



092314

CJ.CJ.05093

Proposed Committee Substitute by the Committee on Criminal Justice

A bill to be entitled

An act relating to court costs; amending s. 938.01, F.S.; increasing the court cost assessed against any person convicted of violating a state penal or criminal statute or convicted of violating a municipal or county ordinance; deleting requirement that a person whose adjudication is withheld under specified provisions is also liable for such costs; increasing the amount deducted from every bond estreature or forfeited bail bond related to such penal statutes or ordinances which is remitted to the Department of Revenue; revising the allocation of funds received from the court costs and distributed to the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund, the Department of Law Enforcement Operating Trust Fund for the Criminal Justice Grant Program, and the Department of Children and Family Services Domestic Violence Trust Fund for the domestic violence program; amending s. 938.30, F.S.; requiring defendants to pay all outstanding criminal costs and fines prior to the court entering an order to seal or expunge criminal history records unless the court makes specified written findings; amending s. 318.18, F.S., relating to civil penalties for noncriminal traffic and boating infractions; conforming provisions to changes made by the act; providing that a person whose adjudication is withheld under specified provisions is liable for a specified court cost; providing an effective date.

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



092314

CJ.CJ.05093

30  
31 Section 1. Subsection (1) of section 938.01, Florida  
32 Statutes, is amended to read:

33 938.01 Additional Court Cost Clearing Trust Fund.--

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

48 (a) All costs collected by the courts pursuant to this  
49 subsection shall be remitted to the Department of Revenue in  
50 accordance with administrative rules adopted by the executive  
51 director of the Department of Revenue for deposit in the  
52 Additional Court Cost Clearing Trust Fund.

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

56 a.1. Ninety-five and two-tenths ~~Ninety-two~~ percent to the  
57 Department of Law Enforcement Criminal Justice Standards and  
58 Training Trust Fund.



092314

CJ.CJ.05093

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

62 c.3. One and two one-hundredths ~~and seven-tenths~~ percent to  
63 the Department of Children and Family Services Domestic Violence  
64 Trust Fund for the domestic violence program pursuant to s.  
65 39.903(3).

66 2. Notwithstanding subparagraph 1., the funds deposited in  
67 the Additional Court Cost Clearing Trust Fund pursuant to s.  
68 318.21(2)(c) shall be distributed as follows:

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

71 b. Six and three-tenths percent to the Department of Law  
72 Enforcement Operating Trust Fund for the Criminal Justice Grant  
73 Program.

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

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

80 Section 2. Subsection (12) of section 938.30, Florida  
81 Statutes, is renumbered as subsection (13), and a new subsection  
82 (12) is added to that section to read:

83 938.30 Financial obligations in criminal cases;  
84 supplementary proceedings.--

85 (12) The court may not enter an order sealing or expunging  
86 criminal history records under court rule, s. 943.0585, or s.  
87 943.059 until the person has paid all outstanding criminal costs  
88 and fines assessed against the moving party, unless the court



092314

CJ.CJ.05093

89 makes written findings about the appropriateness of sealing or  
90 expunging despite the outstanding costs and fines.

91 Section 3. Paragraph (d) of subsection (11) of section  
92 318.18, Florida Statutes, is amended to read:

93 318.18 Amount of penalties.--The penalties required for a  
94 noncriminal disposition pursuant to s. 318.14 or a criminal  
95 offense listed in s. 318.17 are as follows:

96 (11)

97 (d) In addition to the court cost required under paragraph  
98 (a), a \$3 court cost must be paid for each noncriminal infraction  
99 as provided in s. 318.14, to be distributed as provided in s.  
100 938.01(1)(a)2., and a \$5 court cost must be paid for each  
101 criminal offense listed in s. 318.17 to be distributed as  
102 provided in s. 938.01(1)(a)1. ~~s. 938.01~~ Any person whose  
103 adjudication is withheld pursuant to the provisions of s.  
104 318.14(9) or (10) shall also be liable for payment of the  
105 additional \$3 court cost to be distributed as provided in s.  
106 938.01(1)(a)2. and A \$2 court cost as provided in s. 938.15 must  
107 be paid for each infraction when assessed by a municipality or  
108 county.

109 Section 4. This act shall take effect July 1, 2008.