

Bill No. CS for CS for SB 1492

Amendment No. ____ Barcode 513810

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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2	04/25/2003 02:05 PM	.	
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11	Senator Smith moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 57, between lines 27 and 28,		
15			
16	insert:		
17	Section 40. Effective July 1, 2004, section 775.083,		
18	Florida Statutes, is amended to read:		
19	775.083 Fines.--		
20	(1) A person who has been convicted of an offense		
21	other than a capital felony may be sentenced to pay a fine in		
22	addition to any punishment described in s. 775.082; when		
23	specifically authorized by statute, he or she may be sentenced		
24	to pay a fine in lieu of any punishment described in s.		
25	775.082. A person who has been convicted of a noncriminal		
26	violation may be sentenced to pay a fine. Fines for designated		
27	crimes and for noncriminal violations shall not exceed:		
28	(a) \$15,000, when the conviction is of a life felony.		
29	(b) \$10,000, when the conviction is of a felony of the		
30	first or second degree.		
31	(c) \$5,000, when the conviction is of a felony of the		

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1 third degree.

2 (d) \$1,000, when the conviction is of a misdemeanor of
3 the first degree.

4 (e) \$500, when the conviction is of a misdemeanor of
5 the second degree or a noncriminal violation.

6 (f) Any higher amount equal to double the pecuniary
7 gain derived from the offense by the offender or double the
8 pecuniary loss suffered by the victim.

9 (g) Any higher amount specifically authorized by
10 statute.

11

12 Fines imposed in this subsection shall be deposited by the
13 clerk of the court in the fine and forfeiture fund established
14 pursuant to s. 142.01. If a defendant is unable to pay a fine,
15 the court may defer payment of the fine to a date certain.

16 (2)~~(a)~~ In addition to the fines set forth in
17 subsection (1), court costs shall be assessed and collected in
18 each instance a defendant pleads nolo contendere to, or is
19 convicted of, or adjudicated delinquent for, a felony, a
20 misdemeanor, or a criminal traffic offense under state law, or
21 a violation of any municipal or county ordinance if the
22 violation constitutes a misdemeanor under state law. The
23 court costs imposed by this section shall be \$50 for a felony
24 and \$20 for any other offense and shall be deposited by the
25 clerk of the court in the fine and forfeiture fund established
26 pursuant to s. 142.01. A county may adopt an ordinance
27 imposing, in addition to any other fine, penalty, or cost
28 imposed by subsection (1) or any other provision of law, a
29 fine upon any person who, with respect to a charge,
30 indictment, or prosecution commenced in that county, pleads
31 guilty or nolo contendere to, or is convicted of or

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1 ~~adjudicated delinquent for, a felony, a misdemeanor, or a~~
2 ~~criminal traffic offense under state law, or a violation of~~
3 ~~any municipal or county ordinance if the violation constitutes~~
4 ~~a misdemeanor under state law.~~

5 ~~(b) The fine is \$50 for a felony and \$20 for any other~~
6 ~~offense. When the defendant enters the plea or is convicted or~~
7 ~~adjudicated, in a court in that county, the court may order~~
8 ~~the defendant to pay such fine if the court finds that the~~
9 ~~defendant has the ability to pay the fine and that the~~
10 ~~defendant would not be prevented thereby from being~~
11 ~~rehabilitated or making restitution.~~

12 ~~(c) The clerk of the court shall collect and deposit~~
13 ~~the fines in an appropriate county account for disbursement~~
14 ~~for the purposes provided in this subsection.~~

15 ~~(d) A county that imposes the additional fines~~
16 ~~authorized under this subsection shall account for the fines~~
17 ~~separately from other county funds, as crime prevention funds.~~
18 ~~The county, in consultation with the sheriff, must expend such~~
19 ~~finances for the costs of collecting the fines and for crime~~
20 ~~prevention programs in the county, including safe neighborhood~~
21 ~~programs under ss. 163.501-163.523.~~

22 (3) The purpose of this section is to provide uniform
23 penalty authorization for criminal offenses and, to this end,
24 a reference to this section constitutes a general reference
25 under the doctrine of incorporation by reference.

26
27 (Redesignate subsequent sections.)

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30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

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On page 7, between lines 11 and 12,

insert:

amending s. 775.083, F.S.; deleting provisions
authorizing counties to impose and collect
additional fines to be used to pay for local
crime prevention programs; providing for the
disposition of fines and costs;