



HB 1137

2003
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CHAMBER ACTION

The Committee on Judiciary recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to court costs; creating s. 938.20, F.S.; providing funding for drug court programs through the assessment of an additional mandatory court cost; providing for the assessment to be imposed by ordinance against persons convicted of a criminal violation, a violation of a municipal or county ordinance, or a traffic violation resulting in payment of a fine or penalty; providing for administration of the funds; providing an effective date.

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

Section 1. Section 938.20, Florida Statutes, is created to read:

938.20 Court costs for drug court programs.--

(1) Notwithstanding s. 318.121, in each county in which a drug court program has been established under s. 397.334, a county may require by ordinance the assessment of a mandatory



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29 | cost in the sum of \$6 which shall be assessed as a court cost by
30 | both the circuit court and the county court in the county
31 | against every person who pleads guilty or nolo contendere to, or
32 | is convicted of, regardless of adjudication, a violation of a
33 | state criminal statute, a municipal ordinance, a county
34 | ordinance, or any violation of chapter 316 which results in a
35 | payment of a fine or civil penalty. Any person whose
36 | adjudication is withheld pursuant to s. 318.14(9) or (10) must
37 | be assessed such cost. The \$6 assessment for court costs shall
38 | be assessed in addition to any fine, civil penalty, or other
39 | court cost and may not be deducted from the proceeds of that
40 | portion of any fine or civil penalty which is received by a
41 | municipality in the county or by the county in accordance with
42 | ss. 316.660 and 318.21. The \$6 assessment shall specifically be
43 | added to any civil penalty paid for a violation of chapter 316,
44 | whether such penalty is paid by mail, paid in person without
45 | request for a hearing, or paid after a hearing and determination
46 | by the court. However, the \$6 assessment must not be made
47 | against a person for a violation of any state statute, county
48 | ordinance, or municipal ordinance relating to the parking of
49 | vehicles, with the exception of a violation of the handicapped
50 | parking laws. The clerk of the circuit court shall collect the
51 | respective \$6 assessment for court costs established in this
52 | subsection and shall monthly remit the same to an account
53 | specifically designated for the operation and administration of
54 | the drug court and which is under the authority of the trial
55 | court administrator for the respective circuit, less 8 percent,



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56 which is to be retained as fee income for the office of the
57 clerk of the circuit court.

58 (2) Assessments collected by the clerk of the court
59 pursuant to this section shall be deposited into an account
60 specifically designated for the operation and administration of
61 the drug court programs within such county, together with other
62 moneys that become available for establishing, operating, and
63 administering drug court programs under state law.

64 (3) Assessments deposited into an account specifically
65 designated for the operation and administration of the drug
66 court programs within such county shall be administered by the
67 trial court administrator for the respective circuit under the
68 direction of the advisory committee appointed by the chief judge
69 in each circuit pursuant to ss. 948.08(7) and 985.306(2).

70 Section 2. This act shall take effect upon becoming a law.