

CALHOUN COUNTY
ORDINANCE NO. 2006-05

2006 FEB 27 PM 5:03
DEPARTMENT OF
TALLAHASSEE
FILED

AN ORDINANCE RELATING TO CALHOUN COUNTY, FLORIDA, IMPOSING A MANDATORY COST TO BE ASSESSED IN SPECIFIC CASES, SAID COST TO BE USED FOR THE OPERATION AND ADMINISTRATION OF THE TEEN COURT OF CALHOUN COUNTY; PROVIDING FOR COLLECTION, DEPOSITING AND USE OF SUCH COST ASSESSMENTS; DEFINING THE TYPES OF CASES IMPACTED; PROVIDING FOR ACCOUNTABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CALHOUN COUNTY, FLORIDA:

SECTION 1. Teen Court Charge:

A. Pursuant to the authority contained in Section 938.19, Florida Statutes, a sum of up to \$3.00 shall be assessed as a court cost in the Circuit and County Courts of Calhoun 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 Section 318.14(9), Florida Statutes, or Section 318.14(10), Florida Statutes, 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 Section 316.660, Florida Statutes and Section 318.21, Florida Statutes. The 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 period 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.

SECTION 2. Collection and Remittance:

A. The Clerk of Circuit Court shall collect the assessments for court costs established in this section and shall remit the assessments monthly to the teen court. The Clerk of the Circuit Court shall withhold five (5%) percent of the assessments collected, which shall be retained as fee income of the Office of the Clerk of the Circuit Court.

B. Assessments collected by the Clerk of the Circuit Court under this section shall be deposited into an account specifically for the operation and maintenance of the teen court.

SECTION 3. Accountability:

A. A 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 1st of each year or by a date required by the commissioners.

B. A teen court may be administered by a nonprofit organization, a law enforcement agency, the Court Administrator, the Clerk of Court, or another similar agency authorized by the Board of County Commissioners.

C. A teen court administered in a county that adopts an ordinance to assess court costs under this section may not receive court costs collected under Section 939.185(1)(a)4.

SECTION 4. Conflicts:

All ordinances or parts or ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 5. Severability:

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is held, for any reason, to be unconstitutional, void or invalid, the validity of the remaining portion of the ordinance shall not be affected thereby.

SECTION 6. Effective Date:

This Ordinance shall take effect upon its passage by a majority vote of the Board of County Commissioners in and for Calhoun County, after due notice and publication, in the regular meeting on the 21st day of February, 2006, and upon being filed with the Secretary of State.

ADOPTED THIS THE 21st DAY OF FEBRUARY, 2006, BY A VOTE OF 5 TO 0.

BOARD OF COUNTY COMMISSIONERS
CALHOUN COUNTY, FLORIDA

BY: Willie T. Grant
WILLIE T. GRANT, CHAIRMAN

ATTEST:

Ruth W. Attaway
Ruth W. Attaway, Clerk

CERTIFIED A TRUE COPY
Janice Holley, DC
RUTH W. ATTAWAY
CLERK CIRCUIT COURT
CALHOUN COUNTY FLORIDA

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