

ORDINANCE NO.: 2005-08

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AMENDING THE HERNANDO COUNTY CODE BY ADDING SECTION 11-6 TO CHAPTER 11, COURTS; PROVIDING FOR IMPOSITION OF ADDITIONAL COURT COSTS; AMENDING SECTION 11-4 OF THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE HERNANDO COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 3, 1998, the voters of Florida, adopted Revision 7 to the Florida Constitution to amend Article V of the Constitution, in order to address the problem of disparate court funding throughout the separate counties of the State; and

WHEREAS, after review, the Legislature enacted further amendments to the Florida Statutes in order to provide a more equitable distribution of responsibility for funding the court system; and

WHEREAS, in 2005 the Florida Legislature also amended Section 938.19, Florida Statutes, to provide a supplemental funding source for county Teen Court programs through additional court costs; and

WHEREAS, Section 938.19, allows each county to adopt a county ordinance assessing additional court costs not to exceed \$3.00; and

WHEREAS, the additional funding must be used for the operation and administration of teen court programs; and

WHEREAS, Teen Court is a program that the County has consistently supported through court costs based on its value to the community; and

WHEREAS, the legislation allowing this additional cost requires that the local Board of County Commissioners enact local legislation incorporating this cost;

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CLERK OF STATE
TALLAHASSEE, FLORIDA

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Section 11-6 of the Hernando County Code is hereby created to read as follows:

Section 11-6. Teen Court Costs

(a) Pursuant to Section 938.19, Florida Statutes, a sum of \$3.00 (Three Dollars) shall be assessed as an additional court cost in the circuit and county court against each person who pleads guilty or nolo contendere to, or is convicted of, regardless of adjudication, a violation of a criminal law or municipal or county ordinance, or who pays a fine or civil penalty for any violation of Chapter 316, Florida Statutes. Any person whose adjudication is withheld under Section 318.14(9) or Section 318.14(10), Florida Statutes, shall also be assessed the cost.

(b) The \$3.00 (Three dollar) assessment for court costs shall be assessed in addition to any fine or civil penalty or other court cost and may not be deducted from the proceeds of that portion of any fine or civil penalty that is received by the county in accordance with Section 316.660 and Section 318.21, Florida Statutes. The \$3.00 (Three dollar) assessment shall be specifically added to any civil penalty paid for a violation of Chapter 316, Florida Statutes, regardless of whether the penalty is paid by mail, paid in person without request for a hearing, or paid after hearing and determination by the court. However, the assessment may not be made against a person for a violation of any state law or municipal or county ordinance relating to the parking of vehicles, with the exception of a violation of the handicapped parking laws.

(c) The clerk of the circuit court shall collect the assessments for court costs established in this section and shall remit the assessments to the Teen Court monthly. The assessments may be used by the Teen Court solely for the operation and administration of the

Teen Court. The clerk of the circuit court shall withhold 5% (Five Percent) of the assessments collected, which shall be retained as fee income of the office of the clerk of the circuit court.

(d) The Teen Court must account for all funds received under this section in a written report to the Board of County Commissioners. The report must be given to the commissioners by August 1 of each year or such other date as the commission may so designate.

(e) The teen Court may be administered by a nonprofit organization, a law enforcement agency, the court administrator, the clerk of the circuit court, or another similar agency authorized by the Board of County Commissioners.

Section 2. Section 11-4 of the Hernando County Code is hereby amended to read as follows:

(a) Pursuant to Section 939.185, Florida Statutes, an additional court cost of \$65.00 (Sixty-Five Dollars) shall be imposed by the court when a person pleads guilty or nolo contendere, or is convicted of any felony, misdemeanor, or criminal traffic offense under Florida Statutes. Funds received from the additional court cost shall be distributed as follows:

1. Twenty-five (25%) percent shall be retained by the Clerk to fund innovations such as Drug Court and other specialized court programs to supplement funding for the court system in Hernando County consistent with Sections 29.004 and 29.008(2)(a)2, Florida Statutes.
2. Twenty-five percent (25%) shall be remitted to the Board of County Commissioners to fund legal aid programs in Hernando County consistent with Section 29.008(3), Florida Statutes.
3. Twenty-five percent (25%) shall be remitted to the Board of County Commissioners to fund law libraries in Hernando County.

4. Twenty-five percent (25%) shall be retained by the Clerk of Court to fund ~~the Teen Court~~ juvenile alternative programs in Hernando County.

(b) The funds collected pursuant to paragraphs 2 and 3 above shall be expended as provided by the Board of County Commissioners. The funds collected pursuant to paragraphs 1 and 4 above shall be expended as provided by the Clerk of Circuit Court. Funds unspent at the close of the County's fiscal year shall be allocated pursuant to paragraph 1.

(c) The court shall order payment of these additional court costs in all matters subject to this Ordinance, but may defer payment if the person against whom the cost is imposed is indigent.

Section 3. Severability

If any section, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

Section 4. Codification

The provisions of this Ordinance shall be included and incorporated in Chapter 11 of the Hernando County Code, as an addition or amendment thereto, and shall be appropriately numbered to conform to the uniform numbering system of the Hernando County Code.

Section 5. Filing of Ordinance; Effective Date

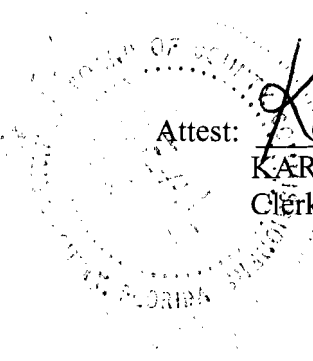
Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the Ordinance with the Department of State.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular session

this 26th day of July 2005 A.D.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest:


Karen Nicolai
KAREN NICOLAI
Clerk

By:

Robert C. Schenck
ROBERT C. SCHENCK
Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY

Kentz Hageman
County Attorney's Office

7-15-05