

CHAPTER 2012-125

Senate Bill No. 1968

An act relating to criminal justice; transferring, renumbering, and amending s. 938.25, F.S.; requiring a court to assess a specified fine against a defendant who pleads guilty or nolo contendere to, or who is convicted of, violating certain specified offenses if the services of a criminal analysis laboratory are used in the investigation of the offense; providing for the proceeds of the assessment to be deposited into the Operating Trust Fund of the Department of Law Enforcement and used by the statewide criminal analysis laboratory system; amending ss. 921.187 and 943.361, F.S.; conforming cross-references to changes made by the act; providing an effective date.

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

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

~~938.055~~ ~~938.25~~ Operating Trust Fund of the Department of Law Enforcement.—Notwithstanding any ~~other law provision to the contrary of the laws of this state~~, the court may assess a ~~any~~ defendant who pleads guilty or nolo contendere to, or is convicted of, a violation of any provision of chapters 775-896 ~~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. This amount shall be assessed if the services of a local county-operated crime laboratory enumerated in s. 943.35(1) are used in connection with the investigation or prosecution of a violation of any provision of chapters 775-896. ~~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 2. Paragraph (1) of subsection (1) of section 921.187, Florida Statutes, is amended to read:

921.187 Disposition and sentencing; alternatives; restitution.—

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

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

2. Require the offender who violates any provision of s. 893.13 to pay an additional assessment in an amount of \$100, pursuant to ss. 938.055 ~~938.25~~ and 943.361.

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

943.361 Statewide criminal analysis laboratory system; funding through fine surcharges.—

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

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

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

Approved by the Governor April 20, 2012.

Filed in Office Secretary of State April 20, 2012.