

CHAPTER 142

COUNTY FINE AND FORFEITURE FUND

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142.01 Fine and forfeiture fund contents.—There shall be in every county of this state a separate fund to be known as the fine and forfeiture fund. Said fund shall consist of all fines and forfeitures collected in the county under the penal laws of the state, except those fines imposed under s. 775.0835(1) and assessments imposed under ss. 893.13(8) and 893.16; all costs refunded to the county; all funds arising from the hire or other disposition of convicts; and the proceeds of any special tax that may be levied by the county commissioners for expenses of criminal prosecutions. Said funds shall be paid out only for criminal expenses, fees, and costs, where the crime was committed in the county and the fees and costs are a legal claim against the county, in accordance with the provisions of this chapter. Any surplus funds remaining in the fine and forfeiture fund at the end of a fiscal year may be transferred to the county general fund.

History.—s. 1, ch. 4323, 1895; s. 1, ch. 4672, 1899; GS 961; RGS 1774; CGL 2825; s. 2, ch. 77-452; s. 1, ch. 82-107; s. 6, ch. 88-381; s. 2, ch. 90-111; s. 1, ch. 94-107.

142.02 Levy of a special tax.—The board of county commissioners of every county may levy a special tax, not to exceed 2 mills, upon the real and personal property of the respective counties, to be assessed and collected as other county taxes are assessed and collected, for such costs of criminal prosecutions.

History.—s. 1, ch. 4323, 1895; s. 1, ch. 4672, 1899; GS 962; RGS 1775; CGL 2826.

142.03 Disposition of fines, forfeitures, and civil penalties.—Except as to fines, forfeitures, and civil penalties collected in cases involving violations of municipal ordinances, violations of chapter 316 committed within a municipality, or infractions under the provisions of chapter 318 committed within a municipality, in which cases such fines, forfeitures, and civil penalties shall be fully paid monthly to the appropriate municipality as provided in ss. 34.191, 316.660, and 318.21, and except as to fines imposed under s. 775.0835(1), and assessments imposed under ss. 893.13(8) and 893.16, all fines imposed under the penal laws of this state in all other

cases, and the proceeds of all forfeited bail bonds or recognizances in all other cases, shall be paid into the fine and forfeiture fund of the county in which the indictment was found or the prosecution commenced, and judgment must be entered therefor in favor of the state for the use of the particular county.

History.—s. 2, ch. 4323, 1895; s. 1, ch. 5155, 1903; GS 963; RGS 1776; CGL 2827; s. 20, ch. 73-334; s. 2, ch. 76-31; s. 2, ch. 77-452; s. 7, ch. 88-381; s. 3, ch. 89-297; s. 2, ch. 90-111; s. 2, ch. 94-107.

142.04 Clerk to issue certificate.—The clerk of the circuit court shall issue a certificate under the seal of the court, and keep a stub copy of the same, to each witness appearing on the part of the state, stating therein the name of the case and the amount of compensation to which he or she is entitled, where the same is a claim against the county out of the fine and forfeiture fund.

History.—ss. 1, chs. 4323, 4326, 1895; GS 964; RGS 1777; CGL 2828; s. 844, ch. 95-147.

142.05 Clerk not entitled to fee.—The clerk issuing the certificate shall not be entitled to receive any fee for performing the duty herein imposed. Said clerk shall make out a payroll in duplicate giving the name of each witness summoned for the state before the court, the number of days of attendance, miles traveled and the amount he or she is entitled to. The witness shall sign same in presence of a witness and the clerk shall certify to the correctness of the payroll.

History.—ss. 1, chs. 4323, 4326, 1895; GS 965; RGS 1778; CGL 2829; s. 1, ch. 20416, 1941; s. 845, ch. 95-147.

142.06 Form of payroll.—The form of this payroll shall be prescribed by the county commissioners, and filed in the clerk of the circuit court's office for the information and use of the county commissioners in reviewing the acts of the clerk issuing certificates to witnesses appearing on behalf of the state; and the county commissioners may reject any witness certificate or any portion thereof that they may deem illegal and pay into the fine and forfeiture fund the amount rejected out of any fees or costs going to the clerk issuing the certificate, in case the clerk fails to at once pay the amount.

History.—ss. 1, chs. 4323, 4326, 1895; GS 966; RGS 1779; CGL 2830.

142.07 Payrolls.—When the witness on behalf of the state appears in any case in county courts, the clerks of said courts shall make out payrolls as prescribed in the preceding section. Said payrolls shall be sworn to by said clerks and presented to the clerk of the circuit court, to be filed with the said clerk. If said clerk of the circuit court is satisfied of the correctness and legality of the payroll, he or she shall issue certificates to each witness legally and properly on said payroll for the amount due the witness in the same manner as for witnesses in the circuit court, and such certificates shall constitute the same claim against the county and be receivable for fines and forfeitures or any special tax levied for criminal costs.

History.—s. 5, ch. 4323, 1895; GS 967; RGS 1780; CGL 2831; s. 1, ch. 24306, 1947; s. 20, ch. 73-334; s. 846, ch. 95-147.

142.08 Clerk responsible.—If any portion of said certificates are rejected by the county commissioners,

the clerk of the court where the witness appeared shall be held responsible for the same, and if immediate payment is not made by said clerk, the county commissioners shall deduct the amount rejected from any fees going to said clerk.

History.—s. 5, ch. 4323, 1895; GS 968; RGS 1781; CGL 2832.

142.09 If defendant is not convicted or dies.—If the defendant is not convicted, or the prosecution is abated by the death of the defendant, or if the costs are imposed on the defendant and execution against him or her is returned no property found, or if a nolle prosequere be entered, in each of these cases the fees of witnesses and officers arising from criminal causes shall be paid by the county in the manner specified in ss. 142.10–142.12; provided, that when a committing magistrate holds to bail or commits a person to answer to a criminal charge and an information is not filed or an indictment found against such person, the costs and fees of such committing trial shall not be paid by the county, except the costs of executing the warrants.

History.—ss. 3, 7, ch. 4323, 1895; GS 970; RGS 1782; CGL 2833; s. 847, ch. 95–147.

142.10 Officer to make out accounts as directed.—The officer shall make out his or her account against the county in such form as the county commissioners may require, stating the services for which the fee is charged, the title of the case in which the services were performed, and the facts which, under the provisions of s. 142.09, make the fees a good claim against the county, and present the same to the board of county commissioners with an affidavit that the same is correct.

History.—s. 8, ch. 4323, 1895; s. 2, ch. 4672, 1899; GS 971; RGS 1783; CGL 2834; s. 20, ch. 73–334; s. 848, ch. 95–147.

142.11 Powers and duties of county commissioners.—The county commissioners may reject all or any portion of any account which is not a valid claim against the county, and shall allow and pay the same only when it is just, correct and reasonable, and no constructive mileage or illegal or unnecessary item or charge in any frivolous case shall be allowed.

History.—s. 8, ch. 4323, 1895; s. 2, ch. 4672, 1899; GS 972; RGS 1784; CGL 2835.

142.12 County commissioners to audit; how payable.—The county commissioners shall audit all bills and accounts and order a warrant, signed by the chair and countersigned by the clerk of the circuit court, under the seal of the court, for the amount that they may find to be due, payable out of the fine and forfeiture fund, and a copy of all such warrants shall be kept by the clerk of the circuit court.

History.—s. 8, ch. 4323, 1895; s. 2, ch. 4672, 1899; GS 973; RGS 1785; CGL 2836; s. 849, ch. 95–147.

142.13 Right of officer to test validity.—Whenever any officer shall have presented to the county commis-

sioners any bill or account against any county and such bill or account or any part thereof shall have been rejected by the county commissioners, such officer may test the validity of his or her said charge, bill or account, by suit against the county, and may recover a judgment for the amount or such part thereof as shall be a legal claim for services rendered in the performance of duty, with interest thereon; provided, that no such claim shall be sued on more than 1 year after its final rejection by the county commissioners.

History.—s. 2, ch. 4672, 1899; GS 975; RGS 1786; CGL 2837; s. 850, ch. 95–147.

142.15 Prisoner confined in different county.—Where the prisoner is confined in the jail of a different county from the one in which the crime was committed, then the sheriff's bill for feeding such prisoner shall be presented to the board of county commissioners of the county in which the crime is alleged to have been committed, and paid by such county. If the sheriff should subsequently collect any such fees for feeding a prisoner, he or she shall pay the same to the county depository, to go into the fine and forfeiture fund. The county commissioners shall see that there is always set aside and retained in the fine and forfeiture fund out of the moneys collected from the special tax authorized to be collected for such fund, enough cash to pay for keeping and feeding such prisoners.

History.—s. 9, ch. 4323, 1895; ch. 4527, 1897; GS 977; RGS 1788; CGL 2839; s. 851, ch. 95–147.

142.16 Change of venue.—In case of change of venue in any case, all fines and forfeitures in such case go to the county in which the indictment was found, and the fees of all officers and witnesses are a charge upon the county in which the indictment was found, in like manner as if the trial had not been removed. All costs and fees arising from the coroner's inquest shall be a charge upon the county where the inquest is held, and shall be payable from the general revenue fund of the county.

History.—s. 10, ch. 4323, 1895; GS 978; RGS 1789; CGL 2840.

142.17 Comptroller to prepare blanks.—The Comptroller shall prepare suitable blanks and forms to be used in connection with the auditing of all claims under this chapter, and furnish the clerks of the circuit courts with a printed copy of the same.

History.—s. 1, ch. 4430, 1895; GS 980; RGS 1791; CGL 2842.

142.18 Duty of county commissioners.—The county commissioners of the respective counties shall adopt forms furnished in accordance with s. 142.17, and have printed a sufficient number of said blanks for the use of the officers of their respective counties.

History.—s. 2, ch. 4430, 1895; GS 981; RGS 1792; CGL 2843.