

By Senator Posey

24-496-06

1 A bill to be entitled

2 An act relating to court costs for drug court

3 programs; creating s. 938.20, F.S.; authorizing

4 counties to provide by ordinance for funding of

5 drug court programs through the assessment of

6 an additional mandatory court cost; providing

7 for the assessment to be imposed against

8 persons convicted of certain violations of

9 drug-abuse prevention and control provisions,

10 violations of a municipal or county ordinance,

11 or traffic violations involving alcohol or

12 other substance use or abuse and resulting in

13 payment of a fine or penalty; providing an

14 exception; providing for collection and deposit

15 of the assessment; providing for administration

16 of the funds; providing an effective date.

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

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20 Section 1. Section 938.20, Florida Statutes, is

21 created to read:

22 938.20 Court costs for drug court programs.--

23 (1) Notwithstanding s. 318.121, each county in which a

24 drug court program has been established under s. 397.334 may

25 require by ordinance the assessment of a mandatory cost in the

26 sum of \$6 which shall be assessed by both the circuit court

27 and the county court in the county against every person who

28 pleads guilty or nolo contendere to, or is convicted of,

29 regardless of adjudication, a violation of chapter 893, a

30 municipal ordinance, a county ordinance, or any provision of

31 chapter 316 involving the use of alcohol or other substance

1 use or abuse which results in payment of a fine or civil
2 penalty. Any person whose adjudication is withheld pursuant to
3 s. 318.14(9) or (10) must be assessed such cost. The \$6
4 assessment shall be in addition to any fine, civil penalty, or
5 other court cost and may not be deducted from the proceeds of
6 that portion of any fine or civil penalty which is received by
7 a municipality in the county or by the county in accordance
8 with ss. 316.660 and 318.21. The \$6 assessment shall
9 specifically be added to any civil penalty paid for a
10 violation of chapter 316, whether such penalty is paid by
11 mail, paid in person without request for a hearing, or paid
12 after a hearing and determination by the court. However, the
13 \$6 assessment may not be made against a person for a violation
14 of any state statute, county ordinance, or municipal ordinance
15 relating to the parking of vehicles, with the exception of a
16 violation of the handicapped parking laws.

17 (2) The clerk of the circuit court shall collect the
18 \$6 assessment established pursuant to subsection (1) and shall
19 deposit the assessment monthly into an account specifically
20 designated for the operation and administration of the drug
21 court program within the county and which is under the
22 authority of the trial court administrator for the respective
23 circuit, less 8 percent, which shall be retained as fee income
24 for the office of the clerk of the circuit court, together
25 with other moneys that become available for establishing,
26 operating, and administering drug court programs under state
27 law.

28 (3) Assessments deposited into an account specifically
29 designated for the operation and administration of the drug
30 court programs within such county shall be administered by the
31 trial court administrator for the respective circuit under the

1 direction of the advisory committee appointed by the chief
2 judge in each circuit pursuant to ss. 948.08 and 985.306.

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

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7 SENATE SUMMARY

8 Authorizes counties to impose by ordinance a mandatory
9 court fee of \$6 against any person convicted in the
10 county or circuit courts of certain violations involving
11 alcohol or controlled substance use or abuse. Requires
12 that the assessment be used to fund the drug court
13 program within the county.
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