

By the Committee on Criminal Justice; and Senator Dean

591-05774-08

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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 deleting a provision specifying that a person whose

7 adjudication is withheld under specified provisions is

8 also liable for such costs; increasing the amount deducted

9 from every bond estreature or forfeited bail bond related

10 to such penal statutes or ordinances which is remitted to

11 the Department of Revenue; revising the allocation of

12 funds received from the court costs and distributed to the

13 Department of Law Enforcement Criminal Justice Standards

14 and Training Trust Fund, the Department of Law Enforcement

15 Operating Trust Fund for the Criminal Justice Grant

16 Program, and the Department of Children and Family

17 Services Domestic Violence Trust Fund for the domestic

18 violence program; amending s. 938.30, F.S.; requiring

19 defendants to pay all outstanding criminal costs and fines

20 prior to the court entering an order to seal or expunge

21 criminal history records unless the court makes specified

22 written findings; amending s. 318.18, F.S., relating to

23 civil penalties for noncriminal traffic and boating

24 infractions; conforming provisions to changes made by the

25 act; providing that a person whose adjudication is

26 withheld under specified provisions is liable for a

27 specified court cost; providing an effective date.

28

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

591-05774-08

20081110c1

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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.

591-05774-08

20081110c1

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

591-05774-08

20081110c1

88 and fines assessed against the moving party, unless the court
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. Any person whose adjudication is
103 withheld pursuant to the provisions of s. 318.14(9) or (10) shall
104 also be liable for payment of the additional \$3 court cost to be
105 distributed as provided in s. 938.01(1)(a)2. ~~s. 938.01 and A~~ \$2
106 court cost as provided in s. 938.15 must be paid for each
107 infraction when assessed by a municipality or county.

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