

ORDINANCE NO. 2005- 55

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, PROVIDING FOR MANDATORY COURT COSTS TO BE ASSESSED AND COLLECTED BY THE CLERK OF THE CIRCUIT COURT OF NASSAU COUNTY, FLORIDA, TO BE DEPOSITED INTO AN ACCOUNT SPECIFICALLY FOR THE OPERATION AND ADMINISTRATION OF THE TEEN COURT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 938.19, Florida Statutes, provides that in each county in which a Teen Court has been created, the Board of County Commissioners may adopt a mandatory court cost to be assessed in specific cases by adopting an ordinance that incorporates the provisions of Section 938.19, Florida Statutes; and

WHEREAS, such assessments collected by the Clerk of the Circuit Court shall be deposited into an account specifically for the operation and administration of the Teen Court; and

WHEREAS, there is a need to operate and administer Teen Court activities; and

WHEREAS, the Board of County Commissioners of Nassau County, Florida, has determined that it is reasonable and necessary to impose the mandatory cost to operate and administer the Teen Court.

NOW, THEREFORE, BE IT ORDAINED this 11th day of July, 2005, by the Board of County Commissioners of Nassau County, Florida, as follows:

SECTION 1. SHORT TITLE.

This Ordinance shall be known as the Teen Court Cost Assessment Ordinance.

SECTION 2. APPLICABILITY.

A. A sum of Three Dollars (\$3.00) shall be assessed as a court cost in the Circuit and County Court in Nassau County against each person who pleads guilty or nolo contendere to, or is convicted of, regardless of adjudication, a violation of a criminal law or a 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 Sections 318.14(9) or 318.14(10), Florida Statutes, shall also be assessed the cost.

B. The three dollar (\$3.00) 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 Nassau County or by the county in accordance with Section 316.660 and Section 318.21 Florida Statutes. The three dollar (\$3.00) 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 requesting a hearing, or paid after hearing and determination by the Court. However, the three dollar (\$3.00) 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 three dollar (\$3.00) assessments for court costs established in this section and shall remit monthly the assessments to the Teen Court account of the Clerk of the Circuit Court, less five (5) percent, which is to be retained as fee income of the Office of the Clerk of Circuit Court. The funds collected shall be used for administering and operating the Teen Court program.

- D. An accounting for all funds received in the Teen Court program shall be presented by the program in a written report to the Board of County Commissioners. Said report must be given to the Board of County Commissioners by August 1 of each year or by a date required by the Board of County Commissioners.
- E. The Teen Court program may be administered by a non-profit organization, a law enforcement agency, the court administrator, the Clerk of the Court, or another similar agency authorized by the Board of County Commissioners.
- F. The Teen Court program administered in a county that adopts an ordinance to assess court costs under Section 938.19 Florida Statutes, shall not receive court costs collected under Section 939.185(1)(a)4, Florida Statutes.

SECTION 3. SEVERABILITY.

It is declared to be the intent of the Board of County Commissioners of Nassau County, Florida that, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. EFFECTIVE DATE.


This ordinance shall become effective upon its being filed in the office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



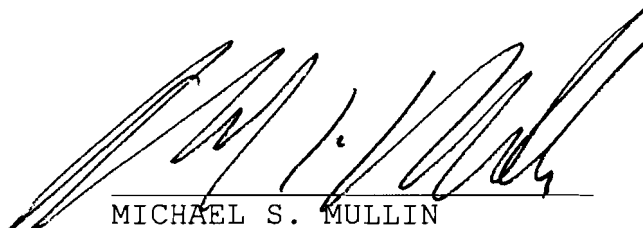
ANSLEY N. ACREE
Its: Chairman

ATTEST:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney:



MICHAEL S. MULLIN