under subparagraph (2)(g)1. must be used
30 to fund local criminal justice training as provided in s.
31 938.15 when such a program is established by ordinance; to

1 fund a municipal school crossing guard training program; and
2 for any other lawful purpose.

3 (b) Moneys paid to a county under subparagraph
4 (2)(g)2. shall be used to fund local criminal justice training
5 as provided in s. 938.15 when such a program is established by
6 ordinance, to fund a county school crossing guard training
7 program, and for any other lawful purpose.

8 (4) Of the additional fine assessed under s.
9 318.18(3)(e) for a violation of s. 316.1301, 40 percent must
10 be remitted to the Department of Revenue for deposit in
11 ~~deposited into~~ the Grants and Donations Trust Fund of the
12 Division of Blind Services of the Department of Education
13 ~~Labor and Employment Security~~, and 60 percent must be
14 distributed pursuant to subsections (1) and (2).

15 (5) Of the additional fine assessed under s.
16 318.18(3)(e) for a violation of s. 316.1303, 60 percent must
17 be remitted to the Department of Revenue for deposit in
18 ~~deposited into~~ the endowment fund for the Florida Endowment
19 Foundation for Vocational Rehabilitation, and 40 percent must
20 be distributed pursuant to subsections (1) and (2) of this
21 section.

22 (6) For every violation of s. 316.613 or s. 316.614,
23 \$5 will be deducted from the civil penalty assessed under this
24 chapter and remitted to the Department of Revenue for deposit
25 ~~deposited into~~ the Epilepsy Services Trust Fund established
26 under s. 385.207. The remainder must be distributed pursuant
27 to subsections (1) and (2).

28 (7) For fines assessed under s. 318.18(3) for unlawful
29 speed, the following amounts must be remitted to the
30 Department of Revenue for deposit in ~~deducted and deposited~~
31 ~~into~~ the Nongame Wildlife Trust Fund:

1		
2	For speed exceeding the limit by:	Fine:
3	1-5 m.p.h.....	\$.00
4	6-9 m.p.h.....	\$.25
5	10-14 m.p.h.....	\$ 3.00
6	15-19 m.p.h.....	\$ 4.00
7	20-29 m.p.h.....	\$ 5.00
8	30 m.p.h. and above.....	\$10.00

9
10 The remaining amount must be distributed pursuant to
11 subsections (1) and (2).

12 ~~(8) All moneys collected by the clerk of the court for~~
13 ~~deposit into a state trust fund must be sent monthly to the~~
14 ~~Department of Highway Safety and Motor Vehicles for~~
15 ~~distribution. Such a submittal must be accompanied by a~~
16 ~~specific accounting of the amounts due each fund.~~

17 (8)~~(9)~~ Fines and forfeitures received from violations
18 committed within a municipality must be paid monthly to that
19 municipality; fines and forfeitures received from violations
20 committed within a special improvement district created for
21 the Seminole Indian Tribe or Miccosukee Indian Tribe under s.
22 285.17 must be paid monthly to that special improvement
23 district. These fines and forfeitures must be paid monthly to
24 that municipality or special improvement district in addition
25 to any other fines and forfeitures received by a county court
26 which are required to be paid to that municipality or special
27 improvement district under any other law. If, on February 1,
28 1972, any chartered county court that has countywide
29 jurisdiction was trying traffic offenses committed within a
30 municipality in that county, two-thirds of the fines and
31 forfeitures received as a result of violations of this

1 chapter, or of any ordinances adopting matter covered by this
2 chapter, committed within a municipality must be paid and
3 distributed to the municipality, and the remainder must be
4 paid to the county, except as otherwise provided in subsection
5 (5). The amount of fines and forfeitures payable to a special
6 improvement district created under s. 285.17 which is located
7 in a charter county must be determined in the same manner as
8 the amount of fines and forfeitures payable to a municipality
9 in that county. All fines and forfeitures received by any
10 county court as the result of citations issued under s.
11 316.640(2)(c)1. must be paid to the county whether or not such
12 citations were issued for parking violations that occurred
13 within a municipality or special improvement district created
14 under s. 285.17.

15 (9)~~(10)~~ Twelve dollars and fifty cents from each
16 moving traffic violation must be used by the county to fund
17 that county's participation in an intergovernmental radio
18 communication program approved by the Department of Management
19 Services. If the county is not participating in such a
20 program, funds collected must be used to fund local law
21 enforcement automation and must be distributed to the
22 municipality or special improvement district in which the
23 violation occurred or to the county if the violation occurred
24 within the unincorporated area of the county.

25 (10)~~(11)~~ The additional costs and surcharges on
26 criminal traffic offenses provided for under ss. 938.03 and
27 938.04 must be collected and distributed by the clerk of the
28 court as provided in those sections. The additional costs and
29 surcharges must also be collected for the violation of any
30 ordinances adopting the criminal traffic offenses enumerated
31 in s. 318.17.

1 (11)~~(12)~~(a) A county or municipality may, by majority
2 vote of the governing board of the respective county or
3 municipality, impose a surcharge on parking fines for the sole
4 purpose of funding school crossing guard programs; however,
5 the governing body may set aside funds from this surcharge to
6 pay for startup costs and recurring administrative costs
7 related to printing new tickets or other means of implementing
8 the program. The surcharge must be authorized by ordinance
9 requiring public hearings.

10 (b) The proceeds of this surcharge must be placed in a
11 trust fund established by the governing body of the county or
12 municipality called the School Crossing Guard Trust Fund.
13 Funds collected from this surcharge must be distributed
14 quarterly to fund the school crossing guard programs provided
15 in subsection (3).

16 (c) If a county government is operating a school
17 crossing guard program in the exercise of its municipal
18 responsibilities, the county may, by majority vote of its
19 governing board, impose a countywide surcharge on parking
20 fines for the sole purpose of funding school crossing guard
21 programs throughout the county; however, the governing body
22 may set aside funds from this surcharge to pay for startup
23 costs and recurring administrative costs related to printing
24 new tickets or other means of implementing the program. The
25 surcharge must be authorized by an ordinance requiring public
26 hearings. This surcharge, established by the governing body of
27 the county, must be placed in a trust fund called the School
28 Crossing Guard Trust Fund. Funds collected from this surcharge
29 must be distributed quarterly to jurisdictions to fund school
30 crossing guard programs based on each jurisdiction's

31

1 percentage of the school crossing guards in the county school
2 district.

3 Section 12. Subsection (8) of section 327.73, Florida
4 Statutes, is amended to read:

5 327.73 Noncriminal infractions.--

6 (8) All fees and civil penalties assessed and
7 collected pursuant to this section shall be remitted by the
8 clerk of the court to the Department of Revenue to be
9 deposited into the Marine Resources Conservation Trust Fund
10 for boating safety education purposes.

11 Section 13. Section 372.7015, Florida Statutes, is
12 amended to read:

13 372.7015 Illegal killing, taking, possessing, or
14 selling wildlife or game; fines; disposition of fines.--In
15 addition to any other penalty provided by law, any person who
16 violates the criminal provisions of this chapter and rules
17 adopted pursuant to this chapter by illegally killing, taking,
18 possessing, or selling game or fur-bearing animals as defined
19 in s. 372.001(3) or (4) in or out of season while violating
20 chapter 810 shall pay a fine of \$250 for each such violation,
21 plus court costs and any restitution ordered by the court. All
22 fines collected under this section shall be remitted by the
23 clerk of the court to the Department of Revenue to be
24 deposited into the Fish and Wildlife Conservation Commission's
25 State Game Trust Fund.

26 Section 14. Section 372.72, Florida Statutes, is
27 amended to read:

28 372.72 Disposition of fines, penalties, and
29 forfeitures.--

30 (1) All moneys collected from fines, penalties, or
31 forfeitures of bail of persons convicted under this chapter

1 shall be deposited in the fine and forfeiture fund of the
2 county where such convictions are had, except for the
3 disposition of moneys as provided in subsection (2).

4 (2) All moneys collected from fines, penalties, or
5 forfeitures of bail of persons convicted of violations of
6 rules, regulations, or orders of the Fish and Wildlife
7 Conservation Commission concerning endangered or threatened
8 species or of violation of s. 372.662, s. 372.663, s. 372.667,
9 or s. 372.671 shall be remitted by the clerk of the court to
10 the Department of Revenue to be deposited in the Nongame
11 Wildlife Trust Fund.

12 Section 15. Section 382.023, Florida Statutes, is
13 amended to read:

14 382.023 Department to receive dissolution-of-marriage
15 records; fees.--Clerks of the circuit courts shall collect for
16 their services at the time of the filing of a final judgment
17 of dissolution of marriage a fee of \$7, of which \$3 shall be
18 retained by the circuit court as a part of the cost in the
19 cause in which the judgment is granted. The remaining \$4
20 shall be remitted to the Department of Revenue for deposit to
21 the Department of Health to defray part of the cost of
22 maintaining the dissolution-of-marriage records., together
23 ~~with~~ A record of each and every judgment of dissolution of
24 marriage granted by the court during the preceding calendar
25 month, giving names of parties and such other data as required
26 by forms prescribed by the department, shall be transmitted to
27 the department, on or before the 10th day of each month, along
28 with an accounting of the funds remitted to the Department of
29 Revenue pursuant to this section to defray part of the cost of
30 maintaining the dissolution-of-marriage records.

31

1 Section 16. Section 741.01, Florida Statutes, is
2 amended to read:

3 741.01 County court judge or clerk of the circuit
4 court to issue marriage license; fee.--

5 (1) Every marriage license shall be issued by a county
6 court judge or clerk of the circuit court under his or her
7 hand and seal. The county court judge or clerk of the circuit
8 court shall issue such license, upon application for the
9 license, if there appears to be no impediment to the marriage.
10 The county court judge or clerk of the circuit court shall
11 collect and receive a fee of \$2 for receiving the application
12 for the issuance of a marriage license.

13 (2) The fee charged for each marriage license issued
14 in the state shall be increased by the sum of \$30. This fee
15 shall be collected upon receipt of the application for the
16 issuance of a marriage license and remitted by the clerk to
17 the Department of Revenue for deposit in the Domestic Violence
18 Trust Fund. The Executive Office of the Governor shall
19 establish a Domestic Violence Trust Fund for the purpose of
20 collecting and disbursing funds generated from the increase in
21 the marriage license fee. Such funds which are generated
22 shall be directed to the Department of Children and Family
23 Services for the specific purpose of funding domestic violence
24 centers, and the funds shall be appropriated in a
25 "grants-in-aid" category to the Department of Children and
26 Family Services for the purpose of funding domestic violence
27 centers.

28 (3) Further, the fee charged for each marriage license
29 issued in the state shall be increased by an additional sum of
30 \$7.50 to be collected upon receipt of the application for the
31 issuance of a marriage license. The clerk shall transfer such

1 funds monthly to the Department of Revenue ~~State Treasury~~ for
2 deposit in the Displaced Homemaker Trust Fund created in s.
3 446.50.

4 (4) An additional fee of \$25 shall be paid to the
5 clerk upon receipt of the application for issuance of a
6 marriage license. The moneys collected shall be remitted
7 ~~forwarded~~ by the clerk to the Department of Revenue ~~to the~~
8 ~~Supreme Court~~, monthly, for deposit in the Family Courts Trust
9 Fund.

10 (5) The fee charged for each marriage license issued
11 in the state shall be reduced by a sum of \$32.50 for all
12 couples who present valid certificates of completion of a
13 premarital preparation course from a qualified course provider
14 registered under s. 741.0305(5) for a course taken no more
15 than 1 year prior to the date of application for a marriage
16 license. For each license issued that is subject to the fee
17 reduction of this subsection, the clerk is not required to
18 transfer the sum of \$7.50 to the Department of Revenue ~~State~~
19 ~~Treasury~~ for deposit in the Displaced Homemaker Trust Fund
20 pursuant to subsection (3) or to transfer the sum of \$25 to
21 the Department of Revenue ~~Supreme Court~~ for deposit in the
22 Family Courts Trust Fund.

23 Section 17. Section 775.0835, Florida Statutes, is
24 amended to read:

25 775.0835 Fines; surcharges; Crimes Compensation Trust
26 Fund.--

27 (1) When any person pleads guilty or nolo contendere
28 to, or is convicted of, any felony or misdemeanor under the
29 laws of this state which resulted in the injury or death of
30 another person, the court may, if it finds that the defendant
31 has the present ability to pay the fine and finds that the

1 impact of the fine upon the defendant's dependents will not
2 cause such dependents to be dependent on public welfare, in
3 addition to any other penalty, order the defendant to pay a
4 fine, commensurate with the offense committed and with the
5 probable impact upon the victim, but not to exceed \$10,000.
6 The fine shall be remitted to the Department of Revenue for
7 deposit ~~deposited~~ in the Crimes Compensation Trust Fund.

8 (2) The additional \$50 obligation created by s. 938.03
9 shall be collected, and \$49 of each \$50 collected shall be
10 remitted to the Department of Revenue for deposit in ~~credited~~
11 ~~to~~ the Crimes Compensation Trust Fund, prior to any fine or
12 surcharge authorized by this chapter. These costs are
13 considered assessed unless specifically waived by the court.
14 If the court does not order these costs, it shall state on the
15 record, in detail, the reasons therefor.

16 Section 18. Subsection (1) of section 938.01, Florida
17 Statutes, is amended to read:

18 938.01 Additional Court Cost Clearing Trust Fund.--

19 (1) All courts created by Art. V of the State
20 Constitution shall, in addition to any fine or other penalty,
21 assess \$3 as a court cost against every person convicted for
22 violation of a state penal or criminal statute or convicted
23 for violation of a municipal or county ordinance. Any person
24 whose adjudication is withheld pursuant to the provisions of
25 s. 318.14(9) or (10) shall also be assessed such cost. In
26 addition, \$3 from every bond estreature or forfeited bail bond
27 related to such penal statutes or penal ordinances shall be
28 remitted to the Department of Revenue ~~forwarded to the~~
29 ~~Treasurer~~ as described in this subsection. However, no such
30 assessment may be made against any person convicted for
31

1 violation of any state statute, municipal ordinance, or county
2 ordinance relating to the parking of vehicles.

3 (a) All such costs collected by the courts shall be
4 remitted to the Department of Revenue, in accordance with
5 administrative rules adopted by the executive director of the
6 Department of Revenue, for deposit in the Additional Court
7 Cost Clearing Trust Fund and shall be earmarked to the
8 Department of Law Enforcement for distribution as follows:

9 1. Two dollars and seventy-five cents of each \$3
10 assessment shall be deposited in the Criminal Justice
11 Standards and Training Trust Fund, and the remaining 25 cents
12 of each such assessment shall be deposited into the Department
13 of Law Enforcement Operating Trust Fund and shall be disbursed
14 to the Department of Law Enforcement.

15 2. Ninety-two percent of the money distributed to the
16 Additional Court Cost Clearing Trust Fund pursuant to s.
17 318.21 shall be earmarked to the Department of Law Enforcement
18 for deposit in the Criminal Justice Standards and Training
19 Trust Fund, and 8 percent of such money shall be deposited
20 into the Department of Law Enforcement Operating Trust Fund
21 and shall be disbursed to the Department of Law Enforcement.

22 (b) The funds deposited in the Criminal Justice
23 Standards and Training Trust Fund and the Department of Law
24 Enforcement Operating Trust Fund may be invested. Any interest
25 earned from investing such funds and any unencumbered funds
26 remaining at the end of the budget cycle shall remain in the
27 respective trust fund until the following year.

28 (c) All funds in the Criminal Justice Standards and
29 Training Trust Fund earmarked to the Department of Law
30 Enforcement shall be disbursed only in compliance with s.
31 943.25(9).

1 Section 19. Subsection (4) of section 938.03, Florida
2 Statutes, is amended to read:

3 938.03 Crimes Compensation Trust Fund.--

4 (4) The clerk of the court shall collect and forward
5 \$49 of each \$50 collected to the Department of Revenue
6 ~~Treasurer~~, to be deposited in the Crimes Compensation Trust
7 Fund. The clerk shall retain the remaining \$1 of each \$50
8 collected as a service charge of the clerk's office. Under no
9 condition shall a political subdivision be held liable for the
10 payment of this sum of \$50.

11 Section 20. Section 938.04, Florida Statutes, is
12 amended to read:

13 938.04 Additional cost with respect to criminal fines
14 and bail bonds.--In addition to any fine for any criminal
15 offense prescribed by law, including a criminal traffic
16 offense, and in addition to the cost imposed pursuant to the
17 provisions of s. 318.14(10), there is hereby established and
18 created as a court cost an additional 5-percent surcharge
19 thereon which shall be imposed, levied, and collected together
20 with such fine or cost imposed pursuant to s. 318.14(10). The
21 additional court cost created under this section shall be
22 remitted to the Department of Revenue for deposit ~~deposited~~ in
23 the Crimes Compensation Trust Fund created by s. 960.21.

24 Section 21. Section 938.06, Florida Statutes, is
25 amended to read:

26 938.06 Additional cost for crime stoppers programs.--

27 (1) In addition to any fine prescribed by law for any
28 criminal offense, there is hereby assessed as a court cost an
29 additional surcharge of \$20 on such fine, which shall be
30 imposed by all county and circuit courts and collected by the
31 clerks of the courts together with such fine. No political

1 subdivision shall be held liable for payment of costs under
2 this section.

3 (2) The clerk of the court shall collect and forward,
4 on a monthly basis, all costs assessed under this section,
5 less \$3 per assessment as a service charge to be retained by
6 the clerk, to the Department of Revenue ~~Department of Legal~~
7 ~~Affairs~~ for deposit in the Crime Stoppers Trust Fund, to be
8 used as provided in s. 16.555.

9 Section 22. Section 938.07, Florida Statutes, is
10 amended to read:

11 938.07 Driving under the influence.--Notwithstanding
12 any other provision of s. 316.193, a court cost of \$135 shall
13 be added to any fine imposed pursuant to s. 316.193. The
14 clerks shall remit the funds to the Department of Revenue, of
15 which \$25 of which shall be deposited in the Emergency Medical
16 Services Trust Fund, \$50 shall be deposited in the Criminal
17 Justice Standards and Training Trust Fund of the Department of
18 Law Enforcement to be used for operational expenses in
19 conducting the statewide criminal analysis laboratory system
20 established in s. 943.32, and \$60 shall be deposited in the
21 Brain and Spinal Cord Injury Rehabilitation Trust Fund created
22 in s. 381.79.

23 Section 23. Section 938.25, Florida Statutes, is
24 amended to read:

25 938.25 Operating Trust Fund of the Department of Law
26 Enforcement.--Notwithstanding any provision to the contrary of
27 the laws of this state, the court may assess any defendant who
28 pleads guilty or nolo contendere to, or is convicted of, a
29 violation of any provision of s. 893.13, without regard to
30 whether adjudication was withheld, in addition to any fine and
31 other penalty provided or authorized by law, an amount of

1 \$100, to be paid to the clerk of the court, who shall forward
2 it to the Department of Revenue for deposit in the Operating
3 Trust Fund of the Department of Law Enforcement to be used by
4 the statewide criminal analysis laboratory system for the
5 purposes specified in s. 943.361. The court is authorized to
6 order a defendant to pay an additional assessment if it finds
7 that the defendant has the ability to pay the fine and the
8 additional assessment and will not be prevented thereby from
9 being rehabilitated or from making restitution.

10 Section 24. Subsection (9) of section 938.27, Florida
11 Statutes, is amended to read:

12 938.27 Judgment for costs on conviction.--

13 (9) Investigative costs which are recovered shall be
14 returned to the appropriate investigative agency which
15 incurred the expense. Costs shall include actual expenses
16 incurred in conducting the investigation and prosecution of
17 the criminal case; however, costs may also include the
18 salaries of permanent employees. Any investigative costs
19 recovered on behalf of a state agency must be remitted to the
20 Department of Revenue for deposit in the agency operating
21 trust fund and a report of the payment must be sent to the
22 agency.

23 Section 25. Subsection (4) of section 960.17, Florida
24 Statutes, is amended to read:

25 960.17 Award constitutes debt owed to state.--

26 (4) Payments authorized under this section shall be
27 remitted to the clerk of the court in the county where the
28 conviction occurred and are to be paid by the clerk of the
29 court to the Department of Revenue for deposit in to the
30 Crimes Compensation Trust Fund. Any order of restitution or
31 judgment to the state made by any court pursuant to this

1 section may be enforced by the department in the same manner
2 as a judgment in a civil action or by other enforcement
3 measures administered by the department. The outstanding
4 unpaid amount of the order shall bear interest in accordance
5 with s. 55.03 and shall, when properly recorded, become a lien
6 on real estate owned by the defendant.

7 Section 26. Effective upon this act becoming a law,
8 the Department of Revenue is authorized to prepare the forms
9 and adopt the rules and procedures necessary for the
10 administration of this act.

11 Section 27. Except as otherwise expressly provided in
12 this act, this act shall take effect January 1, 2002.

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15 SENATE SUMMARY

16 Provides for the electronic remittance of state revenues
17 collected by the clerks of court to the Department of
18 Revenue for deposit to specified trust funds and
19 agencies.
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