

By the Committee on Judiciary; and Senator Posey

590-1828-06

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 who plead guilty or no contest to, or
 9 are convicted of, certain drug-abuse prevention
 10 and control provisions or certain local
 11 ordinances or uniform traffic control laws
 12 involving alcohol or other substance use or
 13 abuse; providing for collection and deposit of
 14 the assessment; providing for administration of
 15 the funds; providing an effective date.
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 17 Be It Enacted by the Legislature of the State of Florida:
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 19 Section 1. Section 938.20, Florida Statutes, is
 20 created to read:
 21 938.20 Court costs for drug court programs.--
 22 (1) Each county in which a drug court program has been
 23 established under s. 397.334 may require by ordinance the
 24 assessment of a mandatory cost in the sum of \$6 which shall be
 25 assessed by both the circuit court and the county court in the
 26 county against each person who:
 27 (a) Pleads guilty or nolo contendere to, or is
 28 convicted of, regardless of adjudication, a violation of
 29 chapter 893;
 30 (b) Pleads guilty or nolo contendere to, or is
 31 convicted of, regardless of adjudication, a violation of a

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 municipal ordinance or a county ordinance involving the use of
2 alcohol or other substance use or abuse; or

3 (c) Pays a fine or civil penalty for any violation of
4 chapter 316 involving the use of alcohol or other substance
5 use or abuse.

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7 The \$6 assessment shall be in addition to any fine, civil
8 penalty, or other court cost and may not be deducted from the
9 proceeds of that portion of any fine or civil penalty which is
10 received by a municipality in the county or by the county in
11 accordance with ss. 316.660 and 318.21. The \$6 assessment
12 shall specifically be added to any civil penalty paid for a
13 violation of chapter 316, whether such penalty is paid by
14 mail, paid in person without request for a hearing, or paid
15 after a hearing and determination by the court.

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

27 (3) Assessments deposited into an account specifically
28 designated for the operation and administration of the drug
29 court programs within such county shall be administered by the
30 trial court administrator for the respective circuit under the
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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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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 Senate Bill 940

9 -- Deletes provisions providing for the assessment of a
10 mandatory cost of \$6 for those enumerated offenses not
11 involving the use of alcohol or other substance use or
12 abuse.

13 -- Clarifies the conditions under which the violation of
14 certain offenses involving the use of alcohol or other
15 substance use or abuse qualifies for the assessment of a
16 mandatory cost of \$6.
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