

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA AMENDING INDIAN RIVER COUNTY CODE §305.11, IMPOSITION OF ADDITIONAL COURT COSTS IN CRIMINAL CASES PURSUANT TO SECTION 939.185, FLORIDA STATUTES (2004), AS AMENDED; PROVIDING FOR CODIFICATION, SEVERABILITY, REPEAL OF CONFLICTING PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, Indian River County currently imposes court costs of \$65 when a person is found guilty of a felony, misdemeanor or delinquent act, no matter how many counts the person is found guilty of, as allowed by Florida Statute §939.185; and

WHEREAS, the statute provides that those funds collected must be allocated as follows:

- 25% for local court funding
- 25% for legal aid programs
- 25% for law library funding
- 25% to juvenile assessment centers and alternative programs; and

WHEREAS, the Board of County Commissioners wishes to impose the \$65 court cost for each count that a person pleads guilty or nolo contendere to, or is found guilty of, or adjudicated delinquent for any felony, misdemeanor, delinquent act, or criminal traffic offense under the Florida Statutes.

WHEREAS, the Board wishes to exempt those found indigent by the court from paying these court costs as prescribed by Florida Statute §939.185.

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

Section 1. Enactment Authority.

Article VIII, section 1 of the Florida Constitution and chapter 125, Florida Statutes vest broad home rule powers in counties to enact ordinances, not inconsistent with general or special law, for the purpose of protecting the public health, safety and welfare of the residents of the county. The Indian River County Board of County Commissioners specifically determines that the enactment of this ordinance is necessary to protect the health, safety and welfare of the residents of Indian River County.

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Section 2. Amendment of Section 305.11 .

New language indicated by underline, and deleted language indicated by ~~strikethrough~~.

Section 305.11 Imposition of additional court costs in criminal cases pursuant to Section 939.185, Florida Statutes (2004), as amended. of the Code of Indian River County, Florida is hereby amended to read as follows:

Section 305.11. - Imposition of additional court costs in criminal cases pursuant to Section 939.185, Florida Statutes (2004), as amended.

Pursuant to the authority set forth in Section 939.185, Florida Statutes (2004), as amended, an additional court cost of sixty-five dollars (\$65.00) shall be imposed by the courts in Indian River County when a person pleads guilty or nolo contendere to, or is found guilty of, or adjudicated delinquent for each count of, any felony, misdemeanor, delinquent act, or criminal traffic offense under the Florida Statutes. The courts in Indian River County shall order payment of these additional court costs in all matters as set forth in Section 305.11 of this chapter, but shall ~~may~~ defer payment if the person against whom the cost is imposed is indigent. The additional court cost authorized pursuant to Section 939.185, Florida Statutes (2004), as amended shall be collected by the Clerk and remitted to Indian River County for use in accordance with Section 305.12 of the Code.

(Ord. No. 2004-019, 6-22-04; Ord. No. 2007-028, § 2, 7-24-07)

* * *

Section 3. Codification. It is the intention of the Board of County Commissioners that the provision of this ordinance shall become and be made part of the Indian River County Code, and that the sections of this ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article or such other appropriate word or phrase in order to accomplish such intention.

Section 4. Severability. If any part of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected by such holding and shall remain in full force and effect.

Section 5. Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective upon filing with the Secretary of State.

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This ordinance was advertised in the Indian River Press Journal on the 9th day of February, 2024, for a public hearing to be held on the 20th day of February, 2024, at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted by the following vote:

Chairman Susan Adams	_____
Vice Chairman Joseph E. Flescher	_____
Commissioner Joseph H. Earman	_____
Commissioner Deryl Loar	_____
Commissioner Laura Moss	_____

The Chairman thereupon declared the ordinance duly passed and adopted this 20th day of February, 2024.

**BOARD OF COUNTY COMMISSIONERS OF
INDIAN RIVER COUNTY, FLORIDA**

By: _____
Susan Adams, Chairman

**ATTEST: Ryan L. Butler, Clerk
and Comptroller**

By: _____
Deputy Clerk

Approved as to form and
legal sufficiency:

By _____
William K. DeBraal, County Attorney

EFFECTIVE DATE: This Ordinance was filed with the Department of State on the ____ day of February, 2024.