



285804

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/25/2008	.	
	.	
	.	

1 The Committee on Judiciary (Ring) recommended the following
2 **amendment:**

Senate Amendment (with title amendment)

6 On line 15,
7 insert:

8 Section 1. Subsection (2) of section 938.30, Florida
9 Statutes, is amended to read:

10 938.30 Financial obligations in criminal cases;
11 supplementary proceedings.--

12 (2) The court shall ~~may~~ require a person who is not a state
13 inmate and who is liable for payment of an obligation to appear
14 and be examined under oath concerning the person's financial
15 ability to pay the obligation. The judge may convert the
16 statutory financial obligation into a court-ordered obligation to
17 perform community service after examining a person under oath and



285804

18 determining a person's inability to pay. Any person failing to
19 attend a hearing may be arrested on warrant or capias which may
20 be issued by the clerk upon order of the court.

21 Section 2. Section 938.301, Florida Statutes, is amended to
22 read:

23 938.301 Judicial oversight and jurisdiction.--The
24 Comprehensive Court Enforcement Program shall ~~may~~ be implemented
25 as supplementary proceedings in each ~~any~~ judicial circuit by the
26 chief judge of that circuit. Judges in such circuits shall have
27 jurisdiction to carry out the provisions of this act in criminal
28 cases to ensure compliance with court-imposed financial
29 obligations.

30 Section 3. Paragraph (d) is added to subsection (1) of
31 section 939.185, Florida Statutes, to read:

32 939.185 Assessment of additional court costs and
33 surcharges.--

34 (1)

35 (d) The clerk of courts shall cause a certified copy of the
36 court order imposing such costs, to be recorded in the public
37 records which shall constitute a lien against the person upon
38 whom the costs are imposed, and shall attach as a lien on any
39 real and personal property owned by the person. Any lien created
40 against real and personal property is enforceable in the same
41 manner as provided by law. A lien created under this section does
42 not attach to, or make subject to execution of levy or
43 foreclosure, any real or personal property otherwise exempted by
44 s. 4, Art. X of the State Constitution.

45
46 ===== T I T L E A M E N D M E N T =====

47 And the title is amended as follows:

Bill No. SB 1636



285804

48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66

Delete lines 2 and 3
and insert:

An act relating to collection of court-related fees, service charges, costs, and fines by circuit courts and county courts; amending s. 938.30, F.S.; requiring all persons other than state inmates who owe court-related fees, service charges, costs, and fines to appear before the court; amending s. 938.301, F.S.; requiring each circuit court to implement the Comprehensive Court Enforcement Program; amending s. 939.185, F.S.; requiring the clerk of courts to record in the public record a certified copy of any court order imposing additional court costs; providing that the court order constitutes a lien against the person upon whom the costs are imposed and attaches as a lien on any real and personal property owned by the person; providing an exception; requiring the Legislature to establish a