

MEMORANDUM

Agenda Item No. 7(E)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: September 1, 2009

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance relating to the
Courts; amending Sections
11-12, 11-13 and 11-14 of
the Code of Miami-Dade
County increasing the
surcharge on civil and
criminal traffic infractions

Ordinance No. 09-72

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman and Co-Sponsor Commissioner Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



Date: September 1, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Ordinance relating to the Courts; amending Sections 11-12, 11-13 and 11-14 of the Code of Miami-Dade County, increasing the surcharge on civil and criminal traffic infractions

The ordinance increasing the surcharge on civil and criminal traffic infractions \$15.00 will generate approximately \$6.2 million annually. As established in the ordinance, the additional revenue will be used for costs associated with the Children's Courthouse. Additionally, the ordinance allows for a waiver of the \$85 criminal proceedings surcharge and \$15 traffic infraction surcharge for indigent individuals. Waiving these surcharges may reduce county revenue by approximately \$420,000 depending on the number of cases that qualify for the waiver.



Jennifer Glazer-Moon
Special Assistant/Director, Office of Strategic Business Management

fis04309



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss **DATE:** September 1, 2009
and Members, Board of County Commissioners

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(E)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Mayor's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(E)
9-1-09

ORDINANCE NO. 09-72

ORDINANCE RELATED TO THE COURTS; AMENDING SECTIONS 11-12, 11-13 AND 11-14 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; INCREASING THE SURCHARGE ON CIVIL AND CRIMINAL TRAFFIC INFRACTIONS AND VIOLATIONS TO FUND COURT FACILITIES AND DEBT SERVICE THEREON; PROVIDING AN EXCEPTION FOR INDIGENTS RELATED TO THE COLLECTION OF COURT SURCHARGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 11 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Chapter 11

COURTS

* * *

ARTICLE I.

IN GENERAL

* * *

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Sec. 11-12. Additional surcharge for court facilities.

In addition to any other fine, penalty, or cost imposed by any other provision of law, a ~~[[fifteen]]~~ >>thirty<< dollar ~~[[(\$15.00)]]~~ >>(\$30.00)<< surcharge is hereby imposed upon any conviction or finding of guilt, regardless of whether adjudication is withheld, on each civil traffic infraction referenced in section 318.14, Florida Statutes, as amended from time to time, and upon any conviction, plea of nolo contendere or finding of guilt, regardless of whether adjudication is withheld, on each criminal traffic violation referenced in section 318.17, Florida Statutes, as amended from time to time. The court shall not waive this surcharge. The Clerk of the Court shall collect the ~~[[fifteen]]~~ >>thirty<< dollar ~~[[(\$15.00)]]~~ >>(\$30.00)<< surcharge established in this section and shall remit it to Miami-Dade County. All proceeds from this surcharge shall be used to fund state court facilities as required by general law. The funding of state court facilities includes but is not limited to payment of debt service on any bonds issued to finance state court facilities. >>It is the intent of the Board that \$15.00 of the \$30.00 surcharge be used to pay principal and interest on bonds for the Children's Courthouse and other costs related to the Children's Courthouse.<<

Sec. 11-13. Additional surcharge in criminal proceedings.

In addition to any other fine, penalty, or cost imposed by any other provision of law, an eighty-five dollar (\$85.00) surcharge is hereby imposed upon any conviction, plea of nolo contendere or finding of guilt, regardless of whether adjudication is withheld, for each felony, misdemeanor, or criminal traffic offense. The court shall not waive this court cost. The Clerk of the Court shall collect>>,
unless there has been a determination of indigency,<< the eighty-five dollar (\$85.00) surcharge established in this section and shall remit it to Miami-Dade County.

Sec. 11-14. Additional civil and criminal traffic infraction surcharge.

In addition to any other fine, penalty, or cost imposed by any other provision of law, a fifteen dollar (\$15.00) surcharge is hereby imposed upon any conviction, plea of nolo contendere, or finding of guilt, regardless of whether adjudication is withheld, on each civil traffic infraction referenced in section 318.14, Florida Statutes, as amended from time to time, and upon any conviction, plea of nolo contendere or finding of guilt, regardless of whether adjudication is withheld, on each criminal traffic violation

referenced in section 318.17, Florida Statutes, as amended from time to time. The court shall not waive this surcharge. The Clerk of the Court shall collect>>, unless there has been a determination of indigency, << the fifteen dollar (\$15.00) surcharge established in this section and shall remit it to Miami-Dade County.

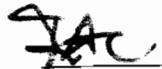
Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

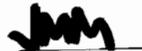
Section 4. This ordinance shall become effective July 1, 2009 contingent upon the Governor signing SB 2108 into law and unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: **September 1, 2009**

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Jess M. McCarty

Prime Sponsor: Commissioner Sally A. Heyman
Co-Sponsor: Commissioner Rebeca Sosa