



## Kevin Madok, CPA

---

Clerk of the Circuit Court & Comptroller – Monroe County, Florida

May 27, 2025

Department of State  
Administrative Code & Register  
500 S Bronough Street  
Tallahassee FL 32399-0250

To Whom It May Concern,

Attached is a copy of Ordinance No. 013-2025 of the Board of County Commissioners of Monroe County, Florida, revising the Monroe County Code of Ordinances to enact an Ordinance implementing the assessment of the two-dollar (\$2.00) fee authorized by F.S. 938.15 retroactive to July 2, 2001, and ratifying all actions taken by Monroe County since July 2, 2001; providing for severability; providing for the repeal of all Ordinances inconsistent herewith; providing for incorporation into the Monroe County Code of Ordinances; and providing for an effective date.

This Ordinance was adopted by the Monroe County Board of County Commissioners at a regular meeting, held in formal session, on May 21, 2025. Should you have any questions please feel free to contact me at (305) 292-3550.

Respectfully Submitted,

Kevin Madok, CPA, Clerk of  
the Circuit Court & Comptroller &  
ex-officio to the Monroe County  
Board of County Commissioners  
*by: Liz Yongue, Deputy Clerk*

cc: County Administrator  
County Attorney  
MuniCode  
BOCC  
File

---

KEY WEST  
500 Whitehead Street  
Key West, Florida 33040

MARATHON  
3117 Overseas Highway  
Marathon, Florida 33050

PLANTATION KEY  
88770 Overseas Highway  
Plantation Key, Florida 33070

**ORDINANCE NO. 013 - 2025**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, REVISING THE MONROE COUNTY CODE OF ORDINANCES TO ENACT AN ORDINANCE IMPLEMENTING THE ASSESSMENT OF THE TWO DOLLAR (\$2.00) FEE AUTHORIZED BY F.S. 938.15 RETROACTIVE TO JULY 2, 2001, AND RATIFYING ALL ACTIONS TAKEN BY MONROE COUNTY SINCE JULY 2, 2001; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the County is authorized to assess additional court costs pursuant to F.S. 938.15 (formerly under F.S. 943.25);

**WHEREAS**, on July 21, 1987, the Board of County Commissioners of Monroe County (the "Board") adopted Ordinance No. 025-1987 enacting its authority under F.S. 938.15 (formerly under F.S. 943.25);

**WHEREAS**, on July 2, 2001, then Chief Judge Payne entered Administrative Order 10.007/01-1, which states in pertinent part:

**“WHEREAS**, Section 938.15, Florida Statutes 1997, provides that counties and municipalities may assess an additional \$2.00 for criminal justice education and training, including basic training expenditures for their respective law enforcement and correctional officers, part-time law enforcement officers, auxiliary officers, and support personnel, provided that such educational degree programs are approved by the Police Training and Standards Commission; and

**WHEREAS**, the 16<sup>th</sup> Judicial Circuit in and for Monroe County, Florida, find it in the best interest of the County to utilize the \$2.00 court cost assessed pursuant to Section 938.15, Florida Statutes, **NOW THEREFORE**,

**IT IS HEREBY ORDERED** that all courts in Monroe County created by Article V of the State Constitution shall, in addition to any fine or other penalty, assess \$2.00 as a court costs against every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance, and any person whose adjudication was withheld pursuant to the provisions of Section 318.14(9) and (10), Florida Statutes, shall also be assessed such costs. The \$2.00 court cost shall be assessed against all civil penalties for violation of state statute, municipal or county ordinance. However, no such assessment shall be made

against any person convicted of violation of any statute, municipal or county ordinance related to the parking of vehicles.”

**WHEREAS**, on July 14, 2004, the Board adopted Ordinance No. 022-2004 updating Ordinance No. 025-1987 to reference the State’s renumbered and relocated F.S. 938.15 (formerly under F.S. 943.25).

**WHEREAS**, in 2009, the Board enacted ordinance 001-2009 that re-codified the Monroe County, Florida Code and which took effect as of March 1, 2009; and

**WHEREAS**, Section 2 of Ordinance 001-2009 repealed “all ordinances of a general and permanent nature enacted on or before October 17, 2007, and not included in the Code . . .”; and

**WHEREAS**, Ordinance No. 025-1987 and Ordinance No. 022-2004 were not listed in the Monroe County, Florida Code adopted by virtue of Ordinance 001-2009; and

**WHEREAS**, current case law holds that to be operative, Section 938.15, Florida Statute, providing for a \$2.00 assessment for criminal justice education, must be enacted via local government ordinance. *See Waller v. State*, 911 So.2d 226 (Fla. 2d DCA 2005); *see also Brown v. State*, App. 348 So.3d 31 (Fla. 1<sup>st</sup> DCA 2022), rehearing denied.

**WHEREAS**, the Clerk of Court and Comptroller has continuously operated under the understanding that the Board had enacted F.S. 938.15 by local ordinance; and

**WHEREAS**, any repeal of Ordinance No. 025-1987 and Ordinance No. 022-2004 caused by Ordinance 001-2009 was done through inadvertence and not with any intent to remove the County’s enactment of F.S. 938.15; and

**WHEREAS**, the Board specifically intends to adopt an ordinance authorizing the assessment of the two-dollar (\$2.00) fee authorized by F.S. 938.15 and Administrative Order 10.007/01-1 retroactive to July 2, 2001, to the maximum extent permitted under law and in support of that intent the Board specifically finds that this ordinance does not create new obligations, impose new penalties, or impair vested rights since the obligations imposed on the County by Ordinance No. 025-1987 and Ordinance No. 022-2004; and

**WHEREAS**, the Board intends to ratify all acts taken by the Clerk under the provisions of Ordinance No. 025-1987 and Ordinance No. 022-2004 from July 2, 2001, until the date of enactment of this ordinance; and

**WHEREAS**, the Board intends to adopt and ratify the terms of Administrative Order 10.007/01-1 into this ordinance retroactive to the date it was adopted on July 2, 2001.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:**

**Section 1. LEGISLATIVE FINDINGS.** The clauses set forth above are incorporated herein as findings of fact of the Board.

**Section 2.** Section 10-28 of the Monroe County Code of Ordinances is hereby created to read as follows:

All Courts in Monroe County created by Article V of the Florida Constitution shall, in addition to any fine or other penalty imposed, assess \$2.00 as a court cost against every person convicted for violations of a state penal or criminal statute or conviction for violation of a municipal or county ordinance, and any person whose adjudication was withheld pursuant to F.S. 318.14(9) and (1), shall also be assessed such costs. The \$2.00 court cost shall be assessed against all civil penalties for violation of state statute, municipal or county ordinance. However, no such assessment shall be made against any person convicted for violations of a statute, municipal or county ordinance relating to the parking of vehicles.

**Section 3. INCLUSION IN THE CODE OF ORDINANCES.** The provisions of this ordinance shall be included and incorporated in Chapter 10 of the Monroe County, Florida Code, as an addition or amendment thereto, or otherwise appropriately renumbered to conform to the uniform numbering system of the Monroe County, Florida Code.

**Section 4. EFFECTIVE DATE.** This Ordinance shall take effect upon filing with the Department of State as provided in F.S. 125.66 but be effective retroactively to July 2, 2001.

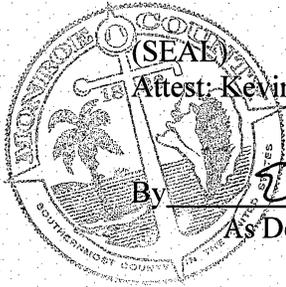
**Section 5. PRIOR ACTS RATIFIED.** The Board ratifies all acts taken by the Clerk of Court and Comptroller under the provisions of Ordinance No. 025-1987 and Ordinance No. 022-2004 from July 2, 2001, until the date of enactment of this ordinance.

**Section 6. SEVERABILITY.** Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as whole, or any part thereof, other than the part declared to be invalid. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

**Section 7. CONFLICT WITH OTHER ORDINANCES.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 21<sup>st</sup> day of May 2025.

Mayor James K. Scholl	<u>Yes</u>
Mayor <i>Pro Tem</i> , Michelle Lincoln	<u>Yes</u>
Commissioner Craig Cates	<u>Yes</u>
Commissioner David Rice	<u>Yes</u>
Commissioner Holly Raschein	<u>Yes</u>



Attest: Kevin Madok, Clerk

By [Signature]  
As Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By [Signature]  
Mayor James K. Scholl

Approved as to form and legal sufficiency for  
reliance only by the Monroe County B.O.C.C.

Robert B. Shillinger, Jr. Digitally signed by Robert B. Shillinger,  
Jr.  
Date: 2025.05.06 14:10:39 -04'00'

Robert B. Shillinger, Monroe County Attorney

FILED FOR RECORD  
2025 MAY 27 PM 12:38  
CLK. CIR. CL.  
MONROE COUNTY, FLA

KeysNews.com  
**KEYS CITIZEN**  
Many Islands One Voice

The Florida Keys Only Daily Newspaper, Est. 1876

PO Box 1800, Key West FL 33041  
P: (941) 206-1025 F: (305) 294-0768  
legals@keysnews.com

MONROE CO ATTORNEY  
1111 12TH ST STE 408  
KEY WEST FL 33040

Account: 420264

Ticket: 3959923

**PUBLISHER'S AFFIDAVIT**

STATE OF FLORIDA  
COUNTY OF MONROE

Before the undersigned authority personally appeared

\_\_\_\_\_ Jill Kelli Di Benedetto \_\_\_\_\_, who on oath says that he or she is

The legal advertising representative of the Key West Citizen, a five day newspaper published in Key West, in Monroe County, Florida; that the attached copy of advertisement, being a legal notice in the matter of NOI Two Dollar Fee F.S. 938.15 was published in said newspaper in the issues of:

Saturday, May 10, 2025

Affiant further says that the Key West Citizen is a newspaper published in Key West, in said Monroe County, Florida and that the said newspapers has heretofore been continuously published in said Monroe County, Florida Tuesday thru Saturday weekly, and has been entered as periodicals matter at the post office in Key West, in said Monroe County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Jill Kelli Di Benedetto  
(Signature of Affiant)

Affirmed and subscribed before me this 12th day of May 2025

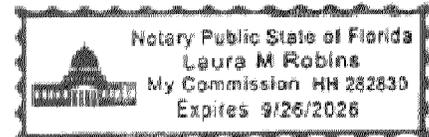
Laura M Robins  
(Notary Public Signature)

\_\_\_\_\_ Laura M Robins \_\_\_\_\_  
(Notary Public Printed Name) (Notary Seal)

My commission expires \_\_\_\_\_ 9/26/2026 \_\_\_\_\_

Personally Known X Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_ (Notary Seal) \_\_\_\_\_



NOTICE OF INTENTION TO CONSIDER  
ADOPTION OF COUNTY ORDINANCE

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN that on May 21, 2025, at 9:00 A.M. or as soon thereafter as the matter may be heard, at the Harvey Government Center, 1200 Truman Avenue, Key West, Florida, the Board of County Commissioners of Monroe County, Florida, intends to consider adopting the following ordinance:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, REVISING THE MONROE COUNTY CODE OF ORDINANCES TO ENACT AN ORDINANCE IMPLEMENTING THE ASSESSMENT OF THE TWO DOLLAR (\$2.00) FEE AUTHORIZED BY F.S. 938.15 RETROACTIVE TO JULY 2, 2001, AND RATIFYING ALL ACTIONS TAKEN BY MONROE COUNTY SINCE JULY 2, 2001; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

The proposed ordinance may be inspected by the public at the Monroe County website by viewing the agenda packet for the May 21, 2025, meeting, which will be posted beginning on May 16, 2025 at: <http://monroecountyfl.iqm2.com/citizens/default.aspx>. The ordinance may also be viewed at the Monroe County Attorney's office at 1111 12th St. Ste. 408 Key West, FL 33040.

The public can participate in the May 21, 2025, meeting of the Board of County Commissioners of Monroe County, FL by attending in person or via Zoom. The Zoom link can be found in the agenda at <http://monroecountyfl.iqm2.com/citizens/default.aspx>.

**ADA ASSISTANCE:** If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30a.m.—5:00p.m., prior to the scheduled meeting; if you are hearing or voice-impaired, call "711". Live Closed-Captioning is available via our web portal @ <http://monroecountyfl.iqm2.com/Citizens/Default.aspx> for meetings of the Monroe County Board of County Commissioners.

Dated at Key West, Florida, this 10th day of May, 2025.  
(SEAL) KEVIN MADOK, Clerk of the Circuit Court and  
Ex Officio Clerk of the Board of County Commissioners of Monroe County, Florida  
05/10/25 - KWC  
420264 3959923

