



HB 0053A

2003

1 A bill to be entitled

2 An act relating to drug court costs; creating s. 938.20,
3 F.S.; providing funding for drug court programs through
4 the assessment of an additional mandatory court cost;
5 providing for the assessment to be imposed by ordinance
6 against persons convicted of a criminal violation, a
7 violation of a municipal or county ordinance, or a traffic
8 violation resulting in payment of a fine or penalty;
9 providing for administration of the funds; providing for
10 construction of the act in pari materia with laws enacted
11 during the 2003 Regular Session of the Legislature;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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

18 938.20 Court costs for drug court programs.--

19 (1) Notwithstanding s. 318.121, in each county in which a
20 drug court program has been established under s. 397.334, a
21 county may require by ordinance the assessment of a mandatory
22 cost in the sum of \$6 which shall be assessed as a court cost by
23 both the circuit court and the county court in the county
24 against every person who pleads guilty or nolo contendere to, or
25 is convicted of, regardless of adjudication, a violation of a
26 state criminal statute, a municipal ordinance, a county
27 ordinance, or any violation of chapter 316 which results in a
28 payment of a fine or civil penalty. Any person whose
29 adjudication is withheld pursuant to s. 318.14(9) or (10) shall
30 be assessed such cost. The \$6 assessment for court costs shall



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31 be assessed in addition to any fine, civil penalty, or other
32 court cost and may not be deducted from the proceeds of that
33 portion of any fine or civil penalty which is received by a
34 municipality in the county or by the county in accordance with
35 ss. 316.660 and 318.21. The \$6 assessment shall specifically be
36 added to any civil penalty paid for a violation of chapter 316,
37 whether such penalty is paid by mail, paid in person without
38 request for a hearing, or paid after a hearing and determination
39 by the court. However, the \$6 assessment must not be made
40 against a person for a violation of any state statute, county
41 ordinance, or municipal ordinance relating to the parking of
42 vehicles, with the exception of a violation of the handicapped
43 parking laws. The clerk of the circuit court shall collect the
44 respective \$6 assessment for court costs established in this
45 subsection and shall monthly remit the same to an account
46 specifically designated for the operation and administration of
47 the drug court and which is under the authority of the trial
48 court administrator for the respective circuit, less 8 percent,
49 which is to be retained as fee income for the office of the
50 clerk of the circuit court.

51 (2) Assessments collected by the clerk of the court
52 pursuant to this section shall be deposited into an account
53 specifically designated for the operation and administration of
54 the drug court programs within such county, together with other
55 moneys that become available for establishing, operating, and
56 administering drug court programs under state law.

57 (3) Assessments deposited into an account specifically
58 designated for the operation and administration of the drug
59 court programs within such county shall be administered by the
60 trial court administrator for the respective circuit under the



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61 direction of the advisory committee appointed by the chief judge
62 in each circuit pursuant to ss. 948.08(7) and 985.306(2).

63 Section 2. If any law amended by this act was also amended
64 by a law enacted at the 2003 Regular Session of the Legislature,
65 such laws shall be construed as if they had been enacted at the
66 same session of the Legislature, and full effect shall be given
67 to each if possible.

68 Section 3. This act shall take effect upon becoming a law.