

By Senator Lynn

7-65-04

1 A bill to be entitled
2 An act relating to court costs; creating s.
3 938.20, F.S.; providing funding for drug court
4 programs through the assessment of an
5 additional mandatory court cost; providing for
6 the assessment to be imposed by ordinance
7 against persons convicted of a criminal
8 violation, a violation of a municipal or county
9 ordinance, or traffic violation resulting in
10 payment of a fine or penalty; providing for the
11 collection and deposit of the assessment;
12 providing for administration of the funds;
13 providing an effective date.

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

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

19 938.20 Court costs for drug court programs.--
20 (1) Notwithstanding s. 318.121, in each county in
21 which a drug court program has been established under s.
22 397.334, a county may require by ordinance the assessment of a
23 mandatory cost in the sum of \$6 which shall be assessed as a
24 court cost by both the circuit court and the county court in
25 the county against every person who pleads guilty or nolo
26 contendere to, or is convicted of, regardless of adjudication,
27 a violation of a state criminal statute, a municipal
28 ordinance, or a county ordinance, or any violation of chapter
29 316 which results in a payment of a fine or civil penalty.
30 Any person whose adjudication is withheld pursuant to s.
31 318.14(9) or (10) must be assessed such cost. The \$6

1 assessment for court costs shall be assessed in addition to
2 any fine, civil penalty, or other court costs and may not be
3 deducted from the proceeds of that portion of any fine or
4 civil penalty which is received by a municipality in the
5 county or by the county in accordance with ss. 316.660 and
6 318.21. The \$6 assessment shall be added to any civil penalty
7 paid for a violation of chapter 316, whether such penalty is
8 paid by mail, paid in person without request for a hearing, or
9 paid after a hearing and determination by the court. However,
10 the \$6 assessment may not be made against a person for a
11 violation of any state statute, county ordinance, or municipal
12 ordinance relating to the parking of vehicles, with the
13 exception of a violation of the handicapped parking laws.

14 (2) Assessments collected by the clerk of the court
15 pursuant to this section, less 8 percent, which shall be
16 retained as fee income for the office of the clerk of the
17 circuit court, shall be deposited into an account specifically
18 designated for the operation and administration of the drug
19 court programs within such county, together with other moneys
20 that become available for establishing, operating, and
21 administering drug court programs under state law.

22 (3) Assessments deposited into an account specifically
23 designated for the operation and administration of the drug
24 court programs within such county shall be administered by the
25 trial court administrator for the respective circuit under the
26 direction of the advisory committee appointed by the chief
27 judge in each circuit pursuant to ss. 948.08(7) and
28 985.306(2).

29 Section 2. This act shall take effect July 1, 2004.
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SENATE SUMMARY

Provides funding for drug court programs through the assessment of an additional mandatory court cost of \$6 which is imposed by ordinance. Provides for the collection and deposit of the assessment. Provides for use of the assessment in administering the drug court programs.