

APPROVED BY THE BOARD OF COUNTY
COMMISSIONERS AT THEIR MEETING
JAN 04 1994 SD/JLC

ORDINANCE NO. 94-1

Section 1
Effective 2/1/94

Remaining Sections
Effective 1/12/94

AN ORDINANCE PERTAINING TO CIRCUIT COURTS IN ORANGE COUNTY, FLORIDA; AMENDING SECTION 14-1 OF THE ORANGE COUNTY CODE TO PROVIDE FOR A FEE TO BE PAID UPON THE INSTITUTION OF ANY CIVIL ACTION IN CIRCUIT COURT FOR PAYMENT OF COSTS ASSOCIATED WITH PUBLIC GUARDIANSHIPS; PROVIDING FOR MATCHING FUNDS FROM COUNTY GENERAL REVENUE; CREATING A SUNSET PROVISION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners desires to provide funding for the Guardianship for Senior Citizens program; and

WHEREAS, Section 28.241, Florida Statutes, permits a county to impose by ordinance a fee up to \$10.00 on each civil action filed in circuit or county court for payment of costs associated with public guardianships, contingent upon the county providing matching funds from county general revenue; and

WHEREAS, the Board of County Commissioners desires the new fee to be in addition to any other fees or service charges provided by law; and

WHEREAS, this ordinance is adopted pursuant to the provisions of Sections 28.2401, 28.241 and 34.041, Florida Statutes, and the home rule powers of Orange County for the purpose of establishing an additional fee on civil actions filed in circuit court.

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

Section 1. Section 14-1 of the Orange County Code is hereby amended to add a new subsection (e) to read as follows:

(e) (1) Upon the institution of any civil action in the circuit court, there shall be paid by the party or parties instituting such action, a fee of \$3.25

which fees, minus the Clerk's service charge, shall be set aside by the Clerk for the use of the Guardianship for Senior Citizens Program under the auspices of Seniors First, Inc.

(2) The fee established by this section for the use of the Guardianship for Seniors program shall be collected in a separate account by the Clerk and shall, within 10 days after the end of each month, be paid through the accounting department of the Clerk directly to the Orange County Comptroller. The Comptroller shall disburse the funds to Seniors First, Inc., which shall expend the funds for public guardianship programs.

(3) The County shall provide, from county general revenue, a match of funds in the amount provided to Seniors First, Inc., to be used for public guardianship programs.

Section 2. Subsection (e) of Section 14-1 is hereby re-numbered as subsection (f) to read as follows:

~~(e)~~(f) County administrator designated as county representative to "Orange County Governmental Support Depository." The county administrator, or his designee, on behalf of the clerk of the circuit court and the appropriate state agencies, shall join with the clerk of the circuit court of the county in fixing fees to be assessed for the receiving, recording, reporting or handling of alimony or child support payments and the processing and collection of delinquent support payments as required by F.S. §61.181(2). The county administrator, or his designee, shall utilize the standards set forth in F.S. §61.181(2), in computing the fees to be assessed by virtue of this grant of authority.

Section 3. Subsection (f) of Section 14-1 is hereby re-numbered as subsection (g) to read as follows:

~~{#}~~(g) *Charges cumulative to other service charges.* All amounts set forth in this section shall be in addition to any other service charges or fees provided by general or special law.

Section 4. The fee imposed pursuant to this ordinance, and the County's requirement to provide matching funds, shall automatically terminate on January 1, 1996.

Section 5. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and to this end the provisions of this Ordinance are declared severable.

Section 6. Effective Date. Section 1 shall take effect on February 1, 1994. All other sections of this ordinance shall become effective pursuant to general law.