

1 A bill to be entitled

2 An act relating to local government finances; amending s.  
3 218.21, F.S.; revising the definition of the term  
4 "guaranteed entitlement" to delete a time limitation on  
5 certain increases to guaranteed entitlement to certain  
6 state revenue sharing for certain municipalities; amending  
7 s. 318.18, F.S.; saving from repeal a local government  
8 surcharge on penalties for noncriminal dispositions;  
9 amending s. 938.19, F.S.; applying a teen court cost  
10 charge for adjudications of delinquency or delinquent  
11 acts; amending s. 939.185, F.S.; applying a court cost and  
12 a surcharge for adjudications of delinquency or delinquent  
13 acts; saving from repeal a local government assessment of  
14 additional courts costs and surcharges; repealing s. 95,  
15 ch. 2003-402, Laws of Florida, relating to the removal of  
16 certain increases to guaranteed entitlement; providing an  
17 effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21 Section 1. Subsection (6) of section 218.21, Florida  
22 Statutes, is amended to read:

23 218.21 Definitions.--As used in this part, the following  
24 words and terms shall have the meanings ascribed them in this  
25 section, except where the context clearly indicates a different  
26 meaning:

27 (6) "Guaranteed entitlement" means the amount of revenue  
 28 which must be shared with an eligible unit of local government  
 29 so that:

30 (a) No eligible county shall receive less funds from the  
 31 Revenue Sharing Trust Fund for Counties in any fiscal year than  
 32 the amount received in the aggregate from the state in fiscal  
 33 year 1971-1972 under the provisions of the then-existing s.  
 34 210.20(2)(c), tax on cigarettes; the then-existing s. 323.16(4),  
 35 road tax; and the then-existing s. 199.292(4), tax on intangible  
 36 personal property.

37 (b) No eligible municipality shall receive less funds from  
 38 the Revenue Sharing Trust Fund for Municipalities in any fiscal  
 39 year than the aggregate amount it received from the state in  
 40 fiscal year 1971-1972 under the provisions of the then-existing  
 41 s. 210.20(2)(a), tax on cigarettes; the then-existing s.  
 42 323.16(3), road tax; and s. 206.605, tax on motor fuel. Any  
 43 government exercising municipal powers under s. 6(f), Art. VIII  
 44 of the State Constitution may not receive less than the  
 45 aggregate amount it received from the Revenue Sharing Trust Fund  
 46 for Municipalities in the preceding fiscal year, plus, ~~through~~  
 47 ~~fiscal year 2008-2009~~, a percentage increase in such amount  
 48 equal to the percentage increase of the Revenue Sharing Trust  
 49 Fund for Municipalities for the preceding fiscal year.

50 Section 2. Subsection (14) of section 318.18, Florida  
 51 Statutes, is amended to read:

52 318.18 Amount of civil penalties.--The penalties required  
 53 for a noncriminal disposition pursuant to s. 318.14 are as  
 54 follows:

55 (14) In addition to any penalties imposed for noncriminal  
 56 traffic infractions under this chapter or imposed for criminal  
 57 violations listed in s. 318.17, any unit of local government  
 58 that is consolidated as provided by s. 9, Art. VIII of the State  
 59 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the  
 60 State Constitution of 1968, and that is granted the authority in  
 61 the State Constitution to exercise all the powers of a municipal  
 62 corporation, and any unit of local government operating under a  
 63 home rule charter adopted pursuant to ss. 10, 11, and 24, Art.  
 64 VIII of the State Constitution of 1885, as preserved by s. 6(e),  
 65 Art. VIII of the State Constitution of 1968, that is granted the  
 66 authority in the State Constitution to exercise all the powers  
 67 conferred now or hereafter by general law upon municipalities,  
 68 may impose by ordinance a surcharge of up to \$15 for any  
 69 infraction or violation. Revenue from the surcharge shall be  
 70 transferred to such unit of local government for the purpose of  
 71 replacing fine revenue deposited into the clerk's fine and  
 72 forfeiture fund under s. 142.01. The court may not waive this  
 73 surcharge. Proceeds from the imposition of the surcharge  
 74 authorized in this subsection shall not be used for the purpose  
 75 of securing payment of the principal and interest on bonds. ~~This~~  
 76 ~~subsection, and any surcharge imposed pursuant to this~~  
 77 ~~subsection, shall stand repealed September 30, 2007.~~

78 Section 3. Subsection (2) of section 938.19, Florida  
 79 Statutes, is amended to read:

80 938.19 Teen courts.--

81 (2) A sum of up to \$3 shall be assessed as a court cost in  
 82 the circuit and county court in the county against each person

83 | who pleads guilty or nolo contendere to, or is convicted of,  
 84 | regardless of adjudication, or adjudicated delinquent for, a  
 85 | violation of a criminal law, a delinquent act, or a municipal or  
 86 | county ordinance, or who pays a fine or civil penalty for any  
 87 | violation of chapter 316. Any person whose adjudication is  
 88 | withheld under s. 318.14(9) or (10) shall also be assessed the  
 89 | cost.

90 | Section 4. Paragraphs (a) and (b) of subsection (1) of  
 91 | section 939.185, Florida Statutes, are amended to read:

92 | 939.185 Assessment of additional court costs and  
 93 | surcharges.--

94 | (1) (a) The board of county commissioners may adopt by  
 95 | ordinance an additional court cost, not to exceed \$65, to be  
 96 | imposed by the court when a person pleads guilty or nolo  
 97 | contendere to, or is found guilty of, or adjudicated delinquent  
 98 | for, any felony, misdemeanor, delinquent act, or criminal  
 99 | traffic offense under the laws of this state. Such additional  
 100 | assessment shall be accounted for separately by the county in  
 101 | which the offense occurred and be used only in the county  
 102 | imposing this cost, to be allocated as follows:

103 | 1. Twenty-five percent of the amount collected shall be  
 104 | allocated to fund innovations to supplement state funding for  
 105 | the elements of the state courts system identified in s. 29.004  
 106 | and county funding for local requirements under s.  
 107 | 29.008(2)(a)2.

108 | 2. Twenty-five percent of the amount collected shall be  
 109 | allocated to assist counties in providing legal aid programs  
 110 | required under s. 29.008(3)(a).

111 3. Twenty-five percent of the amount collected shall be  
112 allocated to fund personnel and legal materials for the public  
113 as part of a law library.

114 4. Twenty-five percent of the amount collected shall be  
115 used as determined by the board of county commissioners to  
116 support teen court programs, except as provided in s. 938.19(7),  
117 juvenile assessment centers, and other juvenile alternative  
118 programs.

119  
120 Each county receiving funds under this section shall report the  
121 amount of funds collected pursuant to this section and an  
122 itemized list of expenditures for all authorized programs and  
123 activities. The report shall be submitted in a format developed  
124 by the Supreme Court to the Governor, the Chief Financial  
125 Officer, the President of the Senate, and the Speaker of the  
126 House of Representatives on a quarterly basis beginning with the  
127 quarter ending September 30, 2004. Quarterly reports shall be  
128 submitted no later than 30 days after the end of the quarter.  
129 Any unspent funds at the close of the county fiscal year  
130 allocated under subparagraphs 2., 3., and 4., shall be  
131 transferred for use pursuant to subparagraph 1.

132 (b) In addition to the court costs imposed under paragraph  
133 (a) and any other cost, fine, or penalty imposed by law, any  
134 unit of local government which is consolidated as provided by s.  
135 9, Art. VIII of the State Constitution of 1885, as preserved by  
136 s. 6(e), Art. VIII of the State Constitution of 1968, and which  
137 is granted the authority in the State Constitution to exercise  
138 all the powers of a municipal corporation, and any unit of local

CS/HB 1353

2007

139 government operating under a home rule charter adopted pursuant  
140 to ss. 10, 11, and 24, Art. VIII of the State Constitution of  
141 1885, as preserved by s. 6(e), Art. VIII of the State  
142 Constitution of 1968, which is granted the authority in the  
143 State Constitution to exercise all the powers conferred now or  
144 hereafter by general law upon municipalities, may impose by  
145 ordinance a surcharge in the amount of \$85 to be imposed by the  
146 court when a person pleads guilty or nolo contendere to, or is  
147 found guilty of, or adjudicated delinquent for, any felony,  
148 misdemeanor, delinquent act, or criminal traffic offense under  
149 the laws of this state. Revenue from the surcharge shall be  
150 transferred to such unit of local government for the purpose of  
151 replacing fine revenue deposited into the clerk's fine and  
152 forfeiture fund under s. 142.01. Proceeds from the imposition of  
153 the surcharge authorized in this paragraph shall not be used for  
154 the purpose of securing payment of the principal and interest on  
155 bonds. ~~This paragraph, and any surcharge imposed pursuant to  
156 this paragraph, shall stand repealed on September 30, 2007.~~

157 Section 5. Section 95 of chapter 2003-402, Laws of  
158 Florida, is repealed.

159 Section 6. This act shall take effect July 1, 2007.