

ORDINANCE NO.: 2004-08

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, PROVIDING FOR THE REPEAL OF SECTION 11-1, SECTION 11-4, SECTION 11-5, SECTION 17-21(b), AND SECTION 17-21(c); AMENDING THE HERNANDO COUNTY CODE BY ADDING A SECTION TO CHAPTER 11, COURTS; PROVIDING FOR IMPOSITION OF ADDITIONAL COURT COSTS IN CRIMINAL CASES; ALLOCATION OF FUNDS RECEIVED FROM ADDITIONAL COURT COSTS; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE HERNANDO COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR MODIFICATION OF THE PROPOSED ORDINANCE AT PUBLIC HEARING AND BY RESPONSIBLE AUTHORITIES.

CO:1111 1-20-04

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

WHEREAS, during the 2003 Session of the State Legislature, the Legislature amended various provisions 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 court system; and

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

WHEREAS, Section 939.185, allows each county to adopt a county ordinance assessing additional court costs not to exceed \$65.00; and

WHEREAS, the additional funding must be used for: (1) funding innovations in the court system; (2) legal aid programs; (3) local law libraries; and (4) teen court programs; and

WHEREAS, these are programs that the County has consistently supported through court costs based on their value to the community; and

WHEREAS, the legislation allowing these additional costs requires that the local Board of County Commissioners enact local legislation incorporating 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 Hernando County community.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The following sections of the Hernando County Code of Ordinances are hereby repealed: Section 11-1; Section 11-4; Section 11-5; Section 17-21(b) and Section 17-21(c).

Section 3. Additional Court Costs in Criminal Cases

(a) Pursuant to Section 939.185, Florida Statutes, an additional court cost of \$65.00 (Sixty-Five 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 Florida Statutes. Funds received from the additional court cost shall be distributed as follows:

1. Twenty-five (25%) percent shall be retained by the Clerk to fund innovations such as Drug Court and other specialized court programs to

supplement funding for the court system in Hernando County consistent with Sections 29.004 and 29.008(2)(a)2, Florida Statutes.

2. Twenty-five percent (25%) shall be remitted to the Board of County Commissioners to fund legal aid programs in Hernando County consistent with Section 29.008(3), Florida Statutes.
3. Twenty-five percent (25%) shall be remitted to the Board of County Commissioners to fund law libraries in Hernando County.
4. Twenty-five percent (25%) shall be retained by the Clerk of Court to fund the Teen Court in Hernando County.

(b) The funds collected pursuant to paragraphs 2 and 3 above shall be expended as provided by the Board of County Commissioners. The funds collected pursuant to paragraphs 1 and 4 above shall be expended as provided by the Clerk of Circuit Court. Funds unspent at the close of the County's fiscal year shall be allocated pursuant to paragraph 1.

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

Section 4. Areas Embraced

The provisions of this Ordinance shall apply within the incorporated and unincorporated areas of Hernando County.

Section 5. Severability

If any section, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding

shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

Section 6. Codification

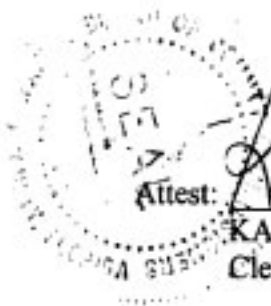
The provisions of this Ordinance shall be included and incorporated in Chapter 11 of the Hernando County Code, as an addition or amendment thereto, and shall be appropriately numbered to conform to the uniform numbering system of the Hernando County Code.

Section 7. Filing of Ordinance; Effective Date

Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the Ordinance with the Department of State.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular session
this 22nd day of June 2004 A.D.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**



Attest: Karen Nicolai
KAREN NICOLAI
Clerk

By: Hannah M. Robinson
HANNAH M. ROBINSON
Chairperson

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY Kent Atglen
County Attorney's Office

6-23-04