

By the Committees on Judiciary; Community Affairs; and Senator Villalobos

590-2361-07

1                                   A bill to be entitled

2           An act relating to local government funding;

3           amending s. 318.18, F.S.; prescribing

4           authorized uses of surplus funds generated from

5           a bond debt-service surcharge; providing

6           exception requirements for a county to impose

7           both of the surcharges under s. 318.18(13)(a)

8           and (b); deleting a specific ending date for a

9           surcharge imposed by certain local governments

10          on penalties for noncriminal infractions;

11          amending s. 938.19, F.S.; providing that a

12          court cost applies to juvenile delinquency

13          proceedings; amending s. 939.185, F.S.;

14          deleting a specific ending date for a surcharge

15          imposed by certain local governments on

16          penalties for noncriminal violations and

17          applying such surcharges to delinquency

18          proceedings; providing an effective date.

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

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22           Section 1. Subsections (13) and (14) of section

23 318.18, Florida Statutes, are amended to read:

24           318.18 Amount of civil penalties.--The penalties

25 required for a noncriminal disposition pursuant to s. 318.14

26 are as follows:

27           (13) In addition to any penalties imposed for

28 noncriminal traffic infractions pursuant to this chapter or

29 imposed for criminal violations listed in s. 318.17, a board

30 of county commissioners or any unit of local government which

31 is consolidated as provided by s. 9, Art. VIII of the State

1 Constitution of 1885, as preserved by s. 6(e), Art. VIII of  
2 the Constitution of 1968:

3 (a) May impose by ordinance a surcharge of up to \$15  
4 for any infraction or violation to fund state court  
5 facilities. The court shall not waive this surcharge. Up to 25  
6 percent of the revenue from such surcharge may be used to  
7 support local law libraries provided that the county or unit  
8 of local government provides a level of service equal to that  
9 provided prior to July 1, 2004, which shall include the  
10 continuation of library facilities located in or near the  
11 county courthouse or annexes.

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

1 surcharge revenues, if the revenues generated as a result of  
2 the adoption of this ordinance exceed the debt service on the  
3 bonds, the surplus revenues may be used to pay down the debt  
4 service on the bonds; fund other state-court-facility  
5 construction projects as may be certified by the chief judge  
6 as necessary to address unexpected growth in caseloads,  
7 emergency requirements to accommodate public access, threats  
8 to the safety of the public, judges, staff, and litigants, or  
9 other exigent circumstances; or support local law libraries in  
10 or near the county courthouse or annexes.

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12 A county may not impose both of the surcharges authorized  
13 under paragraphs (a) and (b) concurrently unless the chief  
14 judge certifies the need for additional state court facilities  
15 due to unexpected growth in caseloads; emergency requirements  
16 to accommodate public access; threats to the safety of the  
17 public, judges, staff, and litigants; the need to support  
18 local law libraries in or near the county courthouse or  
19 annexes; or other exigent circumstances. The clerk of court  
20 shall report, no later than 30 days after the end of the  
21 quarter, the amount of funds collected under this subsection  
22 during each quarter of the fiscal year. The clerk shall submit  
23 the report, in a format developed by the Office of State  
24 Courts Administrator, to the chief judge of the circuit, the  
25 Governor, the President of the Senate, and the Speaker of the  
26 House of Representatives.

27 (14) In addition to any penalties imposed for  
28 noncriminal traffic infractions under this chapter or imposed  
29 for criminal violations listed in s. 318.17, any unit of local  
30 government that is consolidated as provided by s. 9, Art. VIII  
31 of the State Constitution of 1885, as preserved by s. 6(e),

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

20 |         Section 2. Subsection (2) of section 938.19, Florida  
21 | Statutes, is amended to read:

22 |             938.19 Teen courts.--

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

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

3           939.185 Assessment of additional court costs and  
4 surcharges.--

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

14           1. Twenty-five percent of the amount collected shall  
15 be allocated to fund innovations to supplement state funding  
16 for the elements of the state courts system identified in s.  
17 29.004 and county funding for local requirements under s.  
18 29.008(2)(a)2.

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

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

25           4. Twenty-five percent of the amount collected shall  
26 be used as determined by the board of county commissioners to  
27 support teen court programs, except as provided in s.  
28 938.19(7), juvenile assessment centers, and other juvenile  
29 alternative programs.

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1 Each county receiving funds under this section shall report  
2 the amount of funds collected pursuant to this section and an  
3 itemized list of expenditures for all authorized programs and  
4 activities. The report shall be submitted in a format  
5 developed by the Supreme Court to the Governor, the Chief  
6 Financial Officer, the President of the Senate, and the  
7 Speaker of the House of Representatives on a quarterly basis  
8 beginning with the quarter ending September 30, 2004.  
9 Quarterly reports shall be submitted no later than 30 days  
10 after the end of the quarter. Any unspent funds at the close  
11 of the county fiscal year allocated under subparagraphs 2.,  
12 3., and 4., shall be transferred for use pursuant to  
13 subparagraph 1.

14 (b) In addition to the court costs imposed under  
15 paragraph (a) and any other cost, fine, or penalty imposed by  
16 law, any unit of local government which is consolidated as  
17 provided by s. 9, Art. VIII of the State Constitution of 1885,  
18 as preserved by s. 6(e), Art. VIII of the State Constitution  
19 of 1968, and which is granted the authority in the State  
20 Constitution to exercise all the powers of a municipal  
21 corporation, and any unit of local government operating under  
22 a home rule charter adopted pursuant to ss. 10, 11, and 24,  
23 Art. VIII of the State Constitution of 1885, as preserved by  
24 s. 6(e), Art. VIII of the State Constitution of 1968, which is  
25 granted the authority in the State Constitution to exercise  
26 all the powers conferred now or hereafter by general law upon  
27 municipalities, may impose by ordinance a surcharge in the  
28 amount of \$85 to be imposed by the court when a person pleads  
29 guilty or nolo contendere to, or is found guilty of, or  
30 adjudicated delinquent for, any felony, misdemeanor,  
31 delinquent act, or criminal traffic offense under the laws of

1 | this state. Revenue from the surcharge shall be transferred to  
2 | such unit of local government for the purpose of replacing  
3 | fine revenue deposited into the clerk's fine and forfeiture  
4 | fund under s. 142.01. Proceeds from the imposition of the  
5 | surcharge authorized in this paragraph shall not be used for  
6 | the purpose of securing payment of the principal and interest  
7 | on bonds. ~~This paragraph, and any surcharge imposed pursuant~~  
8 | ~~to this paragraph, shall stand repealed on September 30, 2007.~~

9 |       (c) The disbursement of costs collected under this  
10 | section shall be subordinate in priority order of disbursement  
11 | to all other state-imposed costs authorized in this chapter,  
12 | restitution or other compensation to victims, and child  
13 | support payments.

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

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16 |               STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
17 |               COMMITTEE SUBSTITUTE FOR  
18 |               CS for SB 2162

19 | Authorizes alternative uses under certain conditions for  
20 | surplus traffic-infraction-surcharge revenue.

21 | Authorizes certain counties that are currently authorized to  
22 | levy a surcharge for the service of bonds issued prior to 2003  
23 | for the funding of state-court facilities to concurrently  
24 | impose another traffic-infraction surcharge that other  
25 | counties may levy to fund state-court facilities.