

HB 1511

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CHAMBER ACTION

1 The Juvenile Justice Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to teen courts; amending s. 938.19, F.S.;
7 authorizing a board of county commissioners to adopt an
8 ordinance that incorporates the provisions of the act;
9 providing funding for a teen court through the assessment
10 of an additional court cost against each person who pleads
11 guilty or nolo contendere to, or is convicted of, a
12 violation of a criminal law, an ordinance, or a traffic
13 offense in the county; providing exceptions; providing for
14 administration by the clerk of the circuit court;
15 authorizing the clerk of the circuit court to retain a
16 specified percentage of the assessments collected;
17 requiring the teen court to account for all funds
18 received; requiring an annual report to the board of
19 county commissioners by a specified date; authorizing
20 specified organizations to administer a teen court
21 program; prohibiting teen courts in counties adopting an
22 ordinance from receiving court costs under s. 939.185,

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23 F.S.; amending s. 939.185, F.S.; providing an exception
24 for teen court funding; providing an effective date.
25

26 Be It Enacted by the Legislature of the State of Florida:
27

28 Section 1. Section 938.19, Florida Statutes, is amended to
29 read:

30 938.19 Teen courts.--

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

39 (2) A sum of up to \$3 shall be assessed as a court cost in
40 the circuit and county court in the county against each person
41 who pleads guilty or nolo contendere to, or is convicted of,
42 regardless of adjudication, a violation of a criminal law or a
43 municipal or county ordinance, or who pays a fine or civil
44 penalty for any violation of chapter 316. Any person whose
45 adjudication is withheld under s. 318.14(9) or s. 318.14(10)
46 shall also be assessed the cost.

47 (3) The assessment for court costs shall be assessed in
48 addition to any fine or civil penalty or other court cost and
49 may not be deducted from the proceeds of that portion of any
50 fine or civil penalty that is received by a municipality in the

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51 county or by the county in accordance with ss. 316.660 and
 52 318.21. The assessment shall be specifically added to any civil
 53 penalty paid for a violation of chapter 316, regardless of
 54 whether the penalty is paid by mail, paid in person without
 55 request for a hearing, or paid after hearing and determination
 56 by the court. However, the assessment may not be made against a
 57 person for a violation of any state law or municipal or county
 58 ordinance relating to the parking of vehicles, with the
 59 exception of a violation of the handicapped parking laws.

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

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

66 (5) A teen court must account for all funds received under
 67 this section in a written report to the board of county
 68 commissioners. The report must be given to the commissioners by
 69 August 1 of each year or by a date required by the
 70 commissioners.

71 (6) A teen court may be administered by a nonprofit
 72 organization, a law enforcement agency, the court administrator,
 73 the clerk of the court, or another similar agency authorized by
 74 the board of county commissioners.

75 (7) A teen court administered in a county that adopts an
 76 ordinance to assess court costs under this section may not
 77 receive court costs collected under s. 939.185. ~~Counties are~~
 78 ~~hereby authorized to fund teen courts.~~

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79 Section 2. Paragraph (a) of subsection (1) of section
80 939.185, Florida Statutes, is amended to read:

81 939.185 Assessment of additional court costs.--

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

90 1. Twenty-five percent of the amount collected shall be
91 allocated to fund innovations to supplement state funding for
92 the elements of the state courts system identified in s. 29.004
93 and county funding for local requirements under s.
94 29.008(2)(a)2.

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

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

101 4. Twenty-five percent of the amount collected shall be
102 used as determined by the board of county commissioners to
103 support teen court programs, except as provided in s. 938.19(7),
104 juvenile assessment centers, and other juvenile alternative
105 programs.

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107 Each county receiving funds under this section shall report the
108 amount of funds collected pursuant to this section and an
109 itemized list of expenditures for all authorized programs and
110 activities. The report shall be submitted in a format developed
111 by the Supreme Court to the Governor, the Chief Financial
112 Officer, the President of the Senate, and the Speaker of the
113 House of Representatives on a quarterly basis beginning with the
114 quarter ending September 30, 2004. Quarterly reports shall be
115 submitted no later than 30 days after the end of the quarter.
116 Any unspent funds at the close of the county fiscal year
117 allocated under subparagraphs 2., 3., and 4., shall be
118 transferred for use pursuant to subparagraph 1.

119 Section 3. This act shall take effect July 1, 2005.