

## Committee Substitute for Senate Bill No. 1852

An act relating to state revenues collected by clerks of the court; creating s. 213.13, F.S.; providing for electronic remittance to the Department of Revenue; providing for remittance by the Department of Revenue to various trust funds and agencies; providing for remittance of all moneys collected by the clerks of the court for the state to the Department of Revenue; amending ss. 27.52, 28.101, 28.2401, 28.241, 34.041, 44.108, 316.192, 318.18, 318.21, 327.73, 372.7015, 372.72, 382.023, 741.01, 775.0835, 938.01, 938.03, 938.04, 938.06, 938.07, 938.25, 938.27, 960.17, 318.14, 327.35, 382.022, 569.11, 938.23, F.S.; providing for remittance of funds to the Department of Revenue and deposit in the designated trust fund; repealing outdated language; providing an effective date.

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

Section 1. Section 213.13, Florida Statutes, is created to read:

213.13 Electronic remittance and distribution of funds collected by clerks of the court.—

(1) Notwithstanding any other provision of law, the Department of Revenue shall establish procedures requiring the electronic transmittal of funds and associated return information submitted by clerks of the court. These procedures must be developed jointly by the Department of Revenue and the Florida Association of Court Clerks representing the clerks of the court. The department shall adopt rules necessary to implement the procedures contained in this section.

(2) The funds to be remitted electronically by the clerks include proceeds from the taxes imposed by chapter 199, chapter 201, and all other fees, fines, reimbursements, court costs, or other court-related funds that the clerks must remit to the state pursuant to law. At a minimum, these electronic remittance procedures must include:

(a) The prescribed reporting frequency and time period for the clerks to remit such funds and the prescribed time period in which the department must electronically deposit the funds received to the appropriate state and local funds and accounts;

(b) The electronic format and type of debit remittance system to be used by the clerks to remit the funds to the department;

(c) The means of communication used to transmit the required information; and

(d) The information that must be submitted with such remittance.

(3) The clerks shall submit return information with the electronic payments required by this section in a manner that is initiated through electronic means.

(4) To ensure that the Department of Revenue deposits on a correct and timely basis the revenues electronically received from the clerks, the agencies that are statutorily authorized to receive such revenue deposits shall grant the department electronic access to their appropriate funds and accounts.

Section 2. Notwithstanding any other provision of law, all moneys collected by the clerks of the court for subsequent distribution to a state agency or to the Supreme Court must be transmitted to the Department of Revenue for appropriate distribution. A uniform remittance form provided by the Department of Revenue detailing the specific amounts due each fund must accompany such submittal.

Section 3. Paragraphs (d) and (e) of subsection (1) of section 27.52, Florida Statutes, are amended to read:

27.52 Determination of indigency.—

(1)

(d) If the court finds that the accused person applying for representation appears to be indigent based upon the financial affidavit required under paragraph (f), the court shall appoint the public defender or a conflict attorney to provide representation. If the application fee is not paid prior to the disposition of the case, the clerk shall advise the sentencing judge of this fact and the court shall:

1. Assess the application fee as part of the sentence or as a condition of probation; or
2. Assess the application fee pursuant to s. 938.29.

If the indigency examiner finds discrepancies between the financial affidavit and the examiner's investigation of assets, the indigency examiner shall submit the information to the court and the court shall determine whether the public defender or conflict attorney shall continue representation. The defendant may be heard regarding the information discovered by the indigency examiner. If the court, based on the information provided, determines that the defendant is not indigent, the court shall order that the public defender or conflict attorney discontinue representation. Notwithstanding any provision of law or local order to the contrary, the clerk of the court shall assign the first \$40 of any court assessed fees or costs that are paid by an indigent defendant ~~to the Indigent Criminal Defense Trust Fund~~ as payment for the application fee. In no event should a person who is found to be indigent be refused counsel for failure to pay the fee.

(e) All application fees shall be transferred monthly by the clerk of the court to the Department of Revenue for deposit to the Indigent Criminal Defense Trust Fund, administered by the Justice Administrative Commission, to be used to supplement the general revenue funds appropriated by the Legislature to the public defenders. The clerk of the court may retain 2 percent of application fees collected monthly for administrative costs prior

to remitting the remainder to the Department of Revenue ~~Justice Administrative Commission~~.

Section 4. Section 28.101, Florida Statutes, is amended to read:

28.101 Petitions and records of dissolution of marriage; additional charges.—

(1) When a party petitions for a dissolution of marriage, in addition to the filing charges in s. 28.241, the clerk shall collect and receive:

(a) A charge of \$5. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the Department of Revenue for deposit in the Child Welfare Training Trust Fund created in s. 402.40.

(b) A charge of \$5. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the Department of Revenue State Treasury for deposit in the Displaced Homemaker Trust Fund created in s. 446.50. If a petitioner does not have sufficient funds with which to pay this fee and signs an affidavit so stating, all or a portion of the fee shall be waived subject to a subsequent order of the court relative to the payment of the fee.

(c) A charge of \$18. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the Department of Revenue State Treasury for deposit in the Domestic Violence Trust Fund. Such funds which are generated shall be directed to the Department of Children and Family Services for the specific purpose of funding domestic violence centers. purpose of funding domestic violence centers.

(d) A charge of \$32.50. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph as follows:

1. An amount of \$7.50 to the Department of Revenue State Treasury for deposit in the Displaced Homemaker Trust Fund.

2. An amount of \$25 to the Department of Revenue Supreme Court for deposit in the Family Courts Trust Fund.

(2) Upon receipt of a final judgment of dissolution of marriage for filing, and in addition to the filing charges in s. 28.241, the clerk shall collect and receive a service charge of \$7 pursuant to s. 382.023 for the recording and reporting of such final judgment of dissolution of marriage to the Department of Health.

Section 5. Subsection (3) of section 28.2401, Florida Statutes, is amended to read:

28.2401 Service charges in probate matters.—

(3) Service charges in excess of those fixed in this section may be imposed by the governing authority of the county by ordinance, or by special or local law, to provide and maintain facilities, including a law library; to provide and maintain equipment; or to provide or maintain a legal aid program.

Service charges other than those fixed in this section shall be governed by s. 28.24. An additional service charge of \$2.50 on petitions seeking summary administration, family administration, formal administration, ancillary administration, guardianship, curatorship, and conservatorship shall be paid to the clerk. The clerk shall transfer the \$2.50 to the Department of Revenue for deposit into the Court Education Trust Fund.

Section 6. Subsection (1) of section 28.241, Florida Statutes, is amended to read:

28.241 Filing charges for trial and appellate proceedings.—

(1) The party instituting any civil action, suit, or proceeding in the circuit court shall pay to the clerk of that court a service charge of \$40 in all cases in which there are not more than five defendants and an additional service charge of \$2 for each defendant in excess of five. An additional service charge of \$10 shall be paid by the party seeking each severance that is granted. An additional service charge of \$35 shall be paid to the clerk for all proceedings of garnishment, attachment, replevin, and distress. An additional service charge of \$8 shall be paid to the clerk for each civil action filed, \$7 of such charge to be remitted by the clerk to the Department of Revenue State Treasurer for deposit into the General Revenue Fund unallocated. An additional charge of \$2.50 shall be paid to the clerk for each civil action brought in circuit or county court, to be remitted by the clerk to the Department of Revenue for deposit deposited into the Court Education Trust Fund; ~~the moneys collected shall be forwarded by the clerk to the Supreme Court monthly for deposit in the fund.~~ Service charges in excess of those herein fixed may be imposed by the governing authority of the county by ordinance or by special or local law; and such excess shall be expended as provided by such ordinance or any special or local law, now or hereafter in force, to provide and maintain facilities, including a law library, for the use of the courts of the county wherein the service charges are collected; to provide and maintain equipment; or for a legal aid program in such county. In addition, the county is authorized to impose, by ordinance or by special or local law, a fee of up to \$15 for each civil action filed, for the establishment, maintenance, or supplementation of a public guardian pursuant to ss. 744.701-744.708, inclusive. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. That part of the within fixed or allowable service charges which is not by local or special law applied to the special purposes shall constitute the total service charges of the clerk of such court for all services performed by him or her in civil actions, suits, or proceedings. The sum of all service charges and fees permitted under this subsection may not exceed \$200; however, the \$200 cap may be increased to \$210 in order to provide for the establishment, maintenance, or supplementation of a public guardian as indicated in this subsection.

Section 7. Subsection (6) of section 34.041, Florida Statutes, is amended to read:

34.041 Service charges and costs.—

(6) In addition to the filing fees provided in subsection (1), in all civil cases, the sum of \$7.00 per case shall be paid by the plaintiff when filing an action for the purpose of funding the court costs. Such funds shall be remitted by the clerk to the Department of Revenue for deposit to the General Revenue Fund.

Section 8. Subsection (4) of section 44.108, Florida Statutes, is amended to read:

44.108 Funding of mediation and arbitration.—Mediation should be accessible to all parties regardless of financial status. Each board of county commissioners may support mediation and arbitration services by appropriating moneys from county revenues and by:

(4) If a board of county commissioners levies the service charge authorized in subsection (1), subsection (2), or subsection (3), the clerk of the court shall forward \$1 of each charge to the Department of Revenue for deposit in the Office of the State Courts Administrator. ~~That office shall deposit the funds in a state mediation and arbitration trust fund which is hereby established.~~ Such fund shall be used by the Supreme Court to carry out its responsibilities set forth in s. 44.106.

Section 9. Subsection (3) of section 316.192, Florida Statutes, is amended to read:

316.192 Reckless driving.—

(3) Notwithstanding any other provision of this section, \$5 shall be added to a fine imposed pursuant to this section. The clerk shall remit the \$5 to the Department of Revenue for deposit, ~~which \$5 shall be deposited in the Emergency Medical Services Trust Fund.~~

Section 10. Paragraph (a) of subsection (8) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(8)(a) Any person who fails to comply with the court's requirements or who fails to pay the civil penalties specified in this section within the 30-day period provided for in s. 318.14 must pay an additional civil penalty of \$12, \$2.50 of which must be remitted to the Department of Revenue for deposit in deposited into the General Revenue Fund, and \$9.50 of which must be remitted to the Department of Revenue for deposit ~~deposited in the Highway Safety Operating Trust Fund.~~ ~~There is hereby appropriated from the Highway Safety Operating Trust Fund for fiscal year 1996-1997 the amount of \$4 million. From this appropriation~~ The department shall contract with the Florida Association of Court Clerks, Inc., to design, establish, operate, upgrade, and maintain an automated statewide Uniform Traffic Citation Accounting System to be operated by the clerks of the court which shall include, but not be limited to, the accounting for traffic infractions by type, a record of the disposition of the citations, and an accounting system for the fines assessed and the subsequent fine amounts paid to the clerks of the

court. On or before December 1, 2001, the clerks of the court must provide the information required by this chapter to be transmitted to the department by electronic transmission pursuant to the contract.

Section 11. Section 318.21, Florida Statutes, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(1) One dollar from every civil penalty shall be remitted to the Department of Revenue ~~paid to the Department of Children and Family Services~~ for deposit into the Child Welfare Training Trust Fund for child welfare training purposes pursuant to s. 402.40. One dollar from every civil penalty shall be remitted to the Department of Revenue ~~paid to the Department of Juvenile Justice~~ for deposit into the Juvenile Justice Training Trust Fund for juvenile justice purposes pursuant to s. 985.406.

(2) Of the remainder:

(a) Five and six-tenths percent shall be remitted to the Department of Revenue for deposit in ~~paid to~~ the General Revenue Fund of the state, except that the first \$300,000 shall be deposited into the Grants and Donations Trust Fund in the state courts system for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels in a constitutional charter county as provided for in s. 39.702.

(b) Seven and two-tenths percent shall be remitted to the Department of Revenue for deposit ~~deposited~~ in the Emergency Medical Services Trust Fund for the purposes set forth in s. 401.113.

(c) Five and one-tenth percent shall be remitted to the Department of Revenue for deposit ~~deposited~~ in the Additional Court Cost Clearing Trust Fund established pursuant to s. 938.01 for criminal justice purposes.

(d) Eight and two-tenths percent shall be remitted to the Department of Revenue for deposit ~~deposited~~ in the Brain and Spinal Cord Injury Rehabilitation Trust Fund for the purposes set forth in s. 381.79.

(e) Two percent shall be remitted to the Department of Revenue for deposit ~~deposited~~ in the endowment fund of the Florida Endowment Foundation for Vocational Rehabilitation established by s. 413.615.

(f) Five-tenths percent shall be paid to the clerk of the court for administrative costs.

(g)1. If the violation occurred within a municipality or a special improvement district of the Seminole Indian Tribe or Miccosukee Indian Tribe, 56.4 percent shall be paid to that municipality or special improvement district.

2. If the violation occurred within the unincorporated area of a county that is not within a special improvement district of the Seminole Indian Tribe or Miccosukee Indian Tribe, 56.4 percent shall be paid to that county.

(h) Fifteen percent must be deposited into the County Article V Trust Fund.

(i) For fiscal year 2000-2001 only, and in lieu of the provisions of paragraph (a), five and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first \$300,000 shall be deposited into the Grants and Donations Trust Fund in the state courts system for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. 39.702. This paragraph is repealed on July 1, 2001.

(3)(a) Moneys paid to a municipality or special improvement district under subparagraph (2)(g)1. must be used to fund local criminal justice training as provided in s. 938.15 when such a program is established by ordinance; to fund a municipal school crossing guard training program; and for any other lawful purpose.

(b) Moneys paid to a county under subparagraph (2)(g)2. shall be used to fund local criminal justice training as provided in s. 938.15 when such a program is established by ordinance, to fund a county school crossing guard training program, and for any other lawful purpose.

(4) Of the additional fine assessed under s. 318.18(3)(e) for a violation of s. 316.1301, 40 percent must be remitted to the Department of Revenue for deposit in ~~deposited into~~ the Grants and Donations Trust Fund of the Division of Blind Services of the Department of Education Labor and Employment Security, and 60 percent must be distributed pursuant to subsections (1) and (2).

(5) Of the additional fine assessed under s. 318.18(3)(e) for a violation of s. 316.1303, 60 percent must be remitted to the Department of Revenue for deposit in ~~deposited into~~ the endowment fund for the Florida Endowment Foundation for Vocational Rehabilitation, and 40 percent must be distributed pursuant to subsections (1) and (2) of this section.

(6) For every violation of s. 316.613 or s. 316.614, \$5 will be deducted from the civil penalty assessed under this chapter and remitted to the Department of Revenue for deposit ~~deposited into~~ the Epilepsy Services Trust Fund established under s. 385.207. The remainder must be distributed pursuant to subsections (1) and (2).

(7) For fines assessed under s. 318.18(3) for unlawful speed, the following amounts must be remitted to the Department of Revenue for deposit in ~~deducted and deposited into~~ the Nongame Wildlife Trust Fund:

For speed exceeding the limit by:	Fine:
1-5 m.p.h. ....	\$ .00
6-9 m.p.h. ....	\$ .25
10-14 m.p.h. ....	\$ 3.00
15-19 m.p.h. ....	\$ 4.00
20-29 m.p.h. ....	\$ 5.00
30 m.p.h. and above ....	\$10.00

The remaining amount must be distributed pursuant to subsections (1) and (2).

~~(8) All moneys collected by the clerk of the court for deposit into a state trust fund must be sent monthly to the Department of Highway Safety and Motor Vehicles for distribution. Such a submittal must be accompanied by a specific accounting of the amounts due each fund.~~

~~(9)~~(9) Fines and forfeitures received from violations committed within a municipality must be paid monthly to that municipality; fines and forfeitures received from violations committed within a special improvement district created for the Seminole Indian Tribe or Miccosukee Indian Tribe under s. 285.17 must be paid monthly to that special improvement district. These fines and forfeitures must be paid monthly to that municipality or special improvement district in addition to any other fines and forfeitures received by a county court which are required to be paid to that municipality or special improvement district under any other law. If, on February 1, 1972, any chartered county court that has countywide jurisdiction was trying traffic offenses committed within a municipality in that county, two-thirds of the fines and forfeitures received as a result of violations of this chapter, or of any ordinances adopting matter covered by this chapter, committed within a municipality must be paid and distributed to the municipality, and the remainder must be paid to the county, except as otherwise provided in subsection (5). The amount of fines and forfeitures payable to a special improvement district created under s. 285.17 which is located in a charter county must be determined in the same manner as the amount of fines and forfeitures payable to a municipality in that county. All fines and forfeitures received by any county court as the result of citations issued under s. 316.640(2)(c)1. must be paid to the county whether or not such citations were issued for parking violations that occurred within a municipality or special improvement district created under s. 285.17.

~~(9)~~(10) Twelve dollars and fifty cents from each moving traffic violation must be used by the county to fund that county's participation in an inter-governmental radio communication program approved by the Department of Management Services. If the county is not participating in such a program, funds collected must be used to fund local law enforcement automation and must be distributed to the municipality or special improvement district in which the violation occurred or to the county if the violation occurred within the unincorporated area of the county.

~~(10)~~(11) The additional costs and surcharges on criminal traffic offenses provided for under ss. 938.03 and 938.04 must be collected and distributed by the clerk of the court as provided in those sections. The additional costs and surcharges must also be collected for the violation of any ordinances adopting the criminal traffic offenses enumerated in s. 318.17.

~~(11)~~(12)(a) A county or municipality may, by majority vote of the governing board of the respective county or municipality, impose a surcharge on parking fines for the sole purpose of funding school crossing guard programs; however, the governing body may set aside funds from this surcharge to pay for startup costs and recurring administrative costs related to print-



ing new tickets or other means of implementing the program. The surcharge must be authorized by ordinance requiring public hearings.

(b) The proceeds of this surcharge must be placed in a trust fund established by the governing body of the county or municipality called the School Crossing Guard Trust Fund. Funds collected from this surcharge must be distributed quarterly to fund the school crossing guard programs provided in subsection (3).

(c) If a county government is operating a school crossing guard program in the exercise of its municipal responsibilities, the county may, by majority vote of its governing board, impose a countywide surcharge on parking fines for the sole purpose of funding school crossing guard programs throughout the county; however, the governing body may set aside funds from this surcharge to pay for startup costs and recurring administrative costs related to printing new tickets or other means of implementing the program. The surcharge must be authorized by an ordinance requiring public hearings. This surcharge, established by the governing body of the county, must be placed in a trust fund called the School Crossing Guard Trust Fund. Funds collected from this surcharge must be distributed quarterly to jurisdictions to fund school crossing guard programs based on each jurisdiction's percentage of the school crossing guards in the county school district.

Section 12. Effective July 1, 2002, paragraph (a) of subsection (2) of section 318.21, Florida Statutes, as amended by chapters 97-235, 98-280, 98-403, and 2000-139, Laws of Florida, is amended to read:

(2) Of the remainder:

(a) Twenty and six-tenths percent shall be remitted to the Department of Revenue for deposit into ~~paid to~~ the General Revenue Fund of the state, except that the first \$300,000 shall be deposited into the Grants and Donations Trust Fund in the state courts system for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels in a constitutional charter county as provided for in s. 39.702.

Section 13. Subsection (8) of section 327.73, Florida Statutes, is amended to read:

327.73 Noncriminal infractions.—

(8) All fees and civil penalties assessed and collected pursuant to this section shall be remitted by the clerk of the court to the Department of Revenue to be deposited into the Marine Resources Conservation Trust Fund for boating safety education purposes.

Section 14. Section 372.7015, Florida Statutes, is amended to read:

372.7015 Illegal killing, taking, possessing, or selling wildlife or game; fines; disposition of fines.—In addition to any other penalty provided by law, any person who violates the criminal provisions of this chapter and rules adopted pursuant to this chapter by illegally killing, taking, possessing, or

selling game or fur-bearing animals as defined in s. 372.001(3) or (4) in or out of season while violating chapter 810 shall pay a fine of \$250 for each such violation, plus court costs and any restitution ordered by the court. All fines collected under this section shall be remitted by the clerk of the court to the Department of Revenue to be deposited into the Fish and Wildlife Conservation Commission's State Game Trust Fund.

Section 15. Section 372.72, Florida Statutes, is amended to read:

372.72 Disposition of fines, penalties, and forfeitures.—

(1) All moneys collected from fines, penalties, or forfeitures of bail of persons convicted under this chapter shall be deposited in the fine and forfeiture fund of the county where such convictions are had, except for the disposition of moneys as provided in subsection (2).

(2) All moneys collected from fines, penalties, or forfeitures of bail of persons convicted of violations of rules, regulations, or orders of the Fish and Wildlife Conservation Commission concerning endangered or threatened species or of violation of s. 372.662, s. 372.663, s. 372.667, or s. 372.671 shall be remitted by the clerk of the court to the Department of Revenue to be deposited in the Nongame Wildlife Trust Fund.

Section 16. Section 382.023, Florida Statutes, is amended to read:

382.023 Department to receive dissolution-of-marriage records; fees.— Clerks of the circuit courts shall collect for their services at the time of the filing of a final judgment of dissolution of marriage a fee of \$7, of which \$3 shall be retained by the circuit court as a part of the cost in the cause in which the judgment is granted. The remaining \$4 shall be remitted to the Department of Revenue for deposit to the Department of Health to defray part of the cost of maintaining the dissolution-of-marriage records, ~~together with~~ A record of each and every judgment of dissolution of marriage granted by the court during the preceding calendar month, giving names of parties and such other data as required by forms prescribed by the department, shall be transmitted to the department, on or before the 10th day of each month, along with an accounting of the funds remitted to the Department of Revenue pursuant to this section to defray part of the cost of maintaining the dissolution-of-marriage records.

Section 17. Section 741.01, Florida Statutes, is amended to read:

741.01 County court judge or clerk of the circuit court to issue marriage license; fee.—

(1) Every marriage license shall be issued by a county court judge or clerk of the circuit court under his or her hand and seal. The county court judge or clerk of the circuit court shall issue such license, upon application for the license, if there appears to be no impediment to the marriage. The county court judge or clerk of the circuit court shall collect and receive a fee of \$2 for receiving the application for the issuance of a marriage license.

(2) The fee charged for each marriage license issued in the state shall be increased by the sum of \$30. This fee shall be collected upon receipt of the

application for the issuance of a marriage license and remitted by the clerk to the Department of Revenue for deposit in the Domestic Violence Trust Fund. The Executive Office of the Governor shall establish a Domestic Violence Trust Fund for the purpose of collecting and disbursing funds generated from the increase in the marriage license fee. Such funds which are generated shall be directed to the Department of Children and Family Services for the specific purpose of funding domestic violence centers, and the funds shall be appropriated in a "grants-in-aid" category to the Department of Children and Family Services for the purpose of funding domestic violence centers.

(3) Further, the fee charged for each marriage license issued in the state shall be increased by an additional sum of \$7.50 to be collected upon receipt of the application for the issuance of a marriage license. The clerk shall transfer such funds monthly to the Department of Revenue State Treasury for deposit in the Displaced Homemaker Trust Fund created in s. 446.50.

(4) An additional fee of \$25 shall be paid to the clerk upon receipt of the application for issuance of a marriage license. The moneys collected shall be ~~remitted forwarded~~ by the clerk to the Department of Revenue to the Supreme Court, monthly, for deposit in the Family Courts Trust Fund.

(5) The fee charged for each marriage license issued in the state shall be reduced by a sum of \$32.50 for all couples who present valid certificates of completion of a premarital preparation course from a qualified course provider registered under s. 741.0305(5) for a course taken no more than 1 year prior to the date of application for a marriage license. For each license issued that is subject to the fee reduction of this subsection, the clerk is not required to transfer the sum of \$7.50 to the Department of Revenue State Treasury for deposit in the Displaced Homemaker Trust Fund pursuant to subsection (3) or to transfer the sum of \$25 to the Department of Revenue Supreme Court for deposit in the Family Courts Trust Fund.

Section 18. Section 775.0835, Florida Statutes, is amended to read:

775.0835 Fines; surcharges; Crimes Compensation Trust Fund.—

(1) When any person pleads guilty or nolo contendere to, or is convicted of, any felony or misdemeanor under the laws of this state which resulted in the injury or death of another person, the court may, if it finds that the defendant has the present ability to pay the fine and finds that the impact of the fine upon the defendant's dependents will not cause such dependents to be dependent on public welfare, in addition to any other penalty, order the defendant to pay a fine, commensurate with the offense committed and with the probable impact upon the victim, but not to exceed \$10,000. The fine shall be remitted to the Department of Revenue for deposit deposited in the Crimes Compensation Trust Fund.

(2) The additional \$50 obligation created by s. 938.03 shall be collected, and \$49 of each \$50 collected shall be remitted to the Department of Revenue for deposit in credited to the Crimes Compensation Trust Fund, prior to any fine or surcharge authorized by this chapter. These costs are consid-

ered assessed unless specifically waived by the court. If the court does not order these costs, it shall state on the record, in detail, the reasons therefor.

Section 19. Subsection (1) of section 938.01, Florida Statutes, is amended to read:

**938.01 Additional Court Cost Clearing Trust Fund.—**

(1) All courts created by Art. V of the State Constitution shall, in addition to any fine or other penalty, assess \$3 as a court cost against every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be assessed such cost. In addition, \$3 from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances shall be remit-ted to the Department of Revenue forwarded to the Treasurer as described in this subsection. However, no such assessment may be made against any person convicted for violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles.

(a) All such costs collected by the courts shall be remitted to the Department of Revenue, in accordance with administrative rules adopted by the executive director of the Department of Revenue, for deposit in the Additional Court Cost Clearing Trust Fund and shall be earmarked to the Department of Law Enforcement for distribution as follows:

1. Two dollars and seventy-five cents of each \$3 assessment shall be deposited in the Criminal Justice Standards and Training Trust Fund, and the remaining 25 cents of each such assessment shall be deposited into the Department of Law Enforcement Operating Trust Fund and shall be disbursed to the Department of Law Enforcement.

2. Ninety-two percent of the money distributed to the Additional Court Cost Clearing Trust Fund pursuant to s. 318.21 shall be earmarked to the Department of Law Enforcement for deposit in the Criminal Justice Standards and Training Trust Fund, and 8 percent of such money shall be deposited into the Department of Law Enforcement Operating Trust Fund and shall be disbursed to the Department of Law Enforcement.

(b) The funds deposited in the Criminal Justice Standards and Training Trust Fund and the Department of Law Enforcement Operating Trust Fund may be invested. Any interest earned from investing such funds and any unencumbered funds remaining at the end of the budget cycle shall remain in the respective trust fund until the following year.

(c) All funds in the Criminal Justice Standards and Training Trust Fund earmarked to the Department of Law Enforcement shall be disbursed only in compliance with s. 943.25(9).

Section 20. Subsection (4) of section 938.03, Florida Statutes, is amended to read:

**938.03 Crimes Compensation Trust Fund.—**

(4) The clerk of the court shall collect and forward \$49 of each \$50 collected to the Department of Revenue Treasurer, to be deposited in the Crimes Compensation Trust Fund. The clerk shall retain the remaining \$1 of each \$50 collected as a service charge of the clerk's office. Under no condition shall a political subdivision be held liable for the payment of this sum of \$50.

Section 21. Section 938.04, Florida Statutes, is amended to read:

938.04 Additional cost with respect to criminal fines and bail bonds.—In addition to any fine for any criminal offense prescribed by law, including a criminal traffic offense, and in addition to the cost imposed pursuant to the provisions of s. 318.14(10), there is hereby established and created as a court cost an additional 5-percent surcharge thereon which shall be imposed, levied, and collected together with such fine or cost imposed pursuant to s. 318.14(10). The additional court cost created under this section shall be remitted to the Department of Revenue for deposit ~~deposited~~ in the Crimes Compensation Trust Fund created by s. 960.21.

Section 22. Section 938.06, Florida Statutes, is amended to read:

938.06 Additional cost for crime stoppers programs.—

(1) In addition to any fine prescribed by law for any criminal offense, there is hereby assessed as a court cost an additional surcharge of \$20 on such fine, which shall be imposed by all county and circuit courts and collected by the clerks of the courts together with such fine. No political subdivision shall be held liable for payment of costs under this section.

(2) The clerk of the court shall collect and forward, on a monthly basis, all costs assessed under this section, less \$3 per assessment as a service charge to be retained by the clerk, to the Department of Revenue ~~Department of Legal Affairs~~ for deposit in the Crime Stoppers Trust Fund, to be used as provided in s. 16.555.

Section 23. Section 938.07, Florida Statutes, is amended to read:

938.07 Driving under the influence.—Notwithstanding any other provision of s. 316.193, a court cost of \$135 shall be added to any fine imposed pursuant to s. 316.193. The clerks shall remit the funds to the Department of Revenue, of which \$25 of which shall be deposited in the Emergency Medical Services Trust Fund, \$50 shall be deposited in the Criminal Justice Standards and Training Trust Fund of the Department of Law Enforcement to be used for operational expenses in conducting the statewide criminal analysis laboratory system established in s. 943.32, and \$60 shall be deposited in the Brain and Spinal Cord Injury Rehabilitation Trust Fund created in s. 381.79.

Section 24. Section 938.25, Florida Statutes, is amended to read:

938.25 Operating Trust Fund of the Department of Law Enforcement.—Notwithstanding any provision to the contrary of the laws of this state, the court may assess any defendant who pleads guilty or nolo contendere to, or

is convicted of, a violation of any provision of s. 893.13, without regard to whether adjudication was withheld, in addition to any fine and other penalty provided or authorized by law, an amount of \$100, to be paid to the clerk of the court, who shall forward it to the Department of Revenue for deposit in the Operating Trust Fund of the Department of Law Enforcement to be used by the statewide criminal analysis laboratory system for the purposes specified in s. 943.361. The court is authorized to order a defendant to pay an additional assessment if it finds that the defendant has the ability to pay the fine and the additional assessment and will not be prevented thereby from being rehabilitated or from making restitution.

Section 25. Subsection (9) of section 938.27, Florida Statutes, is amended to read:

938.27 Judgment for costs on conviction.—

(9) Investigative costs which are recovered shall be returned to the appropriate investigative agency which incurred the expense. Costs shall include actual expenses incurred in conducting the investigation and prosecution of the criminal case; however, costs may also include the salaries of permanent employees. Any investigative costs recovered on behalf of a state agency must be remitted to the Department of Revenue for deposit in the agency operating trust fund and a report of the payment must be sent to the agency.

Section 26. Subsection (4) of section 960.17, Florida Statutes, is amended to read:

960.17 Award constitutes debt owed to state.—

(4) Payments authorized under this section shall be remitted to the clerk of the court in the county where the conviction occurred and are to be paid by the clerk of the court to the Department of Revenue for deposit in ~~to~~ the Crimes Compensation Trust Fund. Any order of restitution or judgment to the state made by any court pursuant to this section may be enforced by the department in the same manner as a judgment in a civil action or by other enforcement measures administered by the department. The outstanding unpaid amount of the order shall bear interest in accordance with s. 55.03 and shall, when properly recorded, become a lien on real estate owned by the defendant.

Section 27. Subsection (10) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(10)(a) Any person cited for an offense listed under this subsection may, in lieu of payment of fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court or authorized operator of a traffic violations bureau. In such case, adjudication shall be withheld; however, no election shall be made under this subsection if such person has made an election under this subsection in the 12 months preceding election hereunder. No person may make more than three elections under this subsection. This subsection applies to the following offenses:

1. Operating a motor vehicle without a valid driver's license in violation of the provisions of s. 322.03, s. 322.065, or s. 322.15(1), or operating a motor vehicle with a license which has been suspended for failure to appear, failure to pay civil penalty, or failure to attend a driver improvement course pursuant to s. 322.291.

2. Operating a motor vehicle without a valid registration in violation of s. 320.0605, s. 320.07, or s. 320.131.

3. Operating a motor vehicle in violation of s. 316.646.

(b) Any person cited for an offense listed in this subsection shall present proof of compliance prior to the scheduled court appearance date. For the purposes of this subsection, proof of compliance shall consist of a valid, renewed, or reinstated driver's license or registration certificate and proper proof of maintenance of security as required by s. 316.646. Notwithstanding waiver of fine, any person establishing proof of compliance shall be assessed court costs of \$22, except that a person charged with violation of s. 316.646(1)-(3) may be assessed court costs of \$7. One dollar of such costs shall be remitted to the Department of Revenue distributed to the Department of Children and Family Services for deposit into the Child Welfare Training Trust Fund of the Department of Children and Family Services. One dollar of such costs shall be distributed to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund. Twelve dollars of such costs shall be distributed to the municipality and \$8 shall be retained by the county, if the offense was committed within the municipality. If the offense was committed in an unincorporated area of a county or if the citation was for a violation of s. 316.646(1)-(3), the county shall retain the entire amount, except for the moneys to be deposited into the Child Welfare Training Trust Fund and the Juvenile Justice Training Trust Fund. This subsection shall not be construed to authorize the operation of a vehicle without a valid driver's license, without a valid vehicle tag and registration, or without the maintenance of required security.

Section 28. Subsection (9) of section 327.35, Florida Statutes, is amended to read:

327.35 Boating under the influence; penalties; "designated drivers".—

(9) Notwithstanding any other provision of this section, for any person convicted of a violation of subsection (1), in addition to the fines set forth in subsections (2) and (4), an additional fine of \$60 shall be assessed and collected in the same manner as the fines set forth in subsections (2) and (4). All fines collected under this subsection shall be remitted by the clerk of the court to the Department of Revenue for deposit paid monthly into the Brain and Spinal Cord Injury Rehabilitation Trust Fund and used for the purposes set forth in s. 381.79, after 5 percent is deducted therefrom by the clerk of the court for administrative costs.

Section 29. Section 382.022, Florida Statutes, is amended to read:

382.022 Marriage application fees.—Upon the receipt of each application for the issuance of a marriage license, the county court judge or clerk of the

circuit court shall, pursuant to s. 741.02, collect and receive a fee of \$4 which shall be ~~remitted transmitted, on or before the 10th day of each month,~~ to the Department of Revenue for deposit to the Department of Health to defray part of the cost of maintaining marriage records.

Section 30. Subsection (6) of section 569.11, Florida Statutes, is amended to read:

569.11 Possession, misrepresenting age or military service to purchase, and purchase of tobacco products by persons under 18 years of age prohibited; penalties; jurisdiction; disposition of fines.—

(6) Eighty percent of all civil penalties received by a county court pursuant to this section shall be ~~remitted by the clerk of the court transferred to the Department of Revenue for transfer to~~ the Department of Education to provide for teacher training and for research and evaluation to reduce and prevent the use of tobacco products by children, pursuant to s. 233.067(4). The remaining 20 percent of civil penalties received by a county court pursuant to this section shall remain with the clerk of the county court to cover administrative costs.

Section 31. Subsection (2) of section 938.23, Florida Statutes, is amended to read:

938.23 Assistance grants for alcohol and other drug abuse programs.—

(2) All assessments authorized by this section shall be collected by the clerk of court and remitted to the jurisdictional county as described in s. 893.165(2) for deposit into the County Alcohol and Other Drug Abuse Trust Fund or ~~remitted to the Department of Revenue to the Department of Children and Family Services~~ for deposit into the department's Community Alcohol and Other Drug Abuse Services Grants and Donations Trust Fund of the Department of Children and Family Services pursuant to guidelines and priorities developed by the department. If a County Alcohol and Other Drug Abuse Trust Fund has not been established for any jurisdictional county, assessments collected by the clerk of court shall be remitted to the Department of Revenue Children and Family Services for deposit into the ~~department's~~ Community Alcohol and Other Drug Abuse Services Grants and Donations Trust Fund of the Department of Children and Family Services.

Section 32. Effective upon this act becoming a law, the Department of Revenue is authorized to prepare the forms and adopt the rules and procedures necessary for the administration of this act.

Section 33. Except as otherwise expressly provided in this act, this act shall take effect March 1, 2002.

Approved by the Governor May 31, 2001.

Filed in Office Secretary of State May 31, 2001.