

By the Committees on Judiciary; Criminal Justice; and Senators Argenziano and Bennett

590-2360-07

1 A bill to be entitled

2 An act relating to court costs; amending s.

3 938.01, F.S.; increasing the court cost

4 assessed against any person convicted of

5 violating a state penal or criminal statute or

6 convicted of violating a municipal or county

7 ordinance; increasing the amount deducted from

8 every bond estreature or forfeited bail bond

9 related to such penal statutes which is

10 remitted to the Department of Revenue; revising

11 the allocation of funds received from the court

12 costs and distributed to the Department of Law

13 Enforcement Criminal Justice Standards and

14 Training Trust Fund, the Department of Law

15 Enforcement Operating Trust Fund for the

16 Criminal Justice Grant Program, and the

17 Department of Children and Family Services

18 Domestic Violence Trust Fund for the domestic

19 violence program; amending s. 938.30, F.S.;

20 requiring defendants to pay all outstanding

21 criminal costs and fines prior to the court

22 entering an order to seal or expunge criminal

23 history records; amending ss. 318.18 and

24 327.73, F.S., relating to civil penalties for

25 noncriminal traffic and boating infractions;

26 conforming provisions to changes made by the

27 act; providing an effective date.

28

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

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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.

23 1. These funds ~~and the funds deposited in the~~
24 ~~Additional Court Cost Clearing Trust Fund pursuant to s.~~
25 ~~318.21(2)(c)~~ shall be distributed as follows:

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

5 2. The funds deposited in the Additional Court Cost
6 Clearing Trust Fund pursuant to s. 318.21(2)(c) shall be
7 distributed as follows:

8 a. Ninety-two percent to the Department of Law
9 Enforcement Criminal Justice Standards and Training Trust
10 Fund.

11 b. Six and three-tenths percent to the Department of
12 Law Enforcement Operating Trust Fund for the Criminal Justice
13 Grant Program.

14 c. One and seven-tenths percent to the Department of
15 Children and Family Services Domestic Violence Trust Fund for
16 the domestic violence program pursuant to s. 39.903(3).

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

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

23 938.30 Financial obligations in criminal cases;
24 supplementary proceedings.--

25 (12) The court shall not enter an order sealing or
26 expunging criminal history records under Rule 3.692, Florida
27 Rules of Criminal Procedure, and ss. 943.0585 and 943.059,
28 until the person has paid all outstanding criminal costs and
29 finances assessed against the moving party, unless the court
30 makes written findings about the appropriateness of sealing or
31 expunging despite the outstanding costs and fines.

1 Section 3. Paragraph (d) of subsection (11) of section
2 318.18, Florida Statutes, is amended to read:

3 318.18 Amount of civil penalties.--The penalties
4 required for a noncriminal disposition pursuant to s. 318.14
5 are as follows:

6 (11)

7 (d) In addition to the court cost required under
8 paragraph (a), a ~~\$5~~\$3 court cost must be paid for each
9 infraction to be distributed as provided in s. 938.01 and a \$2
10 court cost as provided in s. 938.15 when assessed by a
11 municipality or county.

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

14 327.73 Noncriminal infractions.--

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

- 18 1. For swimming or diving infractions, \$3.
- 19 2. For nonmoving boating infractions, \$6.
- 20 3. For boating infractions listed in s. 327.731(1),
21 \$10.

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

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28 Court costs imposed under this subsection may not exceed \$30.
29 A criminal justice selection center or both local criminal
30 justice access and assessment centers may be funded from these
31 court costs.

1 Section 5. This act shall take effect July 1, 2007.
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3 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
4 COMMITTEE SUBSTITUTE FOR
5 CS for SB 1030

6 Corrects a technical error concerning the application of the
7 revised Additional Court Cost Clearing Trust Fund distribution
8 percentages.
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