

By Senator Dean

3-02626-08

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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

8 which is remitted to the Department of Revenue; revising

9 the allocation of funds received from the court costs and

10 distributed to the Department of Law Enforcement Criminal

11 Justice Standards and Training Trust Fund, the Department

12 of Law Enforcement Operating Trust Fund for the Criminal

13 Justice Grant Program, and the Department of Children and

14 Family Services Domestic Violence Trust Fund for the

15 domestic violence program; amending s. 938.30, F.S.;

16 requiring defendants to pay all outstanding criminal costs

17 and fines prior to the court entering an order to seal or

18 expunge criminal history records; amending ss. 318.18 and

19 327.73, F.S., relating to civil penalties for noncriminal

20 traffic and boating infractions; conforming provisions to

21 changes made by the act; providing an effective date.

22

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

24

25 Section 1. Subsection (1) of section 938.01, Florida

26 Statutes, is amended to read:

27 938.01 Additional Court Cost Clearing Trust Fund.--

28 (1) All courts created by Art. V of the State Constitution

29 shall, in addition to any fine or other penalty, require every

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30 person convicted for violation of a state penal or criminal
31 statute or convicted for violation of a municipal or county
32 ordinance to pay \$4 ~~\$3~~ as a court cost. Any person whose
33 adjudication is withheld pursuant to the provisions of s.
34 318.14(9) or (10) shall also be liable for payment of such cost.
35 In addition, \$4 ~~\$3~~ from every bond estreature or forfeited bail
36 bond related to such penal statutes or penal ordinances shall be
37 remitted to the Department of Revenue as described in this
38 subsection. However, no such assessment may be made against any
39 person convicted for violation of any state statute, municipal
40 ordinance, or county ordinance relating to the parking of
41 vehicles.

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

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

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

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

56 c.3. One and three-tenths ~~and seven-tenths~~ percent to the
57 Department of Children and Family Services Domestic Violence
58 Trust Fund for the domestic violence program pursuant to s.

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59 39.903(3).

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

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

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

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

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

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

77 938.30 Financial obligations in criminal cases;
78 supplementary proceedings.--

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

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

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88 318.18 Amount of penalties.--The penalties required for a
89 noncriminal disposition pursuant to s. 318.14 or a criminal
90 offense listed in s. 318.17 are as follows:

91 (11)

92 (d) In addition to the court cost required under paragraph
93 (a), a \$4 ~~\$3~~ court cost must be paid for each infraction to be
94 distributed as provided in s. 938.01 and a \$2 court cost as
95 provided in s. 938.15 when assessed by a municipality or county.

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

98 327.73 Noncriminal infractions.--

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

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

105 (b) In addition to the court cost assessed under paragraph
106 (a), the court shall impose a \$4 ~~\$3~~ court cost for each
107 noncriminal infraction, to be distributed as provided in s.
108 938.01, and a \$2 court cost as provided in s. 938.15 when
109 assessed by a municipality or county.

110
111 Court costs imposed under this subsection may not exceed \$30. A
112 criminal justice selection center or both local criminal justice
113 access and assessment centers may be funded from these court
114 costs.

115 Section 5. This act shall take effect July 1, 2008.