

ORDINANCE 04-04

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA, PROVIDING FOR THE ASSESSMENT OF ADDITIONAL COURT COSTS IN CRIMINAL CASES; PROVIDING ALLOWABLE PURPOSES FOR WHICH THE ADDITIONAL FUNDING MAY BE USED; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 3, 1998, the voters of Florida adopted Revision 7 to the Florida Constitution, thereby amending Article V of the Constitution, in order to address the problem of disparate court funding throughout the separate 67 counties of the state; and

WHEREAS, during the 2003 Session of the State Legislature, the Legislature amended various procedures of the Florida Statutes in order to comply with the requirements of Revision 7; and

WHEREAS, after review, the Legislature enacted further amendments to the Florida Statutes in order to provide a more equitable distribution of responsibility for funding the State courts system; and

WHEREAS, the Florida Legislature created Section 939.185, Florida Statutes, to address some of these concerns by providing a supplemental funding source through the imposition of additional court costs; and

WHEREAS, Section 939.185 permits each county to adopt a County Ordinance assessing additional court costs, not to exceed \$40.00; and

WHEREAS, additional funding must be used for the following purposes: (1) Funding innovations in the court system; (2) Legal aid programs; (3) Local law libraries; and (4) Alternative juvenile programs, including Teen Court; and

WHEREAS, the legislation permitting these additional court costs requires that the Board of County Commissioners adopt an Ordinance requiring the imposition of these costs; and

WHEREAS, these additional funds are necessary in order for the courts in this County to maintain their high level of service to the community of HOLMES County.

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

Section 1: Additional Court Costs In Criminal Cases.

(a) Pursuant to Section 939.185, Florida Statutes, an additional court cost of forty (\$40.00) dollars shall be imposed by the Court when a person pleads guilty or nolo contendere, or is convicted of any felony, misdemeanor, or criminal

traffic offense under the laws of the State of Florida. Such court cost shall be collected by the Clerk of the Court and remitted to HOLMES COUNTY. Funds received from this additional court costs shall be allocated as follows:

1. Twenty-five percent shall be utilized by the County to fund innovations to and supplement funding for the State courts system in HOLMES COUNTY, consistent with Sections 29.004 and 29.008(2)(a)2, Florida Statutes.
2. Twenty-five percent shall be utilized by the County to fund legal aid programs in HOLMES COUNTY consistent with Section 29.008(3), Florida Statutes.
3. Twenty-five percent shall be utilized by the County to fund law libraries in HOLMES COUNTY.
4. Twenty-five percent shall be utilized by the County to fund alternative juvenile programs in HOLMES COUNTY, including Teen Court.

(b) The Court shall order payment of these additional court costs on all matters subject to this Ordinance, but may defer payment if the person against whom the cost is imposed is indigent.

(c) At the end of each County fiscal year during which said additional court costs are imposed, collected and remitted to HOLMES COUNTY, any surplus thereof, shall be required to be reallocated and transferred for use to fund innovations to supplement funding to the State courts system in HOLMES COUNTY under Paragraph (a)(1) above.

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.

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.

ENACTED this 13th day of July, 2004.

**BOARD OF COUNTY COMMISSIONERS OF
HOLMES COUNTY, FLORIDA,**

ATTEST:  *Cathy [Signature]*

Clerk

(SEAL) By:  *[Signature]*

Chairman