

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Public Hearing Agenda – To adopt a \$3 Court Cost to support Teen Court and increase to the civil traffic penalty to \$5 for Driver Education Programs

**DEPARTMENT:** Fiscal Services **DIVISION:** Resource Management

**AUTHORIZED BY:** Lisa H. Spriggs **CONTACT:** Lin Polk **EXT.** 7177

**Agenda Date** 9/12/06 **Regular**  **Consent**  **Work Session**  **Briefing**   
**Public Hearing – 1:30**  **Public Hearing – 7:00**

**MOTION/RECOMMENDATION:**

Request approval and execution of the ordinance to adopt a \$3 court cost in support of the Teen Court and increase the civil traffic penalty for driver education programs from \$3 to \$5.

**BACKGROUND:**

Pursuant to Section 938.19 Florida Statutes, we are authorized to assess a mandatory court cost of up to \$3 for operational and administrative support for Teen Court. The \$3 court cost is estimated to generate approximately \$400,000. The Clerk of Court is entitled to withhold 5 percent of the assessments collected as fee income. Unexpended funds are to be retained as reserves for Teen Court operations.

The Teen Court FY06/07 Budget is approximately \$125,000. The availability of additional funding for the Court would facilitate an expansion of program services for the teens of Seminole County. An assessment of actual revenues received and the projected needs of the Teen Court Program will be made for the FY07/08 budget year.

Section 318.1215 Florida Statutes, the Dori Slosberg Driver Education Safety Act, authorizes the assessment of an additional \$5 civil traffic penalty to fund driver education programs in public and non-public schools. This is an increase from the current assessment of \$3. The \$2 revenue increase will generate an additional \$130,000 of support for the programs.

**Reviewed by:**  
Co Atty: \_\_\_\_\_  
DFS: \_\_\_\_\_  
Other: \_\_\_\_\_  
DCM: \_\_\_\_\_  
CM: Coe  
File No. PHFS-63

AN ORDINANCE RELATING TO ASSESSMENTS OF CERTAIN COURT COSTS AND CIVIL TRAFFIC PENALTIES IMPOSED BY CHAPTER 50, SEMINOLE COUNTY CODE; IMPOSING A THREE DOLLAR (\$3.00) COURT COST ASSESSMENT ON EACH PERSON WHO PLEADS GUILTY, NOLO CONTENDERE TO OR IS CONVICTED OF, REGARDLESS OF ADJUDICATION, A VIOLATION OF A CRIMINAL LAW, ANY MUNICIPAL OR COUNTY ORDINANCE OR WHO PAYS A CIVIL PENALTY OR FINE FOR ANY VIOLATION OF CHAPTER 316, FLORIDA STATUTES, OR WHOSE ADJUDICATION HAS BEEN WITHHELD UNDER SECTIONS 318.14(9) AND (10), FLORIDA STATUTES; PROVIDING FOR THE USE OF SAID \$3.00 ASSESSMENT TO FUND THE TEEN COURT PROGRAM IN SEMINOLE COUNTY; INCREASING THE CIVIL TRAFFIC PENALTY AUTHORIZED BY THE DORI SLOSBERG DRIVER EDUCATION SAFETY ACT FROM \$3.00 TO \$5.00; AMENDING SECTIONS 50.2, 50.154, 50.162 AND 50.163 OF THE SEMINOLE COUNTY CODE; CREATING NEW SECTIONS 50.6 AND 50.61 OF THE SEMINOLE COUNTY CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the County operates a teen court program which has been historically funded from a portion of the sixty-five dollar (\$65.00) additional court cost assessment imposed by section 939.185, Florida Statutes and section 50.2, Seminole County Code on all persons pleading guilty, nolo contendere or who are convicted of a felony, misdemeanor or criminal traffic offense; and

WHEREAS, section 938.19(7), Florida Statutes provides that if a teen court program is funded pursuant to that section, the program may not also draw funding from the assessments collected pursuant to section 939.185(1), Florida Statutes; and

WHEREAS, the Board of County Commissioners (the "Board") desires to utilize the alternative funding mechanism in section 938.19, Florida Statutes, for the County's teen court program and

to reallocate the court cost assessments imposed pursuant to section 939.185 among the remaining uses authorized therein; and

**WHEREAS,** the Board finds and determines that the revised teen court funding provided for herein will provide more adequate funding of the teen court program as well as other elements of the state court system, that it is in the best interests of the County's citizens and the general public; and

**WHEREAS,** increasing the funding available for driver education programs at public and non-public schools in Seminole County will help develop better driving habits, reduce accidents, fatalities and increased awareness and respect for the traffic laws of this State among teen drivers; and

**WHEREAS,** the Seminole County Administrative Code 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 which 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 as well as the County's teen court and driver

education programs in particular. Adequate funding of such programs is essential to upholding the constitutional rights of citizens, guaranteeing their access to the civil and criminal justice system, reducing juvenile delinquency, providing a meaningful, educational alternative to more formal prosecution of youthful offenders as well as enhancing the safety of vehicular traffic and reducing fatalities among youthful drivers, all of which enhance the general well being of the citizens of Seminole County and 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 revisions to the additional court cost assessments and amendments to the Seminole County Code as authorized herein and required by State law are essential for meeting these objectives.

**SECTION 2. AMENDMENT OF SECTION 50.2, SEMINOLE COUNTY CODE.**

The title of Part I of Chapter 50, Seminole County Code is amended to read as follows:

**"Sec. 50.2. Assessment of additional court costs.**

Pursuant to the authority of F.S. § 939.185(1)(a), as enacted by Section 88 of Chapter 2004-265, Laws of Florida, there is hereby imposed an additional court cost assessment of \$65.00 upon all persons who plead guilty or nolo contendere, or who are convicted of any misdemeanor, felony or criminal traffic violation within Seminole County. The funds collected from this assessment shall be used for the four specific categories of

court related programs and services and in the amounts required by F.S. § 939.185, as follows:

(a) Twenty-five percent to supplement state funding for the elements of the State Court System identified in F.S. § 29.004, and county funding for local requirements pursuant to F.S. § 29.008(2)(a)2, as determined by the Board of County Commissioners.

(b) Twenty-five percent to the County's legal aid program as required under F.S. § 29.008(3)(a).

(c) Twenty-five percent to fund personnel and legal materials costs for the Fred R. Wilson Memorial Law Library in accordance with Section 150.4 of the Seminole County Code.

(d) Twenty-five percent to support the Juvenile Assessment Center, ~~teen court~~ and other juvenile alternative programs as determined by the county pursuant to Section 50.153, Seminole County Code provided; however, that teen court program activities shall not be funded from proceeds of the court cost assessments collected pursuant to this section.

(e) Any funds allocated pursuant to paragraphs (b), (c) and (d) which remain unspent at the close of the county's fiscal year shall be transferred or reallocated for the use described in paragraph (a), above."

**SECTION 3. CREATION OF SECTION 50.6, SEMINOLE COUNTY CODE.**

Section 50.6, Seminole County Code is hereby created and shall read as follows:

" Section 50.6. Assessment of additional court costs for  
teen court program funding.

(a) Pursuant to the authority of sections 938.19(1) and  
(2), Florida Statutes, there is hereby imposed an additional  
court cost assessment of \$3.00 upon all persons who plead guilty  
or nolo contendere to, or who are convicted of, regardless of  
adjudication, a violation of a criminal law or a municipal or  
County ordinance, or who pay a fine or civil penalty for any  
violation of chapter 316, Florida Statutes. Any person whose  
adjudication is withheld under sections 318.14(9) or (10),  
Florida Statutes shall also be assessed the additional court  
cost.

(b) The assessment for court costs shall be assessed in  
addition to any fine or civil penalty or other court cost and may  
not be deducted from the proceeds of that portion of any fine or  
civil penalty that is received by a municipality in the County or  
by the County in accordance with sections 316.660 and 318.21,  
Florida Statutes. The assessment herein authorized shall be  
specifically added to any civil penalty paid for a violation of  
chapter 316, regardless of whether the penalty is paid by mail,  
paid in person without request for a hearing, or paid after  
hearing and determination by the court. However, said assessment  
shall not be imposed on a person for a violation of any state law  
or municipal or County ordinance relating to the parking of

vehicles, with the exception of a violation of the handicapped parking laws.

(c) The Clerk of the Circuit Court shall collect the assessment for court costs imposed by this section and shall, after deducting 5% of the amount collected as fee income of the Clerk's office, monthly remit the assessments to the County for funding of the County's teen court program."

**SECTION 4. CREATION OF SECTION 50.61, SEMINOLE COUNTY CODE.**

Section 50.61, Seminole County Code is hereby created and shall read as follows:

"Section 50.61. Expenditure of funds collected pursuant to section 50.6.

All funds collected under section 50.6 of this Part shall be transferred to a designated account in the County's general fund and shall be expended by the Board of County Commissioners to the extent required for the purpose of providing and maintaining facilities and services relative to the teen court program in Seminole County and for no other purpose. The Board of County Commissioners may utilize portions of said funds to create an operations and maintenance reserve for teen court operations and shall not be required hereby to expend all funds in any given fiscal year."

**SECTION 5. AMENDMENT OF RECITALS PORTION OF Chapter 50, Part 8, SEMINOLE COUNTY CODE.** The Recitals introducing Part 8 of Chapter 50, Seminole County Code are amended to read as follows:

"WHEREAS, consistent with F.S. § 938.17, the Sheriff of Seminole County, Florida is a partner in a written agreement with the Florida Department of Juvenile Justice to participate in a local Juvenile Assessment Center; and

WHEREAS, the ~~court cost~~ Juvenile Assessment Center program authorized by F.S. § 938.17, ~~shall only~~ may be imposed in a county in which the Board of County Commissioners adopts an ordinance requiring collection of costs pursuant to F.S. § 939.185(1)(a), ~~as enacted by Section 88, Chapter 2004-265, Laws of Florida;~~ and

WHEREAS, the Seminole County Board of County Commissioners has determined it is of great benefit to the public health, welfare, and safety of Seminole County and its residents that such funds be generated and made available for the implementation and operation of a Juvenile Assessment Center and other juvenile offender alternative programs through the imposition of the aforementioned additional court cost; and

WHEREAS, the County intends to apply 25 percent of the \$65.00 additional court cost assessment collected pursuant to section 50.2 of this Code towards the funding of the Juvenile Assessment Center and ~~for other~~ juvenile offender alternative programs other than teen court which is separately funded pursuant to Part I of this Chapter;"

**SECTION 6. AMENDMENT OF SECTION 50.154, SEMINOLE COUNTY CODE.** Section 50.154, Seminole County Code is amended to read as follows:

"Sec. 50.154. Collection and disbursement of funds.

The Clerk of the Circuit and County Court shall collect the \$65.00 court costs assessed by the Court pursuant to F.S. § 939.185(1)(a), and Section 50.2 of this Code and deposit that 25 percent portion of said funds designated for use of the juvenile offender programs other than teen court in an appropriate, designated account established by the Board of County Commissioners provided; however, that the County may designate its general fund to be the depository for the purposes of this section. The County shall release funds for the Juvenile Assessment Center to the Sheriff upon request. The County shall, also, at the request of the Sheriff, receive and deposit in the designated account any additional funds obtained by the Sheriff for implementation or operation of the Juvenile Assessment Center, and release those funds to the Sheriff upon request. Remaining portions of the funds not used for the Juvenile Assessment Center may be used by the County for any other juvenile alternative programs other than teen court consistent with the requirements of F.S. § 939.185 (1)(a)4."

SECTION 7. AMENDMENT OF SECTION 50.162, SEMINOLE COUNTY CODE. Section 50.162, Seminole County Code is amended to read as follows:

"Sec. 50.162. Creation of driver education safety trust fund, collection of an additional ~~\$3.00~~ \$5.00 with each civil traffic penalty to be deposited in the Driver Education Safety Trust Fund, and accounting.

(a) Pursuant to the Dori Slosberg Driver Education Safety Act, on or after October 1, ~~2003~~ 2006 the Clerk shall collect an additional ~~\$3.00~~ \$5.00 with each civil traffic penalty levied in Seminole County, to be used for driver education programs.

(b) The Clerk will keep a record of monies collected under this Part. On a monthly basis, the Clerk shall forward all monies collected under this Part in the previous month to the Board of County Commissioners for deposit into a special and separate account titled "Driver Education Safety Trust Fund". Once each quarter, the Board of County Commissioners shall receive a report from the County Manager as to the amount of money received from the Clerk and deposited into the Driver Education Safety Trust Fund, and as to the amount of money disbursed from the Driver Education Safety Trust Fund."

**SECTION 8. AMENDMENT OF SECTION 50.163, SEMINOLE COUNTY CODE.** Section 50.163, Seminole County Code is amended to correct a scrivener's error and shall henceforth read as follows:

**"Sec. 50.163. Disbursement of Driver Education Safety Trust Fund monies.**

(a) Monies deposited into the Driver Education Safety Trust Fund shall be used to financially assist driver education safety programs in public and non-public schools in the County. The funds shall be used for direct educational expenses as defined herein and shall not be used for administration costs.

(b) Annually on the first business day of the fiscal year, 100 percent of the funds collected under this Part shall be disbursed to the School Board of Seminole County for driver

education programs in public and non-public schools as provided in Section 318.1215, Florida Statutes."

**SECTION 9. 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, 9, 10 and 11 of this Ordinance shall not be codified.

**SECTION 10. SEVERABILITY.** If any 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 11. 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 \_\_\_\_\_, 2006.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

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

By: \_\_\_\_\_  
CARLTON HENLEY, Chairman

# ECONOMIC IMPACT STATEMENT

**DATE:** September 1, 2006

**DEPT./DIVISION:** Fiscal Services / Budget

**CONTACT PERSON:** Lin Polk

**EXTENSION:** 7177

## **DESCRIBE PROJECT/PROPOSAL:**

Pursuant to Section 938.19 Florida Statutes, we are authorized to assess a court cost of up to \$3 to support Teen Court operations.

Section 318.1215 Florida Statutes, Dori Slosberg Driver Education Safety Act, authorizes a \$5 civil traffic penalty to fund driver education programs. This increases the current civil traffic penalty from \$3 to \$5.

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

The \$3 court cost is designated revenue for Teen Court administration and operations, and will be assessed against a projected 137,000 violations of criminal law, municipal/county ordinances and traffic violations, generating approximately \$400,000. The Clerk of Court is entitled to withhold 5 percent of the assessments collected as fee income. The Teen Court FY06/07 Budget is approximately \$125,000. All unexpended funds generated by the court assessment are to be retained as reserves for Teen Court operations.

The current civil traffic penalty supporting driver education programs is \$3, generating approximately \$200,000 a year. The \$2 increase to the penalty will generate approximately \$130,000. Driver education programs are provided in public and non-public schools. There is no direct economic impact on the operation of the County.

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

Citizens pleading guilty, nolo contendere to or are convicted of a violation of a criminal law, municipal or county ordinance, or who pays civil penalties or fines for traffic violations are impacted.

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

None.