Florida Senate - 2005

 $\mathbf{B}\mathbf{y}$ the Committee on Justice Appropriations; and Senators Bennett and Bullard

604-2333-05

1	A bill to be entitled
2	An act relating to teen courts; amending s.
3	938.19, F.S.; authorizing a board of county
4	commissioners to adopt an ordinance that
5	incorporates the provisions of the act;
6	providing funding for a teen court through the
7	assessment of an additional court cost against
8	each person who pleads guilty or nolo
9	contendere to, or is convicted of, a violation
10	of a criminal law, an ordinance, or a traffic
11	offense in the county; providing for
12	administration by the clerk of the circuit
13	court; authorizing the clerk of the court to
14	retain a specified percentage of the
15	assessments collected as income to the clerk of
16	the court; requiring the teen court to account
17	for all funds deposited into the teen court
18	account; requiring an annual report to the
19	board of county commissioners by a specified
20	date; authorizing specified organizations to
21	operate and administer a teen court program;
22	prohibiting teen courts in counties adopting an
23	ordinance from recovering court costs under s.
24	939.185, F.S.; amending s. 939.185, F.S.;
25	providing an exception for teen court funding;
26	providing an effective date.
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28	Be It Enacted by the Legislature of the State of Florida:
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30	Section 1. Section 938.19, Florida Statutes, is
31	amended to read:
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1	938.19 Teen courts
2	(1) Notwithstanding s. 318.121, in each county in
3	which a teen court has been created, the board of county
4	commissioners may adopt a mandatory cost to be assessed in
5	specific cases by incorporating by reference the provisions of
6	this section in a county ordinance. Assessments collected by
7	the clerk of the circuit court under this subsection shall be
8	deposited into an account specifically for the operation and
9	administration of the teen court.
10	(2) A sum of up to \$3 shall be assessed as a court
11	cost in the circuit and county court in the county against
12	each person who pleads quilty or nolo contendere to, or is
13	convicted of, regardless of adjudication, a violation of a
14	criminal law or a municipal ordinance or county ordinance or
15	who pays a fine or civil penalty for any violation of chapter
16	316. Any person whose adjudication is withheld under s.
17	318.14(9) or (10) shall also be assessed the cost.
18	(3) The assessment for court costs shall be assessed
19	in addition to any fine or civil penalty or other court cost
20	and may not be deducted from the proceeds of that portion of
21	any fine or civil penalty which is received by a municipality
22	in the county or by the county in accordance with ss. 316.660
23	and 318.21. The assessment shall be specifically added to any
24	civil penalty paid for a violation of chapter 316, regardless
25	of whether the penalty is paid by mail, paid in person without
26	request for a hearing, or paid after hearing and determination
27	by the court. However, the assessment may not be made against
28	a person for a violation of any state law, county ordinance,
29	or municipal ordinance relating to the parking of vehicles,
30	with the exception of a violation of the handicapped parking
31	laws.

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1	(4)(a) The clerk of the circuit court shall collect
2	the assessments for court costs established in this section
3	and shall remit the assessments to the teen court monthly.
4	(b) The clerk of the circuit court shall withhold 5
5	percent of the assessments collected, which shall be retained
6	as fee income of the office of the clerk of the circuit court.
7	(5) A teen court that receives the cost assessments
8	established by the adopted county ordinance must account for
9	all funds that have been deposited into the designated account
10	in a written report to the board of county commissioners. The
11	report must be given to the commissioners by August 1 of each
12	year or by a date required by the commissioners.
13	(6) A teen court may be administered by a nonprofit
14	organization, a law enforcement agency, the court
15	administrator, the clerk of the court, or another similar
16	agency authorized by the board of county commissioners.
17	(7) A teen court administered in a county that adopts
18	an ordinance to assess court costs under this section may not
19	receive court costs collected under s. 939.185. Counties are
20	hereby authorized to fund teen courts.
21	Section 2. Paragraph (a) of subsection (1) of section
22	939.185, Florida Statutes, is amended to read:
23	939.185 Assessment of additional court costs
24	(1)(a) The board of county commissioners may adopt by
25	ordinance an additional court cost, not to exceed \$65, to be
26	imposed by the court when a person pleads guilty or nolo
27	contendere to, or is found guilty of, any felony, misdemeanor,
28	or criminal traffic offense under the laws of this state. Such
29	additional assessment shall be accounted for separately by the
30	county in which the offense occurred and be used only in the
31	county imposing this cost, to be allocated as follows:
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1 1. Twenty-five percent of the amount collected shall 2 be allocated to fund innovations to supplement state funding for the elements of the state courts system identified in s. 3 29.004 and county funding for local requirements under s. 4 29.008(2)(a)2. 5 6 2. Twenty-five percent of the amount collected shall 7 be allocated to assist counties in providing legal aid 8 programs required under s. 29.008(3)(a). 3. Twenty-five percent of the amount collected shall 9 be allocated to fund personnel and legal materials for the 10 public as part of a law library. 11 12 4. Twenty-five percent of the amount collected shall 13 be used as determined by the board of county commissioners to 14 support teen court programs, except as provided in s. <u>938.19(7)</u>, juvenile assessment centers, and other juvenile 15 16 alternative programs. 17 Each county receiving funds under this section shall report 18 the amount of funds collected pursuant to this section and an 19 itemized list of expenditures for all authorized programs and 20 21 activities. The report shall be submitted in a format 22 developed by the Supreme Court to the Governor, the Chief 23 Financial Officer, the President of the Senate, and the Speaker of the House of Representatives on a quarterly basis 2.4 beginning with the quarter ending September 30, 2004. 25 26 Quarterly reports shall be submitted no later than 30 days 27 after the end of the quarter. Any unspent funds at the close 2.8 of the county fiscal year allocated under subparagraphs 2., 3., and 4., shall be transferred for use pursuant to 29 30 subparagraph 1. Section 3. This act shall take effect July 1, 2005. 31

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CS for SB 1702

1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2	COMMITTEE SUBSTITUTE FOR <u>Senate Bill 1702</u>
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4	The committee substitute prohibits a teen court receiving funding under the existing authority to impose court costs in
5	section 939.185, F.S., from receiving funding under the new authority established in section 938.19, F.S.
6	authority established in section 550.15, F.S.
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