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CHAMBER ACTION

Senate

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House

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1 Senator Crist moved the following **amendment to amendment**
2 **(844108)** :

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4 **Senate Amendment (with title amendment)**

5 Between line(s) 2732 and 2733,
6 insert:

7 Section 65. Section 775.083, Florida Statutes, is amended
8 to read:

9 775.083 Fines.--

10 (1) A person who has been convicted of an offense other
11 than a capital felony may be sentenced to pay a fine in addition
12 to any punishment described in s. 775.082; when specifically
13 authorized by statute, he or she may be sentenced to pay a fine
14 in lieu of any punishment described in s. 775.082. A person who
15 has been convicted of a noncriminal violation may be sentenced to
16 pay a fine. Fines for designated crimes and for noncriminal
17 violations shall not exceed:



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- 18 (a) \$15,000, when the conviction is of a life felony.
- 19 (b) \$10,000, when the conviction is of a felony of the
20 first or second degree.
- 21 (c) \$5,000, when the conviction is of a felony of the third
22 degree.
- 23 (d) \$1,000, when the conviction is of a misdemeanor of the
24 first degree.
- 25 (e) \$500, when the conviction is of a misdemeanor of the
26 second degree or a noncriminal violation.
- 27 (f) Any higher amount equal to double the pecuniary gain
28 derived from the offense by the offender or double the pecuniary
29 loss suffered by the victim.
- 30 (g) Any higher amount specifically authorized by statute.

31
32 Fines imposed in this subsection shall be deposited by the clerk
33 of the court in the fine and forfeiture fund established pursuant
34 to s. 142.01. If a defendant is unable to pay a fine, the court
35 may defer payment of the fine to a date certain.

36 (2) In addition to the fines set forth in subsection (1),
37 court costs shall be assessed and collected in each instance a
38 defendant pleads nolo contendere to, or is convicted of, or
39 adjudicated delinquent for, a felony, a misdemeanor, or a
40 criminal traffic offense under state law, or a violation of any
41 municipal or county ordinance if the violation constitutes a
42 misdemeanor under state law. The court costs imposed by this
43 section shall be \$50 for a felony and \$20 for any other offense
44 and shall be deposited by the clerk of the court into an
45 appropriate county account for disbursement for the purposes
46 provided in this subsection. A county shall account for the funds
47 separately from other county funds as crime prevention funds. The



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48 county, in consultation with the sheriff, must expend such funds
49 for crime prevention programs in the county, including safe
50 neighborhood programs under ss. 163.501-163.523. Any person who
51 commits a criminal traffic offense may not pay a fine in lieu of
52 community service, if community service would otherwise be
53 required in addition to financial restitution. A court may order
54 a defendant to pay a fine in lieu of required community service
55 only if the court finds that the defendant's residence, location,
56 or employment obligations would create an undue hardship for the
57 defendant.

58 (3) The purpose of this section is to provide uniform
59 penalty authorization for criminal offenses and, to this end, a
60 reference to this section constitutes a general reference under
61 the doctrine of incorporation by reference.

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 On line(s) 3045, after the semicolon,
66 insert:

67 amending s. 775.083, F.S.; prohibiting any person who
68 commits a criminal traffic offense from paying a fine in
69 lieu of community service if community service is required
70 in addition to financial restitution; creating an
71 exception if imposing such community service would create
72 an undue hardship for the defendant;