

By Senator Fasano

11-435-06

1                                   A bill to be entitled

2           An act relating to the funding of public

3           guardianship programs; amending s. 318.18,

4           F.S.; authorizing a county to enact an

5           ordinance imposing a surcharge for a

6           noncriminal traffic infraction or violation to

7           fund a county's participation in the public

8           guardianship program; requiring approval of the

9           ordinance by a vote of the board of county

10          commissioners or by the electors of the county;

11          requiring the county to demonstrate that

12          available resources are insufficient to fund

13          the local public guardianship program;

14          prohibiting a court from waiving the surcharge;

15          creating s. 938.065, F.S.; directing each

16          county and circuit court to assess a surcharge

17          for any misdemeanor offense; requiring that the

18          clerk of the court collect and forward the

19          assessed surcharges, less a service charge, for

20          deposit into the General Revenue Fund;

21          requiring that all funds collected be used

22          exclusively to fund public guardianship

23          programs in this state; reenacting s. 318.121,

24          F.S., relating to the preemption of additional

25          fees, fines, and surcharges for civil traffic

26          penalties, to incorporate the amendments made

27          to s. 318.18, F.S., in a reference thereto;

28          providing an effective date.

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

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

3           318.18 Amount of civil penalties.--The penalties  
4 required for a noncriminal disposition pursuant to s. 318.14  
5 are as follows:

6           (13) In addition to any penalties imposed for  
7 noncriminal traffic infractions under ~~pursuant to~~ this chapter  
8 or imposed for criminal violations listed in s. 318.17 and  
9 notwithstanding s. 318.121, a board of county commissioners or  
10 any unit of local government which is consolidated as provided  
11 by s. 9, Art. VIII of the State Constitution of 1885, as  
12 preserved by s. 6(e), Art. VIII of the Constitution of 1968:

13           (a) May impose by ordinance a surcharge of up to \$15  
14 for any infraction or violation to fund state court  
15 facilities. The court may ~~shall~~ not waive this surcharge. Up  
16 to 25 percent of the revenue from the ~~such~~ surcharge may be  
17 used to support local law libraries provided that the county  
18 or unit of local government provides a level of service equal  
19 to that provided before ~~prior to~~ July 1, 2004, which shall  
20 include the continuation of library facilities located in or  
21 near the county courthouse or annexes.

22           (b) That imposed increased fees or service charges by  
23 ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the  
24 purpose of securing payment of the principal and interest on  
25 bonds issued by the county before July 1, 2003, to finance  
26 state court facilities, may impose by ordinance a surcharge  
27 for any infraction or violation for the exclusive purpose of  
28 securing payment of the principal and interest on bonds issued  
29 by the county before July 1, 2003, to fund state court  
30 facilities until the date of stated maturity. The court may  
31 ~~shall~~ not waive this surcharge. The ~~Such~~ surcharge may not

1 exceed an amount per violation calculated as the quotient of  
2 the maximum annual payment of the principal and interest on  
3 the bonds as of July 1, 2003, divided by the number of traffic  
4 citations for county fiscal year 2002-2003 certified as paid  
5 by the clerk of the court of the county. ~~The Such~~ quotient  
6 shall be rounded up to the next highest dollar amount. The  
7 bonds may be refunded only if savings will be realized on  
8 payments of debt service and the refunding bonds are scheduled  
9 to mature on the same date or before the bonds being refunded.

10 (c) May impose by ordinance an additional surcharge of  
11 \$15 for any infraction or violation to fund the participation  
12 by the county in the public guardianship program authorized  
13 under chapter 744. The ordinance to impose this surcharge must  
14 be approved by a vote of two-thirds of the board of county  
15 commissioners or approved by a majority of the electors of the  
16 county voting in a referendum on the surcharge. Before  
17 approving the ordinance imposing the surcharge, the county  
18 commission must demonstrate that available resources are  
19 insufficient to fund participation by the county in the public  
20 guardianship program. If the surcharge is approved, a court  
21 may not waive this surcharge.

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23 A county may not impose ~~both~~ of the surcharges authorized  
24 under paragraphs (a) and (b) concurrently. The clerk of court  
25 shall report, no later than 30 days after the end of the  
26 quarter, the amount of funds collected under this subsection  
27 during each quarter of the fiscal year. The clerk shall submit  
28 the report, in a format developed by the Office of State  
29 Courts Administrator, to the chief judge of the circuit, the  
30 Governor, the President of the Senate, and the Speaker of the  
31 House of Representatives.

1           Section 2. Section 938.065, Florida Statutes, is  
2 created to read:

3           938.065 Surcharge for public guardianship programs.--

4           (1) In addition to any fine prescribed by law for any  
5 misdemeanor offense, there is assessed as a court cost an  
6 additional surcharge of \$18 on each such fine which shall be  
7 imposed by each county and circuit court and collected by the  
8 clerk of the court, together with the fine.

9           (2) The clerk of the court shall collect and forward  
10 each month all surcharges assessed under this section, less \$3  
11 per assessment as a service charge to be retained by the  
12 clerk, to the Department of Revenue for deposit into the  
13 General Revenue Fund. The funds collected under this section  
14 shall be used exclusively to fund public guardianship programs  
15 in this state.

16           Section 3. For the purpose of incorporating the  
17 amendments made by this act to section 318.18, Florida  
18 Statutes, in a reference thereto, section 318.121, Florida  
19 Statutes, is reenacted to read:

20           318.121 Preemption of additional fees, fines,  
21 surcharges, and costs.--Notwithstanding any general or special  
22 law, or municipal or county ordinance, additional fees, fines,  
23 surcharges, or costs other than the court costs and surcharges  
24 assessed under s. 318.18(11) and (13) may not be added to the  
25 civil traffic penalties assessed in this chapter.

26           Section 4. This act shall take effect July 1, 2006.  
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SENATE SUMMARY

Authorizes a county to enact an ordinance imposing a surcharge for a noncriminal traffic infraction or violation to fund a county's participation in the public guardianship program. Requires the board of county commissioners to approve the ordinance or a majority of the electors of the county in a referendum on the surcharge. Requires the county to demonstrate that available resources are insufficient to fund the local public guardianship program. Prohibits a court from waiving the surcharge if the surcharge is approved. Directs each county and circuit court to assess a surcharge for any misdemeanor offense. Requires the clerk of the court to collect and forward the assessed costs, less a service charge, for deposit into the General Revenue Fund. Requires that all funds collected be used exclusively to fund public guardianship programs.