

Bill No. CS for CS for SB 2542

Barcode 823556

CHAMBER ACTION

Senate

House

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Senator Bennett moved the following amendment:

Senate Amendment (with title amendment)

On page 89, between lines 26 and 27,

insert:

Section 52. Section 938.19, Florida Statutes, is amended to read:

938.19 Teen courts.--

(1) Notwithstanding s. 318.121, in each county in which a teen court has been created, the board of county commissioners may adopt a mandatory cost to be assessed in specific cases by incorporating by reference the provisions of this section in a county ordinance. Assessments collected by the clerk of the circuit court under this subsection shall be deposited into an account specifically for the operation and administration of the teen court.

(2) A sum of up to \$3 shall be assessed as a court cost in the circuit and county court in the county against each person who pleads guilty or nolo contendere to, or is convicted of, regardless of adjudication, a violation of a

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1 criminal law or a municipal ordinance or county ordinance or
 2 who pays a fine or civil penalty for any violation of chapter
 3 316. Any person whose adjudication is withheld under s.
 4 318.14(9) or (10) shall also be assessed the cost.

5 (3) The assessment for court costs shall be assessed
 6 in addition to any fine or civil penalty or other court cost
 7 and may not be deducted from the proceeds of that portion of
 8 any fine or civil penalty which is received by a municipality
 9 in the county or by the county in accordance with ss. 316.660
 10 and 318.21. The assessment shall be specifically added to any
 11 civil penalty paid for a violation of chapter 316, regardless
 12 of whether the penalty is paid by mail, paid in person without
 13 request for a hearing, or paid after hearing and determination
 14 by the court. However, the assessment may not be made against
 15 a person for a violation of any state law, county ordinance,
 16 or municipal ordinance relating to the parking of vehicles,
 17 with the exception of a violation of the handicapped parking
 18 laws.

19 (4)(a) The clerk of the circuit court shall collect
 20 the assessments for court costs established in this section
 21 and shall remit the assessments to the teen court monthly.

22 (b) The clerk of the circuit court shall withhold 5
 23 percent of the assessments collected, which shall be retained
 24 as fee income of the office of the clerk of the circuit court.

25 (5) A teen court that receives the cost assessments
 26 established by the adopted county ordinance must account for
 27 all funds that have been deposited into the designated account
 28 in a written report to the board of county commissioners. The
 29 report must be given to the commissioners by August 1 of each
 30 year or by a date required by the commissioners.

31 (6) A teen court may be administered by a nonprofit

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1 organization, a law enforcement agency, the court
2 administrator, the clerk of the court, or another similar
3 agency authorized by the board of county commissioners.

4 (7) A teen court administered in a county that adopts
5 an ordinance to assess court costs under this section may not
6 receive court costs collected under s. 939.185(1)(a)4.

7 ~~Counties are hereby authorized to fund teen courts.~~

8 Section 53. Paragraph (a) of subsection (1) of section
9 939.185, Florida Statutes, is amended to read:

10 939.185 Assessment of additional court costs.--

11 (1)(a) The board of county commissioners may adopt by
12 ordinance an additional court cost, not to exceed \$65, to be
13 imposed by the court when a person pleads guilty or nolo
14 contendere to, or is found guilty of, any felony, misdemeanor,
15 or criminal traffic offense under the laws of this state. Such
16 additional assessment shall be accounted for separately by the
17 county in which the offense occurred and be used only in the
18 county imposing this cost, to be allocated as follows:

19 1. Twenty-five percent of the amount collected shall
20 be allocated to fund innovations to supplement state funding
21 for the elements of the state courts system identified in s.
22 29.004 and county funding for local requirements under s.
23 29.008(2)(a)2.

24 2. Twenty-five percent of the amount collected shall
25 be allocated to assist counties in providing legal aid
26 programs required under s. 29.008(3)(a).

27 3. Twenty-five percent of the amount collected shall
28 be allocated to fund personnel and legal materials for the
29 public as part of a law library.

30 4. Twenty-five percent of the amount collected shall
31 be used as determined by the board of county commissioners to

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1 support teen court programs, except as provided in s.
2 938.19(7), juvenile assessment centers, and other juvenile
3 alternative programs.

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5 Each county receiving funds under this section shall report
6 the amount of funds collected pursuant to this section and an
7 itemized list of expenditures for all authorized programs and
8 activities. The report shall be submitted in a format
9 developed by the Supreme Court to the Governor, the Chief
10 Financial Officer, the President of the Senate, and the
11 Speaker of the House of Representatives on a quarterly basis
12 beginning with the quarter ending September 30, 2004.
13 Quarterly reports shall be submitted no later than 30 days
14 after the end of the quarter. Any unspent funds at the close
15 of the county fiscal year allocated under subparagraphs 2.,
16 3., and 4., shall be transferred for use pursuant to
17 subparagraph 1.

18
19 (Redesignate subsequent sections.)

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22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 On page 9, line 30, after the semicolon,

25
26 insert:

27 amending s. 938.19, F.S.; authorizing a board
28 of county commissioners to adopt an ordinance
29 that incorporates the provisions of the act;
30 providing funding for a teen court through the
31 assessment of an additional court cost against

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1 each person who pleads guilty or nolo
2 contendere to, or is convicted of, a violation
3 of a criminal law, an ordinance, or a traffic
4 offense in the county; providing for
5 administration by the clerk of the circuit
6 court; authorizing the clerk of the court to
7 retain a specified percentage of the
8 assessments collected as income to the clerk of
9 the court; requiring the teen court to account
10 for all funds deposited into the teen court
11 account; requiring an annual report to the
12 board of county commissioners by a specified
13 date; authorizing specified organizations to
14 operate and administer a teen court program;
15 prohibiting teen courts in counties adopting an
16 ordinance from recovering court costs under s.
17 939.185, F.S.; amending s. 939.185, F.S.;
18 providing an exception for teen court funding;

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