

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Regulated Industries Committee

BILL: SB 1166

INTRODUCER: Senator Simmons

SUBJECT: Clerks of Court

DATE: February 3, 2012 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harrington	Imhof	RI	Pre-meeting
2.	_____	_____	JU	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill amends current law relating to the responsibilities of the clerks of the court to enhance the collection of court fees and fines and to improve the efficiency of their operations. The bill requires a broader use of the Comprehensive Case Information System (CCIS) among state agencies to reduce operational costs and duties of the clerks of the court.

The bill:

- Requires the Department of the Lottery to use the CCIS, rather than rely on notification from the judiciary and other state agencies to enforce the current prohibition on paying a prize of \$600 or more before collecting outstanding fines and support obligations;
- Makes the clerk’s review of property and motor vehicle records of persons seeking an indigency determination for purposes of obtaining a public defender discretionary;
- Provides that filing fees are due when a party files a pleading to initiate a proceeding;
- Provides that fees are due upon filing a pleading to reopen a case that has been closed at least 90 days;
- Requires clerks to collect a \$10 service charge for issuing a certified copy of an electronic certified copy of a summons rather than only for an original summons;
- Provides a \$70 fee for rescheduling a judicial sale;
- Allows an action for the collection of court costs and fines to be brought at any time;
- Requires the state attorney to notify the clerk of the court when a defendant is a public officer charged with a specified offense before the clerk must send notice of the proceedings to the Commission on Ethics;

- Ranks claims for the collection of unpaid fees, court costs, and fines at level three for payment of claims against a decedent's estate by a personal representative;
- Removes the requirement for clerks of the court to send certified copies of felony drug convictions to agencies issuing business or professional licenses, and replaces it with a requirement for the licensing agency to obtain such information from the CCIS;
- Provides that with respect to criminal financial obligations, a previously imposed criminal or civil judgment constitutes a civil lien against the judgment debtor's real or personal property when recorded as required by s. 55.10, F.S. The bill exempts such liens from the current 10 year re-recording requirement of the statute; and
- Adds the payment of fines, fees, and other court related costs as a condition of parole in addition to the current condition of paying restitution.

This bill substantially amends the following sections of the Florida Statutes: 24.115, 27.52, 28.24, 28.241, 28.246, 34.041, 45.035, 57.081, 57.082, 95.11, 112.3173, 318.18, 668.50, 733.707, 893.11, 938.27, 938.30, and 947.181.

This bill creates section 28.2405, Florida Statutes.

II. Present Situation:

Department of the Lottery Prizes

Section 24.115(4), F.S., requires the judicial branch and state agencies to identify to the Department of the Lottery persons owing an outstanding debt to any state agency or owing child support, spousal support, or alimony collected through a court if the support obligation is being enforced by the Department of Revenue. Before any prize of \$600 or more is awarded to a person owing such a debt, the Department of the Lottery must transmit the amount of the debt owed to the agency claiming the debt and may then authorize payment of winnings of the balance, if any, to the winner. If a winner owes multiple debts, obligations of child support take priority over all other debts owed.

According to the Department of the Lottery, the department receives updated information from the agencies and entities listed below on a weekly basis for purposes of collecting state owed debt:

- Department of the Revenue/Child Support Enforcement;
- Department of Children and Families;
- Department of Economic Opportunity/Unemployment Compensation;
- Department of Education; and
- The University of Florida.

Determinations of Indigency

Section 27.52(2), F.S., requires the clerk of the court to determine whether an applicant seeking appointment of a public defender is indigent. The clerk must consider the applicant to be indigent if the applicant:

- Is at or below 200 percent of the federal poverty guidelines;

- Is receiving Temporary Assistance for Needy Families-Cash Assistance;
- Is receiving poverty-related veterans' benefits; or
- Is receiving Supplemental Security Income (SSI).

There is a presumption that the applicant is not indigent if the applicant owns, or has equity in, any intangible or tangible personal property or real property or the expectancy of an interest in property having a net equity value of \$2,500 or more, excluding the value of the person's homestead and one vehicle having a net value under \$5,000.¹

The clerk must conduct a review of property records for the county in which an applicant resides and motor vehicle records of the state to identify any property interests of the applicant.² The clerk must evaluate and consider the results of its review in making a determination of indigency. The clerk is also required to maintain the results of the review in a file with the application and provide the file to the court if the applicant seeks a court review of the clerk's determination that the applicant is not indigent.³

Inmate Trust Fund

All inmates are permitted to establish an inmate trust account with a financial institution managed by the Department of Corrections.⁴ The funds deposited into the inmate trust account do not accrue interest for the inmate. Funds may be deposited into the trust fund in order for prisoner's to make canteen purchases in accordance with department procedures and directives. According to the Department of Corrections, approximately 90 percent of the inmate deposits into an inmate trust fund account are funds provided by the inmate's family and friends. Only 5 percent of inmates earn money for work performed while incarcerated. In addition, roughly 25 percent of the total inmate population is indigent. According to the Department of Corrections, court ordered payments do not get entered into the system when a prisoner is taken into custody; instead, inmates are not required to make payments toward restitution, court costs, fines, fees, or other obligations until the inmate begins working in the community on an approved work release program or until the inmate has completed his period of incarceration and has begun probation.

Filing Fees

A party "instituting any civil action" must pay the statutorily prescribed filing fees to the clerk of the court. Under current law, a party reopening a civil action or proceeding in circuit court must pay a filing fee not exceeding \$50.⁵ In county court, reopening fees are up to \$25 for all claims not more than \$500, and up to \$50 for claims over \$500.⁶ A case is "reopened" when it has previously been reported as disposed of and is resubmitted to the court. Section 28.241(1)(b), F.S., and s. 34.041, F.S., list several exceptions to the payment of a reopening fee.⁷

¹ Section 27.52(2)(a)2.a., F.S.

² Section 27.52(2)(a)2.b., F.S.

³ *Id.*

⁴ *See* ss. 944.516 and 945.215, F.S.

⁵ Section 28.241(1)(b), F.S.

⁶ Section 34.041(2), F.S.

⁷ *See* ss. 28.241(1)(b) and 34.041, F.S., for a complete list of 18 circuit court and 10 county court prescribed circumstances when a party is exempt from paying the fee to reopen a case.

Service Charges

The clerk of the court must collect a \$10 service charge for issuing a summons from a party seeking to have a summons issued.⁸

In addition, s. 45.035, F.S., requires the clerk of the court to collect a service charge related to the judicial sales procedure under ss. 45.031-45.034, F.S., for real and personal property. The statute imposes a \$70 service charge for clerk's services of making, recording, and certifying the sale and title from such proceedings. If there is surplus resulting from a sale, the clerk may receive the following service charges, which must be deducted from the surplus:⁹

- A \$28 service charge which may be used for purposes of educating the public on the rights of homeowners regarding foreclosure proceedings;
- A \$15 service charge for notifying a surplus trustee of his or her appointment;
- A \$15 service charge for each disbursement of surplus proceeds;
- A \$15 service charge for appointing a surplus trustee, furnishing the surplus trustee with a copy of the final judgment and certificate of disbursements, and disbursing to the trustee the trustee's cost advance.

For judicial sales conducted by electronic means, which may be conducted in accordance with s. 45.031(10), F.S., the clerk must receive an additional service charge of up to \$70 for services in conducting or contracting for the electronic sale.¹⁰

Statute of Limitations

A statute of limitations is an absolute bar to the filing of a legal case after a date set by law. Section 95.11, F.S., governs statute of limitation actions other than for the recovery of real property. Under this section, an action on a judgment or decree of court must be commenced within 20 years.

Notice of Breach of Public Trust

Section 112.3173, F.S., requires the clerk of the court to provide notice to the Commission on Ethics when a proceeding against a public official for a "specified offense" is being conducted in its court. Under s. 112.3173(4)(a), F.S., a copy of an information, indictment, or other document containing the charges is sufficient for notice. Section 112.3173(2)(e), F.S., defines a "specified offense" as:

- The committing, aiding, or abetting of an embezzlement of public funds;
- The committing, aiding, or abetting of any theft by a public officer or employee from his or her employer;
- Bribery in connection with the employment of a public officer or employee;
- Any felony specified in ch. 838, F.S., except ss. 838.15-838.16, F.S.;
- The committing of an impeachable offense;
- The committing of any felony by a public officer or employee who, willfully and with intent to defraud the public or the public agency for which the public officer or employee

⁸ Section 34.041(1)(d), F.S.

⁹ Section 45.035(2), F.S.

¹⁰ Section 45.035(3), F.S.

- acts or in which he or she is employed of the right to receive the faithful performance of his or her duty as a public officer or employee, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or herself or for some other person through the use or attempted use of the power, rights, privileges, duties, or positions of his or her public office or employment position; or
- The committing on or after October 1, 2008, of any felony defined in s. 800.04, F.S.,¹¹ against a victim younger than 16 years of age, or any felony defined in ch. 794, F.S.,¹² against a victim younger than 18 years of age, by a public officer or employee through the use or attempted use of power, rights, privileges, duties, or position of his or her public office or employment position.

Community Service in Lieu of Civil Penalty

If a person has been ordered to pay a civil penalty for a noncriminal traffic infraction and is unable to do so due to a financial hardship, the court must allow the person to satisfy the civil penalty by participating in community service until the civil penalty is paid. Such persons either receive credit for community service hours against the civil penalty at a specified hourly rate based on the wage rate specified under the federal Fair Labor Standards Act of 1938 or, if the person has a trade or profession, at the average prevailing wage rate for that trade or profession.¹³

The supervision of the performance of community service hours is conducted by "a community service agency" that agrees to accept community service from persons unable to pay their civil penalties.¹⁴ The community service agency must record the number of community service hours completed along with the date of the completion to the clerk of the court on the letterhead of the community service agency and signed by the designated representative of the community service agency.

Uniform Electronic Transaction Act

Section 668.50, F.S., is known as the "Uniform Electronic Transaction Act." The act applies to electronic records and electronic signatures relating to a transaction.¹⁵ The act does not apply to the transactions to the extent they are governed by:

- A provision of law governing the creation and execution of wills, codicils, or testamentary trusts;
- The Uniform Commercial Code other than s. 671.107, F.S., and chs. 672 and 680, F.S.;
- The Uniform Computer Information Transactions Act; or
- Rules relating to judicial procedure.

¹¹ Section 800.04, F.S., pertains to lewd and lascivious offenses.

¹² Chapter 794, F.S., pertains to sexual battery.

¹³ Section 318.18(8), F.S.

¹⁴ Section 318.18(8)(b), F.S., defines "Community service agency" as a "not-for-profit corporation, community organization, charitable organization, public officer, the state or any political subdivision of the state, or any other body the purpose of which is to improve the quality of life or social welfare of the community and which agrees to accept community service from persons unable to pay civil penalties for noncriminal traffic infractions."

¹⁵ Section 668.50(2), F.S., defines an "Electronic record" as "a record created, generated, sent, communicated, received, or stored by electronic means." An "Electronic signature" is defined as "an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record." A "Transaction" is defined as "an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, insurance, or governmental affairs."

Priority of Payment of Expenses and Obligations

Section 733.707, F.S., sets forth the order in which the personal representative of a decedent's estate must pay the expenses of the estate's administration and obligations against creditors. It provides the following order of payment:

- Class 1.—Costs, expenses of administration, and compensation of personal representatives and their attorneys fees and attorneys fees awarded under s. 733.106(3), F.S.
- Class 2.—Reasonable funeral, interment, and grave marker expenses, whether paid by a guardian, the personal representative, or any other person, not to exceed the aggregate of \$6,000.
- Class 3.—Debts and taxes with preference under federal law, and claims pursuant to ss. 409.9101 and 414.28, F.S.
- Class 4.—Reasonable and necessary medical and hospital expenses of the last 60 days of the last illness of the decedent, including compensation of persons attending the decedent.
- Class 5.—Family allowance.
- Class 6.—Arrearage from court-ordered child support.
- Class 7.—Debts acquired after death by the continuation of the decedent's business, in accordance with s. 733.612(22), F.S, but only to the extent of the assets of that business.
- Class 8.—All other claims, including those founded on judgments or decrees rendered against the decedent during the decedent's lifetime, and any excess over the sums allowed as Class 2 or Class 4 expenses.

Suspension of License to Practice upon Conviction of Certain Felonies

The clerk of the court must send a certified copy of a judgment of conviction of any person holding a license, permit, or certificate issued by a state agency, to the head of the licensing agency when such conviction is for a felony offense of selling, trafficking, or conspiracy to sell or traffic in a controlled substance.¹⁶ The certified copy of the judgment must show the person's license number, permit number, or certificate number on the face of the document. The agency head must suspend or revoke the license, permit, or certificate of the convicted defendant to practice his or her profession or to carry on his or her business.

Costs of Prosecution and Investigation

Section 938.27(2)(a), F.S., requires a court to impose costs of prosecution and investigation notwithstanding a defendant's present inability to pay. These costs are to be paid within a specified period or in specified installments. Section 28.246, F.S., provides for a monthly payment plan. The court may review the reasonableness of the payment plan.

Financial Obligations in Criminal Cases

A judgment lien generally refers to a lien against property that is based on an underlying monetary judgment. A judgment lien on real property is created and perfected upon the recording of a certified copy of a judgment in the official county records. Under s. 55.10, F.S., the judgment shall be a lien for an initial period of 10 years from the date of the recording. A lien may be extended for an additional 10 years by re-recording a certified copy of the judgment prior

¹⁶ Section 893.11, F.S.

to the expiration of the lien and by simultaneously recording an affidavit with the current address of the person who has a lien as a result of the judgment. Section 55.081, F.S., provides that a judgment lien on real property can be effective for up to 20 years from the date the judgment was entered.

Parole and Fines, Costs, and Restitution

Section 947.181, F.S., provides that the Parole Commission must require restitution to the victim as a condition of parole unless the commission states reasons on the record for not ordering it. The amount of restitution is determined by the commission unless restitution has previously been ordered by the court under s. 775.089, F.S. Court ordered restitution must be made a condition of parole. If a parolee fails to make restitution as ordered it is considered a violation of parole and may be cause for revocation of parole.

Section 775.089(3)(a), F.S., provides that the court may require that the defendant make restitution within a specified period or in specified installments. Section 775.089(3)(b), F.S., provides that the end of such period or the last installment for restitution shall be no later than:

- The end of the period of probation if probation is ordered;
- Five years after the end of the term of imprisonment imposed if the court does not order probation; or
- Five years after the date of sentencing in any other case.

III. Effect of Proposed Changes:

Section 1. Amends s. 24.115, F.S., to require the Department of the Lottery to use the Comprehensive Case Information System of the Florida Association of Court Clerks and Comptrollers, Inc.,¹⁷ to determine whether a prize winner owes outstanding fines, fees, or court costs to the state, before it may pay a prize of \$600 or more. According to the Florida Association of Court Clerks, there is no charge for the department to use the CCIS.

Section 2. Amends s. 27.52, F.S., to provide that the clerk of the court may, instead of must, conduct a review of the property records for the county in which the applicant resides and the motor vehicle title records to identify any property interests of the applicant for a determination of indigent status for an appointment of a public defender. If a review is completed, the clerk must maintain the results of the review in a file with the application and provide the file to the court if the applicant seeks review of the clerk's determination of indigent status.

Section 3. Amends s. 28.24, F.S., to delete a requirement that all clerks must participate in the CCIS on or before January 1, 2006.

Section 4. Creates s. 28.2405, F.S., to provide that all clerks of the circuit court shall participate in the CCIS and shall submit electronic case data to the system based on the case types designated by the Supreme Court.

¹⁷ The objective of the CCIS is to provide a single statewide electronic access point for court case information maintained by the Florida Clerks of Court. See <https://flcyc.cyciss.org/sites/default/files/cyciss/flcyc/CCIS%20level%20details.pdf> (Last visited February 6, 2012).

Section 5. Amends s. 28.241, F.S., to provide that circuit court filing fees are due at the time a party files a pleading to initiate a proceeding or files a pleading for relief, and reopen fees are due at the time a party files a pleading to reopen a proceeding. If a fee is not paid upon the filing of the pleading, the clerk shall pursue collection of the fee pursuant to s. 28.246, F.S.

The section provides a revised definition for when a case is “reopened.” The bill provides that a case is reopened after all appeals have been exhausted or time to file an appeal from a final order or final judgment has expired. A reopen fee may not be assessed by the clerk for any motion filed by any party until 90 days after a final order or final judgment has been filed with the clerk. When the case has been reopened, an additional reopen fee may not be assessed until the reopened matter is resolved. A reservation of jurisdiction by a court does not cause a case to remain open for purposes of this section or exempt a party from paying a reopen fee. The bill provides two additional circumstances for when a party is not required to pay the fee to reopen a case to include motions to enforce stipulations or motions for contempt.

The bill provides that the clerk of court shall collect a service charge of \$10 for issuing an original, a certified copy, or an electronic certified copy of a summons.

Section 6. Amends s. 28.246, F.S., to provide that if circuit court costs are assessed as part of a criminal judgment and sentence and the defendant is sentenced to serve time in custody, the court shall order the prisoner to make monthly payments of at least 20 percent of the balance of the prisoner’s trust account as payment of the court costs. The Department of Corrections or the local detention facility shall place a lien on the prisoner’s trust account for the full amount of the court-related costs. The department or the local facility must withdraw money from the trust account when the balance exceeds \$10 and forward payment to the appropriate clerk of the court until the court-related costs are paid in full.

Section 7. Amends s. 34.041, F.S., to provide that all county court filing and reopen fees shall be paid by the party filing the case at the time the case is filed. If the fee is not paid at that time, the clerk shall pursue collection of these filing fees pursuant to s. 28.246, F.S.

The bill provides that the clerk of the county court shall collect a service charge of \$10 for issuing a summons or an electronic certified copy of a summons. The section provides a revised definition for when a case is “reopened.” The definition is the same as in section 5 of this bill but applies to county courts. The bill provides that a case is reopened after all appeals have been exhausted or time to file an appeal from a final order or final judgment has expired. A reopen fee may not be assessed by the clerk for any motion filed by any party under 90 days after a final order or final judgment has been filed with the clerk. When the case has been reopened, an additional reopen fee may not be assessed until the reopened matter is resolved. A reservation of jurisdiction by a court does not cause a case to remain open for purposes of this section. The bill provides two additional circumstances for when a party is not required to pay the fee to reopen a case to include motions to enforce stipulations or motions for contempt.

Section 8. Amends s. 45.035, F.S., relating to judicial sales procedures. The bill provides that if the sale is rescheduled for any reason, the plaintiff must pay a rescheduling fee of \$70 to the

clerk on each occasion the sale is rescheduled. The plaintiff must pay this fee to the court before the sale.

Section 9. Amends s. 57.081, F.S., to reword the provision that a party who has obtained a certification of indigence pursuant to s. 27.52, F.S.,¹⁸ or s. 57.082, F.S.,¹⁹ is not required to prepay costs, filing fees, or charges for issuance of a summons.

Section 10. Amends s. 57.082, F.S., to provide that if a court finds that deferral of prepayment of court costs and fees under s. 57.085, F.S., is not applicable, the clerk must proceed with a determination of indigency under s. 57.082, F.S.²⁰ If the clerk finds the prisoner to be indigent and places the prisoner on a payment plan under s. 57.082(5), F.S., the court must order the prisoner to make monthly payments of at least 20 percent of the balance of the prisoner's trust account as payment of court costs. The Department of Corrections or the local detention facility must place a lien on the prisoner's trust account for the full amount of the court-related costs. The department or the local facility must withdraw funds from the trust account when the balance exceeds \$10 and forward payment to the appropriate clerk of the court until the court-related costs are paid in full.

Section 11. Amends s. 95.11, F.S., to extend the statute of limitations for the collection of court costs or fines owed to the state. The bill provides that such an action may be commenced at any time.

Section 12. Amends s. 112.3173, F.S., to provide that the clerk of the court in a proceeding involving a specified offense being conducted against a public officer or employee must provide notice of the proceeding to the Commission on Ethics *after* the state attorney advises the clerk that the defendant is a public officer or employee and that the defendant is alleged to have committed a qualifying offense.

Section 13. Amends s. 318.18, F.S., to provide that a community service agency which supervises community service hours that submits the required data concerning hours and days worked to the clerk of the court on the letterhead of the community service agency, must bear the notarized signature of the person designated to represent the community service agency.

Section 14. Amends s. 668.50, F.S., related to the Uniform Electronic Transaction Act. The bill provides that the Uniform Electronic Transaction Act does apply to rules relating to judicial procedure.

Section 15. Amends s. 773.707, F.S., to add claims in favor of the state for unpaid court costs, fees, or fines, to a Class 3 debt for purposes of classification for the order of payments due from a decedent's estate.

Section 16. Amends s. 893.11, F.S., to restate that a state agency must revoke or suspend the business or professional license of a person licensed by the agency if that person is convicted of

¹⁸ Section 27.52, F.S., provides criteria for determining criminal indigency status.

¹⁹ Section 57.082, F.S., provides criteria for the clerk to determine if a civil litigant is indigent.

²⁰ *Id.*

a felony for the sale of, or trafficking in, a controlled substance or for the conspiracy to sell, or traffic in, a controlled substance. The bill provides that a state agency that issues a business or professional license must use the CCIS to obtain information relating to the conviction. The clerk of the court must provide a certified copy of the judgment upon request to the agency, rather than automatically upon conviction of the person. The bill provides that the term “business or professional license” includes any license, permit, or certificate that authorizes a person to practice his or her profession or to carry on his or her business.

Section 17. Amends s. 938.27, F.S., to provide that a court must require the defendant to pay the costs of prosecution and investigation pursuant to a payment plan under s. 28.246(4), F.S., rather than installments specified by the court.

Section 18. Amends s. 938.30, F.S., to provide that in supplementary proceedings, the court may order a prisoner, as defined in s. 57.085(1), F.S.,²¹ to make monthly payments of at least 20 percent of the balance of the prisoner’s trust account as payment of court-related costs. If the court orders such payment, the Department of Corrections or the local detention facility must place a lien on the prisoner’s trust account for the full amount of the court-related costs. The department or the local facility must withdraw funds from the trust account when the balance exceeds \$10 and forward payment to the appropriate clerk of the court until the court-related costs are paid in full.

The bill provides that if a criminal or civil judgment has previously been entered on a court-imposed financial obligation, the judgment constitutes a civil lien against the judgment debtor’s presently owned or after-acquired real or personal property when recorded pursuant to s. 55.10, F.S., except that a judgment on a court-imposed financial obligation is not subject to the 10-year re-recording requirement of s. 55.10, F.S. The judgment must secure all unpaid court-imposed financial obligations that are due and may accrue subsequent to the recording of the judgment, as well as interest and reasonable costs for issuing a satisfaction and recording of the satisfaction in the official records.

The bill provides that the clerk must enforce, satisfy, compromise, settle, subordinate, release, or otherwise dispose of any debts or liens imposed and collected under s. 938.30, F.S., in the same manner as prescribed in s. 938.29(3), F.S., relating to indigent criminal defense fees and costs.

Section 19. Amends s. 947.181, F.S., to rename the section “Fines, fees, restitution, or other costs ordered to be paid by a court as conditions of parole.”²² The bill provides that the Parole Commission must require the payment of fines, fees, restitution, or other court-ordered costs as condition of parole unless the commission finds reasons to the contrary. If the commission does not require payment of fines, fees, restitution, or other court-ordered costs, or requires partial payment, the commission must state on the record the reasons for its decision. Failure of a parolee to make the above payments must be considered by the commission as a violation of parole.

²¹ Section 57.085(1), F.S., pertains to prisoners who have been incarcerated for civil crimes.

²² Section 947.181, F.S., currently relates only to “victim restitution as condition of parole.”

The bill deletes the provision that required the commission to revoke parole if the parolee failed to make restitution payments, but maintains current law that the commission must consider the defendant's employment status, earning ability, financial resources, willfulness of the defendant's failure to pay, and other special circumstances that may have bearing on the defendant's ability to pay prior to revoking parole.

Section 20. Provides that this act shall take effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

This bill adds additional fees for services provided by the Clerks of the Court.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

Indeterminate.

According to the Department of the Lottery, this bill would impose an additional step in the process for determining state owed debt prior to awarding any prize greater than \$600. The impact for this additional process has not been determined by the department.

According to the Florida Association of Court Clerks, the bill provides for increased efficiencies in day-to-day office operations for the clerks and should result in an indeterminate, positive fiscal impact.

According to the Department of Corrections, if staff is required to enter monetary obligation information into their system for the entire inmate population, there would be a significant workload impact. Additionally, the Department of Corrections estimates that this bill would cause an impact to the deposits into the prisoner's trust accounts, which

may lead to less money being deposited by friends and families of the inmates. The department noted that:

Fewer contributions will reduce Department and partner revenue, reduce the amount the Department collects for Medical Co-pays, and reduce canteen sales. Likewise, this may increase the number of meals the Department serves resulting in greater expenditures for food services which require General Revenue Funding. Additionally, inmates may no longer purchase over the counter medical supplies and demand them from the Department, increasing health services costs for supplies.²³

According to the Department of Corrections, the department estimates that it would need an additional 54 full time employees, and it would cost over \$2.6 million per year to implement.

According to the Office of the State Courts Administrator, the bill will likely have a minimal fiscal impact on expenditures of the State Court Systems. However, the Office of State Courts Administrator indicated that the more narrowly drawn definition for when a case is “reopened” may result in a reduction of the amount of revenues that are generated from reopening cases.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

²³ 2012 Bill Analysis - SB 1166, Department of Corrections, October 5, 2011.