

By the Committee on Judiciary; and Senator Ring

590-05808-08

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1 A bill to be entitled

2 An act relating to the collection of court-related fees,
3 service charges, costs, and fines by circuit courts and
4 county courts; amending s. 938.30, F.S.; requiring all
5 persons other than state inmates who owe court-related
6 fees, service charges, costs, and fines to appear before
7 the court; amending s. 938.301, F.S.; requiring each
8 circuit court to implement the Comprehensive Court
9 Enforcement Program; amending s. 939.185, F.S.; requiring
10 the clerk of courts to record in the official record a
11 certified copy of any court order imposing additional
12 court costs; providing that the court order constitutes a
13 lien against the person upon whom the costs are imposed
14 and attaches as a lien on any real and personal property
15 owned by the person; providing an exception; requiring the
16 Legislature to establish a joint select committee to
17 review methods of collecting court-related fees, service
18 charges, costs, and fines used by circuit courts and
19 county courts; providing for appointment of committee
20 members; providing for designation of a chair and vice
21 chair; requiring the committee to submit recommendations
22 for a uniform statewide method for collecting such court-
23 related fees, service charges, costs, and fines; providing
24 an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Subsection (2) of section 938.30, Florida
29 Statutes, is amended to read:

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30 938.30 Financial obligations in criminal cases;
31 supplementary proceedings.--

32 (2) The court shall ~~may~~ require a person who is not a state
33 inmate and who is liable for payment of an obligation to appear
34 and be examined under oath concerning the person's financial
35 ability to pay the obligation. The judge may convert the
36 statutory financial obligation into a court-ordered obligation to
37 perform community service after examining a person under oath and
38 determining a person's inability to pay. Any person failing to
39 attend a hearing may be arrested on warrant or capias which may
40 be issued by the clerk upon order of the court.

41 Section 2. Section 938.301, Florida Statutes, is amended to
42 read:

43 938.301 Judicial oversight and jurisdiction.--The
44 Comprehensive Court Enforcement Program shall ~~may~~ be implemented
45 as supplementary proceedings in each ~~any~~ judicial circuit by the
46 chief judge of that circuit. Judges in such circuits shall have
47 jurisdiction to carry out the provisions of this act in criminal
48 cases to ensure compliance with court-imposed financial
49 obligations.

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

52 939.185 Assessment of additional court costs and
53 surcharges.--

54 (1)

55 (d) The clerk of courts shall cause a certified copy of the
56 court order imposing such costs to be recorded in the official
57 records, which shall constitute a lien against the person upon
58 whom the costs are imposed, and shall attach as a lien on any

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59 real and personal property owned by the person. Any lien created
60 against real and personal property is enforceable in the same
61 manner as provided by law. A lien created under this section does
62 not attach to, or make subject to execution of levy or
63 foreclosure, any real or personal property otherwise exempted by
64 s. 4, Art. X of the State Constitution.

65 Section 4. The Legislature shall establish a joint select
66 committee to review the methods currently used by each circuit
67 court and county court in this state to collect court-related
68 fees, service charges, costs, and fines. The committee shall
69 consist of 13 members, of whom five shall be Senators appointed
70 by the President of the Senate and eight shall be Representatives
71 appointed by the Speaker of the House of Representatives. The
72 committee chair and vice chair shall be designated jointly by the
73 President of the Senate and the Speaker of the House of
74 Representatives. The committee shall review for a period of 1
75 year methods used by the circuit courts and county courts in this
76 state to collect court-related fees, service charges, costs, and
77 fines, after which the committee shall submit recommendations to
78 the President of the Senate and the Speaker of the House of
79 Representatives as to an effective uniform statewide method for
80 collecting court-related fees, service charges, costs, and fines
81 to be mandated for all circuit courts and county courts and
82 clerks of such courts.

83 Section 5. This act shall take effect July 1, 2008.