

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA ESTABLISHING A TWO AND NO/100 DOLLARS (\$2.00) SERVICE CHARGE ON ALL TRAFFIC INFRACTION AND PARKING INFRACTION CITATIONS IN SEMINOLE COUNTY, BUT NOT PARKING TICKETS FOR VIOLATIONS OF MUNICIPAL ORDINANCES, TO FUND A CIVIL TRAFFIC INFRACTION HEARING OFFICER PROGRAM UNDER DIRECTION OF THE CHIEF JUDGE; PROVIDING SPECIFICALLY FOR REFERRAL OF PARKING INFRACTIONS TO A CIVIL TRAFFIC INFRACTION HEARING OFFICER; PROVIDING FOR ACCOUNTING, BUDGETING AND EXPENDITURE OF FUNDS; LIMITING COUNTY RESPONSIBILITY FOR FUNDING THE CIVIL TRAFFIC INFRACTION HEARING OFFICER PROGRAM; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR A SUNSET CLAUSE; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, Sections 318.30-318.38, *Florida Statutes*, provides for the establishment of a Civil Traffic Infraction Hearing Officer Program subject to the supervision of the Supreme Court; and

WHEREAS, the creation of a Civil Traffic Infraction Hearing Officer Program serves a county purpose; and

WHEREAS, the costs necessary to provide the services offered by the Civil Traffic Infraction Hearing Officer Program shall be funded by costs assessed on traffic citations and parking tickets; and

WHEREAS, the Civil Traffic Infraction Hearing Officer Program and respective funding are necessary for the administration of justice in Seminole County Court, to better utilize courthouse facilities, and to relieve the excessive caseloads on the county courts,

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA**

SECTION 1. Part 8, Chapter 50, Seminole County Code, is hereby created to read:

Chapter 50 - Circuit and County Court

PART 8 CIVIL TRAFFIC INFRACTION HEARING OFFICER PROGRAM

Sec. 50.121 Civil Traffic Infraction Hearing Officer Program.

There is hereby established the Civil Traffic Infraction Hearing Officer Program. The Civil Traffic Infraction Hearing Officer shall hear civil traffic infraction cases not limited by Section 318.32, *Florida Statutes*, and County parking ordinance violations. Upon adoption of an ordinance by a municipality referring violations of municipal parking ordinances to the Civil Traffic Infraction Hearing Officer, the Officer may hear violations of municipal parking ordinances. The Program shall be governed by the provisions of Sections 318.30-318.38, *Florida Statutes*.

Sec. 50.122 Authority to collect county court charge. The Clerk of the Court is hereby authorized and enjoined to collect a service charge of TWO AND NO/100 DOLLARS (\$2.00) effective October 1, 1995, on all civil traffic infraction citations and parking tickets authorized to be heard under Section 50.121, in addition to fines and court costs otherwise payable, excluding cases that are dismissed or adjudicated not guilty.

Sec. 50.123 Establishment of civil traffic infraction hearing officer trust fund. A trust fund is hereby established for receipt of collected funds authorized in Section 50.122.

Sec. 50.124 Funding a civil traffic infraction hearing officer program with a service charge. ONE AND 50/100 DOLLARS (\$1.50) from the imposition of the service charge set forth in Section 50.122 shall be paid by the Clerk of the Court to the Board of County Commissioners for deposit in the County's Civil Traffic Infraction Hearing Officer Trust Fund to fund the program under the supervision of the Chief Judge of the Eighteenth Judicial Circuit. 50/100 DOLLARS (\$.50) of the service charge shall be retained by the Clerk of Court to defray administrative expenses of the program. Eligible funding uses shall include payment of stipends for contract hearing officers and other necessary expenses as determined by the Chief Judge of the Eighteenth Judicial Circuit or his designee.

Sec. 50.125 Program policy and procedures. The Chief Judge in the Eighteenth Judicial Circuit is authorized to establish and subsequently modify by administrative order, policies and procedures related to the program. This includes, but is not limited to the hiring, training, supervision and termination of all contract hearing officers.

Sec. 50.126 Accounting, budgeting, and expending funds. All funds deposited in the County's Civil Traffic Infraction Hearing Officer Trust Fund pursuant to this Part shall be accounted for, budgeted and expended by the Board of County Commissioners exclusively for the purposes set forth in this Part. The balance of monies remaining in the trust fund at the end of each fiscal year shall remain in the fund to support the continuation of the program. The Chief Judge of the Eighteenth Judicial Circuit shall be responsible for supervision, use and budgeting of the funds in accordance with

the County's established budget system. A budget shall be established upon enactment of this Part and each year thereafter during the County's regular budget cycle.

Sec. 50.127 Deposit of funds. Funds received by the Clerk of the Court pursuant to this Part shall be paid by the Clerk of the Court to the Board of County Commissioners at least once a month.

Sec. 50.128 County responsibility for funding the civil traffic infraction hearing officer program. The responsibility of the Board of County Commissioners for funding the program shall be limited to the funds generated by the service charges levied pursuant to this Part.

Sec. 50.129 Non-severability. If Section 50.122 or Section 50.128 of this Part are for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall affect the validity of the remaining portions of this Part and the entirety of this Part shall be inoperative and void, otherwise the validity of any other section shall not effect the validity of the remaining portions of this Part.

Sec. 50.130 Sunset Provision.

(a) Unless the Board of County Commissioners adopts a resolution on or before September 30, 1996, finding that the continuing effectiveness of the Civil Traffic Infraction Hearing Officer Program is cost effective and accomplishes a public purpose and that there is a need for a continuation of the Program, then this Part shall be of no further force or effect on October 1, 1996. If the Board adopts a resolution, the Board may continue the effectiveness of this Part for a one (1) year period. On or before September 30 of each succeeding year, the Board may further

continue the effectiveness of this Part in the manner specified in this subsection.

(b) In the event that the Board does not continue the effectiveness of this Part as provided in subsection (a) above, then all funds held in the trust fund established in Section 50.123 shall be transferred to the appropriate County General Fund account to help defray the expenses incurred by the County to the functioning of the County Court.

SECTION 2. 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 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 relettered to accomplish such intention; providing, however, that Sections 2 and 3 shall not be codified.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners.

ENACTED this 8th day of August, 1995.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____

RANDALL C. MORRIS, Chairman

HB/gn
8/8/95
CIVTRAFF

