

ORDINANCE NO.: 2011 - 2

AN ORDINANCE AMENDING CHAPTER 11 (COURTS), SECTION 11-5 (SURCHARGE IN NON-CRIMINAL AND CRIMINAL TRAFFIC CASES) OF THE HERNANDO COUNTY CODE OF ORDINANCES BY AMENDING THE SURCHARGE IMPOSED ON NON-CRIMINAL TRAFFIC VIOLATIONS AND CRIMINAL VIOLATIONS UNDER SECTION 318.17, FLORIDA STATUTES, FROM \$15.00 TO \$30.00; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

WHEREAS, during the 2009 session of the Florida Legislature, the Legislature enacted Senate Bill 2108, which amended s. 318.18(13), Florida Statutes, and increased the surcharge which may be imposed by county ordinance as a surcharge on all non-criminal traffic violations and imposed on those criminal violations covered under s. 318.17 from \$15.00 to \$30.00;

WHEREAS, the surcharges collected within Hernando County pursuant to s. 318.18(13), Florida Statutes, are used to fund those court facilities mandated by the State Constitution and statute; and,

WHEREAS, on December 14, 2010, pursuant to a request from the Florida Fifth Judicial Circuit, the Board of County Commissioners approved amending the current surcharge contained in County Code Section 11-5 from \$15.00 to \$30.00.

SECTION I. Amending Chapter 11 (Courts), Section 11-5 (Surcharge in non-criminal and criminal traffic cases). Chapter 11 (Motor Vehicles and Traffic), Section 11-5 (Surcharge in non-criminal and criminal traffic cases) is amended to read as follows, with underlined matter added and struck-through matter deleted for existing Code:

Sec. 11-5. Surcharge in non-criminal and criminal traffic cases.

(a) Pursuant to section 318.18(13)(a), Florida Statutes, every person who pays a fine or civil penalty for any violation of a non-criminal traffic infraction pursuant to chapter 318, Florida Statutes, and every person who pleads guilty or nolo contendere or is convicted, regardless of adjudication, of a violation of a non-criminal traffic infraction or a criminal violation listed in section 318.17, Florida Statutes, shall be assessed a surcharge of fifteen thirty dollars (~~\$15.00~~ \$30.00). A non-criminal traffic infraction is defined in section 318.14(1), Florida Statutes.

(b) The court shall order payment of this additional court cost in all matters subject to this section, and the clerk of court shall add this surcharge to all payments of fines or civil penalties for any violation of a non-criminal traffic infraction or a criminal violation listed in section 318.17, Florida Statutes.

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1 (c) The funds collected pursuant to this section shall be remitted to the board of county
2 commissioners to be used to fund state court facilities.

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4 (Ord. No. 2004-07, § 1, 6-22-04; Ord. No. 2011-____)

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6 **SECTION II.** Severability. It is declared to be the intent of the Board of County Commissioners
7 that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any
8 reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the
9 remaining portions of this ordinance.

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11 **SECTION III.** Repeal of Conflicting Ordinances. The provisions of any other Hernando county
12 ordinance that are inconsistent or in conflict with the provisions of this Ordinance are repealed to
13 the extent of such inconsistency or conflict.

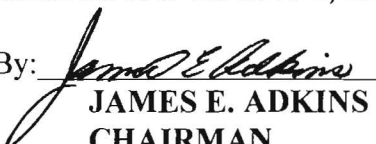
14
15 **SECTION IV.** Inclusion in the Code. It is the intention of the Board of County Commissioners of
16 Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall
17 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end,
18 any section or subsection of this Ordinance may be renumbered or relettered to accomplish such
19 intention, and the word "ordinance" may be changed to "section, "article," or other appropriate
20 designation.

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22 **SECTION V.** Effective date. This ordinance shall be filed with the Department of State following
23 its adoption, but this ordinance shall not take effect until February 1, 2011 at which times the
24 amended surcharges shall take effect and be imposed on said date and at all times thereafter.

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26 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO**
27 **COUNTY in Regular Session this 11th day of January, 2011.**


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29 **BOARD OF COUNTY COMMISSIONERS**
30 **HERNANDO COUNTY, FLORIDA**

31
32 Attest: 
33 **KAREN NICOLAI**
34 **CLERK**
35 **SEAL**
36 

37
38 By:  1-12-11
39 **JAMES E. ADKINS**
40 **CHAIRMAN**

41 Approved for Form
42 and Legal Sufficiency

43 By: _____
Assistant County Attorney

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY:  1/11/11
County Attorney's Office 