

RESOLUTION 2008-14

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, IMPLEMENTING A SERVICE FEE ON CHECKS RETURNED TO THE TOWN FOR INSUFFICIENT FUNDS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town has received an increase in the amount of checks returned for insufficient funds, and

WHEREAS, it is in the best interest of the Town to adopt a return check fee schedule, and

WHEREAS, service fees charged on return checks are currently enforced by the rules set forth in F.S. 166.251, and

WHEREAS, the Town is authorized to adopt a service fee not to exceed the service fees authorized under F.S. 832.08(5) or five percent (5%) of the face amount of the check, draft or order, whichever is greater for the collection of the dishonored funds.

BE IT RESOLVED by the Town Council of the Town of Montverde, Florida, as follows:

1. The Town adopts and implements the following miscellaneous fees:

Miscellaneous Fees

In addition to the face amount of the check, draft or order returned to the Town, the Town shall collect a service fee for the collection of the dishonored check, draft or other order for the payment of money to the Town.

The service fee shall be five percent (5%) of the face amount of the check, draft or order, OR the amount set forth in Section 832.08(5), *Florida Statutes*, whichever is greater:

- If the check et al. is \$50 or less, then the service fee shall be \$25.
- If the check et al. is greater than \$50 but \$300 or less, then the service fee shall be \$30.
- If the check et al. is greater than \$300, then service fee shall be \$40.

2. Severability. If any section, sentence, phase, word or portion of this Resolution is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Resolution not otherwise determined to be invalid, unlawful or unconstitutional.

3. This resolution shall be effective immediately upon adoption.

ADOPTED at a regular meeting of the Town Council of the Town of Montverde, Florida, this 12th day of August, 2008.

Troy A. Bennett, Mayor

Bill Bates, Council President

Attest:

Wendy S. Wickwire, Town Clerk

Approved as to form and legality:

Anita Geraci, Town Attorney

Council Member _____ moved the passage and adoption of the above and foregoing Resolution. Motion was seconded by Council Member _____ and upon roll call on the motion the vote was as follows:

	YEA	NAY
Bill Bates		
Mike Davis		
Jim Pierce		
Joe Wynkoop		
Glenn Burns		