



647048

CHAMBER ACTION

Senate

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House

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1 Senator Crist moved the following **amendment**:

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3 **Senate Amendment (with title amendment)**

4 Between line(s) 4202 and 4203

5 insert:

6  
7 Section 90. Section 775.083, Florida Statutes, is amended  
8 to read:

9 775.083 Fines.--

10 (1) A person who has been convicted of an offense other  
11 than a capital felony may be sentenced to pay a fine in addition  
12 to any punishment described in s. 775.082; when specifically  
13 authorized by statute, he or she may be sentenced to pay a fine  
14 in lieu of any punishment described in s. 775.082. A person who  
15 has been convicted of a noncriminal violation may be sentenced to  
16 pay a fine. Fines for designated crimes and for noncriminal  
17 violations shall not exceed:



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- 18 (a) \$15,000, when the conviction is of a life felony.
- 19 (b) \$10,000, when the conviction is of a felony of the  
20 first or second degree.
- 21 (c) \$5,000, when the conviction is of a felony of the third  
22 degree.
- 23 (d) \$1,000, when the conviction is of a misdemeanor of the  
24 first degree.
- 25 (e) \$500, when the conviction is of a misdemeanor of the  
26 second degree or a noncriminal violation.
- 27 (f) Any higher amount equal to double the pecuniary gain  
28 derived from the offense by the offender or double the pecuniary  
29 loss suffered by the victim.
- 30 (g) Any higher amount specifically authorized by statute.

31  
32 Fines imposed in this subsection shall be deposited by the clerk  
33 of the court in the fine and forfeiture fund established pursuant  
34 to s. 142.01. If a defendant is unable to pay a fine, the court  
35 may defer payment of the fine to a date certain.

36 (2) In addition to the fines set forth in subsection (1),  
37 court costs shall be assessed and collected in each instance a  
38 defendant pleads nolo contendere to, or is convicted of, or  
39 adjudicated delinquent for, a felony, a misdemeanor, or a  
40 criminal traffic offense under state law, or a violation of any  
41 municipal or county ordinance if the violation constitutes a  
42 misdemeanor under state law. The court costs imposed by this  
43 section shall be \$50 for a felony and \$20 for any other offense  
44 and shall be deposited by the clerk of the court into an  
45 appropriate county account for disbursement for the purposes  
46 provided in this subsection. A county shall account for the funds  
47 separately from other county funds as crime prevention funds. The



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48 county, in consultation with the sheriff, must expend such funds  
49 for crime prevention programs in the county, including safe  
50 neighborhood programs under ss. 163.501-163.523. Any person who  
51 commits a criminal traffic offense may not pay a fine in lieu of  
52 community service, if community service would otherwise be  
53 required in addition to financial restitution. A court may order  
54 a defendant to pay a fine in lieu of required community service  
55 only if the court finds that the defendant's residence, location,  
56 or employment obligations would create an undue hardship for the  
57 defendant.

58 (3) The purpose of this section is to provide uniform  
59 penalty authorization for criminal offenses and, to this end, a  
60 reference to this section constitutes a general reference under  
61 the doctrine of incorporation by reference.

62  
63 ===== T I T L E A M E N D M E N T =====

64 And the title is amended as follows:

65 On line(s) 257, after the first semicolon,  
66 insert:

67  
68 amending s. 775.083, F.S.; prohibiting any person who  
69 commits a criminal traffic offense from paying a fine in  
70 lieu of community service if community service is required  
71 in addition to financial restitution; creating an  
72 exception if imposing such community service would create  
73 an undue hardship for the defendant;