

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Judiciary Committee

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BILL: SB 1702

SPONSOR: Senators Bennett and Bullard

SUBJECT: Teen Courts

DATE: April 7, 2005

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Maclure</u>	<u>JU</u>	<b>Favorable</b>
2.	_____	_____	<u>CA</u>	_____
3.	_____	_____	<u>JA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

This bill authorizes boards of county commissioners to adopt county ordinances that include a mandatory cost to be assessed for county ordinance violations, including traffic infractions, for the purpose of funding teen court programs.

This bill cross-references the preemption of additional fees for civil traffic infractions in chapter 318, F.S., and provides that these provisions operate despite that preemption.

Parking fines are excluded from imposition of the teen court cost.

This bill substantially amends section 938.19, Florida Statutes.

## II. Present Situation:

### Teen Court

A diversionary alternative to prosecution, only first-time misdemeanor and felony juvenile offenders are eligible to participate in this non-judicial proceeding. Teen court is conducted almost entirely by young people, ranging from 10 to 18 years old depending on the county, who serve as attorneys, bailiffs, and jurors. The judge is either an actual judge or a bar-certified attorney. Cases are referred to teen court through law enforcement, the Department of Juvenile Justice, and the State Attorney's Office. To access teen court, the offender must first acknowledge guilt and waive speedy trial rights. At the teen court proceeding, the incident report and a pretrial information sheet are presented, and the offender has an opportunity to testify. A teen jury deliberates and determines an appropriate sentence for the offense. Sentences include community service, serving as jurors in subsequent teen court proceedings, drug testing,

counseling, mentorship, essay writing, letters of apology, and restitution. Upon completion of the proceeding, the offender and his or her guardian meets with a Teen Court Coordinator, who presents the offender with a contract. Once the offender completes the terms of his or her sentence, a Successful Completion report is forwarded to the State Attorney's Office, Department of Juvenile Justice, and the referring agency. If the offender fails to complete the contract, the case is referred back into the system for prosecution.<sup>1</sup>

### **Funding for Teen Court**

In 1996, the Legislature provided statutory authority to counties to fund teen courts.<sup>2</sup> In 2004, the Legislature authorized the board of county commissioners to adopt by ordinance an additional court cost, of not more than \$65, to be imposed by the court when a person enters a plea of guilt or no lo contendere, or is found guilty of any felony, misdemeanor, or criminal traffic offense. This additional assessment is allocated as follows:

- 25 percent to fund court innovations to supplement state funding;
- 25 percent to assist counties in providing legal aid programs;
- 25 percent to fund personnel and legal materials for the public at law libraries;
- 25 percent to be used as determined by the board of county commissioners for teen court programs, juvenile assessment centers, and other juvenile alternative programs.<sup>3</sup>

### **Statutory Preemption of Additional Court Costs**

Chapter 318 is the Uniform Disposition of Traffic Infractions Act. Section 318.121, F.S., provides for a preemption of additional fees, fines, surcharges, and costs on civil traffic penalties, other than the court costs currently authorized in the chapter.

### **III. Effect of Proposed Changes:**

This bill provides authority to the board of county commissioners in each county in which a teen court has been created to adopt a mandatory cost to be assessed through county ordinance, notwithstanding the statutory preemption of additional fees, fines, surcharges, and costs. The assessments shall be used for the operation and administration of teen courts.

This bill authorizes up to \$3.00 to be assessed as a court cost in the circuit and county court in the county against each person who pleads guilty to, or is convicted of, a criminal, municipal, or county ordinance violation, or who pays a fine or civil penalty for any violation of any traffic citation, regardless of whether adjudication is withheld.

This bill clarifies that the assessment for court costs shall be assessed in addition to any other fine or civil penalty or other court cost, and is not to be deducted from the proceeds of that portion of any fine or civil penalty received by a municipality or county, to include those for traffic violations, regardless of how the penalty is paid.

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<sup>1</sup> See [www.flteencourt.net](http://www.flteencourt.net)

<sup>2</sup> Chapter 96-382, L.O.F.; s. 938.19, F.S.

<sup>3</sup> Section 939.185, F.S.

The assessment may not be made, however, against any violations of state law, county or municipal ordinance relating to parking fines, except for handicapped parking violations.

The clerk of the court is required to collect court cost assessments, and remit the assessments to the teen court on a monthly basis, subject to a 5-percent withholding fee to be retained by the clerk.

Teen courts that receive cost assessments established by the adopted county ordinance are required to provide a written accounting report to the board of county commissioners, by August 1 annually, or otherwise as stipulated by the commissioners.

A teen court is authorized to be administered by a non-profit organization, a law enforcement agency, the court administrator, the clerk of the court, or another agency as designated by the board of county commissioners.

This bill takes effect July 1, 2005.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

It is unclear whether this surcharge operates pursuant to, or in addition to, the provision for additional costs provided in 2004 through s. 939.185, F.S. If it is in addition to the existing authority, this bill will place an additional monetary obligation on offenders required to pay this cost.

**C. Government Sector Impact:**

The bill appears designed to provide counties with additional funding for operation and administration of teen court. Additional revenue will be generated for the teen court program.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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