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ORDINANCE NO.: 09-32

AN ORDINANCE OF BAY COUNTY, FLORIDA, AMENDING ORDINANCE NO.: 04-18; INCREASING THE MANDATORY SURCHARGE FROM \$15.00 TO \$30.00 ON CIVIL AND CRIMINAL INFRACTIONS TO FUND COURT FACILITIES; PROVIDING FOR REPEAL; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 15, 2004, the Bay County Board of County Commissioners imposed a mandatory surcharge of fifteen dollars (\$15.00) on any noncriminal traffic infraction and any criminal traffic violation committed within Bay County, Florida; and

WHEREAS, Florida Statute §318.18(13)(a)(1) (2009) authorizes counties to impose by ordinance a surcharge up to thirty dollars (\$30.00) for any infraction or violation to fund state court facilities; and

WHEREAS, the Bay County Board of County Commissioners finds that imposing the surcharge and using the funds generated thereby to construct, improve and operate County facilities used by the state court system serves a valid public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY

COMMISSIONERS OF BAY COUNTY:

SECTION 1. This section specifically amends Section 1 of Bay County Ordinance 04-18. The surcharge authorized by §318.18 (13)(a)(1), Florida Statutes (2009), is hereby imposed in the amount of thirty dollars (\$30.00) upon any noncriminal traffic infraction and any criminal traffic violation committed within Bay County, Florida, to fund state court facilities and the construction of new court facilities.

SECTION 2. As per §318.18 (13)(a), Florida Statutes (2009), the court shall not waive such surcharge.

SECTION 3. The Bay County Board of County Commissioners shall, in its sole discretion, determine how funds collected from the surcharge shall be used to construct, improve or operate County facilities serving the state court system within Bay County or to service debt on such facilities; and shall authorize payments for such uses.

SECTION 4. Severability. It is hereby declared to be the intent of The Bay County Board of County Commissioners of Bay County that if any section, subsection, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 5. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are to the extent of such conflict hereby repealed.

SECTION 6. Inclusion in Code. It is the intention of The Bay County Board of County Commissioners of Bay County Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Bay County, Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article" or other appropriate designation.

SECTION 7. Effective Date. A certified copy of this ordinance as enacted shall be filed by the Clerk of the Board with the office of the Secretary of State of the State of Florida within ten (10) days after enactment, and this ordinance shall take effect in accordance with Section 125.66(2), Florida Statutes.

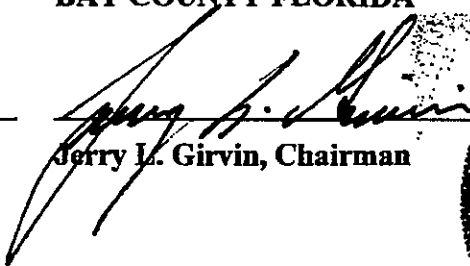
DULY ADOPTED in regular session this 6th day of October, 2009.

ATTEST:

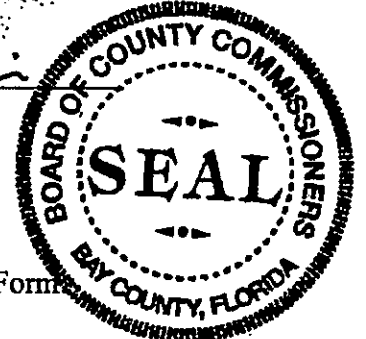
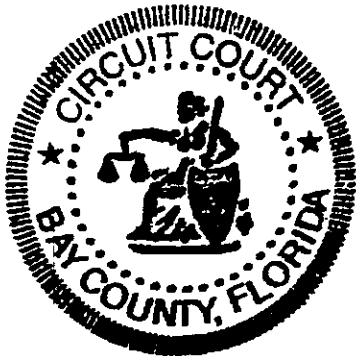
**BOARD OF COUNTY COMMISSIONERS
BAY COUNTY FLORIDA**



Bill Kinsaul, Clerk



Jerry L. Girvin, Chairman



Reviewed and Approved as to Form



Office of County Attorney