

ORDINANCE NO. 80- 6

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 77-12, CREATING AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, ESTABLISHING AND PROVIDING FOR THE IMPOSITION OF FEES OR ADMINISTRATIVE SERVICE FEES FOR FILING OR DISPOSING OF CIVIL ACTIONS INCLUDING PROBATE AND GUARDIANSHIP, AND CIVIL INFRACTIONS IN THE CIRCUIT COURT AND/OR COUNTY COURT FOR HERNANDO COUNTY, FLORIDA, IN ADDITION TO ALL OTHER FEES OR ADMINISTRATIVE FEES IMPOSED BY GENERAL LAW, SPECIAL LAW, LOCAL LAW, OR COUNTY ORDINANCE; PROVIDING FOR THE DISBURSEMENT OF THE FEES OR ADMINISTRATIVE SERVICE FEES SO COLLECTED FOR THE FURTHERANCE OF LEGAL AID FOR QUALIFIED PERSONS

WHEREAS, the Board of County Commissioners of Hernando County, Florida, is the governing body of Hernando County; and

WHEREAS, there is currently in effect in Hernando County, Florida, Ordinance No. 77-12 relating to filing fees in civil cases filed in the Circuit Court and County Court of Hernando County, Florida; and

WHEREAS, said filing fees have been earmarked to be paid to the Tri-County Legal Aid Society, Inc. for the purpose of providing an adequate legal aid program for indigents in Hernando County, Florida;

WHEREAS, the Tri-County Legal Aid Society, Inc., is being dissolved and succeeded by the Withlacoochee Area Legal Services, Inc.; and

WHEREAS, the Board of County Commissioners of Hernando County, Florida, finds that the continuation of collecting filing fee surcharges for the providing of a legal aid program for indigents in Hernando County, Florida, will provide for, promote, protect, and improve the public health, safety, comfort, convenience, prosperity and general welfare of the citizens of Hernando County, Florida; and

WHEREAS, the Tri-County Bar Association has, by resolution, endorsed and recommended that the Board of County Commissioners of Hernando County, Florida, impose fees or administrative service fees for filing or disposing of civil actions, including Probate and Guardianship, or civil infractions in the Circuit Court and/or County Court for Hernando County, Florida, in addition to all other fees or administrative service fees imposed by general law, special law, local law, or County Ordinance, in Hernando County, Florida, for the purpose of helping to provide a continuing source of operating revenues for the Withlacoochee Area Legal Services, Inc.; and

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WHEREAS, the Board of County Commissioners of Hernando County, Florida, recognizes that the Florida Legislature and Florida Supreme Court has heretofore de-criminalized all traffic offenses, whereby the same are now "civil infractions" handled through the County Court for Hernando County, Florida, and therefore, this "Board" has the power, authority, and jurisdiction, by virtue of the Constitution of the State of Florida, as amended, to impose an administrative service fee upon the disposition of each "civil infraction" in the County Court for Hernando County, Florida;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, as follows:

SECTION 1. Hernando County Ordinance No. 77-12 is hereby repealed and replaced by this ordinance.

SECTION 2. Except where no filing fee is required, there shall be paid to the Clerk of Circuit Court of Hernando County, Florida, or to the Clerk of the County Court for Hernando County, Florida, with whom any civil action, including Probate and Guardianship, or other suit or proceeding is filed by the party or parties offering the same for filing, in addition to any fee otherwise provided by law, the following fees:

- a. Any civil action, including Probate and Guardianship, filed in the Circuit Court, the sum of \$7.00.
- b. Any civil action filed in the County Court where the sum sought by the Plaintiff or party bringing the proceeding seeks \$100.00 or less, the sum of \$1.00.
- c. Any civil action filed in the County Court where the sum sought by the Plaintiff or party bringing the proceeding seeks \$100.01 or up to \$1,000.00, the sum of \$2.00.
- d. Any civil action filed in the County Court where the sum sought by the Plaintiff or party bringing the proceeding seeks \$1,000.01 up to \$2,500.00, the sum of \$3.00.

SECTION 3. All sums collected pursuant to this Ordinance shall be set apart by the Clerk of the County Court or Circuit Court for Hernando County, Florida, to be used exclusively for the providing of legal aid services to indigents, and the Clerk shall pay over and disburse to the "Withlacoochee Area Legal Services, Inc." a non-profit Florida corporation, all of said sum, monthly, on or before the 15th day of each month, which disbursements shall include all sums collected pursuant to this Ordinance for the preceding calendar month.

SECTION 4. An annual accounting shall be prepared by the "Withlacoochee Area Legal Services, Inc." a non-profit Florida corporation, by a public accountant licensed in the State of Florida, which annual

accounting shall be filed with the Board of County Commissioners of Hernando County, Florida, within this many days after the end of each Fiscal Year.

SECTION 5. "Fiscal Year," as used in this Ordinance shall mean the period of time from October 1 through September 30 of each year.

SECTION 6. If any provision, section, subsection, clause, phrase, sentence, or work of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected in any manner whatsoever, and the Ordinance shall be construed and interpreted as if the portion held to be unconstitutional, inoperative, or void, has been omitted from the Ordinance and the remainder shall be constitutional, valid and operative; the remainder of this Ordinance, after any ruling by a court of competent jurisdiction that any portion of this Ordinance is unconstitutional, inoperative, or void, for any reason, including a ruling or adjudication that this Ordinance or any part hereof is inapplicable to any person, groups of person, property, kind of property, circumstances, or set of circumstances, such adjudication shall not affect the applicability of this Ordinance to any other person, groups of persons, property, kind of property, circumstances, or set of circumstances.

SECTION 7. The Withlacoochee Area Legal Services, Inc." a non-profit Florida corporation, shall use all sums received from the Clerk of the Circuit Court or County Court, pursuant to this Ordinance, exclusively for the providing of legal services to the indigents in Hernando County, Florida.

SECTION 8. This Ordinance shall take effect immediately upon filing with Secretary of State.

ADOPTED in Regular Session this 27th day of May, 1980.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By John H. Magner
JOHN H. MAGNER, CHAIRMAN

Attest Harold William Brown
HAROLD WILLIAM BROWN, CLERK