

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Committee

BILL: SPB 7072

INTRODUCER: For consideration by the Budget Committee

SUBJECT: Criminal Justice

DATE: February 10, 2012 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sadberry	Rhodes		Pre-meeting
2.				
3.				
4.				
5.				
6.				

I. Summary:

The bill makes conforming changes to the Florida Statutes necessary to implement the Senate’s proposed budget for Fiscal Year 2012-13. The bill removes permissive language, thereby making it a requirement for the courts to assess individuals convicted of a crime a \$100 fee for any crime lab services provided. All fines collected will continue to be deposited into FDLE’s Operating Trust Fund and used to reimburse state and local county-operated crime laboratories. The bill has an effective date of October 1, 2012.

The bill amends section 938.25 of the Florida Statutes.

II. Present Situation:

Section 938.25, Florida Statutes, allows the courts to assess a \$100 fee to any defendant who pleads guilty or nolo contendere to, or who is convicted of, violating certain specified offenses, if the investigation included services provided by any of the state or county-operated criminal analysis laboratories that operate throughout the state. The proceeds from the assessment are deposited into the Operating Trust Fund within FDLE and used by FDLE to recover their state-operated labs or to reimburse the local county-operated crime lab that provided the service.

III. Effect of Proposed Changes:

Section 1 transfers section 938.25, Florida Statutes, relating to the Operating Trust Fund in the Department of Law Enforcement and amends it by removing the permissive language and making it a requirement for the courts to assess a \$100 lab fee to all persons convicted of a crime when criminal analysis lab services are used in connection with the investigation or prosecution

of actions relating to chapters 775-896, Florida Statutes. It also renumbers the section to 938.055, Florida Statutes.

Section 2 amends section 921.187(1)(l), Florida Statutes, to incorporate the renumbered sections.

Section 3 amends section 943.361, Florida Statutes, to incorporate the renumbered sections.

Section 4 provides an effective date of October 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

C. Government Sector Impact:

The bill does not create a new fee or fine; however, it does remove permissive language, thereby making it a requirement for the courts to assess defendants the prescribed fee for any crime lab services provided. All fines collected will continue to be deposited into FDLE's Operating Trust Fund and used to reimburse local county-operated crime laboratories.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
