

Bill No. CS for SB 2542

Barcode 984654

CHAMBER ACTION

Senate

House

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The Committee on Justice Appropriations (Smith) recommended the following amendment:

Senate Amendment (with title amendment)

On page 96, between lines 14 and 15,

insert:

Section 57. Section 939.185, Florida Statutes, is amended to read:

939.185 Assessment of additional court costs and surcharges.--

(1)(a) The board of county commissioners may adopt by ordinance an additional court cost, not to exceed \$65, to be imposed by the court when a person pleads guilty or nolo contendere to, or is found guilty of, any felony, misdemeanor, or criminal traffic offense under the laws of this state. Such additional assessment shall be accounted for separately by the county in which the offense occurred and be used only in the county imposing this cost, to be allocated as follows:

1. Twenty-five percent of the amount collected shall be allocated to fund innovations to supplement state funding

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1 for the elements of the state courts system identified in s.
2 29.004 and county funding for local requirements under s.
3 29.008(2)(a)2.

4 2. Twenty-five percent of the amount collected shall
5 be allocated to assist counties in providing legal aid
6 programs required under s. 29.008(3)(a).

7 3. Twenty-five percent of the amount collected shall
8 be allocated to fund personnel and legal materials for the
9 public as part of a law library.

10 4. Twenty-five percent of the amount collected shall
11 be used as determined by the board of county commissioners to
12 support teen court programs, juvenile assessment centers, and
13 other juvenile alternative programs.

14
15 Each county receiving funds under this section shall report
16 the amount of funds collected pursuant to this section and an
17 itemized list of expenditures for all authorized programs and
18 activities. The report shall be submitted in a format
19 developed by the Supreme Court to the Governor, the Chief
20 Financial Officer, the President of the Senate, and the
21 Speaker of the House of Representatives on a quarterly basis
22 beginning with the quarter ending September 30, 2004.
23 Quarterly reports shall be submitted no later than 30 days
24 after the end of the quarter. Any unspent funds at the close
25 of the county fiscal year allocated under subparagraphs 2.,
26 3., and 4., shall be transferred for use pursuant to
27 subparagraph 1.

28 (b) The disbursement of costs collected under this
29 section shall be subordinate in priority order of disbursement
30 to all other state-imposed costs authorized in this chapter,
31 restitution or other compensation to victims, and child

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1 support payments.

2 (2) The court shall order a person to pay the
3 additional court cost. If the person is determined to be
4 indigent, the clerk shall defer payment of this cost.

5 (3) In addition to the court costs imposed under
6 subsection (1) and any other cost, fine, or penalty imposed by
7 law, any unit of local government which is consolidated as
8 provided by s. 9, Art. VIII of the State Constitution of 1885,
9 as preserved by s. 6(e), Art. VIII of the State Constitution
10 of 1968, and which is granted the authority in the State
11 Constitution to exercise all the powers of a municipal
12 corporation, and any unit of local government operating under
13 a home rule charter adopted pursuant to ss. 10, 11, and 24,
14 Art. VIII of the State Constitution of 1885, as preserved by
15 s. 6(e), Art. VIII of the State Constitution of 1968, and
16 which is granted the authority in the State Constitution to
17 exercise all the powers conferred now or hereafter by general
18 law upon municipalities, may impose by ordinance a surcharge
19 in the amount of \$85 to be imposed by the court when a person
20 pleads guilty or nolo contendere to, or is found guilty of,
21 any felony, misdemeanor, or criminal traffic offense under the
22 laws of this state. Revenue from the surcharge shall be
23 transferred to such unit of local government for the purpose
24 of replacing fine revenue deposited into the clerk's fine and
25 forfeiture fund under s. 142.01. The court may not waive this
26 surcharge.

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28 (Redesignate subsequent sections.)

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

2 And the title is amended as follows:

3 On page 11, line 8, after the semicolon,

4

5 insert:

6 amending s. 939.185, F.S.; authorizing certain

7 local governments to assess a surcharge on

8 criminal offenses;

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