

RESOLUTION NO. 2009 - 002

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, URGING THE LEGISLATURE OF THE STATE OF FLORIDA TO FULLY FUND AND SUSTAIN BROWARD COUNTY'S TRAFFIC MAGISTRATE CITATION PROGRAM; IN THE ABSENCE OF FULL FUNDING BY THE LEGISLATURE, URGING THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, THE BROWARD COUNTY CLERK OF THE COURTS, THE BROWARD SHERIFF'S OFFICE, THE POLICE CHIEF'S ASSOCIATION, ALL MUNICIPALITIES IN BROWARD COUNTY AND ANY OTHER INTERESTED ENTITY TO COLLABORATE TO DEVELOP A MECHANISM TO PROVIDE SUFFICIENT FUNDING IN ORDER TO CONTINUE WITH THE BROWARD COUNTY TRAFFIC MAGISTRATE CITATION PROGRAM; URGING THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY AND ALL MUNICIPALITIES IN BROWARD COUNTY TO CONSIDER IMPOSING A SURCHARGE ON ALL TRAFFIC TICKETS ISSUED WITHIN THE COUNTY TO ASSIST WITH THE FULL FUNDING OF THE TRAFFIC MAGISTRATE PROGRAM; URGING THE ABOVE-REFERENCED ENTITIES TO JOIN IN THIS REQUEST FOR FULL FUNDING OF THE BROWARD COUNTY TRAFFIC MAGISTRATE CITATION PROGRAM; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE GOVERNOR OF THE STATE OF FLORIDA, THE SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE FLORIDA SENATE, ALL MEMBERS OF THE STATE LEGISLATURE, THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, THE BROWARD COUNTY CLERK OF THE COURTS, THE BROWARD SHERIFF'S OFFICE, THE POLICE CHIEF'S ASSOCIATION, AND ALL MUNICIPALITIES LOCATED WITHIN BROWARD COUNTY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article V, Section 14 of the Florida Constitution expressly provides that "no county or municipality... shall be required to provide *any funding* for the state courts system, state attorneys' offices, public defenders' offices, court-appointed counsel or the offices of the clerks of the circuit and county courts performing court-related functions"; and

WHEREAS, Broward County's hearing process for violations of traffic infractions under Chapter 318, Florida Statutes, has historically been funded and facilitated by the Broward County court system; and

WHEREAS, such infractions have traditionally been heard by traffic magistrates or county court judges; and

WHEREAS, revenue generated as a result of traffic citations is proportionally allocated to a number of entities, including the Broward County Commission (to be earmarked for court facilities), the Clerk of the Courts, the State of Florida, and the applicable municipality, among other programs; and

WHEREAS, the Broward County traffic magistrate citation program has recently been threatened by a lack of funding; and

WHEREAS, the Town Council of the Town of Southwest Ranches (hereinafter referred to as the "Town") acknowledges and understands the importance of enforcing traffic citations, and believes that continued adjudication of these matters is a critical aspect of the County Court's function; and

WHEREAS, the Town further believes that the continued enforcement of such violations is in the best interests of the citizens and residents of Broward County; and

WHEREAS, given the importance of continuing to administer traffic citation hearings in Broward County and the constitutional preclusion that such hearings be funded by the County and municipalities, the Town urges the Governor and the members of the Legislature of the State of Florida to specifically ensure that there is sufficient State funding to continue the traffic magistrate citation program; and

WHEREAS, absent sufficient funding by the State, the Town further urges the Board of County Commissioner of Broward County, the Broward County Clerk of the Courts, the Broward Sheriff's Office, The Police Chief's Association, and all municipalities located within Broward County, as well as any other interested entity to collaborate in developing some mechanism to provide for the full funding of the County's traffic magistrate citation program; and

WHEREAS, the Town recommends the imposition of a surcharge on traffic tickets issued within Broward County as one potential option to help fund the County's traffic magistrate citation program; and

WHEREAS, the Town believes that it is in the best interests of the citizens and residents of the Town and Broward County for the State of Florida to ensure that there is sufficient State funding to continue the Broward County traffic magistrate citation program.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1: The above referenced recitals are true and correct and are incorporated herein by reference.

Section 2: The Town of Southwest Ranches hereby urges the Governor of the State of Florida, the Speaker of the Florida House of Representatives, the President of the Florida Senate, and all the members of the Florida Legislature to fully fund and sustain Broward County's traffic magistrate citation program.

Section 3: In the absence of sufficient State funding, the Town hereby further urges and strongly encourages the Board of County Commissioners of Broward County, the Broward County Clerk of the Courts, the Broward Sheriff's Office, The Police Chief's Association, and all municipalities located within Broward County, as well as any other interested entity to collaborate in developing some mechanism, process, or option to provide for the full funding of the County's traffic magistrate citation program. The Town recommends the imposition of a surcharge on traffic tickets issued within Broward County as one potential option to help fund the County's traffic magistrate citation program.

Section 4: The Town Clerk is hereby authorized and directed to transmit a copy of this resolution to the Governor of the State of Florida, the Speaker of the Florida House of Representatives, the President of the Florida Senate, all the members of the Florida Legislature, the Board of County Commissioners of Broward County, the Broward County Clerk of the Courts, the Broward Sheriff's Office, the Police Chief's Association, and all municipalities in Broward County.

Section 5: All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

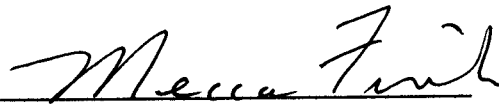
Section 6: If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 7: This Resolution shall take effect immediately upon its adoption.

[SIGNATURES ON FOLLOWING PAGE

PASSED AND ADOPTED ON this 2nd day of October, 2008 on a motion made by Vice Mayor Jeff Nelson and seconded by Council Member Steve Breitkreuz.

Fink	<u>Y</u>	Ayes	<u>3</u>
Nelson	<u>Y</u>	Nays	<u>0</u>
Breitkreuz	<u>Y</u>	Absent	<u>2</u>
Knight	<u>ABSENT</u>	Abstaining	<u>0</u>
Maines	<u>ABSENT</u>		



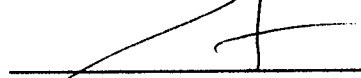
Mecca Fink, Mayor

ATTEST:



Susan A. Owens, CMC, Town Clerk

Approved as to Form and Correctness:



Gary A. Poliakoff, J.D., Town Attorney
FTL_DB: 1145578_1



I certify this to be a true and correct copy of the record.
WITNESSETH my hand and official seal of the Town of Southwest Ranches, Florida this 21ST day of October 2008 Town Clerk



Susan A. Owens