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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 lines 3372 and 3373,

5 insert:

6 Section 69. Section 775.083, Florida Statutes, is amended
7 to read:

8 775.083 Fines.--

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

17 (a) \$15,000, when the conviction is of a life felony.



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18 (b) \$10,000, when the conviction is of a felony of the
19 first or second degree.

20 (c) \$5,000, when the conviction is of a felony of the third
21 degree.

22 (d) \$1,000, when the conviction is of a misdemeanor of the
23 first degree.

24 (e) \$500, when the conviction is of a misdemeanor of the
25 second degree or a noncriminal violation.

26 (f) Any higher amount equal to double the pecuniary gain
27 derived from the offense by the offender or double the pecuniary
28 loss suffered by the victim.

29 (g) Any higher amount specifically authorized by statute.

30
31 Fines imposed in this subsection shall be deposited by the clerk
32 of the court in the fine and forfeiture fund established pursuant
33 to s. 142.01. If a defendant is unable to pay a fine, the court
34 may defer payment of the fine to a date certain.

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



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

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

61 |
 62 | ===== T I T L E A M E N D M E N T =====

63 | And the title is amended as follows:

64 | On line 298, after the semicolon,
 65 | insert:

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