By the Committee on Judiciary; and Senators Lynn and Fasano

308-2469-03

1   A bill to be entitled

2   An act relating to court costs; creating s.

3   938.20, F.S.; providing funding for drug court

4   programs through the assessment of an

5   additional mandatory court cost; providing for

6   the assessment to be imposed by ordinance

7   against persons convicted of a criminal

8   violation, a violation of a municipal or county

9   ordinance, or traffic violation resulting in

10   payment of a fine or penalty; providing for the

11   collection and deposit of the assessment;

12   providing for administration of the funds;

13   providing an effective date.

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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

18   created to read:

19   938.20 Court costs for drug court programs.--

20   (1) Notwithstanding s. 318.121, in each county in

21   which a drug court program has been established under s.

22   397.334, a county may require by ordinance the assessment of a

23   mandatory cost in the sum of $6 which shall be assessed as a

24   court cost by both the circuit court and the county court in

25   the county against every person who pleads guilty or nolo

26   contendere to, or is convicted of, regardless of adjudication,

27   a violation of a state criminal statute, a municipal

28   ordinance, county ordinance, or any violation of chapter 316

29   which results in a payment of a fine or civil penalty. Any

30   person whose adjudication is withheld pursuant to s. 318.14(9)

31   or (10) must be assessed such cost. The $6 assessment for

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 1 court costs shall be assessed in addition to any fine, civil

 2 penalty, or other court costs and may not be deducted from the

 3 proceeds of that portion of any fine or civil penalty which is

 4 received by a municipality in the county or by the county in

 5 accordance with ss. 316.660 and 318.21. The $6 assessment

 6 shall specifically be added to any civil penalty paid for a

 7 violation of chapter 316, whether such penalty is paid by

 8 mail, paid in person without request for a hearing, or paid

 9 after a hearing and determination by the court. However, the

10 $6 assessment must not be made against a person for a

11 violation of any state statute, county ordinance, or municipal

12 ordinance relating to the parking of vehicles, with the

13 exception of a violation of the handicapped parking laws. The

14 clerk of the circuit court shall collect the respective $6

15 assessment for court costs established in this subsection and

16 shall monthly remit the same to an account specifically

17 designated for the operation and administration of the drug

18 court and which is under the authority of the trail court

19 administrator for the respective circuit, less 8 percent,

20 which is to be retained as fee income for the office of the

21 clerk of the circuit court.

22   (2) Assessments collected by the clerk of the court

23 pursuant to this section shall be deposited into an account

24 specifically designated for the operation and administration

25 of the drug court programs within such county, together with

26 other moneys as become available for establishing, operating,

27 and administering drug court programs under state 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

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1 direction of the advisory committee appointed by the chief

2 judge in each circuit pursuant to ss. 948.08(7) and

3 985.306(2).

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

5 law.

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7   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
                  COMMITTEE SUBSTITUTE FOR
8   Senate Bill 1186

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10 Specifies who operates, administers and dispenses the $6
   assessments deposited into the specifically designated account
11 for drug court programs.

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