

By Representatives Heyman, Crist, Villalobos, Cantens,
Ball, Trovillion, Morroni, Crady and Cosgrove

1 A bill to be entitled
2 An act relating to court-imposed financial
3 obligations in criminal cases; amending s.
4 938.30, F.S.; providing for conversion of
5 court-ordered obligations to pay court costs
6 into obligations to perform community service,
7 under specified circumstances; providing for
8 assessments against a person for reimbursements
9 for the costs of processing bench warrants and
10 pickup orders; providing for penalties;
11 providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Section 938.30, Florida Statutes, 1998
16 Supplement, is amended to read:

17 938.30 Court-imposed financial obligations in criminal
18 cases; supplementary proceedings.--

19 (1) Any person who has been ordered to pay any
20 financial obligation in any criminal case is subject to the
21 provisions of this section. Courts operating under the
22 provisions of this section shall have jurisdiction over such
23 court-imposed financial obligations to ensure compliance.

24 (2) The court may require a person ordered to pay an
25 obligation to appear and be examined under oath concerning the
26 person's financial ability to pay the obligation. The court
27 may reduce a person's court-ordered financial obligation based
28 on the court's determination of the person's ability to pay
29 the obligation. The judge may convert the court-ordered
30 obligation to pay court costs to a court-ordered obligation to
31 perform community service after examining a person under oath

1 and determining a person's inability to pay. Any person
2 failing to attend a hearing may be arrested on warrant or
3 capias which may be issued by the clerk upon order of the
4 court.

5 (3) The order requiring the person's appearance shall
6 be served a reasonable time before the date of the examination
7 in the manner provided for service of summons, as provided for
8 service of papers under rules of civil procedure, or by actual
9 notice.

10 (4) Testimony may be taken regarding any subject
11 relevant to the financial interests of the person tending to
12 aid in satisfying the obligation. Other witnesses who may have
13 information relevant to the issue of the person's ability or
14 lack of ability to pay the obligation may be examined.
15 Documents and other exhibits may also be produced as evidence.

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

19 (6) If judgment has not been previously entered on any
20 court-imposed financial obligation, the court may enter
21 judgment thereon and issue any writ necessary to enforce the
22 judgment in the manner allowed in civil cases. Any judgment
23 issued under this section constitutes a civil lien against the
24 judgment debtor's presently owned or after-acquired property,
25 when recorded pursuant to s. 55.10. Supplementary proceedings
26 undertaken by any governmental entity to satisfy a judgment
27 imposed pursuant to this section may proceed without bond.

28 (7) Provisions of the Uniform Fraudulent Transfer Act
29 apply to collection matters under this section and may be used
30 to collect any court-imposed financial obligation subject to
31 this section.

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

4 (9) Any person failing to appear or willfully failing
5 to comply with an order under this section, including an order
6 to comply with a payment schedule, may be held in civil
7 contempt.

8 (10) Administrative costs incurred in enforcing
9 compliance under this section may be assessed against the
10 person. Such costs may include postage, copying, docketing
11 fees, service fees, ~~and~~ court reporter's fees, and
12 reimbursements for the costs of processing bench warrants and
13 pickup orders. Reasonable attorney's fees may be assessed at
14 the court's discretion. Judges may assess such administrative
15 costs and attorney's fees against the person as the court
16 deems necessary to offset such costs incurred under this
17 section.

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

22 (12) A record of court-imposed financial obligations
23 collected by the clerk of court under the provisions of this
24 section shall be reported quarterly by the clerk of court to
25 the chief judge of the judicial circuit.

26 (13) Court-imposed financial obligations arising from
27 criminal cases which are past due, and which have been reduced
28 to judgment by the court, may be referred by the county
29 commission to a collection agent who is registered and in good
30 standing pursuant to chapter 559 or a private attorney. Such
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1 referrals must be made in accordance with established bid
2 practices.

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

8 Section 2. This act shall take effect July 1, 1999.

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11 HOUSE SUMMARY

12 Revises provisions relating to court-imposed financial
13 obligations in criminal cases. Provides for conversion of
14 court-ordered obligations to pay court costs into
15 obligations to perform community service, under specified
16 circumstances. Provides for assessments against a person
17 for reimbursements for the costs of processing bench
18 warrants and pickup orders.

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