

By the Committees on Justice Appropriations; Judiciary; and Senator Posey

604-2276-06

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

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, less 5 percent, which shall  
21 be retained as fee income for the office of the clerk of the  
22 circuit court, together with other moneys that become  
23 available for establishing, operating, and administering drug  
24 court programs under state law.

25 (3) Assessments deposited into an account specifically  
26 designated for the operation and administration of the drug  
27 court programs within such county shall be administered by the  
28 county under the direction of the advisory committee appointed  
29 by the chief judge in each circuit pursuant to ss. 948.08 and  
30 985.306.

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

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4                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
5                                COMMITTEE SUBSTITUTE FOR  
6                                CS for Senate Bill 940

7 The bill provides that the county will administer the funding  
8 generated by the assessment authorized by the bill for drug  
9 court programs.

10 The bill sets the administrative fee for the clerk of courts  
11 to assess and collect the assessment at five percent.

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