

ORDINANCE 2004 - 56

AN ORDINANCE RELATING TO COURT COSTS IMPOSED FOR CONVICTIONS INVOLVING DRUGS OR ALCOHOL; PROVIDING FOR DEPOSIT OF COSTS COLLECTED TO THE NASSAU COUNTY ALCOHOL AND DRUG ABUSE TRUST FUND FOR ALLOCATION TO LOCAL ALCOHOL AND OTHER DRUG ABUSE TREATMENT AND EDUCATION PROGRAMS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 1993 the Board of County Commissioners of Nassau County established the Nassau County Alcohol and Drug Abuse Trust Fund;

WHEREAS, the Florida Statutes have been amended to allow for certain mandatory and discretionary court costs imposed for convictions involving drugs and alcohol in the County to be deposited to the Nassau County Alcohol and Drug Abuse Trust Fund for allocation to local substance abuse programs.

NOW, THEREFORE, BE IT ORDAINED this 22nd day of November, 2004, by the Board of County Commissioners of Nassau County, Florida, as follows:

Section I: Convictions involving drugs and alcohol

(a) Pursuant to Florida Statute Section 938.13, or its successor, when any person is found guilty of any misdemeanor in the county, under the laws of this state, in which the unlawful use of drugs or alcohol is involved, there shall be imposed an additional cost in the case, in addition to any other cost required to be imposed by law, in the sum of \$15.00.

(b) The Clerk of the Court shall collect the \$15.00 in each such drug or alcohol related case and forward \$14.00 thereof to the County to be deposited to the credit of the Nassau County Alcohol and Drug Abuse Trust Fund for allocation to local substance programs under Florida Statute Section 893.165. The Clerk shall retain the remaining \$1.00 of each \$15.00 collected as a service charge of the clerk's office.

(c) Pursuant to Nassau County Resolution 93-150 and Florida Statutes Sections 938.21 and 938.23, the courts may assess for alcohol and other drug abuse programs any defendant who pleads guilty or nolo contendere to, or is convicted of, a violation of any provision of Florida Statute Chapter 893 or which involves a criminal violation of Florida Statute Sections 316.193, 856.011 and 856.015, or Chapter 562, Chapter 567, or Chapter 568, in addition to any fine and other penalty provided by law, a court cost in an amount up to the amount of the fine authorized for the violation. The courts are authorized to order a defendant to pay an additional assessment if it finds that the defendant has the ability to pay the fine and the additional assessment and will not be prevented thereby from being rehabilitated or from making restitution.

(d) All assessments under subparagraph (c) shall be collected by the Clerk of the Court and remitted to the

County for deposit into the Nassau County Alcohol and Drug  
abuse Trust Fund.

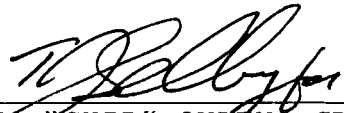
Section II: Effective Date

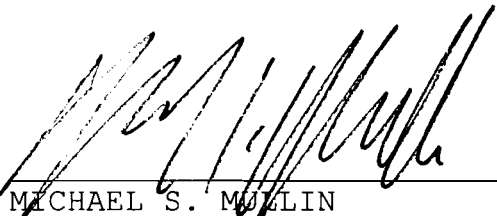
This ordinance shall become effective upon being filed  
in the office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

  
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FLOYD L. VANZANT  
Its: Chairman

ATTEST:

  
\_\_\_\_\_  
J.M. "CHIP" OXLEY, JR.  
Its: Ex-Officio Clerk  
Approved as to form by the  
Nassau County Attorney

  
\_\_\_\_\_  
MICHAEL S. MULLIN

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