

Bill No. SB 2162

Barcode 795636

CHAMBER ACTION

Senate

House

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The Committee on Community Affairs (Villalobos) recommended  
the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Subsection (14) 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:

(14) In addition to any penalties imposed for  
noncriminal traffic infractions under this chapter or imposed  
for criminal violations listed in s. 318.17, any unit of local  
government that 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 State Constitution of 1968, and that is  
granted the authority in the State Constitution to exercise  
all the powers of a municipal corporation, and any unit of  
local government operating under a home rule charter adopted

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1 pursuant to ss. 10, 11, and 24, Art. VIII of the State  
2 Constitution of 1885, as preserved by s. 6(e), Art. VIII of  
3 the State Constitution of 1968, that is granted the authority  
4 in the State Constitution to exercise all the powers conferred  
5 now or hereafter by general law upon municipalities, may  
6 impose by ordinance a surcharge of up to \$15 for any  
7 infraction or violation. Revenue from the surcharge shall be  
8 transferred to such unit of local government for the purpose  
9 of replacing fine revenue deposited into the clerk's fine and  
10 forfeiture fund under s. 142.01. The court may not waive this  
11 surcharge. Proceeds from the imposition of the surcharge  
12 authorized in this subsection shall not be used for the  
13 purpose of securing payment of the principal and interest on  
14 bonds. ~~This subsection, and any surcharge imposed pursuant to~~  
15 ~~this subsection, shall stand repealed September 30, 2007.~~

16 Section 2. Subsection (2) of section 938.19, Florida  
17 Statutes, is amended to read:

18 938.19 Teen courts.--

19 (2) A sum of up to \$3 shall be assessed as a court  
20 cost in the circuit and county court in the county against  
21 each person who pleads guilty or nolo contendere to, or is  
22 convicted of, regardless of adjudication, or adjudicated  
23 delinquent for a violation of a criminal law, a delinquent  
24 act, or a municipal or county ordinance, or who pays a fine or  
25 civil penalty for any violation of chapter 316. Any person  
26 whose adjudication is withheld under s. 318.14(9) or (10)  
27 shall also be assessed the cost.

28 Section 3. Subsection (1) of section 939.185, Florida  
29 Statutes, is amended to read:

30 939.185 Assessment of additional court costs and  
31 surcharges.--

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1           (1)(a) The board of county commissioners may adopt by  
2 ordinance an additional court cost, not to exceed \$65, to be  
3 imposed by the court when a person pleads guilty or nolo  
4 contendere to, or is found guilty of, or adjudicated  
5 delinquent for, any felony, misdemeanor, delinquent act, or  
6 criminal traffic offense under the laws of this state. Such  
7 additional assessment shall be accounted for separately by the  
8 county in which the offense occurred and be used only in the  
9 county imposing this cost, to be allocated as follows:

10           1. Twenty-five percent of the amount collected shall  
11 be allocated to fund innovations to supplement state funding  
12 for the elements of the state courts system identified in s.  
13 29.004 and county funding for local requirements under s.  
14 29.008(2)(a)2.

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

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

21           4. Twenty-five percent of the amount collected shall  
22 be used as determined by the board of county commissioners to  
23 support teen court programs, except as provided in s.  
24 938.19(7), juvenile assessment centers, and other juvenile  
25 alternative programs.

26  
27 Each county receiving funds under this section shall report  
28 the amount of funds collected pursuant to this section and an  
29 itemized list of expenditures for all authorized programs and  
30 activities. The report shall be submitted in a format  
31 developed by the Supreme Court to the Governor, the Chief

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1 Financial Officer, the President of the Senate, and the  
 2 Speaker of the House of Representatives on a quarterly basis  
 3 beginning with the quarter ending September 30, 2004.  
 4 Quarterly reports shall be submitted no later than 30 days  
 5 after the end of the quarter. Any unspent funds at the close  
 6 of the county fiscal year allocated under subparagraphs 2.,  
 7 3., and 4., shall be transferred for use pursuant to  
 8 subparagraph 1.

9 (b) In addition to the court costs imposed under  
 10 paragraph (a) and any other cost, fine, or penalty imposed by  
 11 law, any unit of local government which is consolidated as  
 12 provided by s. 9, Art. VIII of the State Constitution of 1885,  
 13 as preserved by s. 6(e), Art. VIII of the State Constitution  
 14 of 1968, and which is granted the authority in the State  
 15 Constitution to exercise all the powers of a municipal  
 16 corporation, and any unit of local government operating under  
 17 a home rule charter adopted pursuant to ss. 10, 11, and 24,  
 18 Art. VIII of the State Constitution of 1885, as preserved by  
 19 s. 6(e), Art. VIII of the State Constitution of 1968, which is  
 20 granted the authority in the State Constitution to exercise  
 21 all the powers conferred now or hereafter by general law upon  
 22 municipalities, may impose by ordinance a surcharge in the  
 23 amount of \$85 to be imposed by the court when a person pleads  
 24 guilty or nolo contendere to, or is found guilty of, or  
 25 adjudicated delinquent for, any felony, misdemeanor,  
 26 delinquent act, or criminal traffic offense under the laws of  
 27 this state. Revenue from the surcharge shall be transferred to  
 28 such unit of local government for the purpose of replacing  
 29 fine revenue deposited into the clerk's fine and forfeiture  
 30 fund under s. 142.01. Proceeds from the imposition of the  
 31 surcharge authorized in this paragraph shall not be used for

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1 the purpose of securing payment of the principal and interest  
2 on bonds. ~~This paragraph, and any surcharge imposed pursuant~~  
3 ~~to this paragraph, shall stand repealed on September 30, 2007.~~

4 (c) The disbursement of costs collected under this  
5 section shall be subordinate in priority order of disbursement  
6 to all other state-imposed costs authorized in this chapter,  
7 restitution or other compensation to victims, and child  
8 support payments.

9 Section 4. This act shall take effect July 1, 2007.

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12 ===== T I T L E A M E N D M E N T =====

13 And the title is amended as follows:

14 Delete everything before the enacting clause

15

16 and insert:

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A bill to be entitled

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An act relating to local government funding;

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amending s. 318.18, F.S.; deleting a specific

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ending date for a surcharge imposed by certain

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local governments on penalties for noncriminal

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infractions; amending s. 938.19, F.S.;

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providing that a court cost applies to juvenile

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delinquency proceedings; amending s. 939.185,

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F.S.; deleting a specific ending date for a

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surcharge imposed by certain local governments

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on penalties for noncriminal violations and

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applying such surcharges to delinquency

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proceedings; providing an effective date.

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