

A bill to be entitled

An act relating to court costs for drug court programs; creating s. 938.20, F.S.; authorizing counties to provide by ordinance for funding of drug court programs through the assessment of an additional mandatory court cost; providing for the assessment to be imposed against persons convicted of certain violations of drug abuse prevention and control provisions, violations of a municipal or county ordinance, or traffic violations involving alcohol or other substance use or abuse and resulting in payment of a fine or penalty; providing an exception; providing for 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, each county in which a drug court program has been established under s. 397.334 may require by ordinance the assessment of a mandatory cost in the sum of \$6 which shall be assessed 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 chapter 893, a municipal ordinance, a county ordinance, or any provision of chapter 316 involving

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29 the use of alcohol or other substance use or abuse which results  
30 in payment of a fine or civil penalty. Any person whose  
31 adjudication is withheld pursuant to s. 318.14(9) or (10) must  
32 be assessed such cost. The \$6 assessment shall be in addition to  
33 any fine, civil penalty, or other court cost and may not be  
34 deducted from the proceeds of that portion of any fine or civil  
35 penalty which is received by a municipality in the county or by  
36 the county in accordance with ss. 316.660 and 318.21. The \$6  
37 assessment shall specifically be added to any civil penalty paid  
38 for a violation of chapter 316, whether such penalty is paid by  
39 mail, paid in person without request for a hearing, or paid  
40 after a hearing and determination by the court. However, the \$6  
41 assessment may not be made against a person for a violation of  
42 any state statute, county ordinance, or municipal ordinance  
43 relating to the parking of vehicles, with the exception of a  
44 violation of the handicapped parking laws.

45 (2) The clerk of the circuit court shall collect the \$6  
46 assessment established pursuant to subsection (1) and shall  
47 deposit the assessment monthly into an account specifically  
48 designated for the operation and administration of the drug  
49 court program within the county and which is under the authority  
50 of the trial court administrator for the respective circuit,  
51 less 8 percent, which shall be retained as fee income for the  
52 office of the clerk of the circuit court, together with other  
53 moneys that become available for establishing, operating, and  
54 administering drug court programs under state law.

55 (3) Assessments deposited into an account specifically  
56 designated for the operation and administration of the drug

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57 court programs within such county shall be administered by the  
58 trial court administrator for the respective circuit under the  
59 direction of the advisory committee appointed by the chief judge  
60 in each circuit pursuant to ss. 948.08(7) and 985.306(2).

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