

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Taylor offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 2786 and 2787 insert:

5 Section 63. Section 938.19, Florida Statutes, is amended  
6 to read:

7 938.19 Teen courts.--

8 (1) Notwithstanding s. 318.121, in each county in which a  
9 teen court has been created, the board of county commissioners  
10 may adopt a mandatory court cost to be assessed in specific  
11 cases by incorporating by reference the provisions of this  
12 section in a county ordinance. Assessments collected by the  
13 clerk of the circuit court under this section shall be deposited  
14 into an account specifically for the operation and  
15 administration of the teen court.

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16       (2) A sum of up to \$3 shall be assessed as a court cost in  
17 the circuit and county court in the county against each person  
18 who pleads guilty or nolo contendere to, or is convicted of,  
19 regardless of adjudication, a violation of a criminal law or a  
20 municipal or county ordinance, or who pays a fine or civil  
21 penalty for any violation of chapter 316. Any person whose  
22 adjudication is withheld under s. 318.14(9) or s. 318.14(10)  
23 shall also be assessed the cost.

24       (3) The assessment for court costs shall be assessed in  
25 addition to any fine or civil penalty or other court cost and  
26 may not be deducted from the proceeds of that portion of any  
27 fine or civil penalty that is received by a municipality in the  
28 county or by the county in accordance with ss. 316.660 and  
29 318.21. The assessment shall be specifically added to any civil  
30 penalty paid for a violation of chapter 316, regardless of  
31 whether the penalty is paid by mail, paid in person without  
32 request for a hearing, or paid after hearing and determination  
33 by the court. However, the assessment may not be made against a  
34 person for a violation of any state law or municipal or county  
35 ordinance relating to the parking of vehicles, with the  
36 exception of a violation of the handicapped parking laws.

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

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

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43       (5) A teen court must account for all funds received under  
44 this section in a written report to the board of county  
45 commissioners. The report must be given to the commissioners by  
46 August 1 of each year or by a date required by the  
47 commissioners.

48       (6) A teen court may be administered by a nonprofit  
49 organization, a law enforcement agency, the court administrator,  
50 the clerk of the court, or another similar agency authorized by  
51 the board of county commissioners.

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

56       Section 64. Paragraph (a) of subsection (1) of section  
57 939.185, Florida Statutes, is amended to read:

58       939.185 Assessment of additional court costs.--

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

67       1. Twenty-five percent of the amount collected shall be  
68 allocated to fund innovations to supplement state funding for  
69 the elements of the state courts system identified in s. 29.004

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70 and county funding for local requirements under s.

71 29.008(2)(a)2.

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

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

78 4. Twenty-five percent of the amount collected shall be  
79 used as determined by the board of county commissioners to  
80 support teen court programs, except as provided in s. 938.19(7),  
81 juvenile assessment centers, and other juvenile alternative  
82 programs.

83  
84 Each county receiving funds under this section shall report the  
85 amount of funds collected pursuant to this section and an  
86 itemized list of expenditures for all authorized programs and  
87 activities. The report shall be submitted in a format developed  
88 by the Supreme Court to the Governor, the Chief Financial  
89 Officer, the President of the Senate, and the Speaker of the  
90 House of Representatives on a quarterly basis beginning with the  
91 quarter ending September 30, 2004. Quarterly reports shall be  
92 submitted no later than 30 days after the end of the quarter.  
93 Any unspent funds at the close of the county fiscal year  
94 allocated under subparagraphs 2., 3., and 4., shall be  
95 transferred for use pursuant to subparagraph 1.

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===== T I T L E A M E N D M E N T =====

Remove line 306 and insert:

Infraction Hearing Officer Program; amending s. 938.19, 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 exceptions; providing for administration by the clerk of the circuit court; authorizing the clerk of the circuit court to retain a specified percentage of the assessments collected; requiring the teen court to account for all funds received; requiring an annual report to the board of county commissioners by a specified date; authorizing specified organizations to administer a teen court program; prohibiting teen courts in counties adopting an ordinance from receiving court costs under s. 939.185, F.S.; amending s. 939.185, F.S.; providing an exception for teen court funding; providing effective