



Levy County Board of County Commissioners Agenda Item Summary Form

1. **Name:** Nicolle Shalley
2. **Organization/Title/Telephone:** County Attorney / 352-486-3389
3. **Meeting Date:** Tuesday, February 6, 2024

4. **Requested Motion/Action:**

Requesting the Board of County Commissioners adopt Resolution Number 2024-5 establishing a policy for the waiver of interest on Final Judgments for Jail Fees for time sentenced to the Levy County Jail/Detention Center.

5. **Agenda Presentation:** Yes No N/A

6. **Time Requested:** 3 minutes
(Request will be granted if Possible) allotted time not more than 15 minutes

7. **Is this Item Budgeted (If Applicable):** Yes No N/A

8. **If no, State Action Required:**

- a. **Budget Action:** EnterTextHere
- b. **Financial Impact Summary Statement:** EnterTextHere
- c. **Detailed Analysis Attached** EnterTextHere
- d. **Budget Officer Approval:** EnterTextHere

If approved enter date: Click or tap to enter a date.

9. **Background: (Why is the action necessary, and what action will be accomplished) (All supporting documentation must be attached if any)**

To provide some background, at the time of criminal sentencing, the Circuit Court (for felonies) and the County Court (for misdemeanors) enters a judgment that sets forth the fixed dollar amount (calculated as the number of days sentenced multiplied by \$50) owed by the Defendant as liquidated damages for incarceration. The Clerk of Court records the Judgment for Jail Fees in the public records of the County and, upon recording, it constitutes a lien against real and personal property owned by the convicted offender and constitutes a civil judgment in favor of the State (if the convicted offender was sentenced to incarceration in a State facility) or in favor of the County (if the convicted offender was sentenced to incarceration in the County Jail/Detention Center. Section 55.03, Florida Statutes, provides that once a civil judgment is issued, it accrues interest at the statutory rate (which is subsequently adjusted annually) until the judgment is paid in full. Pursuant to Section 948.15, Florida Statutes, the County contracts with County Probation Services, Inc., to provide probation services, including the collection of restitution and amounts included in court orders – such as these Judgments for Jail Fees and Interest.

Throughout the years, the County has received various requests for settlement or reduction of Judgments for Jail Fees and Interest and these requests have been brought to the Board of County Commissioners on a case-by-case basis. Such an approach is time intensive, requires public meetings, and is likely to result in inconsistent outcomes.



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After research and discussion by the County Coordinator, Clerk of the Court, County Probation Services, Inc. and the County Attorney, staff recommends the Board adopt this Resolution to establish a written policy regarding such requests.

This policy waives the interest only, not the jail fees (fixed amount) ordered by the Court, and is intended to serve the public purpose of incentivizing payment of Jail Fees to the County, thereby generating revenue that can be used by the County for operating the County Jail/Detention Center and for other purposes, and assisting formerly convicted persons who are taking responsibility for their obligations and working to better their lives.

If the policy is approved, a revised form of Satisfaction of Judgment is attached for use by County Probation and the Clerk of Court.

10. Recommended Approval

- | | | | |
|------------------------------------------------------|-----------------------------------------|-----------------------------|------------------------------|
| a. Department Director: | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| b. County Attorney: | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| c. County Coordinator: | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| d. Other: County Probation and Clerk of Court | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |