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**RESOLUTION  
NUMBER 2024-5**

**A RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF LEVY COUNTY, FLORIDA,  
ADOPTING A POLICY FOR THE WAIVER OF INTEREST  
ON JAIL FEES PAID IN FULL; PROVIDING  
AUTHORIZATION AND DIRECTION TO THE PROBATION  
OFFICE AND CLERK OF COURT; AND PROVIDING AN  
EFFECTIVE DATE.**

**WHEREAS**, Section 960.293(2), Florida Statutes, titled “Determination of damages and losses” states “(2) Upon conviction, a convicted offender is liable to the state and its local subdivisions for damages and losses for incarceration costs and other correctional costs. (b) If the conviction is for an offense other than a capital or life felony, a liquidated damage amount of \$50 per day of the convicted offender's sentence shall be assessed against the convicted offender and in favor of the state or its local subdivisions. Damages shall be based upon the length of the sentence imposed by the court at the time of sentencing.”;

**WHEREAS**, the Florida Supreme Court upheld the validity of these liquidated damages in the case of Ilkanic v. City of Fort Lauderdale, 705 So2d 1371 (1998), in which the Court concluded that “imposing a per diem charge on convicted offenders clearly relates to a permissive legislative objective of reimbursing public bodies for the costs expended in incarcerating these persons. Furthermore, we believe that the flat charge of \$50 per day is reasonably related to the costs of incarceration.”;

**WHEREAS**, 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 (“Judgment for Jail Fees”);

**WHEREAS**, the Clerk of Court then 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 a County facility);

**WHEREAS**, 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 (the “Interest”);

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2       **WHEREAS**, Pursuant to Section 948.15, Florida Statutes, the County contracts  
3 with County Probation Services, Inc., to provide probation services, including the  
4 collection of restitution and amounts included in court orders – such as these Judgments  
5 for Jail Fees and Interest;

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7       **WHEREAS**, throughout the years, the County has received various requests for  
8 settlement or reduction of Judgments for Jail Fees and Interest and these requests have  
9 been brought to the Board of County Commissioners on a case-by-case basis;

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11       **WHEREAS**, such an approach is time intensive, requires public meetings, and is  
12 likely to result in inconsistent outcomes; and

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14       **WHEREAS**, after research and discussion by the County Coordinator, Clerk of the  
15 Court, County Probation Services, Inc. and the County Attorney, County Staff  
16 recommends the Board adopt this Resolution to establish a written policy regarding such  
17 requests.

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19       **NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners,  
20 of Levy County, Florida, that:

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22       **Section 1.** The following policy is adopted for the processing of requests for settlement  
23 or reduction of Judgements for Jail Fees.

- 24  
25       A. Scope. This policy applies to Judgments for Jail Fees for time sentenced to the  
26 Levy County Jail/Detention Center, regardless of the recording date of the  
27 Judgment. This policy does not apply to Judgments for Jail Fees for time  
28 sentenced to a private, State or Federal facility.  
29  
30       B. Public Purpose. This policy serves a public purpose by incentivizing payment of  
31 Jail Fees to the County, thereby generating revenue that can be used by the  
32 County for operating the County Jail/Detention Center and for other purposes, and  
33 assisting formerly convicted persons who are taking responsibility for their  
34 obligations and working to better their lives.  
35  
36       C. Waiver of Interest Only. The Board hereby waives all accrued Interest for any Jail  
37 Fees that are paid in full. This policy does not waive the Jail Fees, collection  
38 fees, recording fee or any other fees and costs ordered by the Court pursuant to  
39 State Statute.  
40  
41       D. Process. Upon receipt of payment in full (whether as a lump sum or the final  
42 payment on a periodic payment plan) of Jail Fees, the County Probation Office is  
43 hereby authorized and directed to prepare a Satisfaction of Judgment on the form  
44 authorized by Section 55.141, Florida Statutes and approved by the County  
45 Attorney and to forward the payment and Satisfaction to the Clerk of Court. The

1 Clerk of Court is authorized and directed to sign the Satisfaction of Judgment and  
2 record same in the public records of Levy County.

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4 **Section 2.** This Resolution shall become effective upon adoption.

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6 **PASSED AND DULY ADOPTED** on February \_\_\_\_\_, 2024.

7  
8 **BOARD OF COUNTY COMMISSIONERS**  
9 **OF LEVY COUNTY, FLORIDA**

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11 \_\_\_\_\_  
12 Desiree Mills, Chair

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14 ATTEST: Danny J. Shipp, Clerk  
15 of the Circuit Court and Ex-officio Clerk  
16 to the Board of County Commissioners

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18 \_\_\_\_\_  
19 Danny J. Shipp, Clerk

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21 Approved as to form and legal sufficiency

22  
23 \_\_\_\_\_  
24 Nicolle M. Shalley, County Attorney