

BCC Mtg. Date: Dec. 14, 2021

EFFECTIVE DATE: JANUARY 1, 2022

**ORDINANCE 2021-49**

**AN ORDINANCE PERTAINING TO FINES IMPOSED UPON CRIMINAL OFFENDERS IN ORANGE COUNTY, FLORIDA; AMENDING SECTION 14-8 OF THE ORANGE COUNTY CODE RELATING TO THE "CRIME PREVENTION FUND" TO CONTINUE THE ALLOCATION OF SUCH FUNDS TO THE ORANGE BLOSSOM TRAIL LOCAL GOVERNMENT NEIGHBORHOOD IMPROVEMENT DISTRICT AND THE PINE HILLS LOCAL GOVERNMENT NEIGHBORHOOD IMPROVEMENT DISTRICT FOR AN ADDITIONAL 10 YEARS; REMOVING THE REQUIREMENT THAT FUNDS NOT DISBURSED BY THE DISTRICTS BE RETURNED TO THE FUND; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Orange County, Florida (the "Board") has previously created the Pine Hills Local Government Neighborhood Improvement District and the Orange Blossom Trail Local Government Neighborhood Improvement District pursuant to Section 33-201 of the Orange County Code and the Safe Neighborhoods Act, Sections 163.501-163.526, Florida Statutes (the "Act"); and

**WHEREAS**, neighborhood improvement districts are eligible to receive disbursements of Crime Prevention Funds derived from fines imposed upon criminal offenders in Orange County pursuant to Section 14-8 of the Orange County Code and Section 775.083, Florida Statutes; and

**WHEREAS**, in Ordinance No. 2011-22, the Board allocated a portion of such Crime Prevention Funds to both such neighborhood improvement districts for a ten-year period expiring December 31, 2021; and

**WHEREAS**, the Board has determined it is in the public interest to continue such allocation for an additional ten-year period.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:**

***Section 1. Amendment to Section 14-8.*** Subsection (f) of Section 14-8, "Crime Prevention Fund" is amended to read as follows, with additions being shown by underlines and deletions being shown by strikethroughs:

**Sec. 14-8. Crime prevention fund.**

(a) *Findings.* The board of county commissioners (the "board") hereby makes the following findings of fact:

(1) Counties are authorized by F.S. § 775.083 to adopt ordinances imposing additional fines upon criminal offenders to provide funding for (i) crime prevention programs in the county and (ii) safe neighborhood improvement district designated under F.S. §§ 163.501 through 163.523.

(2) The provision of funding for safe neighborhood improvement districts under F.S. §§ 163.501 through 163.523 and crime prevention programs in the county is in the public interest of the residents of the county.

(b) *Authority.* This section is enacted pursuant to the authority granted to the board in F.S. § 775.083.

(c) *Imposition of fines.* Pursuant to F.S. § 775.083, the board hereby imposes, in addition to any other fine, penalty, or cost imposed by any other provision of law, a fine upon any person who, with respect to a charge, indictment, or prosecution commenced in the county, pleads guilty or nolo contendere to, or is convicted or adjudicated delinquent for, a felony, a misdemeanor, or a criminal traffic offense under state law, or a violation of any municipal or county ordinance if the violation constitutes a misdemeanor under state law. The fine shall be fifty dollars (\$50.00) for a felony and twenty dollars (\$20.00) for any other offense. The fine shall be imposed by the court in accordance with the provisions of F.S. § 775.083.

(d) *Collection of fine; administrative fee.* The clerk of the court shall collect and deposit the fines in the appropriate county account for disbursement in accordance with the provisions of this section. The clerk of the court will retain an administrative fee of five (5) percent of each fine collected to provide for, maintain and operate the circuit and county courts.

(e) *Disbursement of funds.* The funds collected from fines imposed by this section shall be accounted for and retained in a separate county special revenue fund designated as the "crime prevention fund." Such funds shall be disbursed in accordance with the provisions of F.S. § 775.083, and the provisions of this section. The board, in consultation with the county sheriff, shall expend such funds for the costs of collecting the fines, safe neighborhood

improvement districts, and crime prevention programs in the county.

(f) *Allocation of funds.* The funds collected from the fines imposed by this section shall annually be allocated by the board to crime prevention programs in the county and safe neighborhood improvement districts in the county. Beginning January 01, ~~2012~~ 2022 and continuing for the ensuing ten-year period, the board shall reserve annually the first two hundred fifty thousand dollars (\$250,000) of crime prevention funds collected pursuant to this section, for equal allocation to the Orange Blossom Trail Local Government Neighborhood Improvement District and the Pine Hills Local Government Neighborhood Improvement District, prior to any other allocation of crime prevention funds. Following such allocation of funds to the Orange Blossom Trail Local Government Neighborhood Improvement District and the Pine Hills Local Government Neighborhood Improvement District, the board shall allocate the remaining crime prevention funds to any other safe neighborhood improvement district in the county, the Orange Blossom Trail Local Government Neighborhood Improvement District, the Pine Hills Local Government Neighborhood Improvement District and/or, crime prevention programs throughout Orange County. ~~At the expiration of each annual period within the ten-year period, any allocated funds which have not been disbursed shall be returned to the crime prevention fund established by this section.~~ Upon expiration of the ten-year period described above, the board, in consultation with the Sheriff, shall allocate and disburse such crime prevention funds to any crime prevention programs in the county and safe neighborhood improvement districts in the county, as the board deems appropriate, in accordance with F.S. § 775.083. Priority funding will be given to those crime prevention programs and safe neighborhood improvement districts that benefit targeted areas and/or address elimination of specific criminal activity. Crime prevention activities may include, but are not limited to those activities described in F.S. § 163.513(5).

(g) *Annual budget.* Prior to receipt of funds any safe neighborhood improvement district in the county or crime prevention program in the county must submit an annual budget to the county office of management and budget upon the date set by the county office of management and budget.

**Section 2. Effective Date.** This ordinance shall take effect on January 1, 2022.

ADOPTED THIS 14<sup>th</sup> DAY OF DECEMBER, 2021.



**ORANGE COUNTY, FLORIDA**

By: Board of County Commissioners

By: *Jerry L. Demings*  
for Jerry L. Demings  
Orange County Mayor

**ATTEST:** Phil Diamond, CPA, County Comptroller  
As Clerk of the Board of County Commissioners

By: *Katie Smith*  
Deputy Clerk