

## PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

### AGENDA ITEM SUMMARY

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Meeting Date: March 11, 2008	[ ]	Consent	[X]	Regular
	[ ]	Workshop	[ ]	Public Hearing

Department:

Submitted By: Administration

Submitted For: Court Administration

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### I. EXECUTIVE BRIEF

**Motion and Title: Staff requests Board direction:** Regarding the request by Court Administration to fund \$44,500 to maintain the Civil Traffic Hearing Officer Program through June 30, 2008 as a result of State budget cuts.

**Summary:** This Program, which handles traffic infractions in a more efficient manner than regular court process, will end March 14, if not funded. Source of funds would be general fund contingency. Court Administration understands that County funding is unlikely for July, but providing interim funding would allow time for evaluation of alternatives and adjustments to process with law enforcement. According to the Clerk, the County collected \$2,047,234 last fiscal year from fines from this hearing process. Court Administration thinks that revenues will decrease if this Program is terminated. Countywide (TF)

**Background and Policy Issues:** The State has reduced current year funding to the Courts. The decision to cut this program was apparently made in Tallahassee. Broward, Miami-Dade and other counties are also affected.

**Attachments:** Background on process

Recommended by: \_\_\_\_\_

Department Director

Date

Approved By: \_\_\_\_\_

County Administrator

Date

[Signature]

3/9/08

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	<u>44,500</u>	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>44,500</u>	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes \_\_\_\_\_ No X

Budget Account No.: Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
Program \_\_\_\_\_

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

### C. Departmental Fiscal Review: \_\_\_\_\_

## III. REVIEW COMMENTS

### A. OFMB Budget and/or Contract Development and Control Comments:

Jim Doherty 3-10-08 Don L. Jacobus 3/10/08  
OFMB/Budget CN 3/10/08 Contract Development and Control  
3/10/08

### B. Legal Sufficiency:

[Signature] 3/10/08  
Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
Department Director

REVISED 9/03  
ADM FORM 01

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)



THE CIRCUIT COURT OF THE  
**FIFTEENTH JUDICIAL CIRCUIT**  
OF FLORIDA

CHAMBERS OF  
**KATHLEEN J. KROLL**  
CHIEF JUDGE

COUNTY COURTHOUSE  
WEST PALM BEACH, FLORIDA 33401  
561/355-4378

March 7, 2008

To the Palm Beach County Board of County Commissioners  
C/o Hon. Addie Greene, Chair  
301 North Olive Avenue, Suite 1201  
West Palm Beach, FL 33401

Dear Commissioner Greene:

I am in the unfortunate position of having to approach you, on behalf of the Court, for some emergency assistance. On Wednesday, March 5, 2008, the Court received notice that funding of the Civil Traffic Hearing Officer Program will cease on March 14, 2008. Civil Traffic Hearing Officers preside over approximately 3,000 traffic cases per week. This will create quite a shock to the system if the court is required to integrate these hearings into the county court judges' dockets. The Court is scrambling to find a method to keep this Program functioning, at least until the end of the state fiscal year (June 30, 2008) so that we can make provisions for such hearings in fiscal year 2008-2009.

The Civil Traffic Hearing Officer Program is truly an efficient Program. It provides convenience for the citizens and law enforcement. For example, Civil Traffic Officers hear traffic cases in four courthouse locations, two video locations and preside over cases on Saturdays.

I apologize for the fact that I must approach the County to fund a Program that should technically be funded by the State. The Court request \$44,546.25 for interim funding of the Program. I can only mitigate my request with the fact that the revenue generated by this Program in fiscal year 2006-2007, according to the Clerk's data, was \$2,047,234—which went directly to the County.

Thank you in advance for considering my request. I have attached a packet of information with more information on this Program for your review. I will appear before the Board on March 11<sup>th</sup> and will be happy to answer questions at that time or at any time in advance of the meeting.

Sincerely,

A handwritten signature in dark ink, appearing to read 'K. Kroll', written over the printed name.

Kathleen Kroll  
Chief Judge

cc: Palm Beach County Board of County Commissioners  
Bob Weisman, County Administrator  
Barbara Dawicke, Trial Court Administrator





## Fifteenth Judicial Circuit of Florida

### Civil Traffic Hearing Officer Program

- Civil Traffic Hearing Officer Program provides convenience to the citizens
  - Saturday hearings
  - Branch video locations
  - Two tier system (see below)
- Civil Traffic Hearing Officers preside over 3,000 hearings per week
- According to the Clerk, in fiscal year 2006-2007: \$2,047,234 collected from Civil Traffic Hearing Officers for Palm Beach County
- By utilizing Civil Traffic Hearing Officers, the Court is able to use two tier court hearing sessions (pre-trial; trial) minimizing law enforcement officers time away from their patrol, *i.e.*, pre-trial disposes of at least 80% of the cases in which the defendant requests a court hearing and officers do not appear at pre-trial.
- The judiciary schedules are not able to accommodate 3,000 additional cases per week. Therefore, in the very least, the pre-trial conference would be collapsed to a trial date--which would require every officer to be subpoenaed for every ticket that the officers write. At least 80% of the cases would again result in a plea out causing the officers to appear unnecessarily for court. This in turn results in substantial costs for law enforcement and creates a safety issue for the citizens.
- Very likely, law enforcement will not be able to attend every trial date, which will result in dismissals of tickets thereby generating less money for the County.
- If 3,000 cases need to be absorbed by the judiciary, then the prioritization of cases will need to happen which could result in cases being dismissed due to speedy trial issues, *e.g.*, traffic will compete with child support hearings, small claims, etc.
- For the convenience of the public and law enforcement, traffic hearings are currently held in four courthouse and two video locations throughout the county, and at Gun Club on Saturday. If the judiciary is required to integrate the hearings into their docket, the traffic hearing locations will vary depending on the availability of the judiciary.

## **Traffic Fines Benefiting Palm Beach County**

### **A. Court Facilities Fund**

1. Statute: Section 318.18(13)(a); County Ordinance 2000-015
2. Amount: \$15.00
3. Synopsis: a surcharge of up to \$15 for any infraction or violation to fund state court facilities. Up to 25 percent of the revenue from such surcharge may be used to support local law libraries.
4. Approval: Sec. 10-11(c)(1). State court facility surcharge.  
(1) In addition to any penalties imposed for non-criminal traffic infractions pursuant to F.S. ch. 318, or imposed for criminal violations listed in F.S. § 318.17, a surcharge of fifteen dollars (\$15.00) shall be imposed against all such infractions and violations for the purpose of funding state court facilities.

### **B. Dori Slosberg Driver Education Safety Act**

1. Statute: Section 318.1215.
2. Amount: \$5.00 (increased to this amount effective October 1, 2006 – top of p.7)
3. Synopsis: Allows a board of county commissioners to require, by ordinance, that the clerk of the court collect an additional \$5 with each civil traffic penalty, which shall be used to fund driver education programs in public and nonpublic schools.
4. Approval: Section 10-9(b)(1) of the Palm Beach County Municipal Code  
(b) Creation of driver education safety trust fund, collection of an additional \$5.00 with each civil traffic penalty to be deposited in the driver education safety trust fund, and accounting.  
(1) Pursuant to the Dori Slosberg Driver Education Safety Act, the clerk shall collect an additional \$5.00 with each civil traffic penalty levied in the county to be used for driver education programs.

### **C. CJC Education Statute/Local Law Enforcement Edu**

1. Statute: Section 938.15 – Criminal Justice Education for Local Government and section 318.18(11)(d) – Amount of Penalties
2. Amount: \$2.00
3. Synopsis: municipalities and counties may assess an additional \$2 for expenditures for criminal justice education degree programs and training courses, including basic recruit training, for their respective officers and employing agency support personnel
4. Approval:

Civil Traffic Hearing Officer Program  
Projected Needs per Month

Wellington Video Pretrials	3 hrs.
Gun Club Fridays	30 hrs.
Gun Club Saturdays	11.7 hrs.
North Tuesdays	18.25 hrs.
North Fridays	15 hrs.
South (all 10 sessions per week)	80 hrs.
Management (at 30 hrs. per week)	96.6 hrs.

TOTAL HOURS: 254.55 per month<sup>1</sup>

254.55 hours @ \$50.00 per hour = \$12,727.50 per month

Funds needed for remainder of fiscal year 2007-2008: 3.5 months = \$44,546.25

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<sup>1</sup>Does not include senior judge time used in the past few months estimated at 35-40 hours total.



	A	B	C	D	E	F
1	CIVIL TRAFFIC					
2						
3	CODE: 28.246(5)(a)-		348 COURT-RELATED REVENUES	F=FILING FEE		
4	PARTIAL PAYMENT		500 TRAFFIC COURT (CRIMINAL & CIVIL)	S=SERV CHRG/OTHER FEE		
5	PRIORITY		510 FILING FEES	P= FINE/PENALTY		
6	1. DOR/GEN FUND		520 SERVICE CHARGES	C=COURT COST		
7	2. CLERK OF COURT		530 COURT COST	M=MANDATORY		
8	3. STATE TRUST		351 FINES & FORFEITURES	D=DISCRETIONARY		
9	4. LOCAL					
10			500 FINES - TRAFFIC			
11	CODE	ACCOUNT	DESCRIPTION	AMOUNT	FINE/CST/ SRV/MAN/DIS	AUTHORITY
12			<b>** OPTIONAL ADDITIONS**</b>			
13			(Add to assessment below if applicable to your county)			
14	4	LIABILITY	DORI SLOSBERG (BOCC) (Effective October 1, 2006 - Increased to \$5.00 **Requires Ordinance revision)	\$5.00	C/M	318.1215
15						
16	4	LIABILITY	TRAFFIC SURCHARGE - DADE COUNTY ONLY	\$15.00	C/M	318.18(14)
17						
18	4	LIABILITY	CRIMINAL JUSTICE ASSESSMENT CENTERS	\$3.00	C/M	318.18(11)(b)
19						
20	4	LIABILITY	TEEN COURT (statute revised to allow charge to be assessed on delinquent acts)	\$2.85	C/M	938.19
21	2	348-520	TEEN COURT SERVICE CHARGE (statute revised to allow charge to be assessed on delinquent acts)	\$0.15	S/M	938.19
22						
23			<b>*** Note if Civil Hearing Held ***</b>			
24	Any Additional Civil Penalty imposed by the court under FS 318.14(5) shall be distributed in accordance with FS 318.21. Any Court Costs imposed under 34.191(2) shall be distributed to the Clerk's Fine and Forfeiture Fund.					
25						
26	~~~~ PEDESTRIAN/BICYCLE ~~~~~					
27						
28	4	LIABILITY	COURT FACILITIES FUND (BOCC) <i>Optional with Co. Ordinance</i>	\$15.00	C/M	318.18(13)(a)
29	4	LIABILITY	LOCAL LAW ENFORCEMENT EDU (BOCC) <i>Optional with Ordinance</i>	\$2.00	C/M	938.15/ 318.18(11)(d)
30	3	LIABILITY	ADDITIONAL COURT COST CLEAR	\$3.00	C/M	318.18(11)(d)
31	2 or 4	348-530/LIAB	ADDITIONAL COURT COST - CLERK or: to Co. if directed	\$2.50	C/M	318.18(11)(c)
32	2	348-530	COURT COSTS	\$3.00	C/M	318.18(11)(a)
33			STATUTORY BASE FINE	\$15.00	P/M	318.18(1)
34				\$40.50		
35			DISTRIBUTE STATUTORY BASE FINE AS FOLLOWS :			
36	3	LIABILITY	CHILD WELFARE TRUST FUND	\$1.00	P/M	318.21(1)
37	3	LIABILITY	JUVENILE JUSTICE TRUST FUND	\$1.00	P/M	318.21(1)
38			OF THE REMAINDER OF FINE:			
39	1	LIABILITY	GENERAL REVENUE FUND	20.6%	P/M	318.21(2)(a)
40	3	LIABILITY	EMERGENCY MED. SERVICES	7.2%	P/M	318.21(2)(b)
41	3	LIABILITY	ADD. COURT COSTS	5.1%	P/M	318.21(2)(c)
42	3	LIABILITY	BRAIN & SPINAL CORD	8.2%	P/M	318.21(2)(d)
43	3	LIABILITY	FL ENDOWMENT FOUNDATION	2.0%	P/M	318.21(2)(e)
44	2	351-500	CLERK OF THE COURT	0.5%	P/M	318.21(2)(f)
45	2	351-500	FINE-CLERK FEE OR	56.4%	P/M	
46	4	LIABILITY	SEMINOLE or MICCOSUKEE TRIBE	56.4%	P/M	318.21(2)(g)1
47	4	LIABILITY	MUNICIPALITY	50.8%	P/M	318.21(2)(g)2
48	2	351-500	CLERK OF THE COURT	5.6%	P/M	318.21(2)2