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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/01/2011	.	
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The Committee on Budget (Bogdanoff) recommended the following:

Senate Amendment (with title amendment)

Between lines 59 and 60
insert:

Section 6. Section 938.25, Florida Statutes, is transferred, renumbered as section 938.055, Florida Statutes, and amended to read:

938.055 ~~938.25~~ Operating Trust Fund of the Department of Law Enforcement.—Notwithstanding any provision to the contrary of the laws of this state, the court shall ~~may~~ assess any defendant who pleads guilty or nolo contendere to, or is convicted of, a violation of any provision of chapters 775-896 ~~s. 893.13~~, without regard to whether adjudication was withheld,



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14 in addition to any fine and other penalty provided or authorized
15 by law, an amount of \$100, to be paid to the clerk of the court,
16 who shall forward it to the Department of Revenue for deposit in
17 the Operating Trust Fund of the Department of Law Enforcement to
18 be used by the statewide criminal analysis laboratory system for
19 the purposes specified in s. 943.361. This amount shall be
20 assessed when the services of any criminal analysis laboratory,
21 as designated in s. 943.32, is used in connection with the
22 investigation or prosecution of a violation of any provision of
23 chapters 775-896. The court may not waive this assessment ~~is~~
24 ~~authorized to order a defendant to pay an additional assessment~~
25 ~~if it finds that the defendant has the ability to pay the fine~~
26 ~~and the additional assessment and will not be prevented thereby~~
27 ~~from being rehabilitated or from making restitution.~~

28 Section 7. Paragraph (1) of subsection (1) of section
29 921.187, Florida Statutes, is amended to read:

30 921.187 Disposition and sentencing; alternatives;
31 restitution.-

32 (1) The alternatives provided in this section for the
33 disposition of criminal cases shall be used in a manner that
34 will best serve the needs of society, punish criminal offenders,
35 and provide the opportunity for rehabilitation. If the offender
36 does not receive a state prison sentence, the court may:

37 (1)1. Require the offender who violates any criminal
38 provision of chapter 893 to pay an additional assessment in an
39 amount up to the amount of any fine imposed, pursuant to ss.
40 938.21 and 938.23.

41 2. Require the offender who violates any provision of s.
42 893.13 to pay an additional assessment in an amount of \$100,



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43 pursuant to ss. 938.055 ~~938.25~~ and 943.361.

44 Section 8. Section 943.361, Florida Statutes, is amended to
45 read:

46 943.361 Statewide criminal analysis laboratory system;
47 funding through fine surcharges.—

48 (1) Funds deposited pursuant to ss. 938.07 and 938.055
49 ~~938.25~~ for the statewide criminal analysis laboratory system
50 shall be used for state reimbursements to local county-operated
51 crime laboratories enumerated in s. 943.35(1), and for the
52 equipment, health, safety, and training of member crime
53 laboratories of the statewide criminal analysis laboratory
54 system.

55 (2) Moneys deposited pursuant to ss. 938.07 and 938.055
56 ~~938.25~~ for the statewide criminal analysis laboratory system
57 shall be appropriated by the Legislature in accordance with the
58 provisions of chapter 216 and with the purposes stated in
59 subsection (1).

60
61 ===== T I T L E A M E N D M E N T =====

62 And the title is amended as follows:

63
64 Delete line 14

65 and insert:

66 Enforcement; transferring, renumbering, and amending
67 s. 938.25, F.S.; requiring a court to assess an
68 additional amount against a defendant who pleads
69 guilty or nolo contendere to, or who is convicted of,
70 violating certain specified offenses, and the services
71 of a criminal analysis laboratory are used in the



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72 investigation of the offense; providing for the
73 proceeds of the assessment to be deposited into the
74 Operating Trust Fund of the Department of Law
75 Enforcement and used by the statewide criminal
76 analysis laboratory system; prohibiting the court from
77 waiving the assessment; amending ss. 921.187 and
78 943.361, F.S.; conforming cross-references; providing
79 an effective date.