## Chapter 11 COURTS [[1]](#BK_66414FF00E80A6038F5E791DB2A62A44)

[ARTICLE I. - IN GENERAL](../level3/PTIIICOOR_CH11CO_ARTIINGE.docx)

[ARTICLE II. - BAILIFFS](../level3/PTIIICOOR_CH11CO_ARTIIBA.docx)

[ARTICLE III. - JURY SERVICE](../level3/PTIIICOOR_CH11CO_ARTIIIJUSE.docx)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 73-81, § 1, adopted Sept. 18, 1973, amended Ch. 11 by repealing former Arts. I, III—VII. Said articles pertained to the Metropolitan Court, Small Claims Court, Civil Court of Record, Juvenile and Domestic Relations Court, salaries and supplemental compensation of Court personnel, and funds and finances of Justices of the Peace and Constables. [(Back)](#BK_E344E7BBD5AD27E2F7E562FF57963FE4)

Former Arts. I, III—VII were derived from the following legislation: [(Back)](#BK_E344E7BBD5AD27E2F7E562FF57963FE4)

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| **Ord. No.** | **Date** | **Ord. No.** | **Date** |
| Gen. Laws 1955, Ch. 30060 | | 66-58 | 10-18-66 |
| 57-13 | 9-25-57 | 66-63 | 12- 6-66 |
| 58-5 | 2-18-58 | 66-68 | 12-20-66 |
| 59-26 | 7-21-59 | 67-10 | 2-21-67 |
| 59-35 | 9- 8-59 | 67-11 | 2-21-67 |
| 60-10 | 3- 1-60 | 67-20 | 4- 4-67 |
| 60-39 | 1-22-60 | 67-70 | 10- 3-67 |
| 62-8 | 2-20-62 | 67-71 | 10- 3-67 |
| 62-17 | 4-17-62 | 67-83 | [11](../level2/PTIIICOOR_CH11CO.docx#PTIIICOOR_CH11CO)- 7-67 |
| 62-42 | 10-16-62 | 67-85 | [11](../level2/PTIIICOOR_CH11CO.docx#PTIIICOOR_CH11CO)- 7-67 |
| 62-52 | 12- 4-62 | 67-89 | 11-21-67 |
| 63-36 | 9-10-63 | 68-4 | 2- 6-68 |
| 63-44 | 10- 8-63 | 68-5 | 2- 6-68 |
| 63-57 | 12-17-63 | 68-17 | 3-19-68 |
| 65-10 | 2-16-65 | 68-35 | 5-21-68 |
| 65-31 | 4-20-65 | 68-45 | 8-20-68 |
| 65-34 | 5- 4-65 | 68-60 | 10- 1-68 |
| 65-55 | 7-27-65 | 68-65 | [11](../level2/PTIIICOOR_CH11CO.docx#PTIIICOOR_CH11CO)- 5-68 |
| 65-61 | 9-14-65 | 69-5 | 1-21-69 |
| 65-70 | [11](../level2/PTIIICOOR_CH11CO.docx#PTIIICOOR_CH11CO)- 9-65 | 69-25 | 4- 1-69 |
| 66-5 | 2-15-66 | 69-73 | 10-22-69 |
| 66-30 | 6-21-66 | 69-77 | [11](../level2/PTIIICOOR_CH11CO.docx#PTIIICOOR_CH11CO)- 5-69 |
| 66-36 | 7-26-66 | 70-52 | 6-30-70 |
| 66-39 | 9-20-66 | 70-90 | 11-24-70 |
| 66-40 | 9-20-66 | 71-65 | 7-20-71 |
| 66-41 | 9-20-66 | 71-83 | 10- 5-71 |

**Cross reference—** Trial of minors, juveniles in Domestic Relations Court, § 21-12; disposition of weapons seized on arrest, § 21-19; kangaroo court prohibited, § 21-23; general penalty for violations of Code, § 1-5. [(Back)](#BK_E344E7BBD5AD27E2F7E562FF57963FE4)

### ARTICLE I. IN GENERAL [[2]](#BK_40D30921F9B765CAFE751407890B8B4F)

[Sec. 11-1. Group classification for Official Court Reporters; supplemental annual compensation.](#BK_00EB05F9CDF48C773DD0C56649E3515C)

[Sec. 11-2. Assessment of additional court costs in criminal proceedings; disposition and use.](#BK_6B43F77EDADF4D153235760C27261C9B)

[Sec. 11-3. Increase in certain filing charges in the Circuit and County Courts; use.](#BK_BECFAE994A27F345FF49569B7FC1766A)

[Sec. 11-4. Additional costs; surcharges upon fines and bail bonds.](#BK_C1861FFBE18979233003D2DCF7D8D567)

[Sec. 11-4.1. Imposition of additional cost to person found guilty of misdemeanor involving the unlawful use of drugs or alcohol.](#BK_79B860EC2563AA20B6851ECBED55E24A)

[Sec. 11-4.2. Imposition of additional assessment to person found guilty of criminal offense involving drug abuse.](#BK_C0063CF149378976A1B8CF0FD9C52376)

[Sec. 11-5. Jury commission abolished.](#BK_F2C3A102A1D6853F49519F7E970E8AD2)

[Sec. 11-6. Additional court costs for the Juvenile Assessment Center.](#BK_A69001108762A38FC446BD3FEC2B9793)

[Sec. 11-7. Fines for crime prevention programs.](#BK_CC08797C45B42732BFD2DC34603CEBBA)

[Sec. 11-8. Additional court costs for Teen Court.](#BK_08229DE6F44FAC24C8B7BC96CB8DFBCA)

[Sec. 11-9. Additional Mediation and Arbitration Service Charges.](#BK_F6ADCF25E5C2D6B0FD81563358A1B96B)

[Sec. 11-10. Drivers Education Safety Trust Fund.](#BK_DBB2C5B5B34132BC026B824364BEA90C)

[Sec. 11-11. Additional court costs in criminal proceedings.](#BK_FAAB1C35F6BA87A6C014B743A77787BD)

[Sec. 11-12. Additional surcharge for court facilities.](#BK_AB18E43364EC53E213F8F33FC4DC5CCA)

[Sec. 11-13. Additional surcharge in criminal proceedings.](#BK_C64750AB6EFD0A7AFB63482A56404768)

[Sec. 11-14. Additional civil and criminal traffic infraction surcharge.](#BK_EA0F92CAA95C9137A03F01896059FE52)

[Secs. 11-15—11-20. Reserved.](#BK_8E0BFE033C84EF3AB4A6F8E8FD490996)

Sec. 11-1. Group classification for Official Court Reporters; supplemental annual compensation.

(a) Official Circuit Court Reporters for the Eleventh Judicial Circuit of Florida, in and for Miami-Dade County, shall be classified into four (4) groups, according to the number of judges served by each Court Reporter. Such classification shall be:

*Group I* shall include all Official Reporters serving one or more, but not exceeding four (4), Circuit Court Judges.

*Group II* shall include all Official Reporters serving five (5) or more, but not exceeding eight (8), Circuit Court Judges.

*Group III* shall include all Official Reporters serving nine (9) or more, but not exceeding twelve (12), Circuit Court Judges.

*Group IV* shall include all Official Reporters serving thirteen (13) or more Circuit Judges.

(b) Each Official Court Reporter of the Circuit Court of the Eleventh Judicial Circuit, in and for Miami-Dade County, Florida, duly appointed pursuant to the provisions of Chapter 29, Florida Statutes, shall receive a supplemental salary payable by Miami-Dade County in equal monthly installments. Such salary shall be paid according to the following schedule:

*Group I* shall receive $16,100.00 per annum.

*Group II* shall receive $19,800.00 per annum.

*Group III* shall receive $23,500.00 per annum.

*Group IV* shall receive $27,200.00 per annum.

Such supplemental salary shall be in addition to the annual salary paid by the State, but shall not be in lieu of the appearance fees and transcript fees, as established by court rule from time to time. Such salary shall be in lieu of all other compensation or benefits heretofore received from the County.

(c) The supplemental annual compensation shall be excluded from annual cost of living increase and any other general increase, as from time to time may be promulgated by the Board of County Commissioners.

(d) The supplemental annual compensation may be increased only by specific act of the Board of County Commissioners.

(Ord. No. 73-81, §§ 2—4, 9-18-73; Ord. No. 90-38, § 1, 4-17-90)

Sec. 11-2. Assessment of additional court costs in criminal proceedings; disposition and use.

As authorized in subsection 8(5) of Chapter 74-386, Laws of Florida, 1974, there shall be assessed an additional one dollar ($1.00) as a court cost against every person convicted in the Circuit and County Courts in Miami-Dade County for violation of any municipal or County ordinance or State penal statute. In addition one dollar ($1.00) shall be deducted as an assessment from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances. Such additional assessments as are collected by the aforesaid courts shall be paid by the clerks of the courts into the general revenue fund of Miami-Dade County and earmarked specifically for law enforcement training and educational purposes. 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.

(Ord. No. 75-18, § 1, 3-18-75)

**Editor's note—**

Ord. No. 75-18, § 1, amended this Code by adding provisions designated as [§ 2-95](../level3/PTIIICOOR_CH2AD_ARTXIIITRTRDE.docx#PTIIICOOR_CH2AD_ARTXIIITRTRDE_S2-95SHTI). Pursuant to § 3 of said ordinance the provisions were redesignated by the editors as [§ 11-2](../level3/PTIIICOOR_CH11CO_ARTIINGE.docx#PTIIICOOR_CH11CO_ARTIINGE_S11-2ASADCOCOCRPRDIUS) for purposes of classification and inasmuch as this Code already contains a [§ 2-95](../level3/PTIIICOOR_CH2AD_ARTXIIITRTRDE.docx#PTIIICOOR_CH2AD_ARTXIIITRTRDE_S2-95SHTI)

**State law reference—** Authority to levy above fee, F.S. § 943.25(13).

Sec. 11-3. Increase in certain filing charges in the Circuit and County Courts; use.

(a) Except as provided hereafter for the institution of a petition for modification of a final judgment of dissolution and petitions for dissolution of marriage, in all cases in which there are five (5) or fewer defendants, a party instituting any civil action, suit or proceeding in the Circuit Court of the Eleventh Judicial Circuit of Florida shall pay to the Clerk of said Court a service charge of one hundred fifty-eight dollars and fifty cents ($158.50), which amount shall include a fee of ten dollars ($10.00) to be allocated to the Miami-Dade County Public Guardianship Program and matched by Miami-Dade County from general revenue, for payment of costs associated with public guardianships, in addition to the service charge payable to the clerk of said court pursuant to general law, including Section 28.241, Florida Statutes, provided that the additional service charges for each defendant in excess of five (5) and additional service charges for any party seeking a severance shall remain unchanged from that provided in Section 28.241, Florida Statutes.

Upon the institution of a petition for dissolution of marriage in the Circuit Court, the petitioner shall pay to the Clerk of the Court a service charge of one hundred fifty-nine dollars and fifty cents ($159.50) which amount shall include a fee of ten dollars ($10.00) to be allocated to the Miami-Dade County Public Guardianship program and matched by Miami-Dade County from general revenue, for payment of costs associated with public guardianships; and upon the institution of a petition for modification of a final judgment of dissolution in the Circuit Court, the petitioner shall pay to the Clerk of the Court a service charge of forty-five dollars ($45.00). All such service charges shall be in addition to the service charges and fees payable pursuant to general law, including Section 28.241, Florida Statutes.

(b) Upon the institution of any civil action or proceeding in County Court, the plaintiff, when filing the action or proceeding, shall pay to the clerk of the Court the following service charges in addition to the service charges payable pursuant to general law, including Sections 28.241 and 34.041, Florida Statutes:

(1) For all claims less than $100.00 .....$ 3.50

(2) For all claims of $100.00 or more but not more than $1,500.00 .....18.50

(3) For all claims of more than $1,500.00 but not more than $2,500.00 .....61.50

(4) For all claims of more than $2,500.00 but not more than $5,000.00 .....100.50

(5) All claims of more than $5,000.00 .....148.50

(6) For removal of tenant action .....90.50

(c) Any party instituting a probate matter, except probate cases which involve disposition of personal property with a value of less than two hundred fifty dollars ($250.00) and which also require no administration, shall pay to the Clerk of the Court a service charge in addition to the service charge payable to the Clerk of said Court pursuant to general law, including Section 28.2401, Florida Statutes, as follows:

(1) For the opening of any estate of one (1) document or more, including, but not limited to, petitions and orders to approve settlement of minor's claims; to open a safe deposit box; to enter rooms and places; for the determination of heirs, if not formal administration; and for a foreign guardian to manage property of a nonresident; but not to include issuance of letters or order of summary and family administration .....$56.00

(2) Caveat .....60.00

(3) Petition and order to admit foreign wills, authenticated copies, exemplified copies, or transcript to record .....59.00

(4) For disposition of personal property with a value of two hundred fifty dollars ($250.00) or more, without administration .....79.50

(5) Summary administration .....116.50

(6) Family administration .....84.50

(7) Formal administration, guardianship, ancillary, curatorship, or conservatorship proceedings .....122.50

(8) Guardianship proceedings of person only .....58.50

(9) Determination of incompetency (incapacity) .....58.00

(10) Foreign guardianships .....77.50

(11) Adversary proceedings, probate related trusts .....148.50

(12) Re-opening of formal administration, probate related trusts .....50.00

(d) The additional service charges herein provided for shall, together with other available funds, be expended for the operation of the Miami-Dade County Law Library and its branches; the Miami-Dade County Legal Aid Program; and to acquire by lease, purchase or otherwise; to construct, reconstruct, enlarge, or modify; to operate, maintain, and repair court facilities in Miami-Dade County, including court information systems, case management systems, and court technology, together with ancillary improvements and services related to any of the foregoing. Said charges may be pledged by the county as security for servicing the principal and interest on revenue bonds to accomplish one or more of the foregoing purposes.

**Editor's note—**

Paragragh (d) of this [§ 11-3](../level3/PTIIICOOR_CH11CO_ARTIINGE.docx#PTIIICOOR_CH11CO_ARTIINGE_S11-3INCEFICHCICOCOUS) was previously omitted from the Code due to a scrivener's error and has been reincluded herein to rectify this inadvertent omission.

(Ord. No. 75-45, § 1, 6-4-75; Ord. No. 81-117, § 1, 10-26-81; Ord. No. 81-128, § 1, 11-17-81; Ord. No. 89-62, § 1, 7-11-89; Ord. No. 90-71, § 1, 7-24-90; Ord. No. 93-55, § 1, 5-20-93; Ord. No. 93-91, § 11, 9-20-93; Ord. No. 96-42, § 1, 3-5-96; Ord. No. 00-173, § 1, 12-7-00)

**Editor's note—**

Section 2 of Ord. No. 75-45 provided that the provisions of said ordinance be included in this Code, but did not specify the manner thereof; hence codification of § 1 herein as [§ 11-3](../level3/PTIIICOOR_CH11CO_ARTIINGE.docx#PTIIICOOR_CH11CO_ARTIINGE_S11-3INCEFICHCICOCOUS) was at the discretion of the editors.

**State law reference—** Authority to impose above fees, F.S. §§ 28.2401, 34.041.

Sec. 11-4. Additional costs; surcharges upon fines and bail bonds.

(1) When any person, after July 1, 1984, pleads nolo contendere to, or is convicted of, any felony or misdemeanor under the laws of this State where any victim of such crime is handicapped or elderly, as defined in this section, there shall be imposed as an additional cost in the case, in addition to any other cost required to be imposed by law, the sum of ten dollars ($10.00). The Clerk of the Court shall collect and forward nine dollars ($9.00) of each ten dollars ($10.00) collected to the State Treasurer, to be deposited in the handicapped and elderly security assistance trust fund. The Clerk shall retain the remaining one dollar ($1.00) of each ten dollars ($10.00) collected as a service charge of the Clerk's Office. Under no condition shall the County be held liable for the payment of said sum of ten dollars ($10.00).

(2) (a) In addition to any fine for any criminal offense prescribed by law where any victim of such criminal offense is handicapped or elderly, as defined in this section, there is hereby established and created an additional five (5) percent surcharge thereon which shall be imposed, levied, and collected together with such fine.

(b) The principal amount of any bail bond given as prescribed by law for any defendant where any victim of the offense with which the defendant is charged is handicapped or elderly, as defined in this section, shall be increased by an additional five (5) percent surcharge which shall be imposed, levied, and collected together with such bail bond.

The Clerk of the Court shall retain one dollar ($1.00) of each such surcharge as a service charge of the Clerk's Office and shall forward the remainder of any such surcharge to the State Treasurer to be deposited in the handicapped and elderly security assistance trust fund.

(3) *Definitions.* As used in this section, unless the context otherwise requires, the term:

(a) *Elderly* means a person who is sixty-two (62) years of age or older.

(b) *Handicapped* means any person who:

1. Has a physical or mental impairment which is expected to be of long, continued, and indefinite duration and which substantially impedes his or her ability to live independently;

2. Is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve (12) months; or

3. Is fifty-five (55) years of age or older, is legally blind, and is unable by reason of such blindness to engage in gainful activity requiring skills or abilities comparable to those of any gainful activity in which he or she has previously engaged with some regularity and over a substantially period of time.

(Ord. No. 84-61, § 2, 7-17-84)

**Editor's note—**

Section 2 of Ord. No. 84-61, adopted July 17, 1984, amended the Code by adding a section but did not specify a section number; thus, inclusion as [§ 11-4](../level3/PTIIICOOR_CH11CO_ARTIINGE.docx#PTIIICOOR_CH11CO_ARTIINGE_S11-4ADCOSUUPFIBABO) has been at the editor's discretion.

**State law reference—** Authority for above fee, F.S. § 939.015.

Sec. 11-4.1. Imposition of additional cost to person found guilty of misdemeanor involving the unlawful use of drugs or alcohol.

When any person is found guilty of any misdemeanor under the laws of this State in which the unlawful use of drugs or alcohol is involved, pursuant to Section 939.017, Florida Statutes, there shall be imposed an additional fifteen dollar ($15.00) cost to be collected by the Clerk of the Court. The Clerk of the Court will retain one dollar ($1.00) of each fifteen dollars ($15.00) collected as a service charge and fourteen dollars ($14.00) will be forwarded to the State Department of Health and Rehabilitative Services to be disbursed as grants to local alcohol and drug abuse treatment/prevention programs.

(Ord. No. 89-115, § 1, 11-21-89)

**Editor's note—**

Section 1 of Ord. No. 89-115, adopted Nov. 21, 1989, has been included herein as [§ 11-4.1](../level3/PTIIICOOR_CH11CO_ARTIINGE.docx#PTIIICOOR_CH11CO_ARTIINGE_S11-4.1IMADCOPEFOGUMIINUNUSDRAL) at the discretion of the editor pursuant to § 3 of said ordinance which authorized codification.

Sec. 11-4.2. Imposition of additional assessment to person found guilty of criminal offense involving drug abuse.

When any person is found guilty of a criminal offense involving drug abuse under Florida Statutes Chapter 893 an additional assessment, up to the amount of the fine authorized for the violation, may be assessed. These funds will be deposited in the County's Drug Abuse Trust Fund, and will be used for local alcohol and drug treatment/prevention programs.

(Ord. No. 89-116, § 1, 11-21-89)

**Editor's note—**

Section 1 of Ord. No. 89-116, adopted Nov. 21, 1989, has been included herein as [§ 11-4.2](../level3/PTIIICOOR_CH11CO_ARTIINGE.docx#PTIIICOOR_CH11CO_ARTIINGE_S11-4.2IMADASPEFOGUCROFINDRAB) at the discretion of the editor pursuant to § 3 of said ordinance which authorized codification.

Sec. 11-5. Jury commission abolished.

(a) On the effective date of this section the jury commission for the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, shall be abolished pursuant to Florida Statutes Section 40.09.

(b) The Chief Judge (or any circuit judge duly appointed by the Chief Judge) of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, is hereby empowered to perform the duties of the jury commission in and for Miami-Dade County. The Chief Judge shall commence performing said duties on the effective date of this section.

(c) This section shall become effective ten (10) days after the Chief Judge of the Eleventh Judicial Circuit notifies the Clerk of the Board of County Commissioners that the court mechanisms for implementation are ready and in order.

(Ord. No. 76-3, §§ 1, 2, 5, 1-6-76)

**Editor's note—**

Sections 1, 2 and 5 of Ord. No. 76-3 are included herein as [§ 11-5](../level3/PTIIICOOR_CH11CO_ARTIINGE.docx#PTIIICOOR_CH11CO_ARTIINGE_S11-5JUCOAB) at the discretion of the editors pursuant to § 4 of said ordinance authorizing codification.

**Annotation—**CAO 77-57.

Sec. 11-6. Additional court costs for the Juvenile Assessment Center.

The provisions of Section 775.0833, Florida Statutes, are approved and adopted by this Board and incorporated by reference into this section. The Clerk of the Circuit and County Court, Eleventh Judicial Circuit and the County Manager are requested and directed to comply with the terms and provisions of this statute.

Section 775.0833, Florida Statutes, provides that in those counties wherein the Sheriff and the Department of Juvenile Justice have entered into such agreement, the County may adopt a mandatory court cost to be assessed in specific cases by adopting an ordinance which incorporates by reference the provisions of Section 775.0833 which provide for the collection of such costs by the Clerk of the Court and the disbursement of such funds as needed for the implementation and operation of the Juvenile Assessment Center.

(Ord. No. 96-182, § 1, 12-3-96)

**Editor's note—**

Ordinance No. 96-182, § 1, adopted December 3, 1996, did not specifically amend the Code. Therefore, such ordinance was treated as adding a new [§ 11-6](../level3/PTIIICOOR_CH11CO_ARTIINGE.docx#PTIIICOOR_CH11CO_ARTIINGE_S11-6ADCOCOJUASCE), at the editor's discretion.

Sec. 11-7. Fines for crime prevention programs.

Pursuant to Section 775.083, Florida Statutes and, in addition to any other fine, penalty, or cost imposed by any other provision of law, the court shall impose a fine upon any person who, with respect to a charge, indictment, or prosecution commenced in Miami-Dade County, pleads guilty or nolo contendere to, or is convicted or adjudicated delinquent for a felony, a misdemeanor, or a criminal traffic offense under state law, or a violation of any municipal or county ordinance if the violation constitutes a misdemeanor under state law. The fine shall be fifty dollars ($50.00) for a felony and twenty dollars ($20.00) for any other offense.

The Clerk of the Court shall collect and deposit the fines in a special revenue fund account designated as the "Crime Prevention Fund". Such funds shall be disbursed in accordance with the provisions of Section 775.083, Florida Statutes and the provisions of this section. The Board of County Commissioners in consultation with the Miami-Dade County Sheriff, shall expend such funds for the costs of collecting the fines and for crime prevention programs, with special consideration to be given to those programs operated by community based organizations, in those areas of Miami-Dade County where the highest incidence of crimes occur.

(Ord. No. 98-171, § 1, 12-1-98)

Sec. 11-8. Additional court costs for Teen Court.

Pursuant to Section 938.19, Florida Statutes, and, in addition to any other fine, penalty, or cost imposed by any other provision of law, the court shall impose a three dollar ($3.00) court cost upon every person who pleads guilty or nolo contendere to, or is convicted of, regardless of adjudication, a violation of a state criminal statute or a municipal ordinance or county ordinance or who pays a fine or civil penalty for any violation of Chapter 316, Florida Statutes. Any person whose adjudication is withheld pursuant to the provisions of Section 318.14(9) or (10), Florida Statutes, shall also be assessed such cost.

The three dollar ($3.00) assessment shall specifically be added to any civil penalty paid for a violation of Chapter 316, Florida Statutes, whether such penalty is paid by mail, paid in person without request for a hearing, or paid after hearing and determination by the court. However, the three-dollar ($3.00) assessment shall not be made against a person for a violation of any state statute, county ordinance, or municipal ordinance relating to the parking of vehicles, with the exception of a violation of the handicapped parking laws.

The Clerk of the Circuit Court shall collect the respective three dollar ($3.00) assessments for court costs established in this section and shall remit the same to the teen court monthly, less five (5) percent, which is to be retained as fee income of the Office of the Clerk of the Circuit Court.

(Ord. No. 98-185, § 1, 12-15-98)

Sec. 11-9. Additional Mediation and Arbitration Service Charges.

(a) *Circuit Court Service Charge.* Upon the institution of any civil action, suit or proceeding in the Circuit Court in and for the Eleventh Judicial Circuit of Florida, the party or parties instituting, such action, suit or proceeding shall pay a service charge of five dollars ($5.00), in addition to any other service charges which may heretofore or hereafter be levied. This service charge shall be collected by the clerk of the court at the time of filing such action, suit or proceeding and shall be deposited in the court's mediation-arbitration account fund under the supervision of the chief judge of the Eleventh Judicial Circuit of Florida.

(b) *County Court Service Charge.* Upon the institution of any civil action, suit or proceeding in the County Court in and for the Eleventh Judicial Circuit of Florida, the party or parties instituting such action, suit or proceeding shall pay a service charge of five dollars ($5.00), in addition to any other service charges which may heretofore or hereafter be levied. This service charge shall be collected by the clerk of the court at the time of filing such action, suit or proceeding and shall be deposited in the court's mediation-arbitration account under the supervision of the chief judge of the Eleventh Judicial Circuit of Florida.

(c) *Distribution of Funds.* As required by Section 44.108(4), Florida Statutes, the clerk of the court shall forward one dollar ($1.00) of each service charge collected to the Office of the State Courts Administrator to be used by the Supreme Court of Florida to carry out its responsibilities set forth in Section 44.106, Florida Statutes. The remainder of the service charges collected shall be utilized to support the arbitration and mediation services provided by the Eleventh Judicial Circuit of Florida under the supervision of the chief judge.

(d) *Posting and Report by the Clerk.* On a monthly basis, the clerk of the court shall post the amount of funds that were deposited into the mediation/arbitration account. Upon request of the chief judge or his designee and/or the Board of County Commissioners, the clerk of the court shall provide a financial report on the mediation/arbitration account outlining the revenues, disbursements and investment earnings (if any), for the period of time as specified by said request.

(Ord. No. 01-141, § 1, 9-13-01)

Sec. 11-10. Drivers Education Safety Trust Fund.

(A) Pursuant to Section 98 of Chapter 2002-20, Laws of Florida, the clerk of the court is hereby directed to collect an additional three dollars ($3.00) with each civil traffic penalty. Notwithstanding the aforegoing, this section shall not be construed to apply to parking violations.

(B) Funds collected by the clerk pursuant to this section shall be forwarded to the County and deposited into a separate account to be used to financially assist driver education programs in the public and non-public schools. It is further provided that such funds shall be used for direct educational expenses and shall not be used for administration.

(C) In order to receive grants from the Driver Education Safety Trust Fund, programs shall be selected as program recipients on the basis of selection procedures which shall be developed by the County Manager and approved by resolution of the Board of County Commissioners. Final grant approvals shall be made by the Board of County Commissioners on an annual basis upon recommendation by the County Manager.

(Ord. No. 02-167, § 2, 9-24-02)

Sec. 11-11. Additional court costs in criminal proceedings.

In addition to any other fine, penalty, or cost imposed by any other provision of law, a sixty-five dollar ($65.00) court cost is hereby imposed upon any conviction, plea of nolo contendere or finding of guilt, regardless of whether adjudication is withheld, for each felony, misdemeanor, or criminal traffic offense. The court shall not waive this court cost. The Clerk of the Court shall collect the sixty-five dollar ($65.00) assessments for court costs established in this section and shall remit it to Miami-Dade County. All proceeds collected shall be allocated as follows:

(a) Twenty-five percent (25%) of the amount collected shall be allocated to fund innovations to supplement state funding for the elements of the state court system identified in Section 29.004, Florida Statutes, as amended from time to time, and county funding for local requirements under Section 29.008(2)(a)2, as amended from time to time.

(b) Twenty-five percent (25%) of the amount collected shall be allocated to assist legal aid programs.

(c) Twenty-five percent (25%) of the amount collected shall be allocated to fund personnel and legal materials for the law library.

(d) Twenty-five percent (25%) of the amount collected shall be allocated to support teen court programs, the Juvenile Assessment Center or other juvenile alternative programs.

(Ord. No. 04-116, § 1, 6-8-04)

Sec. 11-12. Additional surcharge for court facilities.

In addition to any other fine, penalty, or cost imposed by any other provision of law, a thirty dollar ($30.00) surcharge is hereby imposed upon any conviction or finding of guilt, regardless of whether adjudication is withheld, on each civil traffic infraction referenced in section 318.14, Florida Statutes, as amended from time to time, and upon any conviction, plea of nolo contendere or finding of guilt, regardless of whether adjudication is withheld, on each criminal traffic violation referenced in section 318.17, Florida Statutes, as amended from time to time. The court shall not waive this surcharge. The Clerk of the Court shall collect the thirty dollar ($30.00) surcharge established in this section and shall remit it to Miami-Dade County. All proceeds from this surcharge shall be used to fund state court facilities as required by general law. The funding of state court facilities includes but is not limited to payment of debt service on any bonds issued to finance state court facilities. It is the intent of the Board that $15.00 of the $30.00 surcharge be used to pay principal and interest on bonds for the Children's Courthouse and other costs related to the Children's Courthouse.

(Ord. No. 04-116, § 1, 6-8-04; Ord. No. 09-72, § 1, 9-1-09)

Sec. 11-13. Additional surcharge in criminal proceedings.

In addition to any other fine, penalty, or cost imposed by any other provision of law, an eighty-five dollar ($85.00) surcharge is hereby imposed upon any conviction, plea of nolo contendere or finding of guilt, regardless of whether adjudication is withheld, for each felony, misdemeanor, or criminal traffic offense. The court shall not waive this court cost. The Clerk of the Court shall collect, unless there has been a determination of indigency, the eighty-five dollar ($85.00) surcharge established in this section and shall remit it to Miami-Dade County.

(Ord. No. 05-123, § 1, 6-23-05; Ord. No. 09-72, § 1, 9-1-09)

Sec. 11-14. Additional civil and criminal traffic infraction surcharge.

In addition to any other fine, penalty, or cost imposed by any other provision of law, a fifteen dollar ($15.00) surcharge is hereby imposed upon any conviction, plea of nolo contendere, or finding of guilt, regardless of whether adjudication is withheld, on each civil traffic infraction referenced in section 318.14, Florida Statutes, as amended from time to time, and upon any conviction, plea of nolo contendere or finding of guilt, regardless of whether adjudication is withheld, on each criminal traffic violation referenced in section 318.17, Florida Statutes, as amended from time to time. The court shall not waiver this surcharge. The Clerk of the Court shall collect, unless there has been a determination of indigency, the fifteen dollar ($15.00) surcharge established in this section and shall remit it to Miami-Dade County.

(Ord. No. 05-123, § 1, 6-23-05; Ord. No. 09-72, § 1, 9-1-09)

Secs. 11-15—11-20. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 73-81, § 2, adopted Sept. 18, 1973, added Art. I, § 11-1(a), (b) to Ch. 11. Sections 3 and 4 of said Ord. No. 73-81 have been included as subsections (c) and (d) of § 11-1 at the discretion of the editors. See also the editor's footnote to Ch. 11 [(Back)](#BK_E029A61CE6A945E8F0E43459B80E9227)

### ARTICLE II. BAILIFFS [[3]](#BK_20D499D03B03C6FBC5A04247773D0CE5)

[Sec. 11-21. Appointment; term; duties.](#BK_2A70B98F37D4D4C54AE6D2164B62F769)

[Sec. 11-22. Chief Bailiff for Circuit Court.](#BK_5F101DB88495A22B25669EB37D15C8EE)

[Sec. 11-23. Reserved.](#BK_127C327C84E78ECFBF03BDFB301892FB)

[Sec. 11-23.1. Reserved.](#BK_F692E4111D20192B7C1347CCF8686ED4)

[Sec. 11-23.2. Bailiff for Grand Jury.](#BK_E1D79413A652FBAFDBC540EA24310E54)

[Sec. 11-24. Compensation.](#BK_67930FDA405195AA90D0C40D0962CA4D)

[Sec. 11-24.1. Expenses while guarding jury; reimbursement; expense report.](#BK_18C63890C1DB90C014177FFF04784E9B)

[Sec. 11-25. Seniority status preserved.](#BK_AF29CC8C325E78F5DA3A2A4E0DF31F5D)

[Sec. 11-26. Temporary Bailiffs.](#BK_62FB20F7D91C6CB6A739F81AC41A70A2)

[Sec. 11-27. Reserved.](#BK_B4E63AF22A525FE2F95A234327492034)

[Sec. 11-28. Funds provided.](#BK_3FB16B607EC8E5E91C80ECA604A46FF6)

[Secs. 11-29, 11-30. Reserved.](#BK_FE41C330A07E3C9E40E4DB8A9C85B682)

Sec. 11-21. Appointment; term; duties.

Each Judge of the Circuit Court and County Court in Miami-Dade County, Florida, and each Judge hereafter appointed or elected to either of such Courts, is hereby authorized to appoint and employ at County expense a Bailiff who shall serve at the pleasure of the appointing Judge and perform such duties and functions as shall be imposed by law and as may be prescribed by the presiding Judge. Each such Bailiff shall be subject to the order and direction of the Judge appointing him.

(Ord. No. 58-23, § 2, 6-24-58; Ord. No. 59-13, § 2, 6-16-59)

Sec. 11-22. Chief Bailiff for Circuit Court.

In addition to the Bailiffs hereinabove provided the presiding Judge may appoint and employ a Chief Bailiff of the Circuit Court who shall serve at the pleasure of the presiding Judge and who shall be charged with the duty and responsibility of supervising and coordinating the activities of all other Circuit Court Bailiffs under the order, direction and supervision of the presiding Judge and who shall perform such other duties and functions prescribed by the presiding Judge.

(Ord. No. 58-23, § 3, 6-24-58; Ord. No. 59-13, § 3, 6-16-59)

Sec. 11-23. Reserved.

**Editor's note—**

[Section 11-23](../level3/PTIIICOOR_CH11CO_ARTIIBA.docx#PTIIICOOR_CH11CO_ARTIIBA_S11-23RE), relating to the Chief Bailiff of the Civil Court of Record, has been deleted as obsolete. *See* Fla. Const. Art. V. The section was derived from Ord. No. 58-23, § 4, adopted June 24, 1958, and Ord. No. 59-13, § 4, adopted June 16, 1959.

Sec. 11-23.1. Reserved.

**Editor's note—**

[Section 11-23.1](../level3/PTIIICOOR_CH11CO_ARTIIBA.docx#PTIIICOOR_CH11CO_ARTIIBA_S11-23.1RE), relating to the Chief Bailiff of the Criminal Court of Record, has been deleted as obsolete. *See* Fla. Const. Art. V. The section was derived from Ord. No. 59-13, § 5, adopted June 16, 1959.

Sec. 11-23.2. Bailiff for Grand Jury.

The Grand Jury of Miami-Dade County, Florida, may employ a Bailiff who shall serve at the pleasure of the Grand Jury and who shall be appointed pursuant to the provisions of Section 1 of Chapter 30165, Acts of 1955, Laws of Florida, and shall perform the duties and functions imposed by law and as may be prescribed by the Grand Jury. Such Bailiff shall serve under the order and direction of the Grand Jury.

(Ord. No. 59-13, § 6, 6-16-59)

Sec. 11-24. Compensation.

Each Bailiff appointed and employed under and pursuant to the provisions of this article shall be entitled to receive compensation as set forth in the County pay plan approved and adopted annually by the County Commission. All persons appointed or employed under and pursuant to the provisions of this article shall be excepted and excluded from the classified service of the County.

(Ord. No. 58-23, § 5, 6-24-58; Ord. No. 59-13, § 7, 6-16-59; Ord. No. 76-89, § 2, 10-5-76)

Sec. 11-24.1. Expenses while guarding jury; reimbursement; expense report.

Any Bailiff for the Circuit Court and County Court shall be entitled to reimbursement for his actual expenditures for meals and lodging incurred while guarding a petit jury during the trial of a criminal or civil action. The Finance Director shall make such reimbursement from County funds upon receipt of an expense report signed by the Bailiff and the trial Judge, subject to any maximum allowances for meals and lodging which may be established by appropriate administrative order of the County Manager.

(Ord. No. 67-55, § 1, 7-25-67)

Sec. 11-25. Seniority status preserved.

Each person serving as a Bailiff for either the Circuit Court, the County Court or the Grand Jury upon the effective date [[4]](#BK_78AD42D10C316DE0676661B9A7ACB5E4) of this article, who shall be appointed or employed as Bailiff or Chief Bailiff under and pursuant to the provisions of this article, shall receive full credit for all time he served as Bailiff, and his compensation paid hereunder shall be computed upon the basis of seniority commencing from the date of his initial employment as Bailiff; provided, however, that in order for any Bailiff to become entitled to receive the increase in compensation provided for herein, he shall first deliver to the Finance Director of the County written evidence of his appointment or employment under the provisions of this article showing his full name and address, number of dependents, date of original employment as Bailiff, and his classification (Bailiff or Chief Bailiff) signed by the authorized appointing Judge, or by the Foreman of the Grand Jury.

(Ord. No. 58-23, § 6, 6-24-58; Ord. No. 59-13, § 8, 6-16-59)

Sec. 11-26. Temporary Bailiffs.

In the event that any Judge of either the Circuit Court or the County Court shall find and determine that an additional Bailiff or Bailiffs are required in order for the court promptly and efficiently to dispose of its trial work, or that an emergency exists because of the illness, disability or absence of regular Bailiffs, then and in such event any such Judge may appoint and employ such temporary Bailiffs as he deems necessary. The appointing Judge shall determine the period of time for which any such temporary Bailiff is needed and shall prescribe the duties and functions of such employee. Each temporary Bailiff appointed hereunder shall receive the same compensation provided for other Bailiffs.

(Ord. No. 58-23, § 7, 6-24-58; Ord. No. 59-13, § 9, 6-16-59)

Sec. 11-27. Reserved.

**Editor's note—**

[Section 11-27](../level3/PTIIICOOR_CH11CO_ARTIIBA.docx#PTIIICOOR_CH11CO_ARTIIBA_S11-27RE), relating to female Bailiffs, has been deleted as obsolete. The section was derived from Ord. No. 58-23, § 8, adopted June 24, 1958, and Ord. No. 59-13, § 10, adopted June 16, 1959.

Sec. 11-28. Funds provided.

The compensation and salaries for Bailiffs appointed or employed in accordance with the provisions of this article shall be paid from County funds upon appropriate County attendance and payroll records certified by the appointing authority. The expenditure of County funds to provide Bailiffs for the Judges of the Circuit Court, the County Court and the Grand Jury in Miami-Dade County is declared to be a County purpose relating solely to the affairs, property and government of the County.

(Ord. No. 58-23, § 9, 6-24-58; Ord. No. 59-13, § 11, 6-16-59)

Secs. 11-29, 11-30. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 59-13, adopted June 16, 1959, amended Ord. No. 58-23, §§ 2, 3, 6—9, codified herein as §§ 11-21, 11-22, 11-25—11-28, and reenacted §§ 4 and 5 codified herein as §§ 11-23, 11-24. Prior to Ord. No. 59-13 there was no reference to the Criminal Court of Record or the Grand Jury. Ord. No. 58-23 was further amended by Ord. No. 59-13, which added §§ 5, 6 codified herein as §§ 11-23.1 and 11-23.2. Ord. No. 60-1, § 1, adopted Jan. 5, 1960, declared Ord. No. 59-13 to be amendatory to this Code. Sec. 12 of Ord. No. 59-13 repealed Ch. 30279, Acts 1955, Laws of Florida; § 2, Ch. 30165, Acts 1955, Laws of Florida; Ch. 57-879, Laws of Florida; and County Resolution No. 2848. [(Back)](#BK_98A14FDED5DEC66B3D9F1D4F4FC4718B)

**Cross reference—** Bailiffs excepted from classified service, § 2-41. [(Back)](#BK_98A14FDED5DEC66B3D9F1D4F4FC4718B)

--- (**4**) ---

**Editor's note—** Ord. No. 59-13, which amended Ord. No. 58-23, was enacted on June 16, 1959, effective ten (10) days thereafter. [(Back)](#BK_4E6AAE5825DBEB964E47DC49A45970F5)

### ARTICLE III. JURY SERVICE [[5]](#BK_71FA29BB91751660B7DEE8C7893945EA)

[Sec. 11-31. Scope of regulation and definitions.](#BK_5B95B47091A2656416A8B019D41C1896)

[Sec. 11-32. Withholding pay from employee on jury service prohibited.](#BK_7DE8EF04DEAF474D4B1522BC0A76F64B)

[Sec. 11-33. Penalty.](#BK_5759CFC05C955E971E325C24D6C04431)

[Sec. 11-34. Private right of action.](#BK_0FB9B774ED30FD4BA4BD8754806B247E)

Sec. 11-31. Scope of regulation and definitions.

(a) *Scope.* This article will be applicable to and govern all employers located or doing business within Miami-Dade County who have employees summoned to jury duty within Miami-Dade County.

(b) *Definitions.* [As used in this article the following terms shall have the meanings respectively ascribed:]

*Employer* means an individual or business organization that employs at least ten (10) employees as defined in this section.

*Employee* means an individual employed by an employer and regularly scheduled to work at least thirty-five (35) hours per week.

*Wages or salary* means the employee's regular salary, draw, or compensation, but does not include commissions, overtime pay, or compensation for more than eight (8) working hours per day.

(Ord. No. 86-30, § 1(1), 4-15-86; Ord. No. 87-23, § 1, 4-28-87)

Sec. 11-32. Withholding pay from employee on jury service prohibited.

No employer shall withhold wages or salary from a full-time employee because of the employee's absence from work on any day that the employee served as a juror or venireman provided that the employee gives a copy of the summons to his immediate supervisor at least five (5) working days prior to the commencement of service as a juror; and provided further that the employer can deny or withhold from the employee's usual wages or salary an amount equal to the statutory fees to which the employee is entitled for serving as a juror.

(Ord. No. 86-30, § 1(2), 4-15-86; Ord. No. 87-23, § 2, 4-28-87)

Sec. 11-33. Penalty.

Any employer violating this article may be punished by a fine not exceeding five hundred dollars ($500.00) and shall be required to pay the employee any compensation withheld in violation of this article.

(Ord. No. 86-30, § 1(3), 4-15-86)

Sec. 11-34. Private right of action.

In addition to any statutory or common law methods of enforcement, any individual harmed by a violation of this article shall have the right to bring a cause of action in a court of competent jurisdiction to enforce this section and to recover reasonable attorney's fees if successful in such action.

(Ord. No. 86-30, § 1(4), 4-15-86)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 86-30, adopted April 15, 1986, added an unnumbered chapter to the Code; for purpose of classification, the editor has included these provisions as Art. III of Ch. 11 [(Back)](#BK_EE1A615881022E40DAF17BB5745B7BF7)