

HB 0133

2004

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 the collection and deposit of the assessment; 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 cost in the sum of \$6 which shall be assessed as a court cost by both the circuit court and the county court in the county against every person who pleads guilty or nolo contendere to, or is convicted of, regardless of adjudication, a violation of a state criminal statute, a municipal ordinance, or a county ordinance, or any violation of chapter 316 which results in a payment of a fine or civil penalty. Any person whose adjudication is withheld pursuant to s. 318.14(9) or (10) must be assessed such cost. The \$6 assessment for court costs shall be assessed in addition to any fine, civil penalty, or other

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31 court costs and may not be deducted from the proceeds of that  
32 portion of any fine or civil penalty which is received by a  
33 municipality in the county or by the county in accordance with  
34 ss. 316.660 and 318.21. The \$6 assessment shall be added to any  
35 civil penalty paid for a violation of chapter 316, whether such  
36 penalty is paid by mail, paid in person without request for a  
37 hearing, or paid after a hearing and determination by the court.  
38 However, the \$6 assessment may not be made against a person for  
39 a violation of any state statute, county ordinance, or municipal  
40 ordinance relating to the parking of vehicles, with the  
41 exception of a violation of the handicapped parking laws.

42 (2) Assessments collected by the clerk of the court  
43 pursuant to this section, less 8 percent, which shall be  
44 retained as fee income for the office of the clerk of the  
45 circuit court, shall be deposited into an account specifically  
46 designated for the operation and administration of the drug  
47 court programs within such county, together with other moneys  
48 that become available for establishing, operating, and  
49 administering drug court programs under state law.

50 (3) Assessments deposited into an account specifically  
51 designated for the operation and administration of the drug  
52 court programs within such county shall be administered by the  
53 trial court administrator for the respective circuit under the  
54 direction of the advisory committee appointed by the chief judge  
55 in each circuit pursuant to ss. 948.08(7) and 985.306(2).

56 Section 2. This act shall take effect July 1, 2004.