

CHAMBER ACTION

1 The Committee on Judiciary recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to county delinquency prevention; amending
7 s. 938.17, F.S.; authorizing a board of county
8 commissioners to adopt an ordinance that incorporates the
9 provisions of the act; providing funding for a teen court
10 through the assessment of an additional court cost against
11 each person who pleads guilty or nolo contendere to, or is
12 convicted of, a violation of a criminal law, an ordinance,
13 or a traffic offense in the county; specifying the maximum
14 amount of such assessment; providing for administration by
15 the clerk of the circuit court; authorizing the clerk of
16 the court to retain a specified percentage of the
17 assessments collected as income to the clerk of the court;
18 requiring the teen court to account for all funds
19 deposited into the teen court account; requiring a report
20 to the board of county commissioners by a specified date;
21 authorizing specified organizations to operate and
22 administer a teen court program; providing an effective
23 date.

HB 459

2004
CS

24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

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

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

HB 459

2004
CS

52 state law, or a violation of any municipal or county ordinance,
53 if the violation constitutes a misdemeanor under state law.

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

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

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

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

76 (d)~~(4)~~ A sheriff's office that receives the cost
77 assessments established in paragraph (a) subsection (1) shall
78 account for all funds that have been deposited into the
79 designated account by August 1 annually in a written report to

80 the juvenile justice county council if funds are used for
81 assessment centers, and to the district school board if funds
82 are used for suspension programs.

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

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

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

100 (c) The assessment for court costs shall be assessed in
101 addition to any fine or civil penalty or other court cost and
102 may not be deducted from the proceeds of that portion of any
103 fine or civil penalty which is received by a municipality in the
104 county or by the county in accordance with ss. 316.660 and
105 318.21. The assessment shall be specifically added to any civil
106 penalty paid for a violation of chapter 316, regardless of
107 whether the penalty is paid by mail, paid in person without

HB 459

2004
CS

108 request for a hearing, or paid after hearing and determination
109 by the court. However, the assessment may not be made against a
110 person for a violation of any state law, county ordinance, or
111 municipal ordinance relating to the parking of vehicles, with
112 the exception of a violation of the handicapped parking laws.

113 (d)1. The clerk of the circuit court shall collect the
114 assessments for court costs established in this subsection and
115 shall remit the assessments to the teen court monthly.

116 2. The clerk of the circuit court shall withhold 5 percent
117 of the assessments collected, which shall be retained as fee
118 income of the office of the clerk of the circuit court.

119 (e) A teen court that receives the cost assessments
120 established by the adopted county ordinance must account for all
121 funds that have been deposited into the designated account in a
122 written report to the board of county commissioners. The report
123 must be given to the commissioners by August 1 of each year or
124 by a date required by the commissioners.

125 (f) A teen court may be administered by a nonprofit
126 organization, a law enforcement agency, the court administrator,
127 the clerk of the court, or another similar agency by agreement
128 with the board of county commissioners.

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