

ORDINANCE 04- 28

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, FLORIDA, PROVIDING FOR A SURCHARGE TO BE ASSESSED IN NON-CRIMINAL TRAFFIC CASES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on November 3, 1998, the voters of Florida adopted Revision 7 to the Florida Constitution, thereby amending Article V of the Constitution, in order to address the problem of disparate court funding throughout the separate 67 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 State courts system; and

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

WHEREAS, Section 318 permits each county to adopt by County Ordinance a surcharge not to exceed \$15 for any non-criminal traffic violation and criminal violations of Section 318.17; and the additional funding must be used to fund State court facilities; and

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, FLORIDA THAT:

**Section 1. Surcharge in Non-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 who is convicted, regardless of adjudication, of a violation of a non-criminal traffic infraction or criminal violation listed in Section 318.17, shall be assessed a surcharge in the amount of (\$15). A non-criminal traffic infraction shall have the same definition as found in Section 318.14(1), Florida Statutes.
- (b) The court shall order payment of this additional surcharge in all matters subject to this Ordinance and the Clerk of the Court shall add this surcharge to all payments and fines or civil penalties for any violation of a non-criminal traffic infraction or a criminal violation of Section 318.17. The Clerk of the Court shall collect and remit such surcharge to Franklin County.
- (c) The funds collected pursuant to this Ordinance shall be used to fund State court facilities. Funds collected pursuant to this Ordinance shall be expended as provided for by the Board of County Commissioners.

**Section 2. Conflicts.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

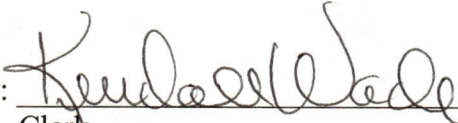
**Section 3. Severability.** If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such

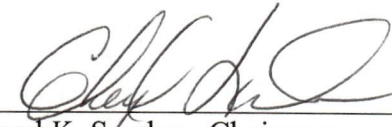
portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 4. Effective Date.** This ordinance shall have effect upon becoming law.

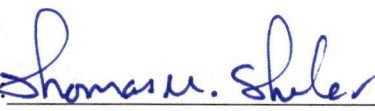
Attest:  
Kendall Wade, Clerk of Circuit Court

**FRANKLIN COUNTY, FLORIDA**

By:   
Clerk

By:   
Cheryl K. Sanders, Chairman  
Board of County Commissioners

Approved as to form:  
County Attorney's Office  
Franklin County, Florida

By:   
Michael Shuler, Esq.  
County Attorney