

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Public Hearing to Amend Seminole County Code, Section 50.1 - "Traffic Infraction and Citation Surcharge" For The Maintenance of Court Facilities

DEPARTMENT: Fiscal Services

DIVISION: Administration - Fiscal Services

AUTHORIZED BY: Lisa Spriggs

CONTACT: Cecilia Monti

EXT: 7175

MOTION/RECOMMENDATION:

Conduct the public hearing as advertised and at the close thereof, approve enactment of the proposed ordinance to amend Seminole County Code, Section 50.1 "Traffic Infraction and Citation Surcharge" increasing the surcharge for the maintenance of court facilities from \$15 to \$30 on both noncriminal infractions and those criminal offenses listed in Section 318.17, Florida Statutes.

County-wide

Lisa Spriggs

BACKGROUND:

Article V, Section 14(c) of the Florida Constitution requires county governments to fund the cost of construction or lease, maintenance, utilities, and security of facilities for the trial courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts performing court-related functions. The mandated cost of maintaining court facilities for Seminole County as reported to the State in FY 2007/08 totaled \$8.9M. The revenue currently generated by a \$15 surcharge on noncriminal traffic infractions to support the maintenance of court facilities is estimated at \$1.15M which is a decrease of \$100,000 from prior year collections. The difference in court maintenance cost versus authorized revenue is an unfunded mandate of approximately \$7.75M that is supported by general fund revenue.

SB 2108, approved by the 2009 Florida Legislature, authorized county governments to increase the court facility surcharge on traffic infractions or violations from \$15 to \$30. This surcharge is applicable to noncriminal traffic infractions pursuant to s. 318.14 as well as criminal offenses listed in s. 318.17. Seminole County currently imposes the surcharge on noncriminal violations only. Board approval is requested to increase the court facility surcharge on traffic infractions to \$30 and to include criminal offenses listed in s. 318.17.

Revenue generated by the \$15 increase on noncriminal infractions is projected at \$1.15M for FY 2009/10 and has been included in the proposed budget for a total court facility revenue estimate of \$2.3M. Data needed to determine revenue generated from the addition of criminal infractions was not readily available as this agenda was prepared and will be provided when received.

STAFF RECOMMENDATION:

Staff recommends that the Board approve and enact the proposed ordinance to amend Seminole County Code, Section 50.1 "Traffic Infraction and Citation Surcharge" increasing the surcharge for the maintenance of court facilities from \$15 to \$30 on both noncriminal infractions and those criminal offenses listed in Section 318.17, Florida Statutes.

ATTACHMENTS:

1. Ordinance
2. Economic Impact Statement

Additionally Reviewed By:

- County Attorney Review (Arnold Schneider)
- Revenue Review (Lisa Spriggs)

NOTICE

NOTICE is hereby given that the Board of County Commissioners of Seminole County, Florida, intends to hold a public hearing to consider the enactment of an ordinance entitled:

AN ORDINANCE RELATING TO COUNTY FUNDING OF FACILITIES OF THE STATE COURT SYSTEM WITHIN SEMINOLE COUNTY; AMENDING SECTION 50.1, OF THE SEMINOLE COUNTY CODE; IMPLEMENTING A FIFTEEN DOLLAR (\$15.00) INCREASE FOR A COMBINED TOTAL SURCHARGE OF THIRTY DOLLARS (\$30.00) ON ALL NONCRIMINAL TRAFFIC CITATIONS IMPOSED PURSUANT TO SECTION 318.14, FLORIDA STATUTES AND THOSE CRIMINAL OFFENSES LISTED IN SECTION 318.17, FLORIDA STATUTES ISSUED WITHIN SEMINOLE COUNTY; PROVIDING FOR THE USE OF THE INCREASED SURCHARGE FOR FUNDING OF STATE COURT SYSTEM FACILITIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

at 1:30 p.m. or as soon thereafter as possible, at its regular meeting on Tuesday, August 25, 2009, at the Seminole County Services Building, 1101 East First Street, Board of County Commissioners Chambers, Sanford, Florida. The proposed ordinance may be inspected by the public at the office of the Clerk of the Board of County Commissioners, Room 2204, Seminole County Services Building. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Persons are advised that, if they decide to appeal any decision made at this hearing, they will need a record of the proceedings, and, for such purpose, they may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

For additional information regarding this notice contact Lin Polk, (407) 665-7177.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Human Resources Department ADA Coordinator 48 hours in advance of the meeting at 407-665-7941.

Publish: _____, 2009

Contact Person, Invoice and
Proof of Publication to:

Lin Polk, Fiscal Services
1101 E. First Street
Sanford, Florida
(407)665-7177

AN ORDINANCE RELATING TO COUNTY FUNDING OF FACILITIES OF THE STATE COURT SYSTEM WITHIN SEMINOLE COUNTY; AMENDING SECTION 50.1, OF THE SEMINOLE COUNTY CODE; IMPLEMENTING A FIFTEEN DOLLAR (\$15.00) INCREASE FOR A COMBINED TOTAL SURCHARGE OF THIRTY DOLLARS (\$30.00) ON ALL NONCRIMINAL TRAFFIC CITATIONS IMPOSED PURSUANT TO SECTION 318.14, FLORIDA STATUTES AND THOSE CRIMINAL OFFENSES LISTED IN SECTION 318.17, FLORIDA STATUTES ISSUED WITHIN SEMINOLE COUNTY; PROVIDING FOR THE USE OF THE INCREASED SURCHARGE FOR FUNDING OF STATE COURT SYSTEM FACILITIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature's enactment of Chapter 2009-204, Laws of Florida amended section 318.18, Florida Statutes, increasing the authorized surcharge on all noncriminal traffic infractions issued pursuant to section 318.14, Florida Statutes and those criminal offenses listed in section 318.17, Florida Statutes from fifteen dollars (\$15.00) to thirty dollars (\$30.00) that may be imposed by the County for the purpose of funding the facilities of the State Court System located in the County; and

WHEREAS, the surcharge authorized by section 318.18(13)(a), Florida Statutes, and implemented by section 50.1, Seminole County Code (the "Code"), requires amendment of said Code section in order to increase the surcharge accordingly; and

WHEREAS, the Board finds and determines that an increase in the surcharge is necessary to provide and maintain adequate court facilities to meet the needs of the public during difficult economic circumstances and declining public funds; and

WHEREAS, the Seminole County Home Rule Charter requires that an Economic Impact Statement be prepared to address the potential fiscal impacts and economic costs of this Ordinance upon the public and

taxpayers of Seminole County and such Economic Impact Statement has been prepared and has been made available for public review and copying prior to the enactment of this Ordinance;

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

SECTION 1. STATEMENT OF INTENT AND FINDINGS OF FACT. The foregoing recitals are deemed to be an integral part of this section and constitute additional findings of the Board of County Commissioners. It is the intent of the Board to promote and enhance the continued smooth and efficient operation of the State Court System and its facilities within the County. Such public services are essential to upholding the constitutional rights of citizens, guaranteeing their access to the civil and criminal justice system, as well as the economic and general well being of the general public as a whole. As a result of the public hearing and deliberations of the Board surrounding adoption of this Ordinance, the Board hereby finds and determines that imposition of the increased, authorized surcharge is essential to provide adequate funding for the provision of State Court System facilities.

SECTION 2. AMENDMENT OF SECTION 50.1, SEMINOLE COUNTY CODE. Section 50.1 of the Seminole County Code is hereby amended to provide as follows:

~~Sec. 50.1~~ **Traffic Infraction and Citation Surcharge.** Pursuant to the authority of Section 318.18(13)(a), Florida Statutes, as enacted by ~~Section 60 of Chapter 2004-265~~ section 16 of Chapter 2009-204, Laws of Florida, there is hereby imposed a surcharge of ~~Fifteen and No/100 Dollars (\$15.00)~~ Thirty and No/100 Dollars (\$30.00) on all noncriminal traffic infractions and citations issued within

Seminole County pursuant to section 318.14, Florida Statutes and those criminal traffic violations listed in section 318.17, Florida Statutes. This surcharge shall be used for funding the Facilities, as defined by Section 29.008(1)(a), Florida Statutes, used by the State Court System within Seminole County and for no other purpose. The Clerk of the Court shall collect this surcharge and deposit same into the County's general fund.

SECTION 3. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Seminole County Code and that the word "ordinance" may be changed to "section", "article", or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; providing, however, that the Recitals and Sections 1, 3, 4 and 5 of this Ordinance shall not be codified.

SECTION 4. SEVERABILITY. If any clause or provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect upon filing a copy thereof with the Florida Department of State by the Clerk of the Board of County Commissioners.

ENACTED this ____ day of _____, 2009.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida

By: _____
BOB DALLARI, Chairman

Not for Execution

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ECONOMIC IMPACT STATEMENT

DATE: August 12, 2009

DEPT./DIVISION: Fiscal Services/
Administration

CONTACT PERSON: Lisa Spriggs

EXTENSION: ext 7176

DESCRIBE PROJECT/PROPOSAL:

Amendment to Seminole County Code, Section 50.1 "Traffic Infraction and Citation Surcharge" to increase the surcharge for the maintenance of court facilities from \$15 to \$30 and to include criminal offenses listed in Section 318.17, Florida Statutes.

DESCRIBE THE DIRECT ECONOMIC IMPACT OF THE PROJECT/ PROPOSAL UPON THE OPERATION OF THE COUNTY:

Article V, Section 14(c) of the Florida Constitution requires county governments to fund the cost of construction or lease, maintenance, utilities, and security of facilities for the trial courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts performing court-related functions. The mandated cost of maintaining court facilities for Seminole County as reported to the State in FY 2007/08 totaled \$8.9M. The revenue currently generated by a \$15 surcharge on noncriminal traffic infractions to support the maintenance of court facilities is estimated at \$1.15M which is a decrease of \$100,000 from prior year collections. The difference in court maintenance cost versus authorized revenue is an unfunded mandate of approximately \$7.75M that is supported by general fund revenue. The inclusion of criminal infractions listed in Section 318.17 and increase of \$15 to the traffic infraction surcharge for court facility maintenance will reduce the \$7.75M general revenue unfunded mandate by more than \$1.15.

DESCRIBE THE DIRECT ECONOMIC IMPACT OF THE PROJECT/ PROPOSAL UPON THE PROPERTY OWNERS/TAX PAYERS/CITIZENS WHO ARE EXPECTED TO BE AFFECTED:

The \$7.75M unfunded mandate equates to an FY 2009/10 countywide property tax rate of .2867 mills. Although the economic impact to an individual resident cannot be determined, the increased revenue reduces the FY 2009/10 property tax requirement by .0425 mill.

For traffic offenses, currently \$71 in various charges are added to a \$30 failure to wear seatbelt infraction for a total cost of \$101, the proposed change would increase the charge for this infraction to \$116.

IDENTIFY ANY POTENTIAL INDIRECT ECONOMIC IMPACTS, POSITIVE OR NEGATIVE WHICH MIGHT OCCUR AS A RESULT OF THE PROJECT PROPOSAL:

Currently court facility revenue does not cover the mandated cost of maintaining court facilities. That burden will only increase as buildings age and the county grows. The increased revenue will minimize the General revenue impact of maintaining court facilities.