

**CALHOUN COUNTY
ORDINANCE NO. 2024 - 06**

AN ORDINANCE RELATING TO CALHOUN COUNTY, FLORIDA, IMPOSING A MANDATORY ADDITIONAL COST TO BE ASSESSED IN CRIMINAL CASES, SAID COST TO BE USED FOR THE PROVIDING OF LEGAL AID PROGRAMS, TO PROVIDE A LAW LIBRARY AND TO SUPPORT TEEN COURT COSTS, AS PROVIDED BY FLORIDA STATUTE 939.185; PROVIDING FOR COLLECTION, DEPOSITING AND USE OF SUCH COST ASSESSMENTS; DEFINING THE TYPES OF CASES IMPACTED; PROVIDING FOR ACCOUNTABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the 2004 Legislature created Florida Statute Section 939.185, that authorizes counties to adopt by ordinance an additional court cost, not to exceed sixty-five (\$65.00), to be imposed by the court when a person pleads guilty or nolo contendere to, or is found guilty of, any felony, misdemeanor or criminal traffic offense under the laws of this state, with a statutory allocation of the proceeds of such court assessments; and

WHEREAS, the Calhoun County Board of County Commissioners finds that a valid public purpose will be served by imposing the additional court costs and that funding is needed to supplement state funding of courts, to assist in providing legal aid programs, to provide a law library, and to support teen court costs.

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

SECTION 1. Statutory Basis:

A. Pursuant to the authority contained in Section 939.185, Florida Statutes, the sum of \$65.00 shall be assessed as a court cost in the Circuit and County Courts of Calhoun County against each person who pleads guilty or nolo contendere to, or is convicted of, regardless of adjudication, a violation of a felony, a misdemeanor or criminal traffic offense.

B. The assessment for court costs shall be assessed in addition to any fine or civil penalty or other court cost and may not be deducted from the proceeds of that portion of any fine or civil penalty that is received by a municipality in the county or by the county.

SECTION 2. Collection and Remittance:

A. The Clerk of Circuit Court shall collect the assessments for court costs established in Section 1 and shall remit the funds to the County.

SECTION 3. Accountability/Use:

Funds received from this additional court cost shall be allocated and expended by the Board of County Commissioners as follows:

1. Twenty-five (25%) percent of the amount collected shall be allocated to fund innovations, as determined by the chief judge of the circuit, to supplement state funding for the elements of the state courts system identified in s. 29.004 and county funding for local requirements under s. 29.008(2)(a)2.

2. Twenty-five (25%) percent of the amount collected shall be allocated to assist counties in providing legal aid programs required under s. 29.008(3)(a).

3. Twenty-five (25%) percent of the amount collected shall be allocated to fund personnel and legal materials for the public as part of a law library.

4. Twenty-five (25%) percent of the amount collected shall be used as determined by the board of county commissioners to support teen court programs, except as provided in s. 938.19(7), juvenile assessment centers, and other juvenile alternative programs.

The Court shall order payment of these additional costs on all matters subject to this section but may defer a portion of or all of the payments if the person against whom the costs are imposed is indigent.

At the end of each County fiscal year, during which the said additional court costs are imposed, collected and remitted to the County, any surplus thereof shall be required to be reallocated and transferred for use to fund innovations to supplement funding to the State Court System in the County under Subsection 3 above

SECTION 4. Conflicts:

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

SECTION 5. Severability:

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is held, for any reason, to be unconstitutional, void or invalid, the validity of the remaining portion of the ordinance shall not be affected thereby.

SECTION 6. Effective Date:

This Ordinance shall take effect upon its passage by a majority vote of the Board of County Commissioners in and for Calhoun County, after due notice and publication, in the regular meeting on the 13th day of June, 2024, and upon being filed with the Secretary of State.

ADOPTED on this 13 day of June 2024 by a vote of 5 to 0.

BOARD OF COUNTY COMMISSIONERS
CALHOUN COUNTY, FLORIDA

BY:

Daryl O. Bynum
Chairperson of the Board

ATTEST:

Carla A. Hand
CARLA HAND
Clerk of Court