

ORDINANCE NO. 09-___

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 7, ARTICLE II, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, REGARDING COURT FILING FEES; SERVICE CHARGES; COURT COSTS, BY AMENDING SECTION 7-23, ENTITLED "SURCHARGE IN NON-CRIMINAL TRAFFIC CASES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners desires to enact an ordinance amending Section 7-23, Leon County Code of Laws, relating to Surcharge in Non-criminal Traffic Cases;

WHEREAS, on June 19, 2009, the State Legislature amended Section 318.18(13), Florida Statutes, increasing the surcharge for non-criminal traffic infractions able to be imposed by the County from \$15 to \$30; and

WHEREAS, the Legislature permitting this increase in the surcharge requires that the Board of County Commissioners enact local legislation incorporating this change; and

WHEREAS, these additional funds are necessary to offset the significant difference between revenues and expenditures in order for the courts in Leon County to maintain their high level of service to the Leon County Community.

BE IT ORDAINED by the Board of County Commissioners of the County of Leon, Florida, as follows, that:

Section 1. Section 7-23 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

- (a) Pursuant to F.S. § 318.18(13)(a), every person who pays a fine or civil penalty for any violation of a non-criminal traffic infraction pursuant to Chapter 318 and every person who pleads guilty or nolo contendere or who is

convicted, regardless of adjudication, of a violation of a non-criminal traffic infraction or criminal violation of F.S. § 318.17, shall be assessed a surcharge in the amount of ~~\$15.00~~ \$30.00. A non-criminal traffic infraction shall have the definition as found in F.S. § 318.14(1).

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Section 2. Conflicts.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 3. Severability.

If any provisions or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 4. Effective Date.

This ordinance shall have effect upon becoming law.

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County, Florida this ____ day of _____, 2009.

LEON COUNTY, FLORIDA

By: _____
Bryan Desloge, Chairman
Board of County Commissioners

ATTESTED BY:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

By: _____
Bob Inzer, Clerk of Court
Leon County, Florida

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

By: _____
Herbert W. A. Thiele, Esq.
County Attorney