

By the Committee on Crime & Punishment and Representatives  
Heyman, Crist, Brown, Villalobos, Turnbull and Sanderson

1                                   A bill to be entitled  
2           An act relating to collection of court costs  
3           and fines; creating the "Comprehensive Court  
4           Enforcement Program Act"; providing legislative  
5           intent; creating s. 938.30, F.S.; providing for  
6           supplementary proceedings for enforcement of  
7           court-ordered payment of financial obligations  
8           in criminal cases; providing for examination  
9           under oath regarding a person's ability to pay  
10          financial obligations in a criminal case;  
11          providing for reduction of the obligation based  
12          on a person's ability to pay; providing for  
13          service or actual notice of orders to appear;  
14          providing for taking of testimony; providing  
15          for orders that nonexempt property in the hands  
16          of another be applied toward satisfying an  
17          obligation; providing for a judgment of civil  
18          lien; providing for applicability of the  
19          Uniform Fraudulent Transfer Act in certain  
20          collection matters; providing or payment  
21          schedules; providing for civil contempt  
22          sanctions for failure to appear or comply with  
23          certain orders; providing for specified  
24          enforcement costs and fees and attorney's fees  
25          to be assessed to offset the costs of operating  
26          the program; providing for the use of special  
27          masters; providing that the clerk of court  
28          shall make quarterly reports to the chief  
29          judge; permitting county commissions to refer  
30          certain court-imposed financial obligations to  
31          collection agents; permitting use of the new

1 provisions in addition to or in lieu of other  
2 provisions of law; providing for certain court  
3 orders; providing an effective date.  
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5 Be It Enacted by the Legislature of the State of Florida:  
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7 Section 1. Short title.--This act shall be known as  
8 the "Comprehensive Court Enforcement Program Act."

9 Section 2. Legislative intent.--Florida's judiciary  
10 routinely enters judgments and court orders in criminal cases  
11 setting forth court costs, fines, and fees against litigants  
12 pursuant to statutory law. The enforcement of such court  
13 orders is crucial to ensure respect for the rule of law and  
14 credibility of the court. Uncollected fines, fees, and court  
15 costs are more than lost revenue; they represent a court order  
16 ignored, an unobeyed sentence, and the punished going  
17 unpunished. To ensure that noncompliers fulfill their  
18 financial obligations under all sentences and court orders  
19 imposed, this act is designed to satisfy the need for  
20 enforcement of such sentences and court orders through  
21 aggressive followup in a manner most appropriate for courts  
22 and their respective communities, set reasonable parameters  
23 for compliance, collect offenders' financial obligations to  
24 the state, and increase respect for the law.

25 Section 3. Judicial oversight and jurisdiction.--The  
26 Comprehensive Court Enforcement Program may be implemented as  
27 supplementary proceedings in any judicial circuit by the chief  
28 judge of that circuit. Judges in such circuits shall have  
29 jurisdiction to carry out the provisions of this act in  
30 criminal cases to ensure compliance with court-imposed  
31 financial obligations.

1           Section 4. Section 938.30, Florida Statutes, is  
2 created to read:

3           938.30 Court-imposed financial obligations in criminal  
4 cases; supplementary proceedings.--

5           (1) Any person who has been ordered to pay any  
6 financial obligation in any criminal case is subject to the  
7 provisions of this section. Courts operating under the  
8 provisions of this section shall have jurisdiction over such  
9 court-imposed financial obligations to ensure compliance.

10           (2) The court may require a person ordered to pay an  
11 obligation to appear and be examined under oath concerning the  
12 person's financial ability to pay the obligation. The court  
13 may reduce a person's court-ordered financial obligation based  
14 on the court's determination of the person's ability to pay  
15 the obligation. Any person failing to attend a hearing may be  
16 arrested on warrant or capias which may be issued by the clerk  
17 upon order of the court.

18           (3) The order requiring the person's appearance shall  
19 be served a reasonable time before the date of the examination  
20 in the manner provided for service of summons, as provided for  
21 service of papers under rules of civil procedure, or by actual  
22 notice.

23           (4) Testimony may be taken regarding any subject  
24 relevant to the financial interests of the person tending to  
25 aid in satisfying the obligation. Other witnesses who may have  
26 information relevant to the issue of the person's ability or  
27 lack of ability to pay the obligation may be examined.  
28 Documents and other exhibits may also be produced as evidence.

29           (5) The court may order that any nonexempt property of  
30 the person which is in the hands of another be applied toward  
31 satisfying the obligation.

1       (6) If judgment has not been previously entered on any  
2 court-imposed financial obligation, the court may enter  
3 judgment thereon and issue any writ necessary to enforce the  
4 judgment in the manner allowed in civil cases. Any judgment  
5 issued under this section constitutes a civil lien against the  
6 judgment debtor's presently owned or after-acquired property.  
7 Supplementary proceedings undertaken by any governmental  
8 entity to satisfy a judgment imposed pursuant to this section  
9 may proceed without bond.

10       (7) Provisions of the Uniform Fraudulent Transfer Act  
11 apply to collection matters under this section and may be used  
12 to collect any court-imposed financial obligation subject to  
13 this section.

14       (8) In lieu of examining the person, or in addition  
15 thereto, the court may order the person to comply with a  
16 payment schedule to satisfy the obligation.

17       (9) Any person failing to appear or willfully failing  
18 to comply with an order under this section, including an order  
19 to comply with a payment schedule, may be held in civil  
20 contempt.

21       (10) Administrative costs incurred in enforcing  
22 compliance under this section may be assessed against the  
23 person. Such costs may include postage, copying, docketing  
24 fees, service fees, and court reporter's fees. Reasonable  
25 attorney's fees may be assessed at the court's discretion.  
26 Judges may assess such administrative costs and attorney's  
27 fees against the person as the court deems necessary to offset  
28 such costs incurred under this section.

29       (11) The court may refer any proceeding under this  
30 section to a special master who shall report findings and make  
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1 recommendations to the court. The court shall act on such  
2 recommendations within a reasonable amount of time.

3 (12) A record of court-imposed financial obligations  
4 collected by the clerk of court under the provisions of this  
5 section shall be reported quarterly by the clerk of court to  
6 the chief judge of the judicial circuit.

7 (13) Court-imposed financial obligations arising from  
8 criminal cases which are past due, and which have been reduced  
9 to judgment by the court, may be referred by the county  
10 commission to a private attorney or collection agency which is  
11 licensed or registered in this state. Such referrals must be  
12 made in accordance with established bid practices.

13 (14) The provisions of this section may be used in  
14 addition to, or in lieu of, other provisions of law for  
15 enforcing payment of court-imposed financial obligations in  
16 criminal cases. The court may enter any orders necessary to  
17 carry out the purposes of this section.

18 Section 5. This act shall take effect upon becoming a  
19 law.

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