

1
2 An act relating to local government funding;
3 amending s. 318.18, F.S.; deleting a specific
4 ending date for a surcharge imposed by certain
5 local governments on penalties for noncriminal
6 infractions; amending s. 938.19, F.S.;
7 providing that a court cost applies to juvenile
8 delinquency proceedings; amending s. 939.185,
9 F.S.; deleting a specific ending date for a
10 surcharge imposed by certain local governments
11 on penalties for noncriminal violations and
12 applying such surcharges to delinquency
13 proceedings; providing an effective date.
14

15 Be It Enacted by the Legislature of the State of Florida:
16

17 Section 1. Subsection (14) of section 318.18, Florida
18 Statutes, is amended to read:

19 318.18 Amount of civil penalties.--The penalties
20 required for a noncriminal disposition pursuant to s. 318.14
21 are as follows:

22 (14) In addition to any penalties imposed for
23 noncriminal traffic infractions under this chapter or imposed
24 for criminal violations listed in s. 318.17, any unit of local
25 government that is consolidated as provided by s. 9, Art. VIII
26 of the State Constitution of 1885, as preserved by s. 6(e),
27 Art. VIII of the State Constitution of 1968, and that is
28 granted the authority in the State Constitution to exercise
29 all the powers of a municipal corporation, and any unit of
30 local government operating under a home rule charter adopted
31 pursuant to ss. 10, 11, and 24, Art. VIII of the State

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14 this subsection, shall stand repealed September 30, 2007.~~

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

17 938.19 Teen courts.--

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

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

29 939.185 Assessment of additional court costs and
30 surcharges.--

31

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

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

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.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31