

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: July 7, 2009 [] Consent [X] Regular
[] Public Hearing

Department

Submitted By: COUNTY ATTORNEY

Submitted For:

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve on preliminary reading and advertise for public hearing on July 21, 2009 at 9:30 a.m. an ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Section 10-11(c)(1) of the Palm Beach County Code, the Palm Beach County State Court Facility Surcharge Ordinance, to increase the surcharge imposed to fund state court facilities; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date.

Summary: This ordinance amendment increases the County's state court facility surcharge as authorized by a recent change to Section 318.18, Florida Statutes. The surcharge is increased from fifteen (\$15) dollars to thirty (\$30) dollars on all such infractions and violations for the purpose of funding state court facilities. Countywide (PFK)

Background and Justification: Effective July 1, 2009, Chapter 2009-204, Laws of Florida, permits an increase in the County's state court facility surcharge from \$15 to \$30 on non-criminal traffic violations in Chapter 318, Florida Statutes or criminal violations listed in Section 318.17, Florida Statutes. This amendment provides for this increased surcharge amount.

Attachments:

- 1. Ordinance Amendment (ordinance text changes blacklined)
- 2. Section 10-11 of the County Code.

Recommended by: [Signature] 6/22/09
County Attorney Date

Approved by: N/A
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	<u>0</u>	_____	_____	_____	_____
Operating Costs	<u>0</u>	_____	_____	_____	_____
External Revenues	<u><3,000,000></u>	_____	_____	_____	_____
Program Income (County)	<u>0</u>	_____	_____	_____	_____
In-Kind Match (County)	<u>0</u>	_____	_____	_____	_____
NET FISCAL IMPACT	<3,000,000>	_____	_____	_____	_____

ADDITIONAL FTE

POSITIONS (Cumulative) 0 _____

Is Item Included in ~~Current~~ ^{Proposed} Budget? Yes X No _____

Budget Account No.: ^{Revenue} Fund 0001 Department 800 Unit 8001 ^{Rev. Source} Object R4852

Reporting Category _____

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

C. Departmental Fiscal Review: ^{*} Fiscal impact unknown at this time.

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

Fiscal Impact will have additional \$3,000,000 in revenue for FY2010 Budget

[Signature] 7/11/09
 OFMB SN CN 6/24/09

[Signature] 7/11/09
 Contract Development and Control

B. Legal Sufficiency:

[Signature] 6/22/09
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, SECTION 10-11(c)(1), THE PALM BEACH COUNTY STATE COURT FACILILTY SURCHARGE ORDINANCE, TO INCREASE THE SURCHARGE IMPOSED TO FUND STATE COURT FACILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.

14 **WHEREAS**, as authorized by Section 318.18, Florida Statutes, the Palm Beach County
15 Board of County Commissioners adopted the Palm Beach County State Court Facility
16 Surcharge Ordinance, Ordinance No. 2004-015, codified in Section 10-11 of the County Code;
17 and

18 **WHEREAS**, Section 10-11 imposed a surcharge of fifteen dollars (\$15.00) for non-
19 criminal traffic infractions imposed pursuant to Chapter 318, Florida Statutes, or imposed for
20 criminal violations listed in Section 318.17, Florida Statutes, for the purpose of funding state
21 court facilities; and

22 **WHEREAS**, Chapter 2009-204, Laws of Florida permits an increase in the court
23 facilities surcharge that may be imposed to thirty dollars (\$30.00) as of July 1, 2009; and

24 **WHEREAS**, the Palm Beach County Board of County Commissioners desires to
25 increase the court facility surcharge imposed to thirty dollars (\$30.00).

26 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
27 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA**, that:

28 **Section 1.**

29 Section 10-11(c)(1) of the Palm Beach County code is amended as follows:

30 (c) *Imposition of surcharge.*

31 (1) In addition to any penalties imposed for non-criminal traffic infractions pursuant
32 to F.S. ch. 318, or imposed for criminal violations listed in F.S. §318.17, a surcharge of ~~fifteen~~
33 thirty dollars (~~\$15.00~~ \$30.00) shall be imposed against all such infractions and violations for
34 the purpose of funding state court facilities. The court shall not waive this surcharge.

1 **Section 2. Severability.**

2 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
3 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void,
4 such holding shall not affect the remainder of this Ordinance.

5 **Section 3. Inclusion in the Code of Laws and Ordinances.**

6 The provisions of this Ordinance shall become and be made a part of the Palm Beach
7 County Code. The sections of this Ordinance may be renumbered or relettered to accomplish
8 such, and the word "ordinance" may be changed to "section," "article," or other appropriate
9 word.

10 **Section 4. Effective Date.**

11 The provisions of this Ordinance shall become effective upon filing with the
12 Department of State.

13 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach
14 County, Florida, on this the ____ day of _____, 2009.

15 SHARON R. BOCK, CLERK

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

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19 By: _____
20 Deputy Clerk

By: _____
John F. Koons, Chairman

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22 APPROVED AS TO FORM AND
23 LEGAL SUFFICIENCY

24
25
26 By: _____
27 County Attorney

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29 EFFECTIVE DATE: Filed with the Department of State on the ____ day of
30 _____, 20____.

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(d) *Reporting.* The county shall report the amount of funds collected pursuant to this section and provide an itemized list of expenditures for all programs and activities authorized by this section to the appropriate state agency or body on a quarterly basis in accordance with the requirements of F.S. § 939.185, beginning with the quarter ending on September 30, 2004. Quarterly reports shall be submitted no later than thirty (30) days after the end of the quarter. Any unspent and unencumbered funds at the close of the county fiscal year allocated under subsection (c)(1)b.—d. of this section shall be transferred for use pursuant to subsection (c)(1)a. of this section. (Ord. No. 04-014, §§ 1—4, 6-22-04)

Sec. 10-11. State court facility surcharge.

(a) *Title.* This section shall be titled the "Palm Beach County State Court Facility Surcharge Ordinance."

(b) *Authority.* This section is enacted pursuant to the authority vested in the county by F.S. § 318.18(13).

(c) *Imposition of 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. The court shall not waive this surcharge.
- (2) The clerk of the court shall collect and distribute the surcharges imposed pursuant to this section to the county on a monthly basis, less the administrative fee provided for in this section.
- (3) The clerk of the court shall withhold five (5) percent of the total monthly surcharges it collects pursuant to this section for the cost of administering the collection of surcharges under this section or such amount as may be otherwise provided for by law.

(d) *Use of funds.* All funds collected pursuant to this section shall be used for the purpose of funding state court facilities or as otherwise provided for by law.

(Ord. No. 04-015, §§ 1—4, 6-22-04)

Sec. 10-12. Alcohol and other drug abuse trust fund.

(a) *Title.* This section shall be titled the "Palm Beach County Alcohol and Other Drug Abuse Trust Fund Ordinance."

(b) *Authority.* This section is enacted pursuant to the authority vested in the county by F.S. § 938.13.

(c) *Imposition of additional court costs.*

- (1) When any person, on or after October 1, 1988, is found guilty of any misdemeanor under the laws of this state in which the unlawful use of drugs or alcohol is involved, there shall be imposed an additional cost in the case, in addition to any other cost required to be imposed by law, in the sum of fifteen dollars (\$15.00).
 - (2) The clerk of the court shall collect the fifteen dollar (\$15.00) court cost and forward fourteen dollars (\$14.00) to the county. The county shall deposit the funds in the county alcohol and other drug abuse trust fund for allocation to local substance abuse programs under F.S. § 893.165. The clerk of the court shall retain the remaining one dollar (\$1.00) of each fifteen dollars (\$15.00) collected as a service charge.
- (Ord. No. 04-016, §§ 1—3, 6-22-04)

Sec. 10-13. Teen court.

(a) *Short title.*

- (1) This section shall be known as the "Palm Beach County Teen Court Ordinance."
- (2) The provisions of this section shall be applicable to all areas of the county.

(b) *Authority and purpose.* This section is established under F.S. § 938.19. The purpose is to provide a long-term means of assuring the continued funding and operation of the county's teen court program(s).