IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Order Number 2012 -51-CO

ADMINISTRATIVE ORDER VACATING
COUNTY ADMINISTRATIVE ORDERS

(a) Florida Rule of Judicial Administration 2.215(b)(3) states the chief judge shall "considering available resources, ensure the efficient and proper administration of all courts within [this] circuit."
(b) In accordance with the authority vested in the chief judge by Florida Rule of Judicial Administration 2.215, it is ordered

County Administrative Order VI-02-D-3 is immediately reinstated. A copy of Administrative Order VI-02-D-3 is attached hereto.

DONE AND ORDERED in chambers at Fort Lauderdale, Broward County, Florida on

July 9, 2012.

s/Peter M. Weinstein
Peter M. Weinstein, Chief Judge

IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT, IN AND
FOR BROWARD COUNTY FLORIDA

ADMINISTRATIVE ORDER NO. VI-02-D-3

IN RE:

COURT COSTS AND ASSESSMENTS
IN COUNTY COURT;
CLERK'S COSTS IN CERTAIN
TRAFFIC INFRACTIONS; AND
DISTRIBUTION OF COSTS,
ASSESSMENTS, TRAFFIC FINES,
AND OTHER PENALTIES.
_____/

In accordance with the authority vested in the Chief Judge by Rule 2.050 of the Florida Rules of Judicial administration, and pursuant to applicable statutes, rules and Motion adopted by the Broward County Board of County Commissioners on December 7, 1982, it is ORDERED that:

The Clerk of Court will record on all disposition documents, as an assessed court cost, all mandatory and discretionary court costs as required or mandated by law including state statute, rule of court , county, municipal or local ordinance. Should the presiding judge order a reduction or waver in a discretionary court cost the Clerk of Court will record as an assessed cost that amount as ordered or directed.

Mandatory Costs

Court Costs
Criminal Justice Standards and Training Trust Fund
Crimes Compensation Trust Fund
Local Government Criminal Justice Trust Fund
Safe Neighborhood Assessment

Mandatory Costs in Specific Cases

Crime Stoppers Trust Fund
Emergency Medical Trust Fund
County Alcohol and other Drug Abuse Trust Fund
Domestic Violence Trust Fund

Local Option Mandatory Costs

Criminal Justice Education and Training
Delinquency Prevention
Teen Courts

Discretionary Costs

Operating Trust Fund of the Department of Law Enforcement Court Facilities Service Charge

Subsequent to the effective date of this order, should additional court costs be mandated by state statue, local ordinance, Rule of Court, or other authority, the Clerk of Court is ordered to record the same as required by this administrative order.

Wherever a conflict arises between the court costs set forth in this Administrative Order and state statue or local ordinance, the state statue or local ordinance shall prevail.

SECTION I. COURT COSTS AND ASSESSMENTS WHERE HEARING IS HELD CIVIL TRAFFIC INFRACTIONS

A. Court costs and assessments for law enforcement training shall be assessed in the County Court in the sum of at least $25.00 in the following cases:

1. In each civil traffic infraction case where a hearing is held to determine whether a civil infraction was committed, except where the alleged offender is found "not guilty" or the court determines that the traffic infraction was not committed. Such costs and assessments shall be assessed when any person admits that a civil traffic violation was committed and when the offender is found to have committed the infraction, notwithstanding that the Court may withhold setting a civil penalty or entering judgment thereon or, after setting a civil penalty, the Court may suspend its payment. Such court costs and assessments for law enforcement training shall be in addition to any civil penalty set or imposed by the Court.

2. Court costs, including the assessments for law enforcement training, shall not be waived by the Court except upon compliance with the provisions of Section 939.05, Florida Statutes.

B. The court costs and assessments for law enforcement training provided for in A above shall be paid by the Clerk of County Court and remitted on a monthly basis, as follows:

1. The first $20.00 shall be paid to and retained by Broward County as court costs.

2. The next $3.00 shall be paid and remitted to the Department of Revenue for deposit in the State treasury for law enforcement training; provided, however that no such assessment shall be made against any person convicted for violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles.

3. If Broward County or any municipality has adopted an ordinance assessing an additional $2.00 for local law enforcement training and has filed a certified copy of such ordinance with the Clerk of County Court, then the next $2.00 shall be paid to Broward County or to any such municipality for local law enforcement training, depending upon (a) whether the infraction or violation occurred or was committed within the unincorporated area of Broward County or within a municipality whose law enforcement services are provided by the Broward County Sheriff's Office, or (b) whether the infraction or violation occurred or was committed within the territorial jurisdiction of any such municipality; provided, however, that no such assessment shall be made against any person convicted for violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles. Such assessments shall be remitted by the Clerk to qualifying municipalities and Broward County on a monthly basis for local law enforcement training; provided, however, that if the municipal law enforcement services are or have been provided to any such municipality by the Broward County Sheriff's Office, then the next $2.00 assessment shall be remitted to Broward County rather than to such municipality for local law enforcement training, In any case, where all of the provisions of this subsection 3 are not complied with, the said $2.00 shall be paid to and retained by Broward County.

4. If the Court withholds adjudication after holding a hearing in a case involving a civil traffic infraction and only assesses court costs against the offender all court costs in excess of $25.00 shall be paid to the municipality in which the civil traffic infraction was committed or to Broward County if committed in the unincorporated area of the county, and all such court costs in excess of $25.00 shall be remitted by the Clerk on a monthly basis to such municipality or to Broward County.

5. If the Court directs the payment of "court costs" without specifying any dollar amount, the total sum of $25.00 for court costs and assessment for law enforcement training is thereby assessed in addition to any penalty and/or fine imposed by the Court. Such $25.00 shall be collected by the Clerk and paid and remitted as provided in B above.

SECTION II. COURT COSTS AND ASSESSMENTS
WHERE HEARING IS HELD
CRIMINAL TRAFFIC AND MISDEMEANORS
VIOLATIONS

A. Court costs and assessments for law enforcement training shall be assessed in the County Court in the sum of at least $26.00 in the following cases:

1. In each criminal traffic case where a hearing is held to determine whether a criminal traffic or misdemeanor violation was committed, except where the alleged offender is found "not guilty" or the Court determines that the criminal traffic or misdemeanor violation was not committed. Such costs and assessments shall be assessed when any person admits that a criminal traffic or misdemeanor violation was committed and when the offender is found to have committed the infraction, notwithstanding that the Court may withhold setting a criminal penalty or entering judgment thereon or, after setting a criminal penalty, the Court may suspend its payment. Such court costs and assessments for law enforcement training shall be in addition to any criminal penalty imposed by the court.

2. Court costs, including the assessments for law enforcement training, shall not be waived by the Court except upon compliance with the provision of Section 939.05, Florida Statutes.

B. The court costs and assessments for law enforcement training provided for in A above shall be paid by the Clerk of County Court and remitted on a monthly basis, as follows:

1. The first $21.00 shall be paid to and retained by Broward County as court costs.

2. The next $3.00 shall be paid and remitted to the Department of Revenue for deposit in the State Treasury for law enforcement training; provided, however, that no such assessment shall be made against any person convicted for violation of any state statute relating to the parking of vehicles.

3. If Broward County or any municipality has adopted an ordinance assessing an additional $2.00 for local law enforcement training and has filed a certified copy of such ordinance with the Clerk of the County Court, then the next $2.00 shall be paid to Broward County or to any such municipality for local law enforcement training, depending upon (a) whether the violation occurred or was committed within the unincorporated area of Broward County or within a municipality whose law enforcement services are provided by the Broward County Sheriff's Office, or (b) whether the violation occurred or was committed within the territorial jurisdiction of any such municipality; provided, however, that no such assessment shall be made against any person convicted for violation of any state statute regarding the parking of vehicles. Such assessments shall be remitted by the Clerk to qualifying municipalities and

Broward County on a monthly basis for local law enforcement training; provided, however, that if the municipal law enforcement services are or have been provided to any such municipality by the Broward County Sheriff's Office, then the next $2.00 assessment shall be remitted to Broward County rather than to such municipality for local law enforcement training. In any case, where all of the provisions of this subsection 3 are not complied with, the said $2.00 shall be paid to and retained by Broward County.

4. If the Court withholds adjudication after holding a hearing in a case involving a criminal traffic violation and only assesses court costs against the offender, all court costs in excess of $26.00 shall be paid to the municipality in which the criminal traffic violation was committed or to Broward County if committed in the unincorporated area of the county, and all such court costs in excess of $26.00 shall be remitted by the Clerk on a monthly basis to such municipality or to Broward County.

5. If the Court directs the payment of "court costs" without specifying any dollar amount, the total sum of $26.00 for court costs and assessments for law enforcement training is thereby assessed in addition to any penalty and/or fine imposed by the Court. Such $26.00 shall be collected by the Clerk and paid and remitted as provided in B above.

6. The Clerk shall collect all surcharges which are statutorily imposed in addition to the above court costs and assessments.

SECTION III. COURT COSTS AND ASSESSMENTS WHERE HEARING IS HELD MUNICIPAL ORDINANCE VIOLATIONS

A. Court costs and assessments for law enforcement training shall be assessed in County Court in the sum of at least $26.00 in the following cases:

1. In each municipal ordinance violation where a hearing is held to determine whether a municipal ordinance violation was committed, except where the alleged offender is found "not guilty" or the Court determines that the municipal ordinance violation was not committed. Such costs and assessments shall be assessed when any person admits that a municipal ordinance violation was committed and when the offender is found to have committed the violation, notwithstanding that the Court may withhold setting a municipal ordinance penalty or entering judgment thereon or, after setting a penalty, the Court may suspend its payment. Such court costs and assessments for law enforcement training shall be in addition to any municipal ordinance penalty imposed by the Court.

2. Court costs, including the assessments for law enforcement training, shall not be waived by the Court except upon compliance with the provisions of Section 939.05, Florida Statutes.

B. The court costs and assessments for law enforcement training provided for in A above shall be paid by the Clerk of County Court and remitted on a monthly basis, as follows:

1. The first $21.00 shall be paid to and retained by Broward County as court costs, provided, however, that the violation occurred in the jurisdiction of a municipality which is not represented by their own City Prosecutor.

2. If a municipal ordinance violation occurred in a municipality which is represented by their own City Prosecutor, then the first $10.50 in B (1) above shall be paid to and retained by Broward County and the next $10.50 shall be paid to and retained by the municipality in whose jurisdiction the violation occurred.

3. The next $3.00 shall be paid and remitted to the Department of Revenue for deposit in the State Treasury for law enforcement training; provided however, that no such assessments shall be made against any person convicted for violation of any state statute or municipal ordinance relating to the parking of vehicles.

4. If Broward County or any such municipality has adopted an ordinance assessing an additional $2.00 for local law enforcement training and has filed a certified copy of such ordinance with the Clerk of the County Court, then the next 2.00 shall be paid to any such municipality or to Broward County for local law enforcement training, depending upon (a) whether the violation occurred or was committed within a municipality whose law enforcement services are provided by the Broward County Sheriff's Office, or (b) whether the municipal ordinance violation occurred or was committed within the territorial jurisdiction of any such municipality; provided, however, that no such assessment shall be made against any person convicted for violation of a municipal ordinance violation relating to the parking of vehicles. Such assessments shall be remitted by the Clerk to qualifying municipalities and Broward County on a monthly basis for local law enforcement training; provided, however, that if the municipal law enforcement services have been provided to any municipality by the Broward County Sheriff's Office, then the next $2.00 assessment shall be remitted to Broward County rather than to such municipality for local law enforcement training. In any case, where all of the provisions of this Section 4 are not complied with, the said $2.00 shall be paid to and retained by Broward County.

5. If the Court withholds adjudication after holding a hearing in a case involving a municipal ordinance violation, and only court costs are assessed against the offender, all court costs in excess of $26.00 shall be paid to the municipality in which the violation was committed.

6. If the Court directs the payment of "court costs" without specifying any dollar amount, the total sum of $26.00 for court costs and assessments for law enforcement training is thereby assessed in addition to any penalty and/or fine imposed by the Court. Such $26.00 shall be collected by the Clerk and paid and remitted as provided in B above.

7. The Clerk shall collect all surcharges which are statutorily imposed in addition to the above court costs and assessments.

SECTION IV. COURT COSTS AND ASSESSMENTS NO HEARING HELD

A. The Clerk of the County Court is hereby authorized to add to the penalty, Pursuant to F.S. 318.18(11), in each traffic infraction case where no hearing is required or held and the offender admits the commission of the offense by forfeiting a bond or paying the penalty by mail or in person the following:

1. Three dollars ($3.00) for each infraction of bicycle regulations, Section 316.2065, Florida Statutes, and for each infraction of pedestrian regulations, Section 316.130, Florida Statutes.

2. Six dollars ($6.00) for each nonmoving traffic infraction.

3. Ten dollars ($10.00) for each moving infraction.

B. The costs collected by the Clerk pursuant to A above shall be paid to Broward County and shall be remitted by the Clerk on a monthly basis.

C. In addition to the costs provided in A above, the Clerk of the County Court shall, subject to the limitation stated in subsection 6 hereof, collect and remit on a monthly basis to the Department of Revenue for deposit in the State Treasury as assessment of $3.00 for law enforcement training in the following cases:

1. From each bond estreature and forfeited bail bond related to charges for violation of a state penal or criminal statute, including misdemeanors and criminal traffic offenses.

2. From each bond estreature and forfeited bail bond related to charges for violation of a county or municipal ordinance.

3. In no event shall such an assessment for law enforcement training be made against any person who is convicted for or who admits or pleads guilty to violation of any state statute, municipal ordinance, or county ordinance related to the parking of vehicles.

SECTION V. DISTRIBUTION OF TRAFFIC FINES AND CERTAIN COSTS

Effective as of October 1, 1996, the Clerk of the County Court is hereby directed to pay to each municipality the penalty or fine paid for each traffic infraction and for each criminal traffic violation which occurred or was committed within the territorial jurisdiction of a municipality, together with all court costs in connection therewith payable to such municipality pursuant to the provisions of Section I (B)(4) above, regardless of whether such traffic infraction is consolidated with and reported under the case number of another criminal traffic violation or non-traffic offense, and regardless of whether such criminal traffic violation is consolidated with and reported under the case number of another non- traffic offense. Such penalties or fines and court costs under Section I(B)(4) shall be remitted to each municipality hereafter on a monthly basis.

SECTION VI. UNIFORM COMPLIANCE SCHEDULE

A. The Clerk of County Court is hereby directed to apply a Uniform Compliance Schedule of thirty (30) days to all civil infractions including those infractions associated with Personal Injury Protection Insurance.

SECTION VII. EFFECTIVE DATE

This Administrative order replaces Administrative Order VI-97-D-3 issued on April 14, 1997.

DONE AND ORDERED at Fort Lauderdale, Broward County, Florida this 7th day of June, 2002.

/s/DALE ROSS
DALE ROSS, Chief Judge