

**Lee County Board of County Commissioners  
Agenda Item Summary**

Blue Sheet No. 20030327

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Request authorization to advertise for and conduct a Public Hearing on **Tuesday, April 22, 2003, at 5:00 p.m.**, in Chambers to enact a Reviser's Ordinance Repealing Lee County Ordinance 74-4 for the reason that it is obsolete.

**WHY ACTION IS NECESSARY:** Board must formally adopt Ordinance at a Public Hearing.

**WHAT ACTION ACCOMPLISHES:** Sets April 22, 2003, at 5:00 p.m. for the Public Hearing date and time allows the process to go forward.

**2. DEPARTMENTAL CATEGORY:** COMMISSION DISTRICT # **C12A** **3. MEETING DATE:** **04-01-2003**

<p><b>4. AGENDA:</b></p> <p><input checked="" type="checkbox"/> CONSENT</p> <p><input type="checkbox"/> ADMINISTRATIVE</p> <p><input type="checkbox"/> APPEALS</p> <p><input type="checkbox"/> PUBLIC</p> <p><input type="checkbox"/> WALK ON</p> <p><input type="checkbox"/> TIME REQUIRED:</p>	<p><b>5. REQUIREMENT/PURPOSE:</b> (Specify)</p> <p><input type="checkbox"/> STATUTE</p> <p><input type="checkbox"/> ORDINANCE</p> <p><input type="checkbox"/> ADMIN. CODE</p> <p><input type="checkbox"/> OTHER</p>	<p><b>6. REQUESTOR OF INFORMATION:</b></p> <p>A. COMMISSIONER _____</p> <p>B. DEPARTMENT _____</p> <p>C. DIVISION _____</p> <p>BY: <u>Kristie L. Kroslack</u> Assistant County Attorney</p>
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**7. BACKGROUND:**

On January 16, 1974 the Board of County Commissioners (BOCC) enacted Lee County Ordinance No. 74-4 providing for the assessment of a One Dollar (\$1.00) service charge on civil actions for the benefit of the office of the Official Court Reporter.

In 1995, the legislature abolished the office of the Official Court Reporter, making the collection of the service charge unnecessary.

Attachment: Draft of Reviser's Ordinance is attached for Board of County Commissioners' review.

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OA	OM	RISK	GC	
N/A	N/A	N/A	N/A	<u>HS</u> 3/14/03	<u>RK</u> 3/17	<u>OM</u> 3/17/03	<u>SR</u> 3/17/03	<u>GC</u> 3-17-03	<u>AS</u> 3-18-03

**10. COMMISSION ACTION:**

APPROVED  
 DENIED  
 DEFERRED  
 OTHER

Rec. by CoAtty
Date:
Time:
Forwarded To:
<u>Co. Admin</u> 3-14-03 12:00

RECEIVED BY COUNTY ADMIN. <u>RK</u>
<u>2:00</u> <u>3/14</u>
COUNTY ADMIN. FORWARDED TO: <u>OS</u>
<u>3/18</u> <u>5:00</u>

LEE COUNTY ORDINANCE NO. \_\_\_\_\_

**A REVISER'S ORDINANCE REPEALING LEE COUNTY  
ORDINANCE 74-4, PROVIDING FOR FINDINGS, INTENT,  
CODIFICATION AND SCRIVENER'S ERRORS AND  
EFFECTIVE DATE.**

WHEREAS, Lee County Ordinance 74-4, adopted on January 16, 1974, is obsolete, after the legislature abolished the office of the Official Court Reporter in 1995 (Chapter 95-286 Section 6, Laws of Florida); and

WHEREAS, the Board of Lee County Commissioners directed that Ordinances not needed or enforceable be repealed; and

WHEREAS, a repeal of Lee County Ordinance 74-4 serves a public purpose and is to the public's benefit.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS of Lee County, Florida, that:

**SECTION ONE: FINDINGS**

The above referenced statements in the preamble are hereby confirmed and incorporated herein as if set out in this Section at length. There is a need to repeal Lee County Ordinance 74-4 identified herein as being unenforceable, out-dated, and/or not needed at this time as local law.

**SECTION TWO: INTENT**

It is the intent of the Lee County Board of County Commissioners to repeal such Ordinance and a favorable vote to adopt this Ordinance will be considered a favorable vote to repeal Lee County Ordinance 74-4 stated hereafter, and such Ordinance shall be deemed repealed and of no further force or effect.

**SECTION THREE:**

Lee County Ordinance Number 74-4 relating to levying an additional one dollar (\$1.00) service charge for the benefit of the Official Court Reporter is hereby repealed. (A copy of which is attached as "Exhibit A").

**SECTION FOUR:            **CODIFICATION AND SCRIVENER'S ERRORS****

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lee County Code; and that Sections of this Ordinance may be renumbered or relettered and that the word "Ordinance" may be changed to "Section", "Article", or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the Code is accomplished, Sections of this Ordinance may be renumbered or relettered and typographical errors which do not affect the intent may be authorized by the County Administrator, or his designee, without need of public hearing, by filing a corrected or recodified copy of same with the Clerk of Circuit Court.

**SECTION FIVE:            **EFFECTIVE DATE****

This Ordinance shall take effect immediately upon receipt of official acknowledgment from the Secretary of State of Florida that it has been filed with that Office.

The foregoing Ordinance was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and, being put to vote, the vote was as follows:

BOB JANES	_____
DOUGLAS ST. CERNY	_____
RAY JUDAH	_____
ANDREW W. COY	_____
JOHN E. ALBION	_____

DULY PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2003.

ATTEST: CHARLIE GREEN  
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chairman

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Office of the County Attorney

EXHIBIT A

ORDINANCE NO. 74-4

AN ORDINANCE ASSESSING AN ADDITIONAL ONE DOLLAR (\$1.00) SERVICE CHARGE AGAINST ANY PARTY INSTITUTING ANY CIVIL ACTION, SUIT OR PROCEEDINGS FILED WITH THE CLERK OF THE CIRCUIT COURT IN LEE COUNTY; PROVIDING THAT ALL SUCH COURT COSTS COLLECTED SHALL BE DEPOSITED IN THE COUNTY TREASURY TO THE CREDIT OF THE OFFICIAL COURT REPORTER TO BE USED FOR PURPOSES CONTEMPLATED BY THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. A service charge of one dollar (\$1.00) shall be assessed as court costs against every party instituting any civil action, suit or proceedings in the Circuit Court of Lee County, Florida.

Section 2. All funds collected pursuant to Section 1 of this ordinance shall be used by the Official Court Reporter of Lee County, Florida, to pay for services rendered by the Official Court Reporter to the Courts in Lee County, Florida.

Section 3. All funds collected pursuant to Section 1 of this ordinance shall be deposited into the County Treasury to the credit of the Official Court Reporter's Office to be used for the purposes contemplated by this ordinance.

Section 4. This ordinance shall take effect as provided by law.

DONE AND ADOPTED in regular session this 16th day of January, 1974.

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

ATTEST:  
SAL GERACI, CLERK

BY Geo. A. Goldtrap Jr.  
Chairman, George A. Goldtrap, Jr.