

House Bill No. 1731

An act relating to the transfer of criminal justice programs; amending ss. 938.01 and 943.25, F.S., relating to the Court Cost Clearing Trust Fund and criminal justice trust funds; preserving certain funding functions scheduled for repeal on July 1, 2001, relating to deposit of certain funds for use by the Department of Law Enforcement rather than the Department of Community Affairs; transferring the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services and providing matching funds for the administration of such program; providing for transfer of funds; providing an effective date.

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

Section 1. Subsection (1) of section 938.01, Florida Statutes, as amended by chapter 2000-171, Laws of Florida, 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 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 ~~and the Department of Community Affairs~~ 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 ~~Bureau of Public Safety Management~~ of the Department of Law Enforcement ~~Community Affairs~~.

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 depos-

ited into the Department of Law Enforcement Operating Trust Fund and shall be disbursed to the ~~Bureau of Public Safety Management~~ of the Department of Law Enforcement Community Affairs.

(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 2. Subsection (1) of section 943.25, Florida Statutes, as amended by chapter 2000-171, Laws of Florida, is amended to read:

943.25 Criminal justice trust funds; source of funds; use of funds.—

(1) The Department of Law Enforcement Community Affairs may approve, for disbursement from the Department of Law Enforcement its Operating Trust Fund, those appropriated sums necessary and required by the state for grant matching, implementing, administering, evaluating, and qualifying for such federal funds. Disbursements from the trust fund for the purpose of supplanting state general revenue funds may not be made without specific legislative appropriation.

Section 3. The Criminal Justice Program shall be transferred from the Department of Community Affairs to the Department of Law Enforcement by a type two transfer, pursuant to s. 20.06(2), Florida Statutes. The Criminal Justice Program so transferred is comprised of the Byrne State and Local Law Enforcement Assistance Program, Local Law Enforcement Block Grants, Drug-Free Communities Program, Residential Substance Abuse Treatment of State Prisoners, the Bulletproof Vest Program, the Guantanamo Bay Refugee and Entrant Assistance Program, the National Criminal History Improvement Program, and the Violent Offender Incarceration and Truth-in-Sentencing Program.

Section 4. (1) The Prevention of Domestic and Sexual Violence Program is transferred from the Department of Community Affairs to the Department of Children and Family Services by a type two transfer, pursuant to s. 20.06(2), Florida Statutes. The Prevention of Domestic and Sexual Violence Program so transferred is comprised of the Governor's Task Force on Domestic and Sexual Violence and the Violence Against Women Program.

(2) From the funds deposited into the Department of Law Enforcement Operating Trust Fund pursuant to s. 938.01(1)(a)1. and 2., Florida Statutes, the Department of Law Enforcement shall transfer funds to the Department of Children and Family Services to be used as matching funds for the administration of the Prevention of Domestic and Sexual Violence Program transferred from the Department of Community Affairs. The amount of the transfer for fiscal year 2001-2002 shall be determined by the Governor's Office of Planning and Budgeting, in consultation with the Department of Community Affairs, the Department of Law Enforcement, and the Department of

Children and Family Services, and shall be based on the historic use of these funds and current needs of the Prevention of Domestic and Sexual Violence Program. In subsequent years, the transfer of funds shall be based on the amount appropriated in the General Appropriations Act.

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor June 7, 2001.

Filed in Office Secretary of State June 7, 2001.