

HB 0459

2004

A bill to be entitled

An act relating to county delinquency prevention; amending s. 938.17, F.S.; authorizing a board of county commissioners to adopt an ordinance that incorporates the provisions of the act; providing funding for a teen court through the assessment of an additional court cost against each person who pleads guilty or nolo contendere to, or is convicted of, a violation of a criminal law, an ordinance, or a traffic offense in the county; providing for administration by the clerk of the circuit court; authorizing the clerk of the court to retain a specified percentage of the assessments collected as income to the clerk of the court; requiring the teen court to account for all funds deposited into the teen court account; requiring a report to the board of county commissioners by a specified date; authorizing specified organizations to operate and administer a teen court program; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 938.17, Florida Statutes, is amended to read:

938.17 County delinquency prevention.--

(1) JUVENILE ASSESSMENT CENTERS AND SCHOOL BOARD
SUSPENSION PROGRAMS.--

(a)~~(1)~~ A county may adopt a mandatory cost to be assessed in specific cases by incorporating by reference the provisions of this subsection ~~section~~ in a county ordinance. Prior to the

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30 adoption of the county ordinance, the sheriff's office of the
 31 county must be a partner in a written agreement with the
 32 Department of Juvenile Justice to participate in a juvenile
 33 assessment center or with the district school board to
 34 participate in a suspension program.

35 (b)(2) In counties in which the sheriff's office is a
 36 partner in a juvenile assessment center under ~~pursuant to~~ s.
 37 985.209, or a partner in a suspension program developed in
 38 conjunction with the district school board in the county of the
 39 sheriff's jurisdiction, the court shall assess court costs of \$3
 40 per case, in addition to any other authorized cost or fine, on
 41 every person who, with respect to a charge, indictment,
 42 prosecution commenced, or petition of delinquency filed in that
 43 county or circuit, pleads guilty, nolo contendere to, or is
 44 convicted of, or adjudicated delinquent for, or has an
 45 adjudication withheld for, a felony or misdemeanor, or a
 46 criminal traffic offense or handicapped parking violation under
 47 state law, or a violation of any municipal or county ordinance,
 48 if the violation constitutes a misdemeanor under state law.

49 (c)1.(3)(a) The clerks of the county and circuit court, in
 50 a county where the sheriff's office is a partner in an
 51 assessment center or suspension program as specified in
 52 paragraph (a) ~~subsection (1)~~, shall collect and deposit the
 53 assessments collected under ~~pursuant to~~ this subsection ~~section~~
 54 in an appropriate, designated account established by the clerk
 55 of the court, for disbursement to the sheriff as needed for the
 56 implementation and operation of an assessment center or
 57 suspension program.

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

62 3.~~(e)~~ Assessments collected by clerks of the circuit
 63 courts comprised of more than one county shall remit the funds
 64 collected under ~~pursuant to this subsection section~~ to the
 65 county in which the offense at issue was committed for deposit
 66 and disbursement according to this subsection section.

67 4.~~(d)~~ Any other funds the sheriff's office obtains for the
 68 implementation or operation of an assessment center or
 69 suspension program may be deposited into the designated account
 70 for disbursement to the sheriff as needed.

71 (d)~~(4)~~ A sheriff's office that receives the cost
 72 assessments established in paragraph (a) ~~subsection (1)~~ shall
 73 account for all funds that have been deposited into the
 74 designated account by August 1 annually in a written report to
 75 the juvenile justice county council if funds are used for
 76 assessment centers, and to the district school board if funds
 77 are used for suspension programs.

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

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

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

95 (c) The \$3 assessment for court costs shall be assessed in
96 addition to any fine or civil penalty or other court cost and
97 may not be deducted from the proceeds of that portion of any
98 fine or civil penalty which is received by a municipality in the
99 county or by the county in accordance with ss. 316.660 and
100 318.21. The \$3 assessment shall be specifically added to any
101 civil penalty paid for a violation of chapter 316, regardless of
102 whether the penalty is paid by mail, paid in person without
103 request for a hearing, or paid after hearing and determination
104 by the court. However, the \$3 assessment may not be made against
105 a person for a violation of any state law, county ordinance, or
106 municipal ordinance relating to the parking of vehicles, with
107 the exception of a violation of the handicapped parking laws.

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

111 2. The clerk of the circuit court shall withhold 5 percent
112 of the assessments collected, which shall be retained as fee
113 income of the office of the clerk of the circuit court.

114 (e) A teen court that receives the cost assessments
115 established by the adopted county ordinance must account for all

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116 funds that have been deposited into the designated account in a
117 written report to the board of county commissioners. The report
118 must be given to the commissioners by August 1 of each year or
119 by a date required by the commissioners.

120 (f) A teen court may be administered by a nonprofit
121 organization, a law enforcement agency, the court administrator,
122 the clerk of the court, or another similar agency authorized by
123 the board of county commissioners.

124 Section 2. This act shall take effect July 1, 2004.