

By Senator Posey

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A bill to be entitled

An act relating to civil penalties; amending s. 318.18, F.S.; authorizing a county to impose a surcharge on certain civil penalties to fund local participation in the public guardianship or guardian ad litem programs; prescribing prerequisites for imposing such surcharge; providing a limit on such surcharge; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (13) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of civil penalties.--The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(13) In addition to any penalties imposed for noncriminal traffic infractions pursuant to this chapter or imposed for criminal violations listed in s. 318.17, a board of county commissioners or any unit of local government which is consolidated as provided by s. 9, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the Constitution of 1968:

(a)1. May impose by ordinance a surcharge of up to \$15 for any infraction or violation to fund state court facilities. The court ~~may shall~~ not waive this surcharge.

2. May impose an additional \$5 surcharge to fund the county's participation in the guardian ad litem program under chapter 39 or chapter 61 or the public guardianship program under chapter 744, or both. Imposition of this surcharge must

1 be by vote of two-thirds of the board of county commissioners
2 or pursuant to a referendum approved by the electors of the
3 county. Before imposing the surcharge, the county commission
4 must demonstrate that available revenue sources are
5 insufficient to fund such participation. The court may not
6 waive this surcharge.

7 (b) That imposed increased fees or service charges by
8 ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the
9 purpose of securing payment of the principal and interest on
10 bonds issued by the county before July 1, 2003, to finance
11 state court facilities, may impose by ordinance a surcharge
12 for any infraction or violation for the exclusive purpose of
13 securing payment of the principal and interest on bonds issued
14 by the county before July 1, 2003, to fund state court
15 facilities until the date of stated maturity. The court may
16 ~~shall~~ not waive this surcharge. Such surcharge may not exceed
17 an amount per violation calculated as the quotient of the
18 maximum annual payment of the principal and interest on the
19 bonds as of July 1, 2003, divided by the number of traffic
20 citations for county fiscal year 2002-2003 certified as paid
21 by the clerk of the court of the county. Such quotient shall
22 be rounded up to the next highest dollar amount. The bonds may
23 be refunded only if savings will be realized on payments of
24 debt service and the refunding bonds are scheduled to mature
25 on the same date or before the bonds being refunded.

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27 A county may not impose ~~both of~~ the surcharges authorized
28 under both paragraph paragraphs (a) and paragraph (b)
29 concurrently.

30 Section 2. This act shall take effect October 1, 2005.
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SENATE SUMMARY

Authorizes a board of county commissioners to impose a \$5 surcharge on civil penalties to fund guardian ad litem and public guardianship programs when other revenue sources are inadequate. The imposition must be by majority vote plus one of the body or pursuant to referendum approval.