

MEMORANDUM

To: Chair Chestnut and Commissioners Byerly, Cornell, Hutchinson, and Pinkoson

Via: Dr. Lee A. Niblock
County Manager

Via: Angela Montgomery
Assistant County Manager

From: Peria Duncan
Court Services Director

Subject: Traffic Surcharge

In 2009, the State authorized Counties to increase the \$15 ticket surcharge authorized by F.S.318.18 (13) (a) up to \$30 by County approved ordinance. A query in 2010 showed that 89% of other Florida jurisdictions raised the surcharge to \$30, and of those that addressed the use of the revenue, 63% specifically stated it was to be used for court operations. The surcharge increase is currently projected to raise approximately \$1,000,000 in FY 16 if implemented on October 1st.

This new revenue will directly impact the General Fund. State court facility operational costs are currently 100% budgeted within the General fund at a total of \$1,381,633. FY16 utilities budget for courthouse facilities alone is \$759,851.

One of the duties we are tasked with is to find ways to offer benchmark type services in this current economy while adhering to the citizens' voice as put forth through various polls and referendums both locally and statewide. The State allows this surcharge increase to assist in funding their Article V unfunded mandates. We should use the tools we are given to further diversify our revenue and alleviate the taxpayer's burden to fund this expense in order to either reduce their ad valorem commitment and/or focus on the core services they expect to receive from their County.

My understanding is it takes a public hearing to amend a County ordinance and some time is needed for the Clerk to amend the traffic citation form. I look forward to discussing the possibility of this moving forward. Thank you.

To the Honorable Board of County Commissioners

As we continue to look for ways to streamline for efficiencies, it has come to our attention that Florida Statute 318.18 provides Counties the ability to attach a surcharge in the disposition of traffic infractions and certain criminal offenses. The Alachua County Clerks' Office is currently collecting a \$15.00 surcharge in each case per Alachua County Ordinance 04-10. These fees are to be used to fund State court facilities which includes financing of state court facilities, law libraries, securing payment of the principal and interest on bonds issues by the County to fund State court facilities and maintaining State court facilities as described in F.S.29.008. The Board of County Commissioners has the ability to increase this surcharge up to \$30.00. An increase to \$30.00 would collect an additional estimated \$750,000.00. Currently, State court facility maintenance and utilities are being funded within the General fund.

I would propose, in line with this statute, that Alachua County increases the surcharges from \$15 to the \$30 limits.

318.18 (13) (a) 1-3 and (14) "In addition to any penalties imposed for noncriminal traffic infractions pursuant to this chapter or imposed for criminal violations listed in s.318.17, a Board of County Commissioners or any unit of local government that is consolidated as provided by...."

1. May impose by ordinance a surcharge of up to \$30 for any infraction or violation to fund state court facilities. The Court shall not waive this surcharge. Up to 25 percent of the revenue from such surcharge may be used to support local law libraries provided that the County or unit of local government provides a level of service equal to that provided prior to July 1, 2004, which shall include the continuation of library facilities located in or near the county courthouse or any annex to the courthouse.

2. May, if such board or unit imposed increased fees or service charges by ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the purpose of securing payment of the principal and interest on bonds issued by the county before July 1, 2003, to finance state court facilities, impose by ordinance a surcharge for any infraction or violation for the exclusive purpose of securing payment of the principal and interest on bonds issued by the county before July 1, 2003, to fund state court facilities until the date of stated maturity. The court shall not waive this surcharge. Such surcharge may not exceed an amount per violation calculated as the quotient of the maximum annual payment of the principal and interest on the bonds as of July 1, 2003, divided by the number of traffic citations for county fiscal year 2002-2003 certified as paid by the clerk of the court of the county. Such quotient shall be rounded up to the next highest dollar amount. The bonds may be refunded only if savings will be realized on payments of debt service and the refunding bonds are scheduled to mature on the same date or before the bonds being refunded. Notwithstanding any of the foregoing provisions of this subparagraph that limit the use of surcharge revenues, if the revenues generated as a result of the adoption of this ordinance exceed the debt service on the bonds, the surplus revenues may be used to pay down the debt service on the bonds; fund other state-court-facility construction projects as may

be certified by the chief judge as necessary to address unexpected growth in caseloads, emergency requirements to accommodate public access, threats to the safety of the public, judges, staff, and litigants, or other exigent circumstances; or support local law libraries in or near the county courthouse or any annex to the courthouse.

3. May impose by ordinance a surcharge for any infraction or violation for the exclusive purpose of securing payment of the principal and interest on bonds issued by the county on or after July 1, 2009, to fund state court facilities until the stated date of maturity. The court may not waive this surcharge. The surcharge may not exceed an amount per violation calculated as the quotient of the maximum annual payment of the principal and interest on the bonds, divided by the number of traffic citations certified as paid by the clerk of the court of the county on August 15 of each year. The quotient shall be rounded up to the next highest dollar amount. The bonds may be refunded if savings are realized on payments of debt service and the refunding bonds are scheduled to mature on or before the maturity date of the bonds being refunded. If the revenues generated as a result of the adoption of the ordinance exceed the debt service on the bonds, the surplus revenues may be used to pay the debt service on the bonds; to fund other state court facility construction projects certified by the chief judge as necessary to address unexpected growth in caseloads, emergency requirements to accommodate public access, threats to the safety of the public, judges, staff, and litigants, or other exigent circumstances; or to support local law libraries in or near the county courthouse or any annex to the courthouse.

(b) A county may impose a surcharge under subparagraph (a)1., subparagraph(a)2., or subparagraph(a)3., but may not impose more than one surcharge under this subsection. A county may elect to impose a different authorized surcharge but may not impose more than one surcharge at a time. The clerk of court shall report, no later than 30 days after the end of the quarter, the amount of funds collected under this subsection during each quarter of the fiscal year. The clerk shall submit the report, in an electronic format developed by the Florida Clerks of Court Operations Corporation, to the chief judge of the circuit and to the Florida Clerks of Court Operations Corporation. The corporation shall submit the report in an electronic format to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the board of county commissioners.

(14) In addition to any penalties imposed for noncriminal traffic infractions under this chapter or imposed for criminal violations listed in s. 318.17, any unit of local government that is consolidated as provided by s. 9, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the State Constitution of 1968, and that is granted the authority in the State Constitution to exercise all the powers of a municipal corporation, and any unit of local government operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the State Constitution of 1968, that is granted the authority in the State Constitution to exercise all the powers conferred now or hereafter by general law upon municipalities, may impose by ordinance a surcharge of up to \$15 for any infraction or violation. Revenue from the surcharge shall be transferred to such unit of local government for the purpose of replacing fine revenue deposited into the clerk's fine and forfeiture fund under s. 142.01. The court may not waive this surcharge. Proceeds from the imposition of the surcharge authorized in this subsection shall not be used for the purpose of securing payment of the principal and interest on bonds.