

By Senator Burt

16-844-01

1                                   A bill to be entitled  
2           An act relating to criminal justice programs;  
3           amending ss. 938.01, 943.25, F.S.; providing  
4           for deposit of certain court-cost proceeds into  
5           the Department of Law Enforcement Operating  
6           Trust Fund; prescribing authorized uses of  
7           assets in such fund; transferring the criminal  
8           justice program of the Department of Community  
9           Affairs to the Department of Law Enforcement;  
10          providing for the latter department to adopt  
11          rules relating to the program; transferring the  
12          Prevention of Domestic and Sexual Violence  
13          Program from the Department of Community  
14          Affairs to the Department of Children and  
15          Family Services; providing for funding the  
16          program; providing an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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

22           938.01 Additional Court Cost Clearing Trust Fund.--

23           (1) All courts created by Art. V of the State  
24 Constitution shall, in addition to any fine or other penalty,  
25 assess \$3 as a court cost against every person convicted for  
26 violation of a state penal or criminal statute or convicted  
27 for violation of a municipal or county ordinance. Any person  
28 whose adjudication is withheld pursuant to the provisions of  
29 s. 318.14(9) or (10) shall also be assessed such cost. In  
30 addition, \$3 from every bond estreature or forfeited bail bond  
31 related to such penal statutes or penal ordinances shall be

1 forwarded to the Treasurer as described in this subsection.  
2 However, no such assessment may be made against any person  
3 convicted for violation of any state statute, municipal  
4 ordinance, or county ordinance relating to the parking of  
5 vehicles.

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

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

20 2. Ninety-two percent of the money distributed to the  
21 Additional Court Cost Clearing Trust Fund pursuant to s.  
22 318.21 shall be earmarked to the Department of Law Enforcement  
23 for deposit in the Criminal Justice Standards and Training  
24 Trust Fund, and 8 percent of such money shall be deposited  
25 into the Department of Law Enforcement Operating Trust Fund  
26 and shall be disbursed to the ~~Bureau of Public Safety~~  
27 ~~Management of the~~ Department of Law Enforcement ~~Community~~  
28 ~~Affairs~~.

29 (b) The funds deposited in the Criminal Justice  
30 Standards and Training Trust Fund and the Department of Law  
31 Enforcement Operating Trust Fund may be invested. Any interest

1 earned from investing such funds and any unencumbered funds  
2 remaining at the end of the budget cycle shall remain in the  
3 respective trust fund until the following year.

4 (c) All funds in the Criminal Justice Standards and  
5 Training Trust Fund earmarked to the Department of Law  
6 Enforcement shall be disbursed only in compliance with s.  
7 943.25(9).

8 Section 2. Subsection (1) of section 943.25, Florida  
9 Statutes, is amended to read:

10 943.25 Criminal justice trust funds; source of funds;  
11 use of funds.--

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

20 Section 3. The criminal justice program of the  
21 Department of Community Affairs is transferred to the  
22 Department of Law Enforcement by a type two transfer, as  
23 defined in section 20.06, Florida Statutes. The criminal  
24 justice program so transferred is composed of the Byrne State  
25 and Local Law Enforcement Assistance Program, local law  
26 enforcement block grants, the Drug-Free Communities Program,  
27 residential substance-abuse treatment of state prisoners, the  
28 bulletproof vest program, the Guantanamo Bay Refugee and  
29 Entrant Assistance Program, the national criminal history  
30 improvement program, and the Violent Offender Incarceration  
31 and Truth-in-Sentencing Program.

1           Section 4. The Department of Law Enforcement may adopt  
2 rules necessary for the operation of the criminal justice  
3 program.

4           Section 5. (1) The Prevention of Domestic and Sexual  
5 Violence Program is transferred from the Department of  
6 Community Affairs to the Department of Children and Family  
7 Services by a type two transfer, as defined in section 20.06,  
8 Florida Statutes. The Domestic and Sexual Violence Program so  
9 transferred is composed of the Governor's Task Force on  
10 Domestic and Sexual Violence and the Violence Against Women  
11 Program.

12           (2) From the funds deposited into the Department of  
13 Law Enforcement Operating Trust Fund pursuant to section  
14 938.01(1)(a)1. and 2., Florida Statutes, the Department of Law  
15 Enforcement shall transfer funds to the Department of Children  
16 and Family Services to be used as matching funds for the  
17 administration of the Prevention of Domestic and Sexual  
18 Violence Program transferred from the Department of Community  
19 Affairs. The amount of the transfer for fiscal year 2001-2002  
20 shall be determined by the Governor's Office of Planning and  
21 Budgeting in consultation with the Department of Community  
22 Affairs, the Department of Law Enforcement, and the Department  
23 of Children and Family Services and shall be based on the  
24 historic use of these funds and current needs of the  
25 Prevention of Domestic and Sexual Violence Program. In  
26 subsequent years, the transfer of funds shall be based on the  
27 amount appropriated.

28           Section 6. This act shall take effect July 1, 2001.  
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SENATE SUMMARY

Provides indefinite effect for certain formerly temporary changes in the disposition of court-cost proceeds. Proceeds will be deposited into the Department of Law Enforcement Operating Trust Fund in lieu of being disbursed to the Bureau of Public Safety Management of the Department of Community Affairs. Those moneys may be used for grant matching and other purposes relating to qualification for federal funds. Transfers the criminal justice program of the Department of Community Affairs to the Department of Law Enforcement and authorizes the latter department to adopt rules relating to the program. Transfers the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services and provides for funding the program.