

By the Committee on Finance and Taxation; and Senator Burt

314-1656-01

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, 318.14, 327.35,
15 382.022, 569.11, 938.23, F.S.; providing for
16 remittance of funds to the Department of
17 Revenue and deposit in the designated trust
18 fund; repealing outdated language; providing an
19 effective date.

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

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

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

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

1 Florida Association of Court Clerks representing the clerks of
2 the court. The department shall adopt rules necessary to
3 implement the procedures contained in this section.

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

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

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

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

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

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

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

31

1 Section 2. Notwithstanding any other provision of law,
2 all moneys collected by the clerks of the court for subsequent
3 distribution to a state agency or to the Supreme Court must be
4 transmitted to the Department of Revenue for appropriate
5 distribution. A uniform remittance form provided by the
6 Department of Revenue detailing the specific amounts due each
7 fund must accompany such submittal.

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

10 27.52 Determination of indigency.--

11 (1)

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

19 1. Assess the application fee as part of the sentence
20 or as a condition of probation; or

21 2. Assess the application fee pursuant to s. 938.29.

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

1 conflict attorney discontinue representation. Notwithstanding
2 any provision of law or local order to the contrary, the clerk
3 of the court shall assign the first \$40 of any court assessed
4 fees or costs that are paid by an indigent defendant ~~to the~~
5 ~~Indigent Criminal Defense Trust Fund~~ as payment for the
6 application fee. In no event should a person who is found to
7 be indigent be refused counsel for failure to pay the fee.

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

18 Section 4. Section 28.101, Florida Statutes, is
19 amended to read:

20 28.101 Petitions and records of dissolution of
21 marriage; additional charges.--

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

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

29 (b) A charge of \$5. On a monthly basis, the clerk
30 shall transfer the moneys collected pursuant to this paragraph
31 to the Department of Revenue ~~State Treasury~~ for deposit in the

1 Displaced Homemaker Trust Fund created in s. 446.50. If a
2 petitioner does not have sufficient funds with which to pay
3 this fee and signs an affidavit so stating, all or a portion
4 of the fee shall be waived subject to a subsequent order of
5 the court relative to the payment of the fee.

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

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

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

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

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

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

29 28.2401 Service charges in probate matters.--

30 (3) Service charges in excess of those fixed in this
31 section may be imposed by the governing authority of the

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

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

14 28.241 Filing charges for trial and appellate
15 proceedings.--

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

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

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

31 34.041 Service charges and costs.--

1 (6) In addition to the filing fees provided in
2 subsection (1), in all civil cases, the sum of \$7.00 per case
3 shall be paid by the plaintiff when filing an action for the
4 purpose of funding the court costs. Such funds shall be
5 remitted by the clerk to the Department of Revenue for deposit
6 to the General Revenue Fund.

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

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

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

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

25 316.192 Reckless driving.--

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

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1 Section 10. Paragraph (a) of subsection (8) of section
2 318.18, Florida Statutes, is amended to read:

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

6 (8)(a) Any person who fails to comply with the court's
7 requirements or who fails to pay the civil penalties specified
8 in this section within the 30-day period provided for in s.
9 318.14 must pay an additional civil penalty of \$12, \$2.50 of
10 which must be remitted to the Department of Revenue for
11 deposit in ~~deposited into~~ the General Revenue Fund, and \$9.50
12 of which must be remitted to the Department of Revenue for
13 deposit ~~deposited~~ in the Highway Safety Operating Trust Fund.

14 ~~There is hereby appropriated from the Highway Safety Operating~~
15 ~~Trust Fund for fiscal year 1996-1997 the amount of \$4 million.~~
16 ~~From this appropriation~~ The department shall contract with the
17 Florida Association of Court Clerks, Inc., to design,
18 establish, operate, upgrade, and maintain an automated
19 statewide Uniform Traffic Citation Accounting System to be
20 operated by the clerks of the court which shall include, but
21 not be limited to, the accounting for traffic infractions by
22 type, a record of the disposition of the citations, and an
23 accounting system for the fines assessed and the subsequent
24 fine amounts paid to the clerks of the court. On or before
25 December 1, 2001, the clerks of the court must provide the
26 information required by this chapter to be transmitted to the
27 department by electronic transmission pursuant to the
28 contract.

29 Section 11. Section 318.21, Florida Statutes, is
30 amended to read:

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1 318.21 Disposition of civil penalties by county
2 courts.--All civil penalties received by a county court
3 pursuant to the provisions of this chapter shall be
4 distributed and paid monthly as follows:

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

14 (2) Of the remainder:

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

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

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

31

1 (d) Eight and two-tenths percent shall be remitted to
2 the Department of Revenue for deposit ~~deposited~~ in the Brain
3 and Spinal Cord Injury Rehabilitation Trust Fund for the
4 purposes set forth in s. 381.79.

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

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

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

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

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

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

30 (3)(a) Moneys paid to a municipality or special
31 improvement district under subparagraph (2)(g)1. must be used

1 to fund local criminal justice training as provided in s.
2 938.15 when such a program is established by ordinance; to
3 fund a municipal school crossing guard training program; and
4 for any other lawful purpose.

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

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

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

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

30 (7) For fines assessed under s. 318.18(3) for unlawful
31 speed, the following amounts must be remitted to the

1 Department of Revenue for deposit in ~~deducted and deposited~~
2 ~~into~~ the Nongame Wildlife Trust Fund:

3

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

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12 The remaining amount must be distributed pursuant to
13 subsections (1) and (2).

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

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

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

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

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

1 ordinances adopting the criminal traffic offenses enumerated
2 in s. 318.17.

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

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

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

1 crossing guard programs based on each jurisdiction's
2 percentage of the school crossing guards in the county school
3 district.

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

6 327.73 Noncriminal infractions.--

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

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

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

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

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

31

1 (1) All moneys collected from fines, penalties, or
2 forfeitures of bail of persons convicted under this chapter
3 shall be deposited in the fine and forfeiture fund of the
4 county where such convictions are had, except for the
5 disposition of moneys as provided in subsection (2).

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

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

16 382.023 Department to receive dissolution-of-marriage
17 records; fees.--Clerks of the circuit courts shall collect for
18 their services at the time of the filing of a final judgment
19 of dissolution of marriage a fee of \$7, of which \$3 shall be
20 retained by the circuit court as a part of the cost in the
21 cause in which the judgment is granted. The remaining \$4
22 shall be remitted to the Department of Revenue for deposit to
23 the Department of Health to defray part of the cost of
24 maintaining the dissolution-of-marriage records. ~~together~~
25 ~~with~~ A record of each and every judgment of dissolution of
26 marriage granted by the court during the preceding calendar
27 month, giving names of parties and such other data as required
28 by forms prescribed by the department, shall be transmitted to
29 the department, on or before the 10th day of each month, along
30 with an accounting of the funds remitted to the Department of
31

1 ~~Revenue pursuant to this section to defray part of the cost of~~
2 ~~maintaining the dissolution-of-marriage records.~~

3 Section 16. Section 741.01, Florida Statutes, is
4 amended to read:

5 741.01 County court judge or clerk of the circuit
6 court to issue marriage license; fee.--

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

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

30 (3) Further, the fee charged for each marriage license
31 issued in the state shall be increased by an additional sum of

1 \$7.50 to be collected upon receipt of the application for the
2 issuance of a marriage license. The clerk shall transfer such
3 funds monthly to the Department of Revenue ~~State Treasury~~ for
4 deposit in the Displaced Homemaker Trust Fund created in s.
5 446.50.

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

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

25 Section 17. Section 775.0835, Florida Statutes, is
26 amended to read:

27 775.0835 Fines; surcharges; Crimes Compensation Trust
28 Fund.--

29 (1) When any person pleads guilty or nolo contendere
30 to, or is convicted of, any felony or misdemeanor under the
31 laws of this state which resulted in the injury or death of

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

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

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

20 938.01 Additional Court Cost Clearing Trust Fund.--

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

1 assessment may be made against any person convicted for
2 violation of any state statute, municipal ordinance, or county
3 ordinance relating to the parking of vehicles.

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

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

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

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

29 (c) All funds in the Criminal Justice Standards and
30 Training Trust Fund earmarked to the Department of Law
31

1 Enforcement shall be disbursed only in compliance with s.
2 943.25(9).

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

5 938.03 Crimes Compensation Trust Fund.--

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

13 Section 20. Section 938.04, Florida Statutes, is
14 amended to read:

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

26 Section 21. Section 938.06, Florida Statutes, is
27 amended to read:

28 938.06 Additional cost for crime stoppers programs.--

29 (1) In addition to any fine prescribed by law for any
30 criminal offense, there is hereby assessed as a court cost an
31 additional surcharge of \$20 on such fine, which shall be

1 imposed by all county and circuit courts and collected by the
2 clerks of the courts together with such fine. No political
3 subdivision shall be held liable for payment of costs under
4 this section.

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

11 Section 22. Section 938.07, Florida Statutes, is
12 amended to read:

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

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

27 938.25 Operating Trust Fund of the Department of Law
28 Enforcement.--Notwithstanding any provision to the contrary of
29 the laws of this state, the court may assess any defendant who
30 pleads guilty or nolo contendere to, or is convicted of, a
31 violation of any provision of s. 893.13, without regard to

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

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

14 938.27 Judgment for costs on conviction.--

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

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

27 960.17 Award constitutes debt owed to state.--

28 (4) Payments authorized under this section shall be
29 remitted to the clerk of the court in the county where the
30 conviction occurred and are to be paid by the clerk of the
31 court to the Department of Revenue for deposit in to the

1 Crimes Compensation Trust Fund. Any order of restitution or
2 judgment to the state made by any court pursuant to this
3 section may be enforced by the department in the same manner
4 as a judgment in a civil action or by other enforcement
5 measures administered by the department. The outstanding
6 unpaid amount of the order shall bear interest in accordance
7 with s. 55.03 and shall, when properly recorded, become a lien
8 on real estate owned by the defendant.

9 Section 26. Subsection (10) of section 318.14, Florida
10 Statutes, is amended to read:

11 318.14 Noncriminal traffic infractions; exception;
12 procedures.--

13 (10)(a) Any person cited for an offense listed under
14 this subsection may, in lieu of payment of fine or court
15 appearance, elect to enter a plea of nolo contendere and
16 provide proof of compliance to the clerk of the court or
17 authorized operator of a traffic violations bureau. In such
18 case, adjudication shall be withheld; however, no election
19 shall be made under this subsection if such person has made an
20 election under this subsection in the 12 months preceding
21 election hereunder. No person may make more than three
22 elections under this subsection. This subsection applies to
23 the following offenses:

24 1. Operating a motor vehicle without a valid driver's
25 license in violation of the provisions of s. 322.03, s.
26 322.065, or s. 322.15(1), or operating a motor vehicle with a
27 license which has been suspended for failure to appear,
28 failure to pay civil penalty, or failure to attend a driver
29 improvement course pursuant to s. 322.291.

30
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1 2. Operating a motor vehicle without a valid
2 registration in violation of s. 320.0605, s. 320.07, or s.
3 320.131.

4 3. Operating a motor vehicle in violation of s.
5 316.646.

6 (b) Any person cited for an offense listed in this
7 subsection shall present proof of compliance prior to the
8 scheduled court appearance date. For the purposes of this
9 subsection, proof of compliance shall consist of a valid,
10 renewed, or reinstated driver's license or registration
11 certificate and proper proof of maintenance of security as
12 required by s. 316.646. Notwithstanding waiver of fine, any
13 person establishing proof of compliance shall be assessed
14 court costs of \$22, except that a person charged with
15 violation of s. 316.646(1)-(3) may be assessed court costs of
16 \$7. One dollar of such costs shall be remitted to the
17 Department of Revenue ~~distributed to the Department of~~
18 ~~Children and Family Services~~ for deposit into the Child
19 Welfare Training Trust Fund of the Department of Children and
20 Family Services. One dollar of such costs shall be
21 distributed to the Department of Juvenile Justice for deposit
22 into the Juvenile Justice Training Trust Fund. Twelve dollars
23 of such costs shall be distributed to the municipality and \$8
24 shall be retained by the county, if the offense was committed
25 within the municipality. If the offense was committed in an
26 unincorporated area of a county or if the citation was for a
27 violation of s. 316.646(1)-(3), the county shall retain the
28 entire amount, except for the moneys to be deposited into the
29 Child Welfare Training Trust Fund and the Juvenile Justice
30 Training Trust Fund. This subsection shall not be construed
31 to authorize the operation of a vehicle without a valid

1 driver's license, without a valid vehicle tag and
2 registration, or without the maintenance of required security.

3 Section 27. Subsection (9) of section 327.35, Florida
4 Statutes, is amended to read:

5 327.35 Boating under the influence; penalties;
6 "designated drivers".--

7 (9) Notwithstanding any other provision of this
8 section, for any person convicted of a violation of subsection
9 (1), in addition to the fines set forth in subsections (2) and
10 (4), an additional fine of \$60 shall be assessed and collected
11 in the same manner as the fines set forth in subsections (2)
12 and (4). All fines collected under this subsection shall be
13 remitted by the clerk of the court to the Department of
14 Revenue for deposit ~~paid monthly~~ into the Brain and Spinal
15 Cord Injury Rehabilitation Trust Fund and used for the
16 purposes set forth in s. 381.79, after 5 percent is deducted
17 therefrom by the clerk of the court for administrative costs.

18 Section 28. Section 382.022, Florida Statutes, is
19 amended to read:

20 382.022 Marriage application fees.--Upon the receipt
21 of each application for the issuance of a marriage license,
22 the county court judge or clerk of the circuit court shall,
23 pursuant to s. 741.02, collect and receive a fee of \$4 which
24 shall be remitted ~~transmitted, on or before the 10th day of~~
25 ~~each month,~~ to the Department of Revenue for deposit to the
26 Department of Health to defray part of the cost of maintaining
27 marriage records.

28 Section 29. Subsection (6) of section 569.11, Florida
29 Statutes, is amended to read:

30 569.11 Possession, misrepresenting age or military
31 service to purchase, and purchase of tobacco products by

1 persons under 18 years of age prohibited; penalties;
2 jurisdiction; disposition of fines.--

3 (6) Eighty percent of all civil penalties received by
4 a county court pursuant to this section shall be remitted by
5 the clerk of the court transferred to the Department of
6 Revenue for transfer to the Department of Education to provide
7 for teacher training and for research and evaluation to reduce
8 and prevent the use of tobacco products by children, pursuant
9 to s. 233.067(4). The remaining 20 percent of civil penalties
10 received by a county court pursuant to this section shall
11 remain with the clerk of the county court to cover
12 administrative costs.

13 Section 30. Subsection (2) of section 938.23, Florida
14 Statutes, is amended to read:

15 938.23 Assistance grants for alcohol and other drug
16 abuse programs.--

17 (2) All assessments authorized by this section shall
18 be collected by the clerk of court and remitted to the
19 jurisdictional county as described in s. 893.165(2) for
20 deposit into the County Alcohol and Other Drug Abuse Trust
21 Fund or remitted to the Department of Revenue to the
22 ~~Department of Children and Family Services~~ for deposit into
23 the ~~department's~~ Community Alcohol and Other Drug Abuse
24 Services Grants and Donations Trust Fund of the Department of
25 Children and Family Services pursuant to guidelines and
26 priorities developed by the department. If a County Alcohol
27 and Other Drug Abuse Trust Fund has not been established for
28 any jurisdictional county, assessments collected by the clerk
29 of court shall be remitted to the Department of Revenue
30 ~~Children and Family Services~~ for deposit into the ~~department's~~
31 Community Alcohol and Other Drug Abuse Services Grants and

1 Donations Trust Fund of the Department of Children and Family
2 Services.

3 Section 31. Effective upon this act becoming a law,
4 the Department of Revenue is authorized to prepare the forms
5 and adopt the rules and procedures necessary for the
6 administration of this act.

7 Section 32. Except as otherwise expressly provided in
8 this act, this act shall take effect March 1, 2002.

9

10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 SB 1852

13

1. Requires that the Department of Revenue (DOR) jointly
14 develop the procedures for the electronic transmittal of
15 funds with the Florida Association of Court Clerks
representing clerks of the court, instead of with the
clerks of the court.

16 2. Reinstates language stricken under s. 318.21(2)(i), F.S.

17 3. Adds the following sections of statute to the bill that
18 deal with the clerks of the court collecting state
19 revenues from court costs, fees, and fines: ss. 318.14;
327.35; 382.022; 569.11; and 938.23.

20 4. Changes the effective date from January 1, 2002, to
March 2, 2002.

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