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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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2007 Legislature CS for CS for SB 1030, 1st Engrossed (ntc)

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~~\$4\$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,~~\$4\$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-four ~~Ninety-two~~ percent to the Department  
27 of Law Enforcement Criminal Justice Standards and Training  
28 Trust Fund.

29 b.2. Four and seven-tenths ~~Six and three tenths~~  
30 percent to the Department of Law Enforcement Operating Trust  
31 Fund for the Criminal Justice Grant Program.

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1 ~~c.3.~~ One and three-tenths ~~and seven-tenths~~ percent to  
2 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 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.

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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 ~~\$4\$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 ~~\$4\$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.

27  
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.

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