

ORDINANCE NO. 2005- 86

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, PROVIDING DEFINITIONS; MAINTAINING A SUPPLEMENTAL COURT FUNDING ACCOUNT; MAINTAINING A LEGAL AID ACCOUNT; MAINTAINING A LAW LIBRARY ACCOUNT; MAINTAINING A JUVENILE ASSESSMENT CENTER AND JUVENILE ALTERNATIVE PROGRAMS ACCOUNT; ESTABLISHING A SEPARATE TEEN COURT ACCOUNT; IMPOSING COURT COSTS; ACCOUNTING FOR AND ALLOCATING REVENUES; PROVIDING FOR REPORTS; REPEALING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 1998, the voters of the State of Florida approved changes to Article V of the Florida Constitution regarding the funding of the State court system, and

WHEREAS, Chapter 2003-402, Laws of Florida repealed authorization for certain filing fees and court costs supporting local law libraries, legal aid, and teen court and juvenile diversion programs, effective July 1, 2004, and

WHEREAS, Section 88 of CS/CS/SB 2962 (2004) created Section 939.185, Florida Statutes, authorizing a county, by Ordinance, to levy an additional court cost, not to exceed \$65, to be imposed by the court when a person pleads guilty or nolo contendere to, or is found guilty of, any felony, misdemeanor, or criminal traffic offense under the laws of the state with the funds from the court cost to be used in the county and allocated as follows:

- a. Twenty-five percent of the amount collected to fund innovations to supplement state funding for the elements of the state courts system identified in Section 29.004, Florida Statutes, and county funding for local requirements under Section 29.008(2)(a) 2, Florida Statutes;
- b. Twenty-five percent of the amount collected to assist counties in providing legal aid programs required under Section. 29.008(3)(a), Florida Statutes;
- c. Twenty-five percent of the amount collected to fund personnel and legal materials for the public as part of a law library; and
- d. Twenty-five percent of the amount collected to support teen court programs, juvenile assessment centers, and other juvenile alternative programs, and

WHEREAS, the Board of County Commissioners of St. Johns County finds that funding these programs are in the best interest of the health, safety, and welfare of the citizens of St. Johns County; and

WHEREAS, House Bill 1935 (2005) created authority under Section 938.19, Florida Statutes, for each county in which a teen court has been created, to adopt a mandatory court cost to be assessed in specific cases as an alternate funding source in lieu of court costs collected under S. 939.185(1)(a)4.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, that:

Section 1. DEFINITIONS.

The following terms for the purposes of this Ordinance shall have the following meanings:

Board of County Commissioners - The local governing board for St. Johns County, Florida.

Chief Judge - The Chief Judge of the Seventh Judicial Circuit of Florida.

Clerk - The Clerk of the Circuit Court and County Court of St. Johns County, Florida, and ex officio clerk of the Board of County Commissioners, auditor, recorder and custodian of all county funds.

Innovations and Supplemental Court Funding Account- An account receiving funds from the additional court cost authorized by Section 939.185, Florida Statutes, to be used to fund innovations to supplement state funding in the elements of the state court system identified in Section 29.004, Florida Statutes, and county funding for local requirements under Section 29.008(2)(a), Florida Statutes. Funds from said account shall not be expended without the consent of the Chief Judge or his/her designee.

Juvenile Assessment Centers, and Juvenile Alternative Programs Account - An account receiving funds from the additional court cost authorized by Section 939.185, Florida Statutes, to fund Juvenile Assessment Centers that meet the criteria of Section 938.17, Florida Statutes, and other juvenile alternative programs.

Law Library Account- An account receiving funds from the additional court cost authorized by Section 939.185, Florida Statutes, to be used to fund personnel and legal material for the public as part of a law library.

Legal Aid Account- An account receiving funds from the additional court cost authorized by Section 939.185, Florida Statutes, to assist the County in providing one or more legal aid programs as required under Section 29.008(3)(a), Florida Statutes.

Teen Court Program Account. An account receiving funds from the additional court costs authorized by Section 938.19, Florida Statutes, to fund teen courts.

Section 2. ESTABLISHMENT AND ENCUMBRANCE OF ACCOUNTS.

- a. Innovations and Supplemental Court Funding Account - The Clerk, as accountant for the Board of County Commissioners, is hereby directed to maintain an Innovations and Supplemental Court Funding account within the accounts of the Board of County Commissioners to receive a portion of the revenues from the court cost imposed by this Ordinance.

- b. Legal Aid Account - The Clerk, as accountant for the Board of County Commissioners, is hereby directed to establish and maintain a Legal Aid account within the accounts of the Board of County Commissioners to receive a portion of the revenues from the court cost imposed by this Ordinance.

- c. Law Library Account - The Clerk, as accountant for the Board of County Commissioners, is hereby directed to establish and maintain a Law Library Account within the accounts of the Board of County Commissioners to receive a portion of the revenues from the court cost imposed by this Ordinance.

- d. Juvenile Assessment Centers, and Juvenile Alternative Programs Account - The Clerk, as accountant for the Board of County Commissioners, is hereby directed to establish and maintain a Juvenile Assessment Centers, and Juvenile Alternative Programs account to receive a portion of the revenues from the court cost imposed by this Ordinance.

- e. Teen Court Program Account – The Clerk, as accountant for the Board of County Commissioners, is hereby directed to establish and maintain a Teen Court Program Account to receive a portion of the revenues from the court cost imposed by this Ordinance.

Section 3. IMPOSITION OF COURT COSTS.

- a. There is hereby imposed, pursuant to Section 939.185, Florida Statutes, an additional court cost of \$65 dollars upon each person who pleads guilty or nolo contendere to, or is found guilty of, any felony, misdemeanor, or criminal traffic offence under the laws of this state.
 - i. The court shall order a person to pay the additional court cost.

 - ii. If a person is determined to be indigent, the clerk shall defer payment of this cost pursuant to Section 28.246, Florida Statutes.

- b. There is hereby imposed, pursuant to Section 939.19, Florida Statutes, an additional court cost of \$3.00 upon 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 an violation of Chapter 316. Any person whose adjudication is withheld under s. 318.14(9) or s. 318.14(10) shall also be assessed the cost.
- c. 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 ss. 316.660 and 318.21. The assessment shall be specifically added to any civil penalty paid for a violation of 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. 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.
- d.
 - i. 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.
 - ii. The Clerk of the Circuit Court shall withhold 5 percent of the assessments collected, which shall be retained as fee income of the office of the Clerk of the Circuit Court.
- e. 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 1 of each year or by a date required by the Commissioners.

Section 4. ACCOUNTING FOR AND ALLOCATION OF REVENUES.

- a. The additional court cost imposed pursuant to Section 3.a., above shall be accounted for separately and shall be allocated as follows:
 - i. Twenty-five percent of the amount collected shall be allocated to the Innovations and Supplemental Courts Funding Account, unspent funds at the end of the County fiscal year shall remain in this Account;
 - ii. Twenty-five percent of the amount collected shall be allocated to a Legal Aid Account, unspent funds at the end of the County fiscal year shall be deposited in the Innovations and Supplemental Courts Funding Account;

- iii. Twenty-five percent of the amount collected shall be allocated to a Law Library Account, unspent funds from the court costs authorized by this Ordinance at the end of the County fiscal year shall be deposited in the Innovations and Supplemental Courts Funding Account; and
 - iv. Twenty-five percent of the amount collected shall be allocated to a Juvenile Assessment Centers, and Juvenile Alternative Programs Account, unspent funds at the end of the County fiscal year shall be deposited in the Innovations and Supplemental Courts Funding Account.
- b. The additional Court cost imposed pursuant to Section 3.b. above shall be accounted for separately from other costs, and shall be allocable to a Teen Court Program Account. Unspent funds at the end of the County fiscal year shall remain in this account.

Section 5. REPORT.

The Clerk, on behalf of the County, shall report the amount of funds collected from the court costs imposed in Section 3.a., above, and an itemized list of expenditures for all authorized programs and activities. The report shall be submitted in a format developed by the Supreme Court to the Governor, the Chief Financial Officer, the President of the Senate, the Speaker of the House of Representatives, and the Board of County Commissioners on a quarterly basis beginning with the quarter ending September 30, 2004. Quarterly reports shall be submitted no later than 30 days after the end of the quarter.

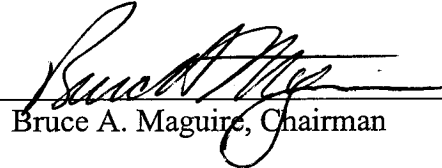
Section 6. REPEAL OF ORDINANCES. St. Johns County Ordinances 89-34, 96-26, 98-70 and 2001-51 remain repealed, and Ordinance 2004-41 is hereby repealed.

Section 7. SEVERABILITY. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion.

Section 8. EFFECTIVE DATE. This Ordinance shall be effective on October 1, 2005 and the Court Cost imposed herein shall be effective on that date.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 20th day of September, 2005.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

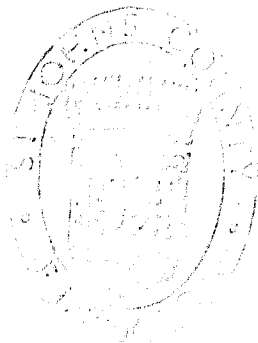
By: 
Bruce A. Maguire, Chairman

ATTEST: Cheryl Strickland, Clerk

By: 
Clerk

Rendition Date: September 23, 2005

Effective Date: October 1, 2005



THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared CHARLES BARRETT who on oath says that he is an Accounting Clerk of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida: that the attached copy of advertisement, being NOTICE OF HEARING in the matter of RESCHEDULED HEARING/LEGAL AID was published in said newspaper in the issues of SEPTEMBER 3, 2005.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 6TH day of SEPTEMBER, 2005.

by [Signature] who is personally known to me or who has produced PERSONALLY KNOWN as identification



Patricia A. Bergquist My Commission DD275991 Expires December 18, 2007

Patricia A. Bergquist

(Signature of Notary Public)

(Seal)

PATRICIA A. BERGQUIST

NOTICE OF HEARING... SCHEDULED PUBLIC HEARING... BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA... NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND ASSISTING IMPAIRED PERSONS...



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

FILED

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CHERYL STRICKLAND
CLERK COUNTY COMMISSION
ST. JOHNS COUNTY FL

September 29, 2005

Ms. Yvonne King, Supervisor
Minutes and Records Department
St. Johns County
4010 Lewis Speedway
St. Augustine, Florida 32084

Dear Ms. King:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated September 26, 2005 and certified copies of St. Johns County Ordinance Nos. 2005-86 through 2005-88, which were filed in this office on September 27, 2005.

Sincerely,

Liz Cloud
Program Administrator

LC/kcs

STATE LIBRARY OF FLORIDA
R.A. Gray Building • Tallahassee, Florida 32399-0250 • (850) 245-6600
FAX: (850) 488-2746 • TDD: (850) 922-4085 • <http://www.dos.state.fl.us>
 LEGISLATIVE LIBRARY SERVICE RECORDS MANAGEMENT SERVICES FLORIDA STATE ARCHIVES
(850) 488-2812 • FAX: (850) 488-9879 (850) 487-2180 • FAX: (850) 413-7224 (850) 245-6700 • FAX: (850) 488-4894
 ADMINISTRATIVE CODE AND WEEKLY
(850) 245-6270 • FAX: (850) 245-6282

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