

ORDINANCE NO. 09-\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 7, ARTICLE II, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, REGARDING COURT COSTS TO ADMINISTER TEEN COURT, BY AMENDING SECTION 7-28(A), ENTITLED "COURT COSTS FOR TEEN COURT"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 938.19(2), Florida Statutes, entitled "Teen Courts", was amended by the Florida Legislature in 2007 providing for the imposition of a mandatory cost to be imposed against those adjudicated delinquent for a violation of a criminal law; and

WHEREAS, the mandatory court costs are to be utilized for funding teen courts created by Florida Counties; and

WHEREAS, the Board of County Commissioners desires to enact an ordinance amending Section 7-28(a), Leon County Code of Laws, relating to Court Costs For Teen Court.

BE IT ORDAINED by the Board of County Commissioners of the County of Leon, Florida, as follows, that:

**Section 1.** Section 7-28 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

**Sec. 7-28. Court costs for teen court.**

(a) Pursuant to F.S. § 938.19, a sum of \$3.00 shall be assessed against each person who pleads guilty or nolo contendere to, or is convicted of, regardless of adjudication, or adjudicated delinquent for a violation of a criminal law, a delinquent act, or a municipal or county ordinance, or who pays a fine or civil penalty for any violation of F.S. chapter 316. Any

person whose adjudication is withheld under F.S. §§ 318.14(9) or 318.14(10) shall also be assessed the cost.

(b) The 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 a municipality in the county or by the county in accordance with F.S. §§ 316.660 and 318.21. The assessment shall be specifically added to any civil penalty paid for a violation of F.S. chapter 316, 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. 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 clerk of the circuit court shall withhold 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 shall be administered by the office of the court administrator.

(e) By August 1 of each year, or as may be determined by the Board of County Commissioners, the teen court shall provide an annual written report to the board, accounting for all funds received under this section.

**Section 2. Conflicts.**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail

over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

**Section 3. Severability.**

If any provisions or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Section 4. Effective Date.**

This ordinance shall have effect upon becoming law.

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

LEON COUNTY, FLORIDA

By: \_\_\_\_\_  
Bryan Desloge, Chairman  
Board of County Commissioners

ATTESTED BY:  
BOB INZER, CLERK OF THE COURT  
LEON COUNTY, FLORIDA

By: \_\_\_\_\_  
Bob Inzer, Clerk of Court  
Leon County, Florida

APPROVED AS TO FORM:  
COUNTY ATTORNEY'S OFFICE  
LEON COUNTY, FLORIDA

By: \_\_\_\_\_  
Herbert W. A. Thiele, Esq.  
County Attorney