

ORDINANCE NO. 03- 04

2003 JUN 25 PM 3:45
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED

AN ORDINANCE TITLED "CALHOUN COUNTY CIRCUIT AND COUNTY COURT FACILITY FUND ORDINANCE", INCREASING THE SERVICE CHARGE TO BE ADDED TO FILING FEES PAID AT THE COMMENCEMENT OF ANY CIVIL ACTION, SUIT OR PROCEEDING IN THE CIRCUIT COURT OF CALHOUN COUNTY FOR THE PURPOSES OF PROVIDING AND MAINTAINING FACILITIES FOR THE USE OF THE CIRCUIT COURT; INCREASING THE SERVICE CHARGE TO BE ADDED TO FILING FEES PAID AT THE COMMENCEMENT OF ANY CIVIL ACTION, SUIT OR PROCEEDING IN THE COUNTY COURT OF CALHOUN COUNTY FOR THE PURPOSES OF PROVIDING AND MAINTAINING FACILITIES FOR THE USE OF THE COUNTY COURT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Subsections 28.241 and 28.2401, Florida Statutes provide that the additional service charges on civil actions in the county and circuit court may be imposed by ordinance enacted by the governing authority of the County, and that such additional charges may be expended to provide for and maintain court facilities; and

WHEREAS, the need to routinely maintain the courthouse, as a public building, is ongoing and created by budgetary burden on the County; and

WHEREAS, the need to revise the space within the courthouse to adjust to an increase in court caseloads, the additional programs and services offered to the public, and federal and state requirements associated with equal access to the courts; and

WHEREAS, the Board of County Commissioners of Calhoun County has determined that it is equitable to allocate to the users of the civil county and circuit court systems some of the added costs of operating those systems by increasing certain filing fees,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CALHOUN COUNTY, FLORIDA:

1. Short Title: This ordinance shall be known as and may be referred to as the "Calhoun County Circuit and County Court Facility Fund Ordinance."

2. Authority: This ordinance is enacted pursuant to Subsections 28.241 and 28.2401, Florida Statutes.

PART I - CIRCUIT COURT

3. Purpose: The purpose of this ordinance is to establish and levy a service charge on any civil action, suit or proceeding, and all probate matters and guardianship proceedings in the circuit court of Calhoun County, in addition to those charges currently being levied pursuant to state law. The service charge levied herein is to be used exclusively to provide and maintain facilities for the use of the circuit court. This ordinance will enable Calhoun County to fund needed maintenance and renovations to the courthouse facilities that are needed by the circuit court and which will benefit all the citizens of Calhoun County.
4. Service Charge Establishment, Levying and Collection: In addition to any service charge, filing fee, or cost otherwise provided for by law or county ordinance, the party filing of instituting any civil action, suit or proceeding, and all probate matters and guardianship matters in the circuit court shall pay to the Clerk of said court, as part of the filing fee, an additional Forty Dollar (\$40.00) service charge, hereinafter referred to as the "Circuit Court Facility Fund Charge." The whole of the Circuit Court Facility Fund Charge shall be paid by the Clerk of the Circuit Court into a trust fund and said trust shall be fiscally administered by the Clerk of the Circuit Court. The assigned Circuit Judge shall have the authority to approve expenditures of said fund for the exclusive use of maintaining the courthouse facilities for the use of the Circuit Court.

PART II - COUNTY COURT

5. Purpose: The purpose of this ordinance is to establish and levy a service charge on any civil action, suit or proceeding of the county court of Calhoun County in addition to those charges currently being levied pursuant to state laws. The service charge levied herein is to be used exclusively to provide and maintain facilities for the use of the county court. This ordinance will enable Calhoun County to fund needed maintenance and renovations to the courthouse facilities that are needed by the county court and which will benefit all the citizens of Calhoun County.
6. Service Charge Establishment, Levying and Collection: In addition to any service charge, filing fee or cost otherwise provided for by law or county ordinance, the party filing or instituting any civil action, suit or proceeding in the county court shall pay to the Clerk of said court, as part of the filing fee, an additional Twenty Dollar (\$20.00) service charge, hereinafter referred to as the "County Court Facility Fund Charge." The whole of the County Court

Facility Fund Charge shall be paid by the Clerk of the County Court into a trust fund and said trust shall be fiscally administered by the Clerk of the County Court. The County Judge shall have the authority to approve expenditures of said fund for the exclusive use of maintaining the courthouse facilities of the use of the County Court.

7. Codification: The appropriate officers and agents of the County are authorized and directed to codify, include and publish the provisions of this Ordinance within the Calhoun County Code. Section numbers may be assigned and changed whenever necessary or convenient.
8. Severability: If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.
9. Effective Date: This ordinance shall take effect upon its passage by a majority vote of the Board of County Commissioners in and for Calhoun County, after due notice and publication, in the regular meeting on 17th day of June, 2003, and upon official acknowledgment from the Department of State that this Ordinance has been filed with the Department of State.

ADOPTED DURING REGULAR SESSION, THIS 17TH DAY OF JUNE,
2003, BY A VOTE OF 5 TO 0.

BOARD OF COUNTY COMMISSIONERS
CALHOUN COUNTY, FLORIDA

BY:



Jim Pickron, Chairman

ATTEST:



Ruth W. Attaway, Clerk