

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 requirement that a person whose adjudication is

7 withheld under specified provisions is also liable for

8 such costs; increasing the amount deducted from every bond

9 estreature or forfeited bail bond related to such penal

10 statutes or ordinances which is remitted to the Department

11 of Revenue; revising the allocation of funds received from

12 the court costs and distributed to the Department of Law

13 Enforcement Criminal Justice Standards and Training Trust

14 Fund, the Department of Law Enforcement Operating Trust

15 Fund for the Criminal Justice Grant Program, and the

16 Department of Children and Family Services Domestic

17 Violence Trust Fund for the domestic violence program;

18 amending s. 938.30, F.S.; requiring defendants to pay all

19 outstanding criminal costs and fines prior to the court

20 entering an order to seal or expunge criminal history

21 records unless the court makes specified written findings;

22 amending s. 318.18, F.S., relating to civil penalties for

23 noncriminal traffic and boating infractions; conforming

24 provisions to changes made by the act; providing that a

25 person whose adjudication is withheld under specified

26 provisions is liable for a specified court cost; providing

27 an effective date.

28

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

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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. Except as provided in subparagraph 2., these funds ~~and~~
 54 ~~the funds deposited in the Additional Court Cost Clearing Trust~~
 55 ~~Fund pursuant to s. 318.21(2)(e)~~ shall be distributed as
 56 follows:

57 a.1. Ninety-five and two-tenths ~~Ninety-two~~ percent to the
58 Department of Law Enforcement Criminal Justice Standards and
59 Training Trust Fund.

60 b.2. Three and seventy-eight one-hundredths ~~Six and three-~~
61 ~~tenths~~ percent to the Department of Law Enforcement Operating
62 Trust Fund for the Criminal Justice Grant Program.

63 c.3. One and two one-hundredths ~~and seven tenths~~ percent
64 to the Department of Children and Family Services Domestic
65 Violence Trust Fund for the domestic violence program pursuant
66 to s. 39.903(3).

67 2. Notwithstanding subparagraph 1., the funds deposited in
68 the Additional Court Cost Clearing Trust Fund pursuant to s.
69 318.21(2)(c) shall be distributed as follows:

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

72 b. Six and three-tenths percent to the Department of Law
73 Enforcement Operating Trust Fund for the Criminal Justice Grant
74 Program.

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

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

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

84 938.30 Financial obligations in criminal cases;

85 supplementary proceedings.--

86 (12) The court may not enter an order sealing or expunging
 87 criminal history records under court rule, s. 943.0585, or s.
 88 943.059 until the person has paid all outstanding criminal costs
 89 and fines assessed against the moving party, unless the court
 90 makes written findings about the appropriateness of sealing or
 91 expunging despite the outstanding costs and fines.

92 Section 3. Paragraph (d) of subsection (11) of section
 93 318.18, Florida Statutes, is amended to read:

94 318.18 Amount of penalties.--The penalties required for a
 95 noncriminal disposition pursuant to s. 318.14 or a criminal
 96 offense listed in s. 318.17 are as follows:

97 (11)

98 (d) In addition to the court cost required under paragraph
 99 (a), a \$3 court cost must be paid for each noncriminal
 100 infraction as provided in s. 318.14, and a \$5 court cost must be
 101 paid for each criminal offense listed in s. 318.17 to be
 102 distributed as provided in s. 938.01. Any person whose
 103 adjudication is withheld pursuant to the provisions of s.
 104 318.14(9) or (10) shall also be liable for payment of the
 105 additional \$3 court cost. ~~and~~ A \$2 court cost as provided in s.
 106 938.15 must be paid for each infraction when assessed by a
 107 municipality or county.

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