ORDINANCE NO. 04-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 4, ARTICLE II OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATING TO ANIMAL CONTROL; AMENDING DIVISION 1, SECTION 4-29, "ENFORCEMENT GENERALLY; PENALTIES", BY ADDING A NEW SUBSECTION 4-29(i) TO ESTABLISH A $5.00 SURCHARGE UPON EACH CIVIL PENALTY IMPOSED FOR CITATIONS ISSUED FOR VIOLATIONS OF THE COUNTY'S ANIMAL CONTROL ORDINANCES; PROVIDING THAT SUCH COLLECTED FUNDS SHALL BE PLACED IN A FUND TO BE UTILIZED FOR FUNDING TRAINING OF COUNTY ANIMAL CONTROL OFFICERS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 1989 the Florida Legislature enacted amendments to Section 828.27, Florida Statutes, requiring minimum training and certification of Animal Control Officers; and

WHEREAS, the legislation also provided that local governments may assess a maximum $5.00 surcharge per violation on citations issued to citizens for violations of local animal control ordinances, with such collected funds to be used and earmarked for staff training of such Animal Control Officers; and

WHEREAS, the Board of County Commissioners of Leon County, Florida, wishes to enact such a surcharge to commence immediately upon the effective date of this ordinance;

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

Section 1. Chapter 4, Article II, Division 1, Section 4-29 "Enforcement generally; penalties" of the Code of Laws of Leon County, Florida, is hereby amended by enacting a new subsection 4-29(i), which subsection shall read as follows:

(i) In addition to any penalties and/or court costs imposed by this Article or the Court, there shall be imposed and collected by the Clerk of the Court a $5.00 surcharge upon each civil penalty imposed for all citations issued for violations of this Article. All funds collected as a direct result of this surcharge shall be placed in a fund by the County to be utilized for funding training of Leon County Animal Control Officers as required by Section 828.27(4)(b), Florida Statutes.

Section 2. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to

the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any part of this ordinance which is inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 3. Severability. If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Effective date. This ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this _____ day of _____, 2004.

LEON COUNTY, FLORIDA

By:_____
Jane G. Sauls, Chairman
Board of County Commissioners

ATTEST:
BOB INZER, CLERK OF THE COURT

By:_____
Clerk

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

By:_____
Herbert W. A. Thiele, Esq.
County Attorney

F90-00049
I:\WpDocs\D004\P001\00010804.DOC