

By Senator Posey

24-1270A-07

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 a provision of chapter 316 involving the use of
14 alcohol or other substance use or abuse, whether such penalty
15 is paid by mail, paid in person without request for a hearing,
16 or paid after a hearing and determination by the court.

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

26 (3) Assessments deposited into an account specifically
27 designated for operating and administering the drug court
28 programs within the county shall be administered by the county
29 under the direction of the advisory committee appointed by the
30 chief judge in each circuit pursuant to ss. 948.08 and
31 985.306.

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

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5 SENATE SUMMARY

6 Authorizes counties to provide by ordinance for funding
7 of drug court programs through the assessment of an
8 additional mandatory court cost. Provides for the
9 assessment to be imposed against persons who plead guilty
10 or no contest to, or are convicted of, violations of
11 certain drug-abuse prevention and control provisions or
12 certain local ordinances or uniform traffic control laws
13 involving alcohol or other substance use or abuse.
14 Provides for collection and deposit of the assessment.
15 Provides for administration of the funds.
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