

By the Procedural & Redistricting Council and  
 Representative Byrd

1                                   A bill to be entitled  
 2           An act relating to state revenues collected by  
 3           court clerks; creating s. 213.13, F.S.;  
 4           requiring electronic remittance of certain  
 5           funds and information to the Department of  
 6           Revenue; specifying sources of the funds to be  
 7           electronically remitted; requiring the  
 8           department to establish procedures for  
 9           electronic transmittal of funds and return  
 10          information; granting the department electronic  
 11          access to specified funds for certain purposes;  
 12          amending ss. 27.52, 28.101, 28.2401, 28.241,  
 13          34.041, 44.108, 316.192, 318.14, 318.18,  
 14          318.21, 327.35, 327.73, 372.7015, 372.72,  
 15          382.022, 382.023, 569.11, 741.01, 775.0835,  
 16          938.01, 938.03, 938.04, 938.06, 938.07, 938.23,  
 17          938.25, 938.27, and 960.17, F.S., to conform;  
 18          providing for deposit by the Department of  
 19          Revenue of certain moneys into certain trust  
 20          funds and to certain agencies; providing for  
 21          remittance of all moneys collected by the court  
 22          clerks for the state to the Department of  
 23          Revenue for deposit into certain funds or to  
 24          certain agencies; authorizing Department of  
 25          Revenue to adopt necessary forms, rules, and  
 26          procedures; providing effective dates.

27  
 28 Be It Enacted by the Legislature of the State of Florida:

29  
 30           Section 1.   Section 213.13, Florida Statutes, is  
 31 created to read:

1           213.13 Electronic remittance and distribution of funds  
2 collected by court clerks.--

3           (1) Court clerks shall electronically remit to the  
4 Department of Revenue proceeds from the taxes imposed by  
5 chapters 199 and 201 and all other fees, fines,  
6 reimbursements, court costs, or other court-related funds that  
7 court clerks are required to remit to the state by law. Court  
8 clerks shall also submit return information with the  
9 electronic payments required by this section in a manner that  
10 is initiated through electronic means.

11           (2) Notwithstanding any other provision of law, the  
12 Department of Revenue shall establish procedures for the  
13 electronic transmittal of funds and associated return  
14 information submitted by court clerks. These procedures shall  
15 be developed jointly by the Department of Revenue and the  
16 Florida Association of Court Clerks representing the court  
17 clerks. The department shall adopt rules necessary to  
18 implement the procedures contained in this section. At a  
19 minimum, the electronic remittance procedures shall include:

20           (a) The prescribed reporting frequency and time period  
21 for court clerks to remit such funds and the prescribed time  
22 period in which the department is to electronically deposit  
23 the funds received into the appropriate state and local funds  
24 and accounts.

25           (b) The electronic format and type of debit remittance  
26 system to be used by court clerks to remit the funds to the  
27 department.

28           (c) The information that must be submitted with such  
29 remittance.

30           (d) The means of communication used to transmit the  
31 required information.

1           (3) To ensure that the Department of Revenue correctly  
2 and timely deposits the revenues received electronically from  
3 the court clerks, the agencies that are authorized by law to  
4 receive such revenue deposits shall grant the department  
5 electronic access to the appropriate agency funds and  
6 accounts.

7           Section 2. Notwithstanding any other provision of law,  
8 all moneys collected by court clerks for subsequent  
9 distribution to a state agency or to the Supreme Court shall  
10 be transmitted to the Department of Revenue for appropriate  
11 distribution. A uniform remittance form provided by the  
12 Department of Revenue detailing the specific amounts due each  
13 fund shall accompany such submittal.

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

16           27.52 Determination of indigency.--

17           (1)

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

25           1. Assess the application fee as part of the sentence  
26 or as a condition of probation; or

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

28  
29 If the indigency examiner finds discrepancies between the  
30 financial affidavit and the examiner's investigation of  
31 assets, the indigency examiner shall submit the information to

1 the court and the court shall determine whether the public  
2 defender or conflict attorney shall continue representation.  
3 The defendant may be heard regarding the information  
4 discovered by the indigency examiner. If the court, based on  
5 the information provided, determines that the defendant is not  
6 indigent, the court shall order that the public defender or  
7 conflict attorney discontinue representation. Notwithstanding  
8 any provision of law or local order to the contrary, the clerk  
9 of the court shall assign the first \$40 of any court assessed  
10 fees or costs that are paid by an indigent defendant ~~to the~~  
11 ~~Indigent Criminal Defense Trust Fund~~ as payment for the  
12 application fee. In no event should a person who is found to  
13 be indigent be refused counsel for failure to pay the fee.

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

24 Section 4. Subsection (1) of section 28.101, Florida  
25 Statutes, is amended to read:

26 28.101 Petitions and records of dissolution of  
27 marriage; additional charges.--

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

31

1 (a) A charge of \$5. On a monthly basis, the clerk  
2 shall transfer the moneys collected pursuant to this paragraph  
3 to the Department of Revenue for deposit into ~~in~~ the Child  
4 Welfare Training Trust Fund created in s. 402.40.

5 (b) A charge of \$5. On a monthly basis, the clerk  
6 shall transfer the moneys collected pursuant to this paragraph  
7 to the Department of Revenue ~~State Treasury~~ for deposit into  
8 ~~in~~ the Displaced Homemaker Trust Fund created in s. 446.50. If  
9 a petitioner does not have sufficient funds with which to pay  
10 this fee and signs an affidavit so stating, all or a portion  
11 of the fee shall be waived subject to a subsequent order of  
12 the court relative to the payment of the fee.

13 (c) A charge of \$18. On a monthly basis, the clerk  
14 shall transfer the moneys collected pursuant to this paragraph  
15 to the Department of Revenue ~~State Treasury~~ for deposit into  
16 ~~in~~ the Domestic Violence Trust Fund. Such funds which are  
17 generated shall be directed to the Department of Children and  
18 Family Services for the specific purpose of funding domestic  
19 violence centers.

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

23 1. An amount of \$7.50 to the Department of Revenue  
24 ~~State Treasury~~ for deposit into ~~in~~ the Displaced Homemaker  
25 Trust Fund.

26 2. An amount of \$25 to the Department of Revenue  
27 ~~Supreme Court~~ for deposit into ~~in~~ the Family Courts Trust  
28 Fund.

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

31 28.2401 Service charges in probate matters.--

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

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

16           28.241 Filing charges for trial and appellate  
17 proceedings.--

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

1 | in circuit or county court, to be remitted by the clerk to the  
2 | Department of Revenue for deposit ~~deposited~~ into the Court  
3 | Education Trust Fund; ~~the moneys collected shall be forwarded~~  
4 | ~~by the clerk to the Supreme Court monthly for deposit in the~~  
5 | ~~fund.~~ Service charges in excess of those herein fixed may be  
6 | imposed by the governing authority of the county by ordinance  
7 | or by special or local law; and such excess shall be expended  
8 | as provided by such ordinance or any special or local law, now  
9 | or hereafter in force, to provide and maintain facilities,  
10 | including a law library, for the use of the courts of the  
11 | county wherein the service charges are collected; to provide  
12 | and maintain equipment; or for a legal aid program in such  
13 | county. In addition, the county is authorized to impose, by  
14 | ordinance or by special or local law, a fee of up to \$15 for  
15 | each civil action filed, for the establishment, maintenance,  
16 | or supplementation of a public guardian pursuant to ss.  
17 | 744.701-744.708, inclusive. Postal charges incurred by the  
18 | clerk of the circuit court in making service by certified or  
19 | registered mail on defendants or other parties shall be paid  
20 | by the party at whose instance service is made. That part of  
21 | the within fixed or allowable service charges which is not by  
22 | local or special law applied to the special purposes shall  
23 | constitute the total service charges of the clerk of such  
24 | court for all services performed by him or her in civil  
25 | actions, suits, or proceedings. The sum of all service  
26 | charges and fees permitted under this subsection may not  
27 | exceed \$200; however, the \$200 cap may be increased to \$210 in  
28 | order to provide for the establishment, maintenance, or  
29 | supplementation of a public guardian as indicated in this  
30 | subsection.  
31 |

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

3           34.041 Service charges and costs.--

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

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

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

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

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

28          316.192 Reckless driving.--

29          (3) Notwithstanding any other provision of this  
30 section, \$5 shall be added to a fine imposed pursuant to this  
31 section. The clerk shall remit the \$5 to the Department of



1 ~~Revenue for deposit into, which \$5 shall be deposited in the~~  
2 Emergency Medical Services Trust Fund.

3 Section 10. Paragraph (b) of subsection (10) of  
4 section 318.14, Florida Statutes, is amended to read:

5 318.14 Noncriminal traffic infractions; exception;  
6 procedures.--

7 (10)

8 (b) Any person cited for an offense listed in this  
9 subsection shall present proof of compliance prior to the  
10 scheduled court appearance date. For the purposes of this  
11 subsection, proof of compliance shall consist of a valid,  
12 renewed, or reinstated driver's license or registration  
13 certificate and proper proof of maintenance of security as  
14 required by s. 316.646. Notwithstanding waiver of fine, any  
15 person establishing proof of compliance shall be assessed  
16 court costs of \$22, except that a person charged with  
17 violation of s. 316.646(1)-(3) may be assessed court costs of  
18 \$7. One dollar of such costs shall be remitted ~~distributed~~ to  
19 the Department of Revenue ~~Children and Family Services~~ for  
20 deposit into the Child Welfare Training Trust Fund of the  
21 Department of Children and Family Services. One dollar of  
22 such costs shall be distributed to the Department of Juvenile  
23 Justice for deposit into the Juvenile Justice Training Trust  
24 Fund. Twelve dollars of such costs shall be distributed to the  
25 municipality and \$8 shall be retained by the county, if the  
26 offense was committed within the municipality. If the offense  
27 was committed in an unincorporated area of a county or if the  
28 citation was for a violation of s. 316.646(1)-(3), the county  
29 shall retain the entire amount, except for the moneys to be  
30 deposited into the Child Welfare Training Trust Fund and the  
31 Juvenile Justice Training Trust Fund. This subsection shall

1 not be construed to authorize the operation of a vehicle  
2 without a valid driver's license, without a valid vehicle tag  
3 and registration, or without the maintenance of required  
4 security.

5 Section 11. Paragraph (a) of subsection (8) of section  
6 318.18, Florida Statutes, is amended to read:

7 318.18 Amount of civil penalties.--The penalties  
8 required for a noncriminal disposition pursuant to s. 318.14  
9 are as follows:

10 (8)(a) Any person who fails to comply with the court's  
11 requirements or who fails to pay the civil penalties specified  
12 in this section within the 30-day period provided for in s.  
13 318.14 must pay an additional civil penalty of \$12, \$2.50 of  
14 which must be remitted to the Department of Revenue for  
15 deposit deposited into the General Revenue Fund, and \$9.50 of  
16 which must be remitted to the Department of Revenue for  
17 deposit into deposited in the Highway Safety Operating Trust  
18 Fund. ~~There is hereby appropriated from the Highway Safety~~  
19 ~~Operating Trust Fund for fiscal year 1996-1997 the amount of~~  
20 ~~\$4 million. From this appropriation~~ The department shall  
21 contract with the Florida Association of Court Clerks, Inc.,  
22 to design, establish, operate, upgrade, and maintain an  
23 automated statewide Uniform Traffic Citation Accounting System  
24 to be operated by the clerks of the court which shall include,  
25 but not be limited to, the accounting for traffic infractions  
26 by type, a record of the disposition of the citations, and an  
27 accounting system for the fines assessed and the subsequent  
28 fine amounts paid to the clerks of the court. On or before  
29 December 1, 2001, the clerks of the court must provide the  
30 information required by this chapter to be transmitted to the  
31

1 department by electronic transmission pursuant to the  
2 contract.

3 Section 12. Section 318.21, Florida Statutes, as  
4 amended by chapters 97-235, 98-280, 98-403, and 2000-139, Laws  
5 of Florida, is amended to read:

6 318.21 Disposition of civil penalties by county  
7 courts.--All civil penalties received by a county court  
8 pursuant to the provisions of this chapter shall be  
9 distributed and paid monthly as follows:

10 (1) One dollar from every civil penalty shall be  
11 remitted ~~paid~~ to the Department of Revenue ~~Children and Family~~  
12 ~~Services~~ for deposit into the Child Welfare Training Trust  
13 Fund for child welfare training purposes pursuant to s.  
14 402.40. One dollar from every civil penalty shall be remitted  
15 ~~paid~~ to the Department of Revenue ~~Juvenile Justice~~ for deposit  
16 into the Juvenile Justice Training Trust Fund for juvenile  
17 justice purposes pursuant to s. 985.406.

18 (2) Of the remainder:

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

27 (b) Seven and two-tenths percent shall be remitted to  
28 the Department of Revenue for deposit into ~~deposited in~~ the  
29 Emergency Medical Services Trust Fund for the purposes set  
30 forth in s. 401.113.

31

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

5           (d) Eight and two-tenths percent shall be remitted to  
6 the Department of Revenue for deposit into ~~deposited in~~ the  
7 Brain and Spinal Cord Injury Rehabilitation Trust Fund for the  
8 purposes set forth in s. 381.79.

9           (e) Two percent shall be remitted to the Department of  
10 Revenue for deposit into ~~deposited in~~ the endowment fund of  
11 the Florida Endowment Foundation for Vocational Rehabilitation  
12 established by s. 413.615.

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

15           (g)1. If the violation occurred within a municipality  
16 or a special improvement district of the Seminole Indian Tribe  
17 or Miccosukee Indian Tribe, 56.4 percent shall be paid to that  
18 municipality or special improvement district.

19           2. If the violation occurred within the unincorporated  
20 area of a county that is not within a special improvement  
21 district of the Seminole Indian Tribe or Miccosukee Indian  
22 Tribe, 56.4 percent shall be paid to that county.

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

25           ~~(i) For fiscal year 2000-2001 only, and in lieu of the~~  
26 ~~provisions of paragraph (a), five and six-tenths percent shall~~  
27 ~~be paid to the General Revenue Fund of the state, except that~~  
28 ~~the first \$300,000 shall be deposited into the Grants and~~  
29 ~~Donations Trust Fund in the state courts system for~~  
30 ~~administrative costs, training costs, and costs associated~~  
31 ~~with the implementation and maintenance of Florida foster care~~

1 ~~citizen review panels as provided for in s. 39.702. This~~  
2 ~~paragraph is repealed on July 1, 2001.~~

3 (3)(a) Moneys paid to a municipality or special  
4 improvement district under subparagraph (2)(g)1. must be used  
5 to fund local criminal justice training as provided in s.  
6 938.15 when such a program is established by ordinance; to  
7 fund a municipal school crossing guard training program; and  
8 for any other lawful purpose.

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

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

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

28 (6) For every violation of s. 316.613 or s. 316.614,  
29 \$5 will be deducted from the civil penalty assessed under this  
30 chapter and remitted to the Department of Revenue for deposit  
31 ~~deposited~~ into the Epilepsy Services Trust Fund established

1 under s. 385.207. The remainder must be distributed pursuant  
2 to subsections (1) and (2).

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

| 8 For speed exceeding the limit by: | Fine:   |
|-------------------------------------|---------|
| 9 1-5 m.p.h.....                    | \$ .00  |
| 10 6-9 m.p.h.....                   | \$ .25  |
| 11 10-14 m.p.h.....                 | \$ 3.00 |
| 12 15-19 m.p.h.....                 | \$ 4.00 |
| 13 20-29 m.p.h.....                 | \$ 5.00 |
| 14 30 m.p.h. and above.....         | \$10.00 |

15  
16 The remaining amount must be distributed pursuant to  
17 subsections (1) and (2).

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

23 (8)(9) Fines and forfeitures received from violations  
24 committed within a municipality must be paid monthly to that  
25 municipality; fines and forfeitures received from violations  
26 committed within a special improvement district created for  
27 the Seminole Indian Tribe or Miccosukee Indian Tribe under s.  
28 285.17 must be paid monthly to that special improvement  
29 district. These fines and forfeitures must be paid monthly to  
30 that municipality or special improvement district in addition  
31 to any other fines and forfeitures received by a county court

1 which are required to be paid to that municipality or special  
2 improvement district under any other law. If, on February 1,  
3 1972, any chartered county court that has countywide  
4 jurisdiction was trying traffic offenses committed within a  
5 municipality in that county, two-thirds of the fines and  
6 forfeitures received as a result of violations of this  
7 chapter, or of any ordinances adopting matter covered by this  
8 chapter, committed within a municipality must be paid and  
9 distributed to the municipality, and the remainder must be  
10 paid to the county, except as otherwise provided in subsection  
11 (5). The amount of fines and forfeitures payable to a special  
12 improvement district created under s. 285.17 which is located  
13 in a charter county must be determined in the same manner as  
14 the amount of fines and forfeitures payable to a municipality  
15 in that county. All fines and forfeitures received by any  
16 county court as the result of citations issued under s.  
17 316.640(2)(c)1. must be paid to the county whether or not such  
18 citations were issued for parking violations that occurred  
19 within a municipality or special improvement district created  
20 under s. 285.17.

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

31

1        (10)~~(11)~~ The additional costs and surcharges on  
2 criminal traffic offenses provided for under ss. 938.03 and  
3 938.04 must be collected and distributed by the clerk of the  
4 court as provided in those sections. The additional costs and  
5 surcharges must also be collected for the violation of any  
6 ordinances adopting the criminal traffic offenses enumerated  
7 in s. 318.17.

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

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

23        (c) If a county government is operating a school  
24 crossing guard program in the exercise of its municipal  
25 responsibilities, the county may, by majority vote of its  
26 governing board, impose a countywide surcharge on parking  
27 fines for the sole purpose of funding school crossing guard  
28 programs throughout the county; however, the governing body  
29 may set aside funds from this surcharge to pay for startup  
30 costs and recurring administrative costs related to printing  
31 new tickets or other means of implementing the program. The



1 surcharge must be authorized by an ordinance requiring public  
2 hearings. This surcharge, established by the governing body of  
3 the county, must be placed in a trust fund called the School  
4 Crossing Guard Trust Fund. Funds collected from this surcharge  
5 must be distributed quarterly to jurisdictions to fund school  
6 crossing guard programs based on each jurisdiction's  
7 percentage of the school crossing guards in the county school  
8 district.

9           Section 13. Effective July 1, 2002, paragraph (a) of  
10 subsection (2) of section 318.21, Florida Statutes, as amended  
11 by chapters 97-235, 98-280, 98-403, and 2000-139, Laws of  
12 Florida, is amended to read:

13           (2) Of the remainder:

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

22           Section 14. Subsection (9) of section 327.35, Florida  
23 Statutes, is amended to read:

24           327.35 Boating under the influence; penalties;  
25 "designated drivers".--

26           (9) Notwithstanding any other provision of this  
27 section, for any person convicted of a violation of subsection  
28 (1), in addition to the fines set forth in subsections (2) and  
29 (4), an additional fine of \$60 shall be assessed and collected  
30 in the same manner as the fines set forth in subsections (2)  
31 and (4). All fines collected under this subsection shall be

1 remitted to the Department of Revenue for deposit ~~paid monthly~~  
2 into the Brain and Spinal Cord Injury Rehabilitation Trust  
3 Fund and used for the purposes set forth in s. 381.79, after 5  
4 percent is deducted therefrom by the clerk of the court for  
5 administrative costs.

6 Section 15. Subsection (8) of section 327.73, Florida  
7 Statutes, is amended to read:

8 327.73 Noncriminal infractions.--

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

14 Section 16. Section 372.7015, Florida Statutes, is  
15 amended to read:

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

29 Section 17. Subsection (2) of section 372.72, Florida  
30 Statutes, is amended to read:

31

1           372.72 Disposition of fines, penalties, and  
2 forfeitures.--

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

11           Section 18. Section 382.022, Florida Statutes, is  
12 amended to read:

13           382.022 Marriage application fees.--Upon the receipt  
14 of each application for the issuance of a marriage license,  
15 the county court judge or clerk of the circuit court shall,  
16 pursuant to s. 741.02, collect and receive a fee of \$4 which  
17 shall be remitted ~~transmitted, on or before the 10th day of~~  
18 ~~each month,~~ to the Department of Revenue for transfer to the  
19 Department of Health to defray part of the cost of maintaining  
20 marriage records.

21           Section 19. Section 382.023, Florida Statutes, is  
22 amended to read:

23           382.023 Department to receive dissolution-of-marriage  
24 records; fees.--Clerks of the circuit courts shall collect for  
25 their services at the time of the filing of a final judgment  
26 of dissolution of marriage a fee of \$7, of which \$3 shall be  
27 retained by the circuit court as a part of the cost in the  
28 cause in which the judgment is granted. The remaining \$4  
29 shall be remitted to the Department of Revenue for transfer to  
30 the Department of Health to defray part of the cost of  
31 maintaining the dissolution-of-marriage records., ~~together~~

1 ~~with~~ A record of each and every judgment of dissolution of  
2 marriage granted by the court during the preceding calendar  
3 month, giving names of parties and such other data as required  
4 by forms prescribed by the department, shall be transmitted to  
5 the department, on or before the 10th day of each month,  
6 together with an accounting of the funds remitted to the  
7 Department of Revenue pursuant to this section ~~to defray part~~  
8 ~~of the cost of maintaining the dissolution-of-marriage~~  
9 ~~records.~~

10 Section 20. Subsection (6) of section 569.11, Florida  
11 Statutes, is amended to read:

12 569.11 Possession, misrepresenting age or military  
13 service to purchase, and purchase of tobacco products by  
14 persons under 18 years of age prohibited; penalties;  
15 jurisdiction; disposition of fines.--

16 (6) Eighty percent of all civil penalties received by  
17 a county court pursuant to this section shall be remitted by  
18 the clerk of the court to the Department of Revenue for  
19 transfer ~~transferred~~ to the Department of Education to provide  
20 for teacher training and for research and evaluation to reduce  
21 and prevent the use of tobacco products by children, pursuant  
22 to s. 233.067(4). The remaining 20 percent of civil penalties  
23 received by a county court pursuant to this section shall  
24 remain with the clerk of the county court to cover  
25 administrative costs.

26 Section 21. Section 741.01, Florida Statutes, is  
27 amended to read:

28 741.01 County court judge or clerk of the circuit  
29 court to issue marriage license; fee.--

30 (1) Every marriage license shall be issued by a county  
31 court judge or clerk of the circuit court under his or her

1 hand and seal. The county court judge or clerk of the circuit  
2 court shall issue such license, upon application for the  
3 license, if there appears to be no impediment to the marriage.  
4 The county court judge or clerk of the circuit court shall  
5 collect and receive a fee of \$2 for receiving the application  
6 for the issuance of a marriage license.

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

22 (3) Further, the fee charged for each marriage license  
23 issued in the state shall be increased by an additional sum of  
24 \$7.50 to be collected upon receipt of the application for the  
25 issuance of a marriage license. The clerk shall transfer such  
26 funds monthly to the Department of Revenue ~~State Treasury~~ for  
27 deposit into ~~in~~ the Displaced Homemaker Trust Fund created in  
28 s. 446.50.

29 (4) An additional fee of \$25 shall be paid to the  
30 clerk upon receipt of the application for issuance of a  
31 marriage license. The moneys collected shall be remitted

1 ~~forwarded~~ by the clerk to the Department of Revenue ~~Supreme~~  
2 ~~Court~~, monthly, for deposit into ~~in~~ the Family Courts Trust  
3 Fund.

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

17 Section 22. Section 775.0835, Florida Statutes, is  
18 amended to read:

19 775.0835 Fines; surcharges; Crimes Compensation Trust  
20 Fund.--

21 (1) When any person pleads guilty or nolo contendere  
22 to, or is convicted of, any felony or misdemeanor under the  
23 laws of this state which resulted in the injury or death of  
24 another person, the court may, if it finds that the defendant  
25 has the present ability to pay the fine and finds that the  
26 impact of the fine upon the defendant's dependents will not  
27 cause such dependents to be dependent on public welfare, in  
28 addition to any other penalty, order the defendant to pay a  
29 fine, commensurate with the offense committed and with the  
30 probable impact upon the victim, but not to exceed \$10,000.

31

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

11 Section 23. Subsection (1) of section 938.01, Florida  
12 Statutes, is amended to read:

13 938.01 Additional Court Cost Clearing Trust Fund.--

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

28 (a) All such costs collected by the courts shall be  
29 remitted to the Department of Revenue, in accordance with  
30 administrative rules adopted by the executive director of the  
31 Department of Revenue, for deposit in the Additional Court

1 Cost Clearing Trust Fund and shall be earmarked to the  
2 Department of Law Enforcement for distribution as follows:  
3         1. Two dollars and seventy-five cents of each \$3  
4 assessment shall be deposited in the Criminal Justice  
5 Standards and Training Trust Fund, and the remaining 25 cents  
6 of each such assessment shall be deposited into the Department  
7 of Law Enforcement Operating Trust Fund and shall be disbursed  
8 to the Department of Law Enforcement.

9         2. Ninety-two percent of the money distributed to the  
10 Additional Court Cost Clearing Trust Fund pursuant to s.  
11 318.21 shall be earmarked to the Department of Law Enforcement  
12 for deposit in the Criminal Justice Standards and Training  
13 Trust Fund, and 8 percent of such money shall be deposited  
14 into the Department of Law Enforcement Operating Trust Fund  
15 and shall be disbursed to the Department of Law Enforcement.

16         (b) The funds deposited in the Criminal Justice  
17 Standards and Training Trust Fund and the Department of Law  
18 Enforcement Operating Trust Fund may be invested. Any interest  
19 earned from investing such funds and any unencumbered funds  
20 remaining at the end of the budget cycle shall remain in the  
21 respective trust fund until the following year.

22         (c) All funds in the Criminal Justice Standards and  
23 Training Trust Fund earmarked to the Department of Law  
24 Enforcement shall be disbursed only in compliance with s.  
25 943.25(9).

26         Section 24. Subsection (4) of section 938.03, Florida  
27 Statutes, is amended to read:

28         938.03 Crimes Compensation Trust Fund.--

29         (4) The clerk of the court shall collect and forward  
30 \$49 of each \$50 collected to the Department of Revenue  
31 ~~Treasurer~~, to be deposited in the Crimes Compensation Trust



1 Fund. The clerk shall retain the remaining \$1 of each \$50  
2 collected as a service charge of the clerk's office. Under no  
3 condition shall a political subdivision be held liable for the  
4 payment of this sum of \$50.

5 Section 25. Section 938.04, Florida Statutes, is  
6 amended to read:

7 938.04 Additional cost with respect to criminal fines  
8 and bail bonds.--In addition to any fine for any criminal  
9 offense prescribed by law, including a criminal traffic  
10 offense, and in addition to the cost imposed pursuant to the  
11 provisions of s. 318.14(10), there is hereby established and  
12 created as a court cost an additional 5-percent surcharge  
13 thereon which shall be imposed, levied, and collected together  
14 with such fine or cost imposed pursuant to s. 318.14(10). The  
15 additional court cost created under this section shall be  
16 remitted to the Department of Revenue for deposit into  
17 ~~deposited in~~ the Crimes Compensation Trust Fund created by s.  
18 960.21.

19 Section 26. Subsection (2) of section 938.06, Florida  
20 Statutes, is amended to read:

21 938.06 Additional cost for crime stoppers programs.--

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

28 Section 27. Section 938.07, Florida Statutes, is  
29 amended to read:

30 938.07 Driving under the influence.--Notwithstanding  
31 any other provision of s. 316.193, a court cost of \$135 shall

1 be added to any fine imposed pursuant to s. 316.193. The  
2 clerks shall remit the funds to the Department of Revenue, of  
3 ~~which~~ \$25 of which shall be deposited into ~~in~~ the Emergency  
4 Medical Services Trust Fund, \$50 shall be deposited into ~~in~~  
5 the Criminal Justice Standards and Training Trust Fund of the  
6 Department of Law Enforcement to be used for operational  
7 expenses in conducting the statewide criminal analysis  
8 laboratory system established in s. 943.32, and \$60 shall be  
9 deposited into ~~in~~ the Brain and Spinal Cord Injury  
10 Rehabilitation Trust Fund created in s. 381.79.

11 Section 28. Subsection (2) of section 938.23, Florida  
12 Statutes, is amended to read:

13 938.23 Assistance grants for alcohol and other drug  
14 abuse programs.--

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

31

1           Section 29. Section 938.25, Florida Statutes, is  
2 amended to read:

3           938.25 Operating Trust Fund of the Department of Law  
4 Enforcement.--Notwithstanding any provision to the contrary of  
5 the laws of this state, the court may assess any defendant who  
6 pleads guilty or nolo contendere to, or is convicted of, a  
7 violation of any provision of s. 893.13, without regard to  
8 whether adjudication was withheld, in addition to any fine and  
9 other penalty provided or authorized by law, an amount of  
10 \$100, to be paid to the clerk of the court, who shall forward  
11 it to the Department of Revenue for deposit into the Operating  
12 Trust Fund of the Department of Law Enforcement to be used by  
13 the statewide criminal analysis laboratory system for the  
14 purposes specified in s. 943.361. The court is authorized to  
15 order a defendant to pay an additional assessment if it finds  
16 that the defendant has the ability to pay the fine and the  
17 additional assessment and will not be prevented thereby from  
18 being rehabilitated or from making restitution.

19           Section 30. Subsection (9) of section 938.27, Florida  
20 Statutes, is amended to read:

21           938.27 Judgment for costs on conviction.--

22           (9) Investigative costs which are recovered shall be  
23 returned to the appropriate investigative agency which  
24 incurred the expense. Costs shall include actual expenses  
25 incurred in conducting the investigation and prosecution of  
26 the criminal case; however, costs may also include the  
27 salaries of permanent employees. Any investigative costs  
28 recovered on behalf of a state agency must be remitted to the  
29 Department of Revenue for deposit into the agency operating  
30 trust fund and a report of the payment must be sent to the  
31 agency.

1           Section 31. Subsection (4) of section 960.17, Florida  
2 Statutes, is amended to read:

3           960.17 Award constitutes debt owed to state.--

4           (4) Payments authorized under this section shall be  
5 remitted to the clerk of the court in the county in which the  
6 conviction occurred and are to be paid by the clerk of the  
7 court to the Department of Revenue for deposit into to the  
8 Crimes Compensation Trust Fund. Any order of restitution or  
9 judgment to the state made by any court pursuant to this  
10 section may be enforced by the department in the same manner  
11 as a judgment in a civil action or by other enforcement  
12 measures administered by the department. The outstanding  
13 unpaid amount of the order shall bear interest in accordance  
14 with s. 55.03 and shall, when properly recorded, become a lien  
15 on real estate owned by the defendant.

16           Section 32. Effective upon this act becoming a law,  
17 the Department of Revenue is authorized to prepare forms and  
18 adopt rules and procedures necessary for the administration of  
19 this act.

20           Section 33. Except as otherwise provided herein, this  
21 act shall take effect March 1, 2002.

22  
23 \*\*\*\*\*

24           HOUSE SUMMARY

25           Requires state revenues collected by court clerks to be  
26 electronically remitted to the Department of Revenue,  
27 requires the department to establish electronic  
28 transmittal and information return procedures, and grants  
29 the department electronic access to agency funds for  
30 correct and timely deposit of revenues.