

By Senator Posey

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1 A bill to be entitled

2 An act relating to court costs for drug court programs;  
3 creating s. 938.20, F.S.; authorizing counties to provide  
4 by ordinance for funding drug court programs through the  
5 assessment of an additional mandatory court cost;  
6 providing for the assessment to be imposed against persons  
7 who plead guilty or no contest to, or who are convicted  
8 of, certain drug-abuse prevention and control provisions  
9 or certain local ordinances or uniform traffic control  
10 laws involving alcohol or other substance use or abuse;  
11 providing for collection and deposit of the assessment;  
12 providing for administration of the funds; providing an  
13 effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 938.20, Florida Statutes, is created to  
18 read:

19 938.20 Court costs for drug court programs.--

20 (1) Each county in which a drug court program has been  
21 established under s. 397.334 may require by ordinance the  
22 assessment of a mandatory cost in the sum of \$6 which shall be  
23 assessed by both the circuit court and the county court in the  
24 county against each person who:

25 (a) Pleads guilty or nolo contendere to, or is convicted  
26 of, regardless of adjudication, a violation of chapter 893;

27 (b) Pleads guilty or nolo contendere to, or is convicted  
28 of, regardless of adjudication, a violation of a municipal  
29 ordinance or a county ordinance involving the use of alcohol or

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30 other substance use or abuse; or

31 (c) Pays a fine or civil penalty for any violation of  
32 chapter 316 involving the use of alcohol or other substance use  
33 or abuse.

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35 The \$6 assessment shall be in addition to any fine, civil  
36 penalty, or other court cost and may not be deducted from the  
37 proceeds of that portion of any fine or civil penalty which is  
38 received by a municipality in the county or by the county in  
39 accordance with ss. 316.660 and 318.21. The \$6 assessment shall  
40 specifically be added to any civil penalty paid for a violation  
41 of a provision of chapter 316 involving the use of alcohol or  
42 other substance use or abuse, whether such penalty is paid by  
43 mail, paid in person without request for a hearing, or paid after  
44 a hearing and determination by the court.

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

53 (3) Assessments deposited into an account specifically  
54 designated for operating and administering the drug court  
55 programs within the county shall be administered by the county  
56 under the direction of the advisory committee appointed by the  
57 chief judge in each circuit pursuant to ss. 948.08 and 985.306.

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