

20121968e1

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 a specified fine against a defendant  
5 who pleads guilty or nolo contendere to, or who is  
6 convicted of, violating certain specified offenses if  
7 the services of a criminal analysis laboratory are  
8 used in the investigation of the offense; providing  
9 for the proceeds of the assessment to be deposited  
10 into the Operating Trust Fund of the Department of Law  
11 Enforcement and used by the statewide criminal  
12 analysis laboratory system; amending ss. 921.187 and  
13 943.361, F.S.; conforming cross-references to changes  
14 made by the act; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Section 938.25, Florida Statutes, is  
19 transferred, renumbered as section 938.055, Florida Statutes,  
20 and amended to read:

21 938.055 ~~938.25~~ Operating Trust Fund of the Department of  
22 Law Enforcement.—Notwithstanding any other law ~~provision to the~~  
23 ~~contrary of the laws of this state~~, the court may assess a ~~any~~  
24 defendant who pleads guilty or nolo contendere to, or is  
25 convicted of, a violation of any provision of chapters 775-896  
26 ~~s. 893.13~~, without regard to whether adjudication was withheld,  
27 in addition to any fine and other penalty provided or authorized  
28 by law, an amount of \$100, to be paid to the clerk of the court,  
29 who shall forward it to the Department of Revenue for deposit in

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

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

43 921.187 Disposition and sentencing; alternatives;  
44 restitution.-

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

50 (1)1. Require the offender who violates any criminal  
51 provision of chapter 893 to pay an additional assessment in an  
52 amount up to the amount of any fine imposed, pursuant to ss.  
53 938.21 and 938.23.

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

57 Section 3. Section 943.361, Florida Statutes, is amended to  
58 read:

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59           943.361 Statewide criminal analysis laboratory system;  
60 funding through fine surcharges.-

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

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

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