Florida Senate - 2007

CS for SB 1030

 $\mathbf{B}\mathbf{y}$ the Committee on Criminal Justice; and Senators Argenziano and Bennett

591-2131-07

1	A bill to be entitled
2	An act relating to court costs; amending s.
3	938.01, F.S.; increasing the court cost
4	assessed against any person convicted of
5	violating a state penal or criminal statute or
б	convicted of violating a municipal or county
7	ordinance; increasing the amount deducted from
8	every bond estreature or forfeited bail bond
9	related to such penal statutes which is
10	remitted to the Department of Revenue; revising
11	the allocation of funds received from the court
12	costs and distributed to the Department of Law
13	Enforcement Criminal Justice Standards and
14	Training Trust Fund, the Department of Law
15	Enforcement Operating Trust Fund for the
16	Criminal Justice Grant Program, and the
17	Department of Children and Family Services
18	Domestic Violence Trust Fund for the domestic
19	violence program; amending s. 938.30, F.S.;
20	requiring defendants to pay all outstanding
21	criminal costs and fines prior to the court
22	entering an order to seal or expunge criminal
23	history records; amending ss. 318.18 and
24	327.73, F.S., relating to civil penalties for
25	noncriminal traffic and boating infractions;
26	conforming provisions to changes made by the
27	act; providing an effective date.
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29	Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Subsection (1) of section 938.01, Florida 2 Statutes, is amended to read: 3 938.01 Additional Court Cost Clearing Trust Fund.--4 (1) All courts created by Art. V of the State Constitution shall, in addition to any fine or other penalty, 5 6 require every person convicted for violation of a state penal 7 or criminal statute or convicted for violation of a municipal 8 or county ordinance to $pay \frac{55}{53}$ as a court cost. Any person whose adjudication is withheld pursuant to the provisions of 9 s. 318.14(9) or (10) shall also be liable for payment of such 10 cost. In addition, $\frac{55}{53}$ from every bond estreature or 11 12 forfeited bail bond related to such penal statutes or penal 13 ordinances shall be remitted to the Department of Revenue as described in this subsection. However, no such assessment may 14 be made against any person convicted for violation of any 15 state statute, municipal ordinance, or county ordinance 16 17 relating to the parking of vehicles. (a) All costs collected by the courts pursuant to this 18 subsection shall be remitted to the Department of Revenue in 19 20 accordance with administrative rules adopted by the executive 21 director of the Department of Revenue for deposit in the 22 Additional Court Cost Clearing Trust Fund. These funds and the 23 funds deposited in the Additional Court Cost Clearing Trust Fund pursuant to s. 318.21(2)(c) shall be distributed as 2.4 follows: 25 Ninety-five and two-tenths Ninety two percent to 26 1. 27 the Department of Law Enforcement Criminal Justice Standards 2.8 and Training Trust Fund. 2. Three and seventy-eight one-hundredths Six and 29 30 three tenths percent to the Department of Law Enforcement Operating Trust Fund for the Criminal Justice Grant Program. 31 2

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1 3. One and two one-hundredths and seven tenths percent 2 to the Department of Children and Family Services Domestic Violence Trust Fund for the domestic violence program pursuant 3 4 to s. 39.903(3). (b) All funds in the Department of Law Enforcement 5 6 Criminal Justice Standards and Training Trust Fund shall be 7 disbursed only in compliance with s. 943.25(9). 8 Section 2. Present subsection (12) of section 938.30, Florida Statutes, is redesignated as subsection (13), and a 9 new subsection (12) is added to that section, to read: 10 938.30 Financial obligations in criminal cases; 11 12 supplementary proceedings .--13 (12) The court shall not enter an order sealing or expunding criminal history records under Rule 3.692, Florida 14 Rules of Criminal Procedure, and ss. 943.0585 and 943.059, 15 until the person has paid all outstanding criminal costs and 16 17 fines assessed against the moving party, unless the court makes written findings about the appropriateness of sealing or 18 expunging despite the outstanding costs and fines. 19 20 Section 3. Paragraph (d) of subsection (11) of section 21 318.18, Florida Statutes, is amended to read: 22 318.18 Amount of civil penalties.--The penalties 23 required for a noncriminal disposition pursuant to s. 318.14 are as follows: 2.4 (11) 25 26 (d) In addition to the court cost required under 27 paragraph (a), a\$5\$3 court cost must be paid for each 2.8 infraction to be distributed as provided in s. 938.01 and a \$2 court cost as provided in s. 938.15 when assessed by a 29 30 municipality or county. 31

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1 Section 4. Subsection (11) of section 327.73, Florida 2 Statutes, is amended to read: 3 327.73 Noncriminal infractions.--4 (11)(a) Court costs that are to be in addition to the 5 stated civil penalty shall be imposed by the court in an б amount not less than the following: 7 1. For swimming or diving infractions, \$3. 8 2. For nonmoving boating infractions, \$6. 9 3. For boating infractions listed in s. 327.731(1), 10 \$10. In addition to the court cost assessed under 11 (b) 12 paragraph (a), the court shall impose a\$5\$3 court cost for 13 each noncriminal infraction, to be distributed as provided in s. 938.01, and a \$2 court cost as provided in s. 938.15 when 14 assessed by a municipality or county. 15 16 17 Court costs imposed under this subsection may not exceed \$30. 18 A criminal justice selection center or both local criminal justice access and assessment centers may be funded from these 19 court costs. 2.0 21 Section 5. This act shall take effect July 1, 2007. 22 23 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR 2.4 Senate Bill 1030 25 26 The Committee Substitute amends s. 938.30, F.S., to require defendants to pay outstanding court costs and 27 fines before his or her criminal history can be sealed or expunged, unless the Court makes a finding to the 2.8 contrary. 29 It also amends the allocations in the original bill decreasing the amount allocated to the FDLE Operating 30 Trust Fund by .02 percent and increasing the amount, by .02 percent, to the DCF Domestic Violence Trust Fund. This should off-set a DCF-projected annual shortfall of 31 \$5,906.08. 4

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