

OFFICE OF THE CHIEF JUDGE
FOURTEENTH JUDICIAL CIRCUIT

ADMINISTRATIVE ORDER 95-06

Administrative orders 83-06 and 85-08 are hereby rescinded.

Senate Bill 17-B was passed by the 1983 Legislature, to become effective upon becoming law, and the act was signed by the Governor July 7, 1983. This Act being further amended by the 1985 Legislature session in conjunction with Amended Traffic Rules 1985 and being amended by subsequent legislative acts which add additional costs. Furthermore the costs to the counties to process these cases have increased. In order to provide proper implementation of the act and to protect clerks of court from unwarranted audit criticisms, this Order is promulgated.

1. A Traffic Violations Bureau shall be established in each County Court of the Fourteenth Judicial Circuit to include Bay, Jackson, Washington, Calhoun, Gulf and Holmes counties. The function of the bureau shall be to accept appearances, waivers of non-criminal hearings, admissions, payment of civil penalties for traffic infractions not requiring a mandatory hearing, and Nolo Contendere pleas pursuant to the authority of Section 318.14 (9) and (10), Florida Statutes. The bureau may accept fines imposed by the Court or official on criminal traffic cases and mandatory civil infractions cases. The bureau may also accept appearances, waiver of hearings, admissions, and payments of civil penalties as provided in Section 318.18, Florida Statutes, in traffic infraction cases where the driver originally elected, but was not required, to appear before an official prior to the date of the hearing. The bureau shall act under the direction and control of the Court.
2. In relation to elections under the provisions of Section 318.14 (9) and 318.14 (10), Florida Statutes, the clerk may allow a reasonable amount of time before requiring the payment of civil penalties or costs.
3. Standard court costs of \$40.00 shall be assessed by the County Courts of the Fourteenth Judicial Circuit in every criminal case, criminal traffic offense, and municipal or county ordinance violation which results in conviction or forfeiture of cash collateral on estreature where the case is dismissed after estreature, and costs may be increased or waived at the discretion of the presiding judge.
4. When any person pleads guilty or nolo contendere to, or is convicted of any felony, misdemeanor, criminal traffic offense, or violation of a municipal or county ordinance which adopts by reference any misdemeanor under state law, there shall be imposed as an additional cost in the case, in addition and prior to any other cost required by law, the amount of \$50.00. The clerk of court shall collect and forward \$49.00 of each \$50.00 collected to the State Treasurer, to be deposited in the Crimes Compensation Trust Fund. The clerk shall retain the remaining \$1.00 of each \$50.00 collected as a service charge of the clerk's office. Under no condition shall a political

subdivision be held liable for payment of the \$50.00.

5. In addition to any fine for any criminal offense defined by law, including criminal traffic offenses and violations of municipal and county ordinances which adopts by reference any misdemeanor under state law and in addition to the costs imposed pursuant to Section 318.14(10), there shall be imposed, levied and collected an additional 5% surcharge, to be remitted by the clerks of courts to the State Treasurer for deposit in the Crimes Compensation Trust Fund. The principal amount of any bail bond also shall be increased by 5%.

6. The \$50.00 additional court costs and the 5% surcharge on fines called for above shall be imposed by the judges and collected by the clerks of the courts of this circuit prospectively from July 1, 1985, and clerks will not be held accountable for such costs and surcharges on cases disposed of prior to this order, the effective date of Laws of Florida 85-326 to the contrary notwithstanding.

7. Additional court costs shall be imposed, collected, used and distributed in any felony, misdemeanor or criminal traffic offense as set forth in Florida Statutes 27.3455 and any amendments thereto.

8. Court costs as set forth below are to be assessed in every civil traffic infraction case in this circuit:

- (a) If a hearing is held, \$40.00 costs may be added to any penalty imposed.
- (b) If there is no hearing, there shall be deducted from the statutory penalty the following amounts as court costs:

- \$3.00 cost from a penalty of \$10.00
- \$6.00 cost from a penalty of \$25.00
- \$10.00 cost from a penalty of \$35.00

9. In all cases cited above in paragraphs 2, 3, and 5 except those traffic infractions which involve violations of statutes or ordinances regulating the parking of vehicles, a \$3.00 assessment shall be added to the court costs, or added to the amount deducted from traffic infraction penalties, for remittance to the Department of Revenue as required by Section 943.253(a), Florida Statutes.

10. In addition to the costs cited above, special assessments shall be imposed where such assessment is required or authorized by statute, ordinance or resolution. Where a county has established a Law Enforcement Education Fund pursuant to Section 943.25, Florida Statutes, an additional \$2.00 assessment shall be added to court costs, or added to the amount deducted from traffic infraction penalties, for remittance to the said county fund, except in cases where a municipality is to receive the resultant fine or penalty. If such municipality has a Law Enforcement Education Fund established pursuant to Section 943.25, Florida Statutes, the \$2.00 additional assessment shall be imposed for remittance to the municipality's fund. If the municipality has no

such fund, and is to receive the fine and penalty from a case, this additional \$2.00 assessment shall not be made. In no case shall a county's Law Enforcement Education Fund receive an assessment from a case where a municipality receives the fine or penalty.

11. In addition to the costs and assessments cited above, other special assessments, e.g. law library fee in Bay County and in Jackson County, as required or authorized by statute, ordinance or resolution, shall be added to the court costs, or added to the amount deducted from traffic infraction penalties, as appropriate, and remitted to the proper fund. The Chief Judge may add to or modify special assessments upon a showing to his satisfaction that additional assessments are properly authorized, or that existing assessments cease to be properly authorized.

12. In addition to any other allowable costs, \$5.00 may be added for preparation of affidavits, pursuant to Florida Statute 318.18.

13. In cases involving enhanced penalties of additional \$30.00 or \$55.00 fines for speeds more than 10 miles per hour above the 55 miles per hour speed limit, \$3.00 in addition to costs cited above in paragraphs 5 through 8 shall be deducted from the enhanced fine and remitted to the appropriate municipality, if the offense occurred within its limits, or retained by the clerk as county costs. The balance of the enhanced fine shall be remitted weekly to the State Treasurer's Office as provided in Section 316.660(2), Florida Statutes. However, under the provisions of Section 318.14(5), if a hearing is held, there is no enhanced fine, no enhanced costs, and the penalty and costs will be as provided in paragraphs 5 through 8 above.

14. In addition to above costs, \$10.00 delinquency fee will be assessed by the court and collected by the clerk as costs where a delinquency notice is sent pursuant to Section 318.15(1), Florida Statutes.

15. Estreature of cash bonds shall be treated in all respects as payment of fines or penalties for the purposes of deducting court costs and special assessments and remittance of the same to the proper agencies or funds.

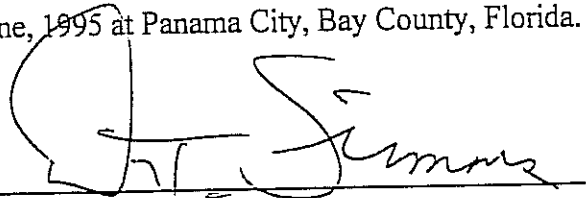
16. Prosecution of criminal cases, criminal traffic offenses, and violations of municipal and county ordinances in the County Courts of this Circuit shall be by the State Attorney or his designated assistant. Defense of criminal cases, criminal traffic offenses, and violations of municipal and county ordinances, shall be by the Public Defender or his designated assistant, when appointed by the Court.

17. Violations of county or municipal parking ordinances may be prosecuted in County Court where there has been a failure to comply with the directions on a parking ticket or failure to comply with the Court's directive, as set forth in Section 316.1967, Florida Statutes, and costs will be assessed as set forth in paragraphs 5 and 8, above.

18. Subpoenas for witnesses called by the Court to testify in hearings for traffic infractions shall issue from the Court. Witness fees authorized by law and the court shall be paid from the county's fine and forfeiture fund.

19. Any assessments, costs or fees set forth above shall automatically be increased, reduced or eliminated pursuant to any amendment to the statutes, ordinances or rules establishing said assessments, costs or fees.

DONE AND ORDERED this 30^K day of June, 1995 at Panama City, Bay County, Florida.



DON T. SIRMONS, Chief Judge

A CERTIFIED TRUE COPY
HAROLD BAZZEL, CLERK
OF THE CIRCUIT COURT

BY 
Deputy Clerk