



280758

LEGISLATIVE ACTION

Senate . House

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Floor: AD/CR .

03/09/2012 03:20 PM .

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The Conference Committee on SB 1968 recommended the following:

1           **Senate Conference Committee Amendment (with title**  
2 **amendment)**

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4           Delete everything after the enacting clause  
5 and insert:

6           Section 1. Section 938.25, Florida Statutes, is  
7 transferred, renumbered as section 938.055, Florida Statutes,  
8 and amended to read:

9           938.055 ~~938.25~~ Operating Trust Fund of the Department of  
10 Law Enforcement.—Notwithstanding any other law ~~provision to the~~  
11 ~~contrary of the laws of this state~~, the court may assess a any  
12 defendant who pleads guilty or nolo contendere to, or is  
13 convicted of, a violation of any provision of chapters 775-896



280758

14 ~~s. 893.13~~, without regard to whether adjudication was withheld,  
15 in addition to any fine and other penalty provided or authorized  
16 by law, an amount of \$100, to be paid to the clerk of the court,  
17 who shall forward it to the Department of Revenue for deposit in  
18 the Operating Trust Fund of the Department of Law Enforcement to  
19 be used by the statewide criminal analysis laboratory system for  
20 the purposes specified in s. 943.361. This amount shall be  
21 assessed if the services of a local county-operated crime  
22 laboratory enumerated in s. 943.35(1) are used in connection  
23 with the investigation or prosecution of a violation of any  
24 provision of chapters 775-896. ~~The court is authorized to order~~  
25 ~~a defendant to pay an additional assessment if it finds that the~~  
26 ~~defendant has the ability to pay the fine and the additional~~  
27 ~~assessment and will not be prevented thereby from being~~  
28 ~~rehabilitated or from making restitution.~~

29 Section 2. Paragraph (1) of subsection (1) of section  
30 921.187, Florida Statutes, is amended to read:

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

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

38 (1)1. Require the offender who violates any criminal  
39 provision of chapter 893 to pay an additional assessment in an  
40 amount up to the amount of any fine imposed, pursuant to ss.  
41 938.21 and 938.23.

42 2. Require the offender who violates any provision of s.



280758

43 893.13 to pay an additional assessment in an amount of \$100,  
44 pursuant to ss. 938.055 ~~938.25~~ and 943.361.

45 Section 3. Section 943.361, Florida Statutes, is amended to  
46 read:

47 943.361 Statewide criminal analysis laboratory system;  
48 funding through fine surcharges.-

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

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

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

62  
63 ===== T I T L E A M E N D M E N T =====

64 And the title is amended as follows:

65 Delete everything before the enacting clause  
66 and insert:

67 A bill to be entitled  
68 An act relating to criminal justice; transferring,  
69 renumbering, and amending s. 938.25, F.S.; requiring a  
70 court to assess a specified fine against a defendant  
71 who pleads guilty or nolo contendere to, or who is



280758

72 convicted of, violating certain specified offenses if  
73 the services of a criminal analysis laboratory are  
74 used in the investigation of the offense; providing  
75 for the proceeds of the assessment to be deposited  
76 into the Operating Trust Fund of the Department of Law  
77 Enforcement and used by the statewide criminal  
78 analysis laboratory system; amending ss. 921.187 and  
79 943.361, F.S.; conforming cross-references to changes  
80 made by the act; providing an effective date.