

ORDINANCE 2009-29

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING COUNTY ORDINANCE NUMBER 2004-42, PROVIDING FOR AN INCREASE IN THE SURCHARGE ON NON-CRIMINAL TRAFFIC INFRACTIONS OR CERTAIN CRIMINAL VIOLATIONS; PROVIDING FOR NON-WAIVER OF IMPOSED SURCHARGE BY COURT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Recitals

WHEREAS, on November 3, 1998, the voters of Florida adopted Revision 7 to the Florida Constitution, to amend Article V of the Florida Constitution, in order to address the problem of disparate court funding throughout the separate 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 Florida State Legislature enacted further amendments to the Florida Statutes, in order to provide a more equitable distribution of responsibility for funding the court system; and

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

WHEREAS, Section 318.18, Florida Statutes, allows each county to enact a county ordinance imposing a surcharge, not to exceed \$15.00, for any non-criminal traffic violation, and criminal violations of Section 318.17, Florida Statutes; and

WHEREAS, in 2004, as allowed by Section 318.18, Florida Statutes, the Board of County Commissioners of St. Johns County, Florida, adopted St. Johns County Ordinance 2004-42, which imposed a surcharge, not to exceed \$15.00, for any non-criminal traffic violation, and criminal violations of Section 318.17, Florida Statutes; and

WHEREAS, during the 2009 session of the State Legislature, the Legislature enacted Senate Bill 2108, which allows each county to enact a county ordinance, in order to increase the amount imposed on any non-criminal traffic violation, or criminal violation of Section 318.17, Florida Statutes, from \$15.00 to \$30.00; and

WHEREAS, the above-referenced Senate Bill allows a county to enact such above-referenced ordinance after July 1, 2009; and

WHEREAS, this Ordinance amends County Ordinance 2004-42, in order to impose the legislatively-approved surcharge; and

WHEREAS, the additional funding must be used to fund State court facilities; and

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

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

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of St. Johns County, Florida, that:

Section 1. Effect of Recitals.

The above Recitals are incorporated into the body of this Ordinance, and said Recitals are adopted as Findings of Fact.

Section 2. Amend Section 1 of County Ordinance 2004-42.

Section 1 of County Ordinance 2004-42, is hereby amended, so as to read as follows:

Section 1. Surcharge in Non-Criminal Traffic Cases; Non-Waiver of Fee by Court.

- (a) Pursuant to Section 318.18(13)(a)(1), Florida Statutes, every person who pays a fine or civil penalty for any violation of a non-criminal traffic infraction pursuant to Section 318, and every person who pleads guilty, or nolo contendere, or is convicted regardless of adjudication, of a violation of a non-criminal traffic infraction, or a criminal violation of Section 318.17, Florida Statutes, shall be assessed a surcharge of \$30.00 (Thirty Dollars). A non-criminal traffic infraction is defined in Section 318.14(1), Florida Statutes.
- (b) The court shall order payment of this additional court cost, in all matters subject to this Ordinance, and the Clerk of the Courts shall add this surcharge to all payments of fines or civil penalties for any violation of a non-criminal traffic infraction, or a criminal violation of Section 318.17, Florida Statutes.
- (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 in a manner consistent with State law, and in a manner as provided by the Board of County Commissioners, in consultation with the Chief Judge of the Seventh Judicial Circuit of Florida, or designee.
- (d) As specifically noted in Section 318.18(13)(a)(1), no court in the State of Florida, or elsewhere, may waive the above-referenced imposed surcharge.

Section 3. Severability.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

Section 4. Filing of Ordinance; Effective Date.

This Ordinance shall be effective on the date of its filing with the Florida Department of State. **The court cost imposed herein shall be effective on July 13, 2009.**

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 7th day of July, 2009.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

By: Cyndi Stevenson
Cyndi Stevenson, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Lynne King
Deputy Clerk

Rendition Date: July 8, 2009

Effective Date: July 10, 2009



The St. Augustine Record

COPY OF A

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **ULINDA E VERSTRAATE**

who on oath says that she is an Employee of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement being a **NOTICE OF HEARING**

In/the matter of **ORDINANCE AMENDING ORD 2004-42**

L2166-9 was published in said newspaper **JUNE 27, 2009**

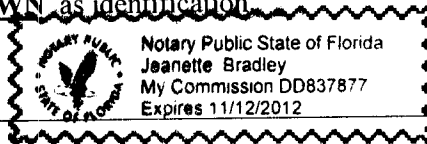
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 29TH day of JUNE 2009

by Ulinda E Verstraate who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification

Jeanette Bradley

(Signature of Notary Public)
JEANETTE BRADLEY



(Seal)

NOTICE OF A PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on **July 7, 2009 at 9:00 a.m.** in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, to consider adoption of the following ordinance:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING COUNTY ORDINANCE NUMBER 2004-42, PROVIDING FOR AN INCREASE IN THE SURCHARGE ON NON-CRIMINAL TRAFFIC INFRACTIONS OR CERTAIN CRIMINAL VIOLA-

TIONS; PROVIDING FOR NON-WAIVER OF IMPOSED SURCHARGE BY COURT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida and may be examined by parties interested prior to the public hearing.

Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, (904)

209-0650 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND,
ITS CLERK
By: Patricia DeGrande,
Deputy Clerk
L2166-9 Jun 27, 2009



FLORIDA DEPARTMENT *of* STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

July 13, 2009

Ms. Cheryl Strickland
Clerk of the Circuit Court
St. Johns County
4010 Lewis Speedway
St. Augustine, Florida 32084-8637

Attention: Ms. Yvonne King, Minutes & Record Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated July 9, 2009 and certified copy of St. Johns County Ordinance No. 2009-29, which was filed in this office on July 10, 2009.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

FILED
2009 JUL 17 AM 10:27
CHERYL S. STRICKLAND
CLERK OF CIRCUIT COURT
ST. JOHNS COUNTY, FL

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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