

By the Committee on Budget

576-03473-12

20121968

1 A bill to be entitled
 2 An act relating to criminal justice; transferring,
 3 renumbering, and amending s. 938.25, F.S.; requiring a
 4 court to assess an additional amount against a
 5 defendant who pleads guilty or nolo contendere to, or
 6 who is convicted of, violating certain specified
 7 offenses, and if the services of a criminal analysis
 8 laboratory are used in the investigation of the
 9 offense; providing for the proceeds of the assessment
 10 to be deposited into the Operating Trust Fund of the
 11 Department of Law Enforcement and used by the
 12 statewide criminal analysis laboratory system;
 13 amending ss. 921.187 and 943.361, F.S.; conforming
 14 cross-references to changes made by the act; providing
 15 an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Section 938.25, Florida Statutes, is
 20 transferred, renumbered as section 938.055, Florida Statutes,
 21 and amended to read:

22 938.055 ~~938.25~~ Operating Trust Fund of the Department of
 23 Law Enforcement.—Notwithstanding any other law ~~provision to the~~
 24 ~~contrary of the laws of this state~~, the court may assess any
 25 defendant who pleads guilty or nolo contendere to, or is
 26 convicted of, a violation of any provision of chapters 775-896
 27 ~~s. 893.13~~, without regard to whether adjudication was withheld,
 28 in addition to any fine and other penalty provided or authorized
 29 by law, an amount of \$100, to be paid to the clerk of the court,

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30 who shall forward it to the Department of Revenue for deposit in
31 the Operating Trust Fund of the Department of Law Enforcement to
32 be used by the statewide criminal analysis laboratory system for
33 the purposes specified in s. 943.361. This amount shall be
34 assessed if the services of a local county-operated crime
35 laboratory enumerated in s. 943.35(1) are used in connection
36 with the investigation or prosecution of a violation of any
37 provision of chapters 775-896. ~~The court is authorized to order~~
38 ~~a defendant to pay an additional assessment if it finds that the~~
39 ~~defendant has the ability to pay the fine and the additional~~
40 ~~assessment and will not be prevented thereby from being~~
41 ~~rehabilitated or from making restitution.~~

42 Section 2. Paragraph (1) of subsection (1) of section
43 921.187, Florida Statutes, is amended to read:

44 921.187 Disposition and sentencing; alternatives;
45 restitution.—

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

51 (1)1. Require the offender who violates any criminal
52 provision of chapter 893 to pay an additional assessment in an
53 amount up to the amount of any fine imposed, pursuant to ss.
54 938.21 and 938.23.

55 2. Require the offender who violates any provision of s.
56 893.13 to pay an additional assessment in an amount of \$100,
57 pursuant to ss. 938.055 ~~938.25~~ and 943.361.

58 Section 3. Section 943.361, Florida Statutes, is amended to

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59 read:

60 943.361 Statewide criminal analysis laboratory system;
61 funding through fine surcharges.-

62 (1) Funds deposited pursuant to ss. 938.055 and 938.07 ~~and~~
63 ~~938.25~~ for the statewide criminal analysis laboratory system
64 shall be used for state reimbursements to local county-operated
65 crime laboratories enumerated in s. 943.35(1), and for the
66 equipment, health, safety, and training of member crime
67 laboratories of the statewide criminal analysis laboratory
68 system.

69 (2) Moneys deposited pursuant to ss. 938.055 and 938.07 ~~and~~
70 ~~938.25~~ for the statewide criminal analysis laboratory system
71 shall be appropriated by the Legislature in accordance with the
72 provisions of chapter 216 and with the purposes stated in
73 subsection (1).

74 Section 4. This act shall take effect October 1, 2012.