



AGENDA REPORT  
August 20, 2019

**Board Policy BCC-37, Final Action for Collection Of Delinquent Fees**

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**SUBJECT:**

It is requested the Board accept staff review and approve Board Policy BCC-37, Final Action for Collection of Delinquent Fees.

**FISCAL IMPACT:**

The fiscal impact of this action is the payments of an agreed upon percentage of collected debt. This does not affect the operating funds of user departments and agencies as the Contractor's payment is deducted from the proceeds of the collection effort.

**DEPT/OFFICE:**

Central Services

**REQUESTED ACTION:**

It is requested the Board accept staff review and approve Board Policy BCC-37, Final Action for Collection of Delinquent Fees.

**SUMMARY EXPLANATION and BACKGROUND:**

As part of the Sunset Review policy requirement, staff has reviewed the Board's policy that establishes a system of final action for collection of delinquent fees payable to the Board of county Commissioners.

Staff has reviewed the current version of the policy and recommends the following changes:

Section II, Definitions and References: Replace s. with Section.

Section III, Directives, Item C: Removed reference to revision notation (R).

Section III, Directives, Item E: Included reference to collection of court-related financial obligations.

The Clerk's office is the agency that collects court-related debts, the statute gives the Board of County Commissioners the authority to impose the additional fee on the debtor. Although the statute permits the collection agency to retain up to a 40% fee, the Clerk's office limits the fee to 25%.

The policy will remain consistent with Small Claims Court thresholds, Florida Statutes 938.35, "Collection of Court Related Financial Obligations", and the U.S. Fair Debt

Collection Practices Act. The recovery of debt owed results in the ability to allocate those resources toward other services.

A redline copy of the document is attached indicating change and review dates in addition to the signature ready document.

**ATTACHMENTS:**

**Description**

- **BCC 37 Redline**
- **BCC37 Clean Copy**



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August 21, 2019

MEMORANDUM

TO: Frank Abbate, County Manager

RE: Item F.14, Board Policy BCC-37, Final Action for Collection of Delinquent Fees

The Board of County Commissioners, in regular session on August 20, 2019, approved BCC-37, Final Action for Collection of Delinquent Fees. Enclosed is a fully-executed Board Policy.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

cc: Central Services



# POLICY

**TITLE: FINAL ACTION FOR COLLECTION OF DELINQUENT FEES**

**NUMBER: BCC-37**  
**CANCELS 08/26/2017**  
**APPROVED: 08/20/2019**  
**ORIGINATOR: Central Services Office**  
**REVIEW: 08/20/2022**

## I. OBJECTIVE

To implement a system of final action for collection of delinquent fees payable to the Board.

## II. DEFINITIONS AND REFERENCES

Fair Debt Collection Practices Act - The Act creates guidelines under which debt collectors may conduct business, defines rights of consumers involved with debt collectors, and prescribes penalties and remedies for violations of the Act.

Fee - Charges established under the authority of the Board for the provision of various services.

Section- 938.35, Florida Statutes - Collection of Court Related Financial Obligations. Defines the limit for assessment of the cost of collection of unpaid court related financial obligations that may be added to the actual amount obligation.

Summary Claims (Small Claims) - Simplified procedure rules applied by the County Court for cases, in which the amount in controversy or the value of property involved does not exceed \$5,000.

## III DIRECTIVES

- A. The Board of County Commissioners has determined that it is necessary, and in the best interest of the general public of Brevard County, to attempt to collect monies due to Brevard County.
- B. The receipt of fees established by the Board is necessary to continue the provision of services for which fees are charged.
- C. Assigned employees of the County are responsible for notifying individuals of amounts owed. The responsible department/office shall ensure that the individual is properly notified by issuing a statement of charges reflecting a description of the charges and total amount

due. The responsible department/office shall follow up delinquent accounts by issuing additional statements and correspondence requesting payment and informing individuals of possible Court action, if payment is not received.

- D. If payment is not received within a reasonable time after all follow-up correspondence is transmitted, summary-claims action shall be pursued to reduce such fees to judgments in Summary/Small Claims Court proceedings.
- E. The appropriate agency and/or contracted Debt Collection Agency, is authorized and empowered by the Board of County Commissioners to act as agent for the Board of County Commissioners in processing any and all claims that Brevard County may have for the non-payment of established fees. Pursuant to Sec. 938.35, F.S., claims referred to a Debt Collection Agency for the collection of court-related financial obligations are subject to an additional collection fee, in an amount not to exceed 40 percent of the amount owed at the time the account is referred for collection.

IV. RESERVATION OF AUTHORITY

The authority to issue or revise this Policy is reserved to the Board of County Commissioners.



Kristine Isnardi, Chair  
Brevard County, Florida  
Board of County Commissioners

Approved by the Board, on August 20, 2019

ATTEST:



Scott Ellis, Clerk