

1 A bill to be entitled
 2 An act relating to court costs; amending s. 938.01, F.S.;
 3 increasing the court cost assessed against any person
 4 convicted of violating a state penal or criminal statute
 5 or convicted of violating a municipal or county ordinance;
 6 increasing the amount deducted from every bond estreature
 7 or forfeited bail bond related to such penal statutes or
 8 ordinances that is remitted to the Department of Revenue;
 9 revising the allocation of funds received from the court
 10 costs and distributed to the Department of Law Enforcement
 11 Criminal Justice Standards and Training Trust Fund, the
 12 Department of Law Enforcement Operating Trust Fund for the
 13 Criminal Justice Grant Program, and the Department of
 14 Children and Family Services Domestic Violence Trust Fund
 15 for the domestic violence program; amending s. 938.30,
 16 F.S.; requiring defendants to pay all outstanding criminal
 17 costs and fines prior to the court entering an order to
 18 seal or expunge criminal history records unless the court
 19 makes specified written findings; amending ss. 318.18 and
 20 327.73, F.S., relating to civil penalties for noncriminal
 21 traffic and boating infractions; conforming provisions to
 22 changes made by the act; providing an effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

25
 26 Section 1. Subsection (1) of section 938.01, Florida
 27 Statutes, is amended to read:

28 938.01 Additional Court Cost Clearing Trust Fund.--

29 (1) All courts created by Art. V of the State Constitution
 30 shall, in addition to any fine or other penalty, require every
 31 person convicted for violation of a state penal or criminal
 32 statute or convicted for violation of a municipal or county
 33 ordinance to pay \$5 ~~\$3~~ as a court cost. Any person whose
 34 adjudication is withheld pursuant to the provisions of s.
 35 318.14(9) or (10) shall also be liable for payment of such cost.
 36 In addition, \$5 ~~\$3~~ from every bond estreature or forfeited bail
 37 bond related to such penal statutes or penal ordinances shall be
 38 remitted to the Department of Revenue as described in this
 39 subsection. However, no such assessment may be made against any
 40 person convicted for violation of any state statute, municipal
 41 ordinance, or county ordinance relating to the parking of
 42 vehicles.

43 (a) All costs collected by the courts pursuant to this
 44 subsection shall be remitted to the Department of Revenue in
 45 accordance with administrative rules adopted by the executive
 46 director of the Department of Revenue for deposit in the
 47 Additional Court Cost Clearing Trust Fund.

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

51 a.1. ~~Ninety-five and two-tenths~~ Ninety-two percent to the
 52 Department of Law Enforcement Criminal Justice Standards and
 53 Training Trust Fund.

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

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

61 2. Notwithstanding subparagraph 1., the funds deposited in
 62 the Additional Court Cost Clearing Trust Fund pursuant to s.
 63 318.21(2)(c) shall be distributed as follows:

64 a. Ninety-two percent to the Department of Law Enforcement
 65 Criminal Justice Standards and Training Trust Fund.

66 b. Six and three-tenths percent to the Department of Law
 67 Enforcement Operating Trust Fund for the Criminal Justice Grant
 68 Program.

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

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

75 Section 2. Present subsection (12) of section 938.30,
 76 Florida Statutes, is renumbered as subsection (13), and a new
 77 subsection (12) is added to that section to read:

78 938.30 Financial obligations in criminal cases;
 79 supplementary proceedings.--

80 (12) The court shall not enter an order sealing or
 81 expunging criminal history records under Rule 3.692, Florida
 82 Rules of Criminal Procedure, and ss. 943.0585 and 943.059 until
 83 the person has paid all outstanding criminal costs and fines
 84 assessed against the moving party unless the court makes written

85 findings about the appropriateness of sealing or expunging the
86 records despite the outstanding costs and fines.

87 Section 3. Paragraph (d) of subsection (11) of section
88 318.18, Florida Statutes, is amended to read:

89 318.18 Amount of civil penalties.--The penalties required
90 for a noncriminal disposition pursuant to s. 318.14 are as
91 follows:

92 (11)

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

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

99 327.73 Noncriminal infractions.--

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

- 103 1. For swimming or diving infractions, \$3.
- 104 2. For nonmoving boating infractions, \$6.
- 105 3. For boating infractions listed in s. 327.731(1), \$10.

106 (b) In addition to the court cost assessed under paragraph
107 (a), the court shall impose a \$5 ~~\$3~~ court cost for each
108 noncriminal infraction, to be distributed as provided in s.
109 938.01, and a \$2 court cost as provided in s. 938.15 when
110 assessed by a municipality or county.

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

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