

By Senator Bennett

21-208A-04

1 A bill to be entitled
 2 An act relating to county delinquency
 3 prevention; amending s. 938.17, F.S.;
 4 authorizing a board of county commissioners to
 5 adopt an ordinance that incorporates the
 6 provisions of the act; providing funding for a
 7 teen court through the assessment of an
 8 additional court cost against each person who
 9 pleads guilty or nolo contendere to, or is
 10 convicted of, a violation of a criminal law, an
 11 ordinance, or a traffic offense in the county;
 12 providing for administration by the clerk of
 13 the circuit court; authorizing the clerk of the
 14 court to 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 a report to the board of
 19 county commissioners by a specified date;
 20 authorizing specified organizations to operate
 21 and administer a teen court program; providing
 22 an effective date.

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 24 Be It Enacted by the Legislature of the State of Florida:
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26 Section 1. Section 938.17, Florida Statutes, is
 27 amended to read:

28 938.17 County delinquency prevention.--
 29 (1) JUVENILE ASSESSMENT CENTERS AND SCHOOL BOARD
 30 SUSPENSION PROGRAMS.--
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1 (a)~~(1)~~ A county may adopt a mandatory cost to be
2 assessed in specific cases by incorporating by reference the
3 provisions of this subsection ~~section~~ in a county ordinance.
4 Prior to the adoption of the county ordinance, the sheriff's
5 office of the county must be a partner in a written agreement
6 with the Department of Juvenile Justice to participate in a
7 juvenile assessment center or with the district school board
8 to participate in a suspension program.

9 (b)~~(2)~~ In counties in which the sheriff's office is a
10 partner in a juvenile assessment center under ~~pursuant to~~ s.
11 985.209, or a partner in a suspension program developed in
12 conjunction with the district school board in the county of
13 the sheriff's jurisdiction, the court shall assess court costs
14 of \$3 per case, in addition to any other authorized cost or
15 fine, on every person who, with respect to a charge,
16 indictment, prosecution commenced, or petition of delinquency
17 filed in that county or circuit, pleads guilty, nolo
18 contendere to, or is convicted of, or adjudicated delinquent
19 for, or has an adjudication withheld for, a felony or
20 misdemeanor, or a criminal traffic offense or handicapped
21 parking violation under state law, or a violation of any
22 municipal or county ordinance, if the violation constitutes a
23 misdemeanor under state law.

24 (c)1.~~(3)~~~~(a)~~ The clerks of the county and circuit
25 court, in a county where the sheriff's office is a partner in
26 an assessment center or suspension program as specified in
27 paragraph (a)~~subsection (1)~~, shall collect and deposit the
28 assessments collected under ~~pursuant to~~ this subsection
29 ~~section~~ in an appropriate, designated account established by
30 the clerk of the court, for disbursement to the sheriff as
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1 needed for the implementation and operation of an assessment
2 center or suspension program.

3 2.(b) The clerk of the circuit and county court shall
4 withhold 5 percent of the assessments each court collects
5 under pursuant to this subsection section, for the costs of
6 administering the collection of assessments ~~under this~~
7 ~~section~~.

8 3.(c) Assessments collected by clerks of the circuit
9 courts comprised of more than one county shall remit the funds
10 collected under pursuant to this subsection section to the
11 county in which the offense at issue was committed for deposit
12 and disbursement according to this subsection section.

13 4.(d) Any other funds the sheriff's office obtains for
14 the implementation or operation of an assessment center or
15 suspension program may be deposited into the designated
16 account for disbursement to the sheriff as needed.

17 (d)(4) A sheriff's office that receives the cost
18 assessments established in paragraph (a) subsection (1) shall
19 account for all funds that have been deposited into the
20 designated account by August 1 annually in a written report to
21 the juvenile justice county council if funds are used for
22 assessment centers, and to the district school board if funds
23 are used for suspension programs.

24 (2) TEEN COURTS; OPERATION AND ADMINISTRATION.--

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

3 (b) A sum of \$3 shall be assessed as a court cost in
4 the circuit and county court in the county against each person
5 who pleads guilty or nolo contendere to, or is convicted of,
6 regardless of adjudication, a violation of a criminal law or a
7 municipal ordinance or county ordinance or who pays a fine or
8 civil penalty for any violation of chapter 316. Any person
9 whose adjudication is withheld under s. 318.14(9) or (10)
10 shall also be assessed the cost.

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

25 (d)1. The clerk of the circuit court shall collect the
26 \$3 assessments for court costs established in this subsection
27 and shall remit the assessments to the teen court monthly.

28 2. The clerk of the circuit court shall withhold 5
29 percent of the assessments collected, which shall be retained
30 as fee income of the office of the clerk of the circuit court.

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