

City of Oakland Park (“City”)/Indigent Municipal Prosecution
Defendants – Representation Issues

The 4th DCA just recently issued an opinion holding that the City of Fort Lauderdale is responsible for the cost of representing indigent defendants charged solely with a misdemeanor violation of a municipal ordinance. The Court’s decision was based on its evaluation of Fort Lauderdale “misdemeanor municipal ordinances”. These are ordinances that are identical to misdemeanor state statutes. The only distinction is that Fort Lauderdale chose to charge defendants under its municipal code rather than under the state statutes.

While the Appellate Court specifically held that Fort Lauderdale is required to pay for legal counsel to represent indigent defendants “in the kind of prosecution involved in these cases”, it also made the broad finding that for cases solely involving municipal ordinances, public defenders may not provide legal representation at state expense. In reaching its decision, the Court found that the intent of the Constitutional provision was to prohibit municipal funding of court-related functions that are statewide in nature. Therefore, the Appellate Court held that Section 27.54 of the Florida Statutes is consistent with Article V, Section 14 of the Florida Constitution: municipalities are not required to fund statewide court functions, but they are required to fund court-related functions that are local (municipal) in nature.