

CALHOUN COUNTY, FLORIDA

ORDINANCE 2015 -02

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CALHOUN COUNTY, FLORIDA; ESTABLISHING A PRE-TRIAL RELEASE ADMINISTRATIVE FEE; PROVIDING FOR REPEALER, CONFLICTS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Calhoun County, Florida (hereinafter "Commissioners"), found and determined at its regular meeting of June 9, 2015 that Calhoun County Probation Office shall serve as the permissible and appropriate entity to supervise and perform the daily oversight and administration of its own pretrial release program;

WHEREAS, THE Commissioners duly authorized, mentioned, and properly voted for the Calhoun County Probation Office to assume the administration of pretrial release program effective June 9, 2015; and

WHEREAS, pursuant to Florida Statute 125.01 the County shall have the power to carry on county government inclusive of the power to adopt its own rules that which are not inconsistent with general or special law; and

WHEREAS, pursuant to Florida Statute 125.01 the County shall reserve the powers to adopt ordinances necessary for the exercise of its powers and perform act which are in the common interest of the people of Calhoun County and exercise all powers and privileges not specifically prohibited by law; and

WHEREAS, pursuant to Florida Constitution Article VIII Section 1(f) the County shall have such power of self-government as is provided by general or special law and this Commission may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or specific law.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Calhoun County, Florida, that:

Section 1. Pretrial Release Administrative Service Fees

1. Offenders required by the County Court in Calhoun County shall pay a monthly pretrial release administrative service fee of (\$50.00) per month while in the county pre-trial release program. The fee is due upon the first date of entering the pretrial release program and the one month anniversary of the date of each month thereafter.

2. All fees are due to and shall be paid to the Calhoun County Clerk of Court office located at the Calhoun County Courthouse at 20859 Central Avenue East, Room 130, Blountstown, Calhoun County, Florida.

Section 2. Repealer

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

Section 3. Conflicts

All ordinances or part of the ordinances in conflict with the provision of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with any conflicting state general or special law controlling the Calhoun County Pretrial Services program, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part.

Section 4. Modification

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Board and filed by the Clerk of the Board pursuant to Section 6.

Section 5. Severability

If any provisions or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 6. Effective Date

This ordinance shall take effect as provided by law.

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The foregoing ordinance was adopted by a vote of 5 to 0 by the Board of County Commissioners, Calhoun County, Florida, after due notice and publication and on motion, second and discussion at the regular meeting of June 9, 2015.


CALHOUN COUNTY BOARD OF
COUNTY COMMISSIONERS

BY:



THOMAS FLOWERS, Chairman

ATTEST:



CARLA HAND, Clerk of the Circuit Court