

ORDINANCE NO. 2004-07

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AMENDING THE HERNANDO COUNTY CODE BY AMENDING SECTION 11-2; BY ADDING A SECTION TO CHAPTER 11, COURTS; PROVIDING FOR IMPOSITION OF A SURCHARGE ON NON-CRIMINAL TRAFFIC INFRACTIONS OR CERTAIN CRIMINAL VIOLATIONS; ALLOCATION OF FUNDS RECEIVED FROM THE SURCHARGE; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE HERNANDO COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

RECEIVED
CLERK OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA
2004 JUL -1 PM 4:00
Clerk 1123

WHEREAS, on November 3, 1998, the voters of Florida, adopted Revision 7 to the Florida Constitution to amend Article V of the Constitution, in order to address the problem of disparate court funding throughout the separate counties of the State; and

WHEREAS, during the 2003 Session of the State Legislature, the Legislature amended various provisions of the Florida Statutes in order to comply with the requirements of Revision 7; and

WHEREAS, after review, the Legislature enacted further amendments to the Florida Statutes in order to provide a more equitable distribution of responsibility for funding the court system; and

WHEREAS, the Florida Legislature amended Section 318.18, Florida Statutes, to address some of these concerns by providing a supplemental funding source through imposition of a surcharge; and

WHEREAS, Section 318.18, allows each county to adopt a county ordinance assessing a surcharge not to exceed \$15.00 for any non-criminal traffic violation and criminal violations listed in Section 318.17; and

WHEREAS, the additional funding must be used to fund State court facilities; and

WHEREAS, the legislation allowing this additional surcharge requires that the local Board of County Commissioners enact local legislation incorporating this charge; and

WHEREAS, the Florida Legislature also created Section 318.18(11)(c), Florida Statutes, to address some of these concerns by providing a supplemental funding source through additional court costs; and

WHEREAS, Section 318.18(11)(c), allows each county to direct that funds collected thereby may be used to fund criminal justice education as provided in section 938.15, Florida Statutes; and

WHEREAS, these additional funds are necessary in order for the courts in this County to maintain their high level of service to the Hernando County community.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Surcharge in Non-Criminal and Criminal Traffic Cases

(a) Pursuant to Section 318.18(13)(a), Florida Statutes, every person who pays a fine or civil penalty for any violation of a non-criminal traffic infraction pursuant to Chapter 318, and every person who pleads guilty or nolo contendere or is convicted, regardless of adjudication, of a violation of a non-criminal traffic infraction or a criminal violation listed in Section 318.17, shall be assessed a surcharge of \$15.00 (Fifteen Dollars). A non-criminal traffic infraction is defined in Section 318.14(1), Florida Statutes.

(b) The court shall order payment of this additional court cost in all matters subject to this Ordinance, and the Clerk of Court shall add this surcharge to all payments of fines or

civil penalties for any violation of a non-criminal traffic infraction or a criminal violation listed in Section 318.17.

(c) The funds collected pursuant to this Ordinance shall be remitted to the Board of County Commissioners to be used to fund State court facilities.

Section 2. Sec. 11-2. Imposition of court costs for training of law enforcement personnel, etc. is amended as follows:

(a) *Assessment.* Pursuant to section ~~943.25(8)(a)~~ 938.15, Florida Statutes, all courts created by article V of the state constitution shall assess two dollars (\$2.00) as a court cost against every person convicted for violation of a state penal or criminal statute or convicted for violation of a county ordinance. In addition, two dollars (\$2.00) shall be deducted from every bond estreature or forfeited bail bond related to such penal statutes or ordinances. However, no such assessment shall be made against any person convicted for violation of any state statute, municipal or county ordinance relating to the parking of vehicles.

(b) *Disposition of funds collected Pursuant to 938.15, Florida Statutes.*
Pursuant to section ~~943.25(5)~~ 938.15, Florida Statutes, the two dollars (\$2.00) mandatory court cost assessed ~~pursuant to section 943.25(4), Florida Statutes, may be used by the county for basic training of correctional officers until June 30, 1986, and, thereafter, such assessments shall be disposed of in accordance with section 943.25(8)(a), the additional two dollars (\$2.00) assessment provided for in paragraph (a) of this section shall be used for criminal justice education degree programs and training courses, including basic recruit training expenditures for the county's law enforcement ~~and correctional officers, part-time law enforcement officers, auxiliary~~ officers, and support personnel, provided~~

that such education degree programs and training ~~programs~~ courses are approved by the employing agency administrator, on a form provided by the ~~police training and standards~~ commission, for local funding.

(c) Disposition of Funds Collected Pursuant to 318.18(11)(c). The clerk of the circuit court shall transfer all funds collected pursuant to section 318.18(11)(c) to the Hernando County Sheriff. Such funds shall be used for criminal justice education degree programs and training courses pursuant to section 938.15, Florida Statutes.

Section 3. Areas Embraced

The provisions of this Ordinance shall apply within the incorporated and unincorporated areas of Hernando County.

Section 4. Severability

If any section, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

Section 5. Codification

The provisions of this Ordinance shall be included and incorporated in Chapter 11 of the Hernando County Code, as an addition or amendment thereto, and shall be appropriately numbered to conform to the uniform numbering system of the Hernando County Code.

Section 6. Filing of Ordinance; Effective Date

Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners

within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the Ordinance with the Department of State.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 22nd day of June 2004 A.D.



Attest: Karen Nicolai
KAREN NICOLAI
Clerk

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**
By: Hannah M. Robinson
HANNAH M. ROBINSON
Chairperson

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY: Kurt A. Hyman
County Attorney's Office
6-28-04