

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

3 938.01 Additional Court Cost Clearing Trust Fund.--

4 (1) All courts created by Art. V of the State
5 Constitution shall, in addition to any fine or other penalty,
6 require every person convicted for violation of a state penal
7 or criminal statute or convicted for violation of a municipal
8 or county ordinance to pay ~~\$5\$3~~ as a court cost. Any person
9 whose adjudication is withheld pursuant to the provisions of
10 s. 318.14(9) or (10) shall also be liable for payment of such
11 cost. In addition, ~~\$5\$3~~ from every bond estreature or
12 forfeited bail bond related to such penal statutes or penal
13 ordinances shall be remitted to the Department of Revenue as
14 described in this subsection. However, no such assessment may
15 be made against any person convicted for violation of any
16 state statute, municipal ordinance, or county ordinance
17 relating to the parking of vehicles.

18 (a) All costs collected by the courts pursuant to this
19 subsection shall be remitted to the Department of Revenue in
20 accordance with administrative rules adopted by the executive
21 director of the Department of Revenue for deposit in the
22 Additional Court Cost Clearing Trust Fund. These funds and the
23 funds deposited in the Additional Court Cost Clearing Trust
24 Fund pursuant to s. 318.21(2)(c) shall be distributed as
25 follows:

26 1. Ninety-five and two-tenths ~~Ninety-two~~ percent to
27 the Department of Law Enforcement Criminal Justice Standards
28 and Training Trust Fund.

29 2. Three and seventy-eight one-hundredths ~~Six and~~
30 ~~three-tenths~~ percent to the Department of Law Enforcement
31 Operating Trust Fund for the Criminal Justice Grant Program.

1 3. One and two one-hundredths ~~and seven-tenths~~ percent
2 to the Department of Children and Family Services Domestic
3 Violence Trust Fund for the domestic violence program pursuant
4 to s. 39.903(3).

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

8 Section 2. Present subsection (12) of section 938.30,
9 Florida Statutes, is redesignated as subsection (13), and a
10 new subsection (12) is added to that section, to read:

11 938.30 Financial obligations in criminal cases;
12 supplementary proceedings.--

13 (12) The court shall not enter an order sealing or
14 expunging criminal history records under Rule 3.692, Florida
15 Rules of Criminal Procedure, and ss. 943.0585 and 943.059,
16 until the person has paid all outstanding criminal costs and
17 finances assessed against the moving party, unless the court
18 makes written findings about the appropriateness of sealing or
19 expunging despite the outstanding costs and fines.

20 Section 3. Paragraph (d) of subsection (11) of section
21 318.18, Florida Statutes, is amended to read:

22 318.18 Amount of civil penalties.--The penalties
23 required for a noncriminal disposition pursuant to s. 318.14
24 are as follows:

25 (11)

26 (d) In addition to the court cost required under
27 paragraph (a), a ~~\$5~~ court cost must be paid for each
28 infraction to be distributed as provided in s. 938.01 and a \$2
29 court cost as provided in s. 938.15 when assessed by a
30 municipality or county.

31

1 Section 4. Subsection (11) of section 327.73, Florida
2 Statutes, is amended to read:

3 327.73 Noncriminal infractions.--

4 (11)(a) Court costs that are to be in addition to the
5 stated civil penalty shall be imposed by the court in an
6 amount not less than the following:

- 7 1. For swimming or diving infractions, \$3.
- 8 2. For nonmoving boating infractions, \$6.
- 9 3. For boating infractions listed in s. 327.731(1),

10 \$10.

11 (b) In addition to the court cost assessed under
12 paragraph (a), the court shall impose a ~~\$5~~\$3 court cost for
13 each noncriminal infraction, to be distributed as provided in
14 s. 938.01, and a \$2 court cost as provided in s. 938.15 when
15 assessed by a municipality or county.

16
17 Court costs imposed under this subsection may not exceed \$30.
18 A criminal justice selection center or both local criminal
19 justice access and assessment centers may be funded from these
20 court costs.

21 Section 5. This act shall take effect July 1, 2007.

22
23 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
24 COMMITTEE SUBSTITUTE FOR
25 Senate Bill 1030

- 26 - The Committee Substitute amends s. 938.30, F.S., to
27 require defendants to pay outstanding court costs and
28 fines before his or her criminal history can be sealed or
29 expunged, unless the Court makes a finding to the
30 contrary.
- 31 - It also amends the allocations in the original bill
decreasing the amount allocated to the FDLE Operating
Trust Fund by .02 percent and increasing the amount, by
.02 percent, to the DCF Domestic Violence Trust Fund.
This should off-set a DCF-projected annual shortfall of
\$5,906.08.