

HB 869

2008

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 or whose adjudication is withheld under specified
7 provisions; increasing the amount deducted from every bond
8 estreature or forfeited bail bond related to such penal
9 statutes which is remitted to the Department of Revenue;
10 revising the allocation of funds received from the court
11 costs and distributed to the Department of Law Enforcement
12 Criminal Justice Standards and Training Trust Fund, the
13 Department of Law Enforcement Operating Trust Fund for the
14 Criminal Justice Grant Program, and the Department of
15 Children and Family Services Domestic Violence Trust Fund
16 for the domestic violence program; amending s. 938.30,
17 F.S.; requiring defendants to pay all outstanding criminal
18 costs and fines prior to the court entering an order to
19 seal or expunge criminal history records unless the court
20 makes specified written findings; amending ss. 318.18 and
21 327.73, F.S., relating to civil penalties for noncriminal
22 traffic and boating infractions; conforming provisions to
23 changes made by the act; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Subsection (1) of section 938.01, Florida
28 Statutes, is amended to read:

29 938.01 Additional Court Cost Clearing Trust Fund.--
 30 (1) All courts created by Art. V of the State Constitution
 31 shall, in addition to any fine or other penalty, require every
 32 person convicted for violation of a state penal or criminal
 33 statute or convicted for violation of a municipal or county
 34 ordinance to pay \$4 ~~\$3~~ as a court cost. Any person whose
 35 adjudication is withheld pursuant to the provisions of s.
 36 318.14(9) or (10) shall also be liable for payment of such cost.
 37 In addition, \$4 ~~\$3~~ from every bond estreature or forfeited bail
 38 bond related to such penal statutes or penal ordinances shall be
 39 remitted to the Department of Revenue as described in this
 40 subsection. However, no such assessment may be made against any
 41 person convicted for violation of any state statute, municipal
 42 ordinance, or county ordinance relating to the parking of
 43 vehicles.

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

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

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

55 ~~b.2.~~ Four and seven-tenths ~~Six and three-tenths~~ percent to
 56 the Department of Law Enforcement Operating Trust Fund for the

57 Criminal Justice Grant Program.

58 ~~c.3-~~ One and three-tenths and seven-tenths percent to the
 59 Department of Children and Family Services Domestic Violence
 60 Trust Fund for the domestic violence program pursuant to s.
 61 39.903(3).

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

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

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

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

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

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

79 938.30 Financial obligations in criminal cases;
 80 supplementary proceedings.--

81 (12) The court shall not enter an order sealing or
 82 expunging criminal history records under Rule 3.692, Florida
 83 Rules of Criminal Procedure, and ss. 943.0585 and 943.059, until
 84 the person has paid all outstanding criminal costs and fines

85 assessed against the moving party, unless the court makes
 86 written findings about the appropriateness of sealing or
 87 expunging despite the outstanding costs and fines.

88 Section 3. Paragraph (d) of subsection (11) of section
 89 318.18, Florida Statutes, is amended to read:

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

93 (11)

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

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

100 327.73 Noncriminal infractions.--

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

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

107 (b) In addition to the court cost assessed under paragraph
 108 (a), the court shall impose a \$4 ~~\$3~~ court cost for each
 109 noncriminal infraction, to be distributed as provided in s.
 110 938.01, and a \$2 court cost as provided in s. 938.15 when
 111 assessed by a municipality or county.

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

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