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604-06101-08

Proposed Committee Substitute by the Committee on Criminal and
Civil Justice Appropriations

1 A bill to be entitled

2 An act relating to the state judicial system; amending s.
3 27.511, F.S.; prescribing the types of civil proceedings
4 in which part-time assistant criminal conflict and civil
5 regional counsel may not otherwise engage; providing for
6 the public defender to handle criminal appeals in certain
7 cases for which trial representation was provided by the
8 office of criminal conflict and civil regional counsel;
9 providing an exception when the public defender has a
10 conflict; amending s. 27.52, F.S.; increasing the
11 application fee for determining indigent status for the
12 purpose of receiving criminal representation by state-
13 funded counsel; conforming provisions to changes made by
14 the act; amending s. 27.562, F.S.; specifying that certain
15 assessments collected from a defendant are in satisfaction
16 of the application fee for a determination of indigent
17 status; amending s. 28.24, F.S.; increasing charges for
18 services rendered by the clerk of the circuit court in
19 recording documents and instruments and performing other
20 duties; amending s. 28.2401, F.S.; increasing services
21 charges the clerk of court is authorized to charge in
22 probate matters; amending s. 28.241, F.S.; increasing
23 filing fees for civil actions in circuit court; conforming
24 provisions governing the remission of a portion of the
25 fees to the General Revenue Fund; providing for a portion
26 of the fees to be deposited in a designated trust fund in
27 support of mediation activities; increasing filing fees



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28 | for instituting certain appellate proceedings; amending s.
29 | 28.246, F.S.; reducing the maximum fee that may be charged
30 | when the clerk uses a collection agent to collect unpaid
31 | fees and costs; amending s. 28.35, F.S.; including the
32 | provision of meals and lodging for jurors within the
33 | court-related functions that the clerk of court may fund
34 | through fees, service charges, court costs, and fines;
35 | revising provisions to conform; clarifying duties of the
36 | Florida Clerks of Court Operations Corporation; reenacting
37 | s. 28.36(1), (2), (3) (a), (4), and (5), F.S., relating to
38 | budget procedures of the clerks of court, to incorporate
39 | the amendment to s. 28.35, F.S., in references thereto;
40 | amending s. 34.041, F.S.; increasing filing fees for civil
41 | actions in county court; conforming provisions governing
42 | the remission of a portion of the fees to the General
43 | Revenue Fund; providing for a portion of the fees to be
44 | deposited in a designated trust fund in support of
45 | mediation activities; amending s. 40.24, F.S.; providing
46 | for jurors to be compensated by the clerk of the court
47 | rather than the state; amending s. 40.26, F.S.; providing
48 | for certain meals and lodging expenses for jurors to be
49 | paid by the clerk of the court; amending s. 40.29, F.S.;
50 | revising requirements for the clerk of the court relating
51 | to payment of ordinary witnesses; including the criminal
52 | conflict and regional civil counsel among the persons on
53 | whose behalf the clerk of the court estimates funds for
54 | payment of witnesses; eliminating a requirement that the
55 | clerk of the court provide an estimate of certain juror
56 | expenses; revising provisions to conform; amending s.
57 | 40.31, F.S.; revisions provisions to conform to the



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58 | payment of juror compensation from funds retained by the
59 | clerk of the court; authorizing the Justice Administrative
60 | Commission rather than the State Courts Administrator to
61 | apportion certain funds for payment of witnesses by the
62 | clerk of the court; amending s. 40.32, F.S.; requiring
63 | that certain juror expenses be paid by the clerk of the
64 | court from fees, service charges, court costs, and fines;
65 | amending s. 40.33, F.S.; revising procedures related to a
66 | deficiency in funds for the payment of witnesses; revising
67 | provisions to conform; amending s. 40.34, F.S.;

68 | eliminating requirements that the clerk of the court
69 | prepare a juror payroll and provide copies to the State
70 | Courts Administrator; repealing s. 40.35, F.S., relating
71 | to an accounting by the clerk of the court to the State
72 | Courts Administrator for funds for juror and witness
73 | payments; amending s. 40.355, F.S.; revising requirements
74 | for the clerk of the court to account for certain funds,
75 | to conform to changes made by the act; amending s. 40.361,
76 | F.S., relating to the applicability of certain state
77 | budgeting laws; conforming a cross-reference; amending s.
78 | 44.108, F.S.; increasing fees for court-ordered mediation
79 | services; requiring the clerk of the court to report the
80 | fees collected and deposited into the Mediation and
81 | Arbitration Trust Fund; amending s. 45.035, F.S.;

82 | increasing service charges related to judicial sales
83 | procedures; amending s. 55.505, F.S.; increasing a service
84 | charge for issuing execution or process for enforcement of
85 | a foreign judgment; amending s. 57.082, F.S.; creating an
86 | application fee for a determination of indigent status and
87 | appointment of an attorney in certain proceedings relating



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88 | to children; providing for fees collected to be deposited
89 | into the Indigent Civil Defense Trust Fund; authorizing
90 | the clerk of the court to retain a portion of the fees
91 | collected; amending s. 61.14, F.S.; increasing service
92 | charges related to enforcement and modification of
93 | support, maintenance, or alimony agreements or orders;
94 | amending s. 318.121, F.S.; specifying that a new
95 | administrative fee for civil traffic violations is not
96 | preempted; amending s. 318.14, F.S.; increasing the court
97 | costs that are assessed in certain noncriminal traffic
98 | cases; amending s. 318.15, F.S.; increasing the processing
99 | fee when a person is adjudicated guilty after failing to
100 | attend driver improvement school; amending s. 318.18,
101 | F.S.; increasing fees, penalties, and court costs related
102 | to certain traffic infractions; creating an administrative
103 | fee for noncriminal moving and nonmoving traffic
104 | violations; amending s. 322.245, F.S.; increasing
105 | delinquency fees that are imposed for failing to comply
106 | with traffic court directives and that must be paid to
107 | avoid suspension of a driver's license; amending s.
108 | 327.73, F.S.; increasing dismissal fees and court costs
109 | related to certain noncriminal vessel safety infractions;
110 | increasing the maximum amount of court costs that may be
111 | imposed; amending s. 372.83, F.S.; increasing the costs
112 | assessed by the clerk or a hearing officer for verifying
113 | that a person possesses a certain wildlife license or
114 | permit; amending s. 713.24, F.S.; increasing the fees
115 | charged by the clerk for making and serving a certificate
116 | showing transfer of a lien from real property to certain
117 | security; amending s. 721.83, F.S.; increasing the



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118 additional filing fee for joining a timeshare estate in a
119 consolidated foreclosure action; amending s. 744.365,
120 F.S.; increasing the fee paid by a guardian from the
121 ward's property upon the filing of a verified inventory of
122 the ward's property; amending s. 744.3678, F.S.;
123 increasing the fees paid by a guardian from the ward's
124 estate as part of an annual accounting; amending s.
125 766.104, F.S.; increasing the filing fee for securing an
126 automatic extension of the statute of limitations to allow
127 for investigation in medical negligence cases; amending s.
128 938.05, F.S.; increasing the additional costs that a
129 person must pay in felony, misdemeanor, or criminal
130 traffic offenses; amending s. 938.27, F.S.; defining the
131 term "convicted" for purposes of paying the costs of
132 prosecution; providing for the imposition of such costs
133 notwithstanding a defendant's present ability to pay;
134 prescribing costs of prosecution; authorizing the court to
135 establish higher minimum costs of prosecution; amending s.
136 938.29, F.S.; providing that certain defendants are liable
137 for the application fee to determine indigent status for
138 purposes of appointing counsel; providing for distribution
139 of funds collected from a defendant for the application
140 fee, attorney's fees, and costs; prohibiting the Florida
141 Clerks of Court Operations Corporation from increasing
142 clerks budgets in a specified fiscal year based on
143 increased revenues under the act; authorizing the
144 corporation to increase budgets in the aggregate for
145 increased clerk duties related to the payment of juror
146 expenses; providing an effective date.



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

149

150 Section 1. Subsections (4) and (8) of section 27.511,
151 Florida Statutes, are amended to read:

152 27.511 Offices of criminal conflict and civil regional
153 counsel; legislative intent; qualifications; appointment;
154 duties.--

155 (4) Each regional counsel shall serve on a full-time basis
156 and may not engage in the private practice of law while holding
157 office. Assistant regional counsel shall give priority and
158 preference to their duties as assistant regional counsel and may
159 not otherwise engage in the practice of criminal law or in the
160 types of civil proceedings for which the state compensates
161 attorneys under s. 27.5304 ~~for representation~~.

162 (8) The public defender, based on the district in which the
163 case was tried, office of criminal conflict and civil regional
164 counsel shall handle all circuit court appeals within the state
165 courts system and any authorized appeals to the federal courts
166 which are required in any criminal case ~~eases~~ in which the office
167 of criminal conflict and civil regional counsel is appointed
168 under this section, unless the public defender certifies to the
169 trial court that the public defender has a conflict consistent
170 with the criteria prescribed in s. 27.5303. If the public
171 defender has a conflict, the regional counsel shall handle the
172 appeal, unless the regional counsel has a conflict, in which case
173 the court shall appoint private counsel pursuant to s. 27.40.

174 Section 2. Paragraphs (b) and (c) of subsection (1) of
175 section 27.52, Florida Statutes, are amended to read:

176 27.52 Determination of indigent status.--

177 (1) APPLICATION TO THE CLERK.--A person seeking appointment



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178 of a public defender under s. 27.51 based upon an inability to
179 pay must apply to the clerk of the court for a determination of
180 indigent status using an application form developed by the
181 Florida Clerks of Court Operations Corporation with final
182 approval by the Supreme Court.

183 (b) An applicant shall pay a \$50 ~~\$40~~ application fee to the
184 clerk for each application for court-appointed counsel filed. The
185 applicant shall pay the fee within 7 days after submitting the
186 application. If the applicant does not pay the fee prior to the
187 disposition of the case, the clerk shall notify the court, and
188 the court shall:

189 1. Assess the application fee as part of the sentence or as
190 a condition of probation; or

191 2. Assess the application fee pursuant to s. 938.29.

192 (c) Notwithstanding any provision of law, court rule, or
193 administrative order, the clerk shall assign the first \$50 ~~\$40~~ of
194 any fees or costs paid by an indigent person as payment of the
195 application fee. A person found to be indigent may not be refused
196 counsel or other required due process services for failure to pay
197 the fee.

198 Section 3. Section 27.562, Florida Statutes, is amended to
199 read:

200 27.562 Disposition of funds.--The first \$50 ~~\$40~~ of all
201 funds collected pursuant to s. 938.29 shall be deposited into the
202 Indigent Criminal Defense Trust Fund pursuant to s. 27.525 in
203 satisfaction of the application fee for a determination of
204 indigent status under s. 27.52 if the fee was not paid. The
205 remaining funds collected pursuant to s. 938.29 shall be
206 distributed as follows:

207 (1) Twenty-five percent shall be remitted to the Department



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208 | of Revenue for deposit into the Justice Administrative
209 | Commission's Indigent Criminal Defense Trust Fund.

210 | (2) Seventy-five percent shall be remitted to the
211 | Department of Revenue for deposit into the General Revenue Fund.

212 |
213 | The Justice Administrative Commission shall account for funds
214 | deposited into the Indigent Criminal Defense Trust Fund by
215 | circuit. Appropriations from the fund shall be proportional to
216 | each circuit's collections. All judgments entered pursuant to
217 | this part shall be in the name of the state.

218 | Section 4. Section 28.24, Florida Statutes, is amended to
219 | read:

220 | 28.24 Service charges by clerk of the circuit court.--The
221 | clerk of the circuit court shall charge for services rendered by
222 | the clerk's office in recording documents and instruments and in
223 | performing the duties enumerated in amounts not to exceed those
224 | specified in this section. Notwithstanding any other provision of
225 | this section, the clerk of the circuit court shall provide
226 | without charge to the state attorney, public defender, guardian
227 | ad litem, public guardian, attorney ad litem, criminal conflict
228 | and civil regional counsel, and private court-appointed counsel
229 | paid by the state, and to the authorized staff acting on behalf
230 | of each, access to and a copy of any public record, if the
231 | requesting party is entitled by law to view the exempt or
232 | confidential record, as maintained by and in the custody of the
233 | clerk of the circuit court as provided in general law and the
234 | Florida Rules of Judicial Administration. The clerk of the
235 | circuit court may provide the requested public record in an
236 | electronic format in lieu of a paper format when capable of being
237 | accessed by the requesting entity.



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239 Charges

240 (1) For examining, comparing, correcting, verifying, and
241 certifying transcripts of record in appellate proceedings,
242 prepared by attorney for appellant or someone else other than
243 clerk, per page....5.00 ~~4.50~~

244 (2) For preparing, numbering, and indexing an original
245 record of appellate proceedings, per instrument....3.50 ~~3.00~~

246 (3) For certifying copies of any instrument in the public
247 records....2.00 ~~1.50~~

248 (4) For verifying any instrument presented for
249 certification prepared by someone other than clerk, per
250 page....3.50 ~~3.00~~

251 (5) (a) For making copies by photographic process of any
252 instrument in the public records consisting of pages of not more
253 than 14 inches by 8 1/2 inches, per page....1.00

254 (b) For making copies by photographic process of any
255 instrument in the public records of more than 14 inches by 8 1/2
256 inches, per page....5.00

257 (6) For making microfilm copies of any public records:

258 (a) 16 mm 100' microfilm roll....42.00 ~~37.50~~

259 (b) 35 mm 100' microfilm roll....60.00 ~~52.50~~

260 (c) Microfiche, per fiche....3.50 ~~3.00~~

261 (7) For copying any instrument in the public records by
262 other than photographic process, per page....6.00

263 (8) For writing any paper other than herein specifically
264 mentioned, same as for copying, including signing and
265 sealing....7.00 ~~6.00~~

266 (9) For indexing each entry not recorded....1.00

267 (10) For receiving money into the registry of court:



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268 (a)1. First \$500, percent....3
269 2. Each subsequent \$100, percent....1.5
270 (b) Eminent domain actions, per deposit....170.00 ~~150.00~~
271 (11) For examining, certifying, and recording plats and for
272 recording condominium exhibits larger than 14 inches by 8 1/2
273 inches:
274 (a) First page....30.00
275 (b) Each additional page....15.00
276 (12) For recording, indexing, and filing any instrument not
277 more than 14 inches by 8 1/2 inches, including required notice to
278 property appraiser where applicable:
279 (a) First page or fraction thereof....5.00
280 (b) Each additional page or fraction thereof....4.00
281 (c) For indexing instruments recorded in the official
282 records which contain more than four names, per additional
283 name....1.00
284 (d) An additional service charge shall be paid to the clerk
285 of the circuit court to be deposited in the Public Records
286 Modernization Trust Fund for each instrument listed in s. 28.222,
287 except judgments received from the courts and notices of lis
288 pendens, recorded in the official records:
289 1. First page....1.00
290 2. Each additional page....0.50
291
292 Said fund shall be held in trust by the clerk and used
293 exclusively for equipment and maintenance of equipment, personnel
294 training, and technical assistance in modernizing the public
295 records system of the office. In a county where the duty of
296 maintaining official records exists in an office other than the
297 office of the clerk of the circuit court, the clerk of the



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298 circuit court is entitled to 25 percent of the moneys deposited
299 into the trust fund for equipment, maintenance of equipment,
300 training, and technical assistance in modernizing the system for
301 storing records in the office of the clerk of the circuit court.
302 The fund may not be used for the payment of travel expenses,
303 membership dues, bank charges, staff-recruitment costs, salaries
304 or benefits of employees, construction costs, general operating
305 expenses, or other costs not directly related to obtaining and
306 maintaining equipment for public records systems or for the
307 purchase of furniture or office supplies and equipment not
308 related to the storage of records. On or before December 1, 1995,
309 and on or before December 1 of each year immediately preceding
310 each year during which the trust fund is scheduled for
311 legislative review under s. 19(f)(2), Art. III of the State
312 Constitution, each clerk of the circuit court shall file a report
313 on the Public Records Modernization Trust Fund with the President
314 of the Senate and the Speaker of the House of Representatives.
315 The report must itemize each expenditure made from the trust fund
316 since the last report was filed; each obligation payable from the
317 trust fund on that date; and the percentage of funds expended for
318 each of the following: equipment, maintenance of equipment,
319 personnel training, and technical assistance. The report must
320 indicate the nature of the system each clerk uses to store,
321 maintain, and retrieve public records and the degree to which the
322 system has been upgraded since the creation of the trust fund.

323 (e) An additional service charge of \$4 per page shall be
324 paid to the clerk of the circuit court for each instrument listed
325 in s. 28.222, except judgments received from the courts and
326 notices of lis pendens, recorded in the official records. From
327 the additional \$4 service charge collected:



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328 | 1. If the counties maintain legal responsibility for the
329 | costs of the court-related technology needs as defined in s.
330 | 29.008(1)(f)2. and (h), 10 cents shall be distributed to the
331 | Florida Association of Court Clerks and Comptroller, Inc., for
332 | the cost of development, implementation, operation, and
333 | maintenance of the clerks' Comprehensive Case Information System,
334 | in which system all clerks shall participate on or before January
335 | 1, 2006; \$1.90 shall be retained by the clerk to be deposited in
336 | the Public Records Modernization Trust Fund and used exclusively
337 | for funding court-related technology needs of the clerk as
338 | defined in s. 29.008(1)(f)2. and (h); and \$2 shall be distributed
339 | to the board of county commissioners to be used exclusively to
340 | fund court-related technology, and court technology needs as
341 | defined in s. 29.008(1)(f)2. and (h) for the state trial courts,
342 | state attorney, public defender, and criminal conflict and civil
343 | regional counsel in that county. If the counties maintain legal
344 | responsibility for the costs of the court-related technology
345 | needs as defined in s. 29.008(1)(f)2. and (h), notwithstanding
346 | any other provision of law, the county is not required to provide
347 | additional funding beyond that provided herein for the court-
348 | related technology needs of the clerk as defined in s.
349 | 29.008(1)(f)2. and (h). All court records and official records
350 | are the property of the State of Florida, including any records
351 | generated as part of the Comprehensive Case Information System
352 | funded pursuant to this paragraph and the clerk of court is
353 | designated as the custodian of such records, except in a county
354 | where the duty of maintaining official records exists in a county
355 | office other than the clerk of court or comptroller, such county
356 | office is designated the custodian of all official records, and
357 | the clerk of court is designated the custodian of all court



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358 records. The clerk of court or any entity acting on behalf of the
359 clerk of court, including an association, shall not charge a fee
360 to any agency as defined in s. 119.011, the Legislature, or the
361 State Court System for copies of records generated by the
362 Comprehensive Case Information System or held by the clerk of
363 court or any entity acting on behalf of the clerk of court,
364 including an association.

365 2. If the state becomes legally responsible for the costs
366 of court-related technology needs as defined in s. 29.008(1)(f)2.
367 and (h), whether by operation of general law or by court order,
368 \$4 shall be remitted to the Department of Revenue for deposit
369 into the General Revenue Fund.

370 (13) Oath, administering, attesting, and sealing, not
371 otherwise provided for herein....3.50 ~~3.00~~

372 (14) For validating certificates, any authorized bonds,
373 each....3.50 ~~3.00~~

374 (15) For preparing affidavit of domicile....5.00

375 (16) For exemplified certificates, including signing and
376 sealing....7.00 ~~6.00~~

377 (17) For authenticated certificates, including signing and
378 sealing....7.00 ~~6.00~~

379 (18)(a) For issuing and filing a subpoena for a witness,
380 not otherwise provided for herein (includes writing, preparing,
381 signing, and sealing)....7.00 ~~6.00~~

382 (b) For signing and sealing only....2.00 ~~1.50~~

383 (19) For approving bond....8.50 ~~7.50~~

384 (20) For searching of records, for each year's
385 search....2.00 ~~1.50~~

386 (21) For processing an application for a tax deed sale
387 (includes application, sale, issuance, and preparation of tax



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388 deed, and disbursement of proceeds of sale), other than excess
389 proceeds....60.00

390 (22) For disbursement of excess proceeds of tax deed sale,
391 first \$100 or fraction thereof....10.00

392 (23) Upon receipt of an application for a marriage license,
393 for preparing and administering of oath; issuing, sealing, and
394 recording of the marriage license; and providing a certified
395 copy....30.00

396 (24) For solemnizing matrimony....30.00

397 (25) For sealing any court file or expungement of any
398 record....42.00 ~~37.50~~

399 (26) (a) For receiving and disbursing all restitution
400 payments, per payment....3.50 ~~3.00~~

401 (b) For receiving and disbursing all partial payments,
402 other than restitution payments, for which an administrative
403 processing service charge is not imposed pursuant to s. 28.246,
404 per month....5.00

405 (c) For setting up a payment plan, a one-time
406 administrative processing charge in lieu of a per month charge
407 under paragraph (b)....25.00

408 (27) Postal charges incurred by the clerk of the circuit
409 court in any mailing by certified or registered mail shall be
410 paid by the party at whose instance the mailing is made.

411 (28) For furnishing an electronic copy of information
412 contained in a computer database: a fee as provided for in
413 chapter 119.

414 Section 5. Subsection (1) of section 28.2401, Florida
415 Statutes, is amended to read:

416 28.2401 Service charges in probate matters.--

417 (1) Except when otherwise provided, the clerk may impose



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418 service charges for the following services, not to exceed the
419 following amounts:

420 (a) For the opening of any estate of one document or more,
421 including, but not limited to, petitions and orders to approve
422 settlement of minor's claims; to open a safe-deposit box; to
423 enter rooms and places; for the determination of heirs, if not
424 formal administration; and for a foreign guardian to manage
425 property of a nonresident; but not to include issuance of letters
426 or order of summary administration....\$115 ~~\$100~~

427 (b) Caveat....\$40 ~~\$35~~

428 (c) Petition and order to admit foreign wills,
429 authenticated copies, exemplified copies, or transcript to
430 record....\$115 ~~\$100~~

431 (d) For disposition of personal property without
432 administration....\$115 ~~\$100~~

433 (e) Summary administration--estates valued at \$1,000 or
434 more....\$225 ~~\$200~~

435 (f) Summary administration--estates valued at less than
436 \$1,000....\$115 ~~\$100~~

437 (g) Formal administration, guardianship, ancillary,
438 curatorship, or conservatorship proceedings....\$280 ~~\$250~~

439 (h) Guardianship proceedings of person only....\$115 ~~\$100~~

440 (i) Veterans' guardianship pursuant to chapter 744....\$115
441 ~~\$100~~

442 (j) Exemplified certificates....\$7 ~~\$6~~

443 (k) Petition for determination of incompetency....\$115 ~~\$100~~

444 Section 6. Subsections (1) and (2) of section 28.241,
445 Florida Statutes, are amended to read:

446 28.241 Filing fees for trial and appellate proceedings.--

447 (1) (a) The party instituting any civil action, suit, or



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448 proceeding in the circuit court shall pay to the clerk of that
449 court a filing fee of up to \$295 ~~\$250~~ in all cases in which there
450 are not more than five defendants and an additional filing fee of
451 up to \$2.50 ~~\$2~~ for each defendant in excess of five. Of the first
452 \$85 ~~\$55~~ in filing fees, \$80 ~~\$50~~ must be remitted by the clerk to
453 the Department of Revenue for deposit into the General Revenue
454 Fund, and \$5 must be remitted to the Department of Revenue for
455 deposit into the Department of Financial Services' Administrative
456 Trust Fund to fund the contract with the Florida Clerks of Court
457 Operations Corporation created in s. 28.35. The next \$15 of the
458 filing fee collected shall be deposited in the state courts'
459 Mediation and Arbitration Trust Fund. One-third of any filing
460 fees collected by the clerk of the circuit court in excess of
461 \$100 ~~\$55~~ shall be remitted to the Department of Revenue for
462 deposit into the Department of Revenue Clerks of the Court Trust
463 Fund. An additional filing fee of \$4 shall be paid to the clerk.
464 The clerk shall remit \$3.50 to the Department of Revenue for
465 deposit into the Court Education Trust Fund and shall remit 50
466 cents to the Department of Revenue for deposit into the
467 Department of Financial Services Administrative Trust Fund to
468 fund clerk education. An additional filing fee of up to \$18 ~~\$15~~
469 shall be paid by the party seeking each severance that is
470 granted. The clerk may impose an additional filing fee of up to
471 \$85 ~~\$75~~ for all proceedings of garnishment, attachment, replevin,
472 and distress. Postal charges incurred by the clerk of the circuit
473 court in making service by certified or registered mail on
474 defendants or other parties shall be paid by the party at whose
475 instance service is made. No additional fees, charges, or costs
476 shall be added to the filing fees imposed under this section,
477 except as authorized herein or by general law.



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- 478 (b) A party reopening any civil action, suit, or proceeding
479 in the circuit court shall pay to the clerk of court a filing fee
480 set by the clerk in an amount not to exceed \$50. For purposes of
481 this section, a case is reopened when a case previously reported
482 as disposed of is resubmitted to a court and includes petitions
483 for modification of a final judgment of dissolution. A party is
484 exempt from paying the fee for any of the following:
- 485 1. A writ of garnishment;
 - 486 2. A writ of replevin;
 - 487 3. A distress writ;
 - 488 4. A writ of attachment;
 - 489 5. A motion for rehearing filed within 10 days;
 - 490 6. A motion for attorney's fees filed within 30 days after
491 entry of a judgment or final order;
 - 492 7. A motion for dismissal filed after a mediation agreement
493 has been filed;
 - 494 8. A disposition of personal property without
495 administration;
 - 496 9. Any probate case prior to the discharge of a personal
497 representative;
 - 498 10. Any guardianship pleading prior to discharge;
 - 499 11. Any mental health pleading;
 - 500 12. Motions to withdraw by attorneys;
 - 501 13. Motions exclusively for the enforcement of child
502 support orders;
 - 503 14. A petition for credit of child support;
 - 504 15. A Notice of Intent to Relocate and any order issuing as
505 a result of an uncontested relocation;
 - 506 16. Stipulations;
 - 507 17. Responsive pleadings; or



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508 18. Cases in which there is no initial filing fee.

509 (2) Upon the institution of any appellate proceeding from
510 any lower court to the circuit court of any such county,
511 including appeals filed by a county or municipality as provided
512 in s. 34.041(5), or from the circuit court to an appellate court
513 of the state, the clerk shall charge and collect from the party
514 or parties instituting such appellate proceedings a filing fee
515 not to exceed \$280 ~~\$250~~ for filing a notice of appeal from the
516 county court to the circuit court and, in addition to the filing
517 fee required under s. 25.241 or s. 35.22, \$100 ~~\$50~~ for filing a
518 notice of appeal from the circuit court to the district court of
519 appeal or to the Supreme Court. If the party is determined to be
520 indigent, the clerk shall defer payment of the fee. The clerk
521 shall remit the first \$80 ~~\$50~~ to the Department of Revenue for
522 deposit into the General Revenue Fund. One-third of the fee
523 collected by the clerk in excess of \$80 ~~\$50~~ also shall be
524 remitted to the Department of Revenue for deposit into the Clerks
525 of the Court Trust Fund.

526 Section 7. Subsection (6) of section 28.246, Florida
527 Statutes, is amended to read:

528 28.246 Payment of court-related fees, charges, and costs;
529 partial payments; distribution of funds.--

530 (6) A clerk of court may pursue the collection of any fees,
531 service charges, fines, court costs, and liens for the payment of
532 attorney's fees and costs pursuant to s. 938.29 which remain
533 unpaid for 90 days or more, or refer the account to a private
534 attorney who is a member in good standing of The Florida Bar or
535 collection agent who is registered and in good standing pursuant
536 to chapter 559. In pursuing the collection of such unpaid
537 financial obligations through a private attorney or collection



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538 agent, the clerk of the court must have attempted to collect the
539 unpaid amount through a collection court, collections docket, or
540 other collections process, if any, established by the court, find
541 this to be cost-effective and follow any applicable procurement
542 practices. The collection fee, including any reasonable
543 attorney's fee, paid to any attorney or collection agent retained
544 by the clerk may be added to the balance owed in an amount not to
545 exceed 25 ~~40~~ percent of the amount owed at the time the account
546 is referred to the attorney or agent for collection.

547 Section 8. Subsections (2) and (4) of section 28.35,
548 Florida Statutes, are amended to read:

549 28.35 Florida Clerks of Court Operations Corporation.--

550 (2) The duties of the corporation shall include the
551 following:

552 (a) Adopting a plan of operation.

553 (b) Conducting the election of directors as required in
554 paragraph (1)(a).

555 (c) Recommending to the Legislature changes in the various
556 court-related fines, fees, service charges, and court costs
557 established by law to ensure reasonable and adequate funding of
558 the clerks of the court in the performance of their court-related
559 functions.

560 (d) Pursuant to contract with the Chief Financial Officer,
561 establishing a process for the review and certification of
562 proposed court-related budgets submitted by clerks of the court
563 for completeness and compliance with this section and ss. 28.36
564 and 28.37. This process shall be designed and be of sufficient
565 detail to permit independent verification and validation of the
566 budget certification. The contract shall specify the process to
567 be used in determining compliance by the corporation with this



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568 section and ss. 28.36 and 28.37.

569 (e) Developing and certifying a uniform system of
570 performance measures and applicable performance standards for the
571 functions specified in paragraph (4) (a) and clerk performance in
572 meeting the performance standards. These measures and standards
573 shall be designed to facilitate an objective determination of the
574 performance of each clerk in accordance with minimum standards
575 for fiscal management, operational efficiency, and effective
576 collection of fines, fees, service charges, and court costs. When
577 the corporation finds a clerk has not met the performance
578 standards, the corporation shall identify the nature of each
579 deficiency and any corrective action recommended and taken by the
580 affected clerk of the court.

581 (f) Reviewing and certifying proposed budgets submitted by
582 clerks of the court utilizing the process approved by the Chief
583 Financial Officer pursuant to paragraph (d) for the purpose of
584 making the certification in paragraph (3) (a). As part of this
585 process, the corporation shall:

586 1. Calculate the maximum authorized annual budget pursuant
587 to the requirements of s. 28.36.

588 2. Identify those proposed budgets exceeding the maximum
589 annual budget pursuant to s. 28.36(5) for the standard list of
590 court-related functions specified in paragraph (4) (a).

591 3. Identify those proposed budgets containing funding for
592 items not included on the standard list of court-related
593 functions specified in developed pursuant to paragraph (4) (a)
594 ~~(3) (a)~~.

595 4. Identify those clerks projected to have court-related
596 revenues insufficient to fund their anticipated court-related
597 expenditures.



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598 (g) Developing and conducting clerk education programs.

599 (h) Publishing a uniform schedule of actual fees, service
600 charges, and costs charged by a clerk of the court for court-
601 related functions pursuant to general law.

602 (4) (a) The list of court-related functions clerks may fund
603 from filing fees, service charges, court costs, and fines shall
604 be limited to those functions expressly authorized by law or
605 court rule. Those functions must include the following: case
606 maintenance; records management; court preparation and
607 attendance; processing the assignment, reopening, and
608 reassignment of cases; processing of appeals; collection and
609 distribution of fines, fees, service charges, and court costs;
610 processing of bond forfeiture payments; payment of jurors and
611 witnesses; payment of expenses for meals or lodging provided to
612 jurors; data collection and reporting; processing of jurors;
613 determinations of indigent status; and reasonable administrative
614 support costs to enable the clerk of the court to carry out these
615 court-related functions.

616 (b) The list of functions clerks may not fund from filing
617 fees, service charges, court costs, and fines shall include:

618 1. Those functions not specified within paragraph (a).

619 2. Functions assigned by administrative orders which are
620 not required for the clerk to perform the functions in paragraph
621 (a).

622 3. Enhanced levels of service which are not required for
623 the clerk to perform the functions in paragraph (a).

624 4. Functions identified as local requirements in law or
625 local optional programs.

626 ~~(c) Publishing a uniform schedule of actual fees, service~~
627 ~~charges, and costs charged by a clerk of the court for court-~~



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628 ~~related functions pursuant to general law.~~

629 Section 9. For the purpose of incorporating the amendment
630 made by this act to section 28.35, Florida Statutes, in
631 references thereto, subsections (1) and (2), paragraph (a) of
632 subsection (3), and subsections (4) and (5) of section 28.36,
633 Florida Statutes, are reenacted to read:

634 28.36 Budget procedure.--There is hereby established a
635 budget procedure for the court-related functions of the clerks of
636 the court.

637 (1) Only those functions on the standard list developed
638 pursuant to s. 28.35(4) (a) may be funded from fees, service
639 charges, court costs, and fines retained by the clerks of the
640 court. No clerk may use fees, service charges, court costs, and
641 fines in excess of the maximum budget amounts as established in
642 subsection (5).

643 (2) For the period July 1, 2004, through September 30,
644 2004, and for each county fiscal year ending September 30
645 thereafter, each clerk of the court shall prepare a budget
646 relating solely to the performance of the standard list of court-
647 related functions pursuant to s. 28.35(4) (a).

648 (3) Each proposed budget shall further conform to the
649 following requirements:

650 (a) On or before August 15 for each fiscal year thereafter,
651 the proposed budget shall be prepared, summarized, and submitted
652 by the clerk in each county to the Clerks of Court Operations
653 Corporation in the manner and form prescribed by the corporation.
654 The proposed budget must provide detailed information on the
655 anticipated revenues available and expenditures necessary for the
656 performance of the standard list of court-related functions of
657 the clerk's office developed pursuant to s. 28.35(4) (a) for the



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658 county fiscal year beginning the following October 1.

659 (4) If a clerk of the court estimates that available funds
660 plus projected revenues from fines, fees, service charges, and
661 costs for court-related services are insufficient to meet the
662 anticipated expenditures for the standard list of court-related
663 functions in s. 28.35(4) (a) performed by his or her office, the
664 clerk must report the revenue deficit to the Clerks of Court
665 Operations Corporation in the manner and form prescribed by the
666 corporation pursuant to contract with the Chief Financial
667 Officer. The corporation shall verify that the proposed budget is
668 limited to the standard list of court-related functions in s.
669 28.35(4) (a).

670 (a) If the corporation verifies that the proposed budget is
671 limited to the standard list of court-related functions in s.
672 28.35(4) (a) and a revenue deficit is projected, a clerk seeking
673 to retain revenues pursuant to this subsection shall increase all
674 fees, service charges, and any other court-related clerk fees and
675 charges to the maximum amounts specified by law or the amount
676 necessary to resolve the deficit, whichever is less. If, after
677 increasing fees, service charges, and any other court-related
678 clerk fees and charges to the maximum amounts specified by law, a
679 revenue deficit is still projected, the corporation shall,
680 pursuant to the terms of the contract with the Chief Financial
681 Officer, certify a revenue deficit and notify the Department of
682 Revenue that the clerk is authorized to retain revenues, in an
683 amount necessary to fully fund the projected revenue deficit,
684 which he or she would otherwise be required to remit to the
685 Department of Revenue for deposit into the Department of Revenue
686 Clerks of the Court Trust Fund pursuant to s. 28.37. If a revenue
687 deficit is projected for that clerk after retaining all of the



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688 | projected collections from the court-related fines, fees, service
689 | charges, and costs, the Department of Revenue shall certify the
690 | amount of the revenue deficit amount to the Executive Office of
691 | the Governor and request release authority for funds appropriated
692 | for this purpose from the Department of Revenue Clerks of the
693 | Court Trust Fund. Notwithstanding provisions of s. 216.192
694 | related to the release of funds, the Executive Office of the
695 | Governor may approve the release of funds appropriated to resolve
696 | projected revenue deficits in accordance with the notice, review,
697 | and objection procedures set forth in s. 216.177 and shall
698 | provide notice to the Chief Financial Officer. The Department of
699 | Revenue is directed to request monthly distributions from the
700 | Chief Financial Officer in equal amounts to each clerk certified
701 | to have a revenue deficit, in accordance with the releases
702 | approved by the Governor.

703 | (b) If the Chief Financial Officer finds the court-related
704 | budget proposed by a clerk includes functions not included in the
705 | standard list of court-related functions in s. 28.35(4)(a), the
706 | Chief Financial Officer shall notify the clerk of the amount of
707 | the proposed budget not eligible to be funded from fees, service
708 | charges, costs, and fines for court-related functions and shall
709 | identify appropriate corrective measures to ensure budget
710 | integrity. The clerk shall then immediately discontinue all
711 | ineligible expenditures of court-related funds for this purpose
712 | and reimburse the Clerks of the Court Trust Fund for any
713 | previously ineligible expenditures made for non-court-related
714 | functions, and shall implement any corrective actions identified
715 | by the Chief Financial Officer.

716 | (5)(a) For the county fiscal year October 1, 2004, through
717 | September 30, 2005, the maximum annual budget amount for the



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718 standard list of court-related functions of the clerks of court
719 in s. 28.35(4) (a) that may be funded from fees, service charges,
720 court costs, and fines retained by the clerks of the court shall
721 not exceed:

722 1. One hundred and three percent of the clerk's estimated
723 expenditures for the prior county fiscal year; or

724 2. One hundred and five percent of the clerk's estimated
725 expenditures for the prior county fiscal year for those clerks in
726 counties that for calendar years 1998-2002 experienced an average
727 annual increase of at least 5 percent in both population and case
728 filings for all case types as reported through the Summary
729 Reporting System used by the state courts system.

730 (b) For the county fiscal year 2005-2006, the maximum
731 budget amount for the standard list of court-related functions of
732 the clerks of court in s. 28.35(4) (a) that may be funded from
733 fees, service charges, court costs, and fines retained by the
734 clerks of the court shall be the approved budget for county
735 fiscal year 2004-2005 adjusted by the projected percentage change
736 in revenue between the county fiscal years 2004-2005 and 2005-
737 2006.

738 (c) For the county fiscal years 2006-2007 and thereafter,
739 the maximum budget amount for the standard list of court-related
740 functions of the clerks of court in s. 28.35(4) (a) that may be
741 funded from fees, service charges, court costs, and fines
742 retained by the clerks of the court shall be established by first
743 rebasing the prior fiscal year budget to reflect the actual
744 percentage change in the prior fiscal year revenue and then
745 adjusting the rebased prior fiscal year budget by the projected
746 percentage change in revenue for the proposed budget year. The
747 rebasing calculations and maximum annual budget calculations



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748 shall be as follows:

749 1. For county fiscal year 2006-2007, the approved budget
750 for county fiscal year 2004-2005 shall be adjusted for the actual
751 percentage change in revenue between the two 12-month periods
752 ending June 30, 2005, and June 30, 2006. This result is the
753 rebased budget for the county fiscal year 2005-2006. Then the
754 rebased budget for the county fiscal year 2005-2006 shall be
755 adjusted by the projected percentage change in revenue between
756 the county fiscal years 2005-2006 and 2006-2007. This result
757 shall be the maximum annual budget amount for the standard list
758 of court-related functions of the clerks of court in s.
759 28.35(4) (a) that may be funded from fees, service charges, court
760 costs, and fines retained by the clerks of the court for each
761 clerk for the county fiscal year 2006-2007.

762 2. For county fiscal year 2007-2008, the rebased budget for
763 county fiscal year 2005-2006 shall be adjusted for the actual
764 percentage change in revenue between the two 12-month periods
765 ending June 30, 2006, and June 30, 2007. This result is the
766 rebased budget for the county fiscal year 2006-2007. The rebased
767 budget for county fiscal year 2006-2007 shall be adjusted by the
768 projected percentage change in revenue between the county fiscal
769 years 2006-2007 and 2007-2008. This result shall be the maximum
770 annual budget amount for the standard list of court-related
771 functions of the clerks of court in s. 28.35(4) (a) that may be
772 funded from fees, service charges, court costs, and fines
773 retained by the clerks of the court for county fiscal year 2007-
774 2008.

775 3. For county fiscal years 2008-2009 and thereafter, the
776 maximum budget amount for the standard list of court-related
777 functions of the clerks of court in s. 28.35(4) (a) that may be



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778 funded from fees, service charges, court costs, and fines
779 retained by the clerks of the court shall be calculated as the
780 rebased budget for the prior county fiscal year adjusted by the
781 projected percentage change in revenues between the prior county
782 fiscal year and the county fiscal year for which the maximum
783 budget amount is being authorized. The rebased budget for the
784 prior county fiscal year shall always be calculated by adjusting
785 the rebased budget for the year preceding the prior county fiscal
786 year by the actual percentage change in revenues between the 12-
787 month period ending June 30 of the year preceding the prior
788 county fiscal year and the 12-month period ending June 30 of the
789 prior county fiscal year.

790 Section 10. Subsection (1) of section 34.041, Florida
791 Statutes, is amended to read:

792 34.041 Filing fees.--

793 (1) (a) Upon the institution of any civil action, suit, or
794 proceeding in county court, the party shall pay the following
795 filing fee, not to exceed:

796 1. For all claims less than \$100....\$50.

797 2. For all claims of \$100 or more but not more than
798 \$500....\$75.

799 3. For all claims of more than \$500 but not more than
800 \$2,500....\$170 ~~\$150~~.

801 4. For all claims of more than \$2,500....\$295 ~~\$250~~.

802 5. In addition, for all proceedings of garnishment,
803 attachment, replevin, and distress....\$100 ~~\$75~~.

804 6. For removal of tenant action....\$265 ~~\$75~~.

805 (b) The first \$80 ~~\$50~~ of the filing fee collected under
806 subparagraph (a)4. shall be remitted to the Department of Revenue
807 for deposit into the General Revenue Fund. The next \$15 of the



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808 filing fee collected under subparagraph (a)4., and the first \$15
809 of each filing fee collected under subparagraph (a)5. or
810 subparagraph (a)6., shall be deposited in the state courts'
811 Mediation and Arbitration Trust Fund. One-third of any filing
812 fees collected by the clerk under this section in excess of the
813 first \$95 ~~\$50~~ collected under subparagraph (a)4. shall be
814 remitted to the Department of Revenue for deposit into the
815 Department of Revenue Clerks of the Court Trust Fund. An
816 additional filing fee of \$4 shall be paid to the clerk. The clerk
817 shall transfer \$3.50 to the Department of Revenue for deposit
818 into the Court Education Trust Fund and shall transfer 50 cents
819 to the Department of Revenue for deposit into the Department of
820 Financial Services' Administrative Trust Fund to fund clerk
821 education. Postal charges incurred by the clerk of the county
822 court in making service by mail on defendants or other parties
823 shall be paid by the party at whose instance service is made.
824 Except as provided herein, filing fees and service charges for
825 performing duties of the clerk relating to the county court shall
826 be as provided in ss. 28.24 and 28.241. Except as otherwise
827 provided herein, all filing fees shall be retained as fee income
828 of the office of the clerk of circuit court. Filing fees imposed
829 by this section may not be added to any penalty imposed by
830 chapter 316 or chapter 318.

831 Section 11. Subsections (3), (4), and (5) of section 40.24,
832 Florida Statutes, are amended to read:

833 40.24 Compensation and reimbursement policy.--

834 (3)(a) Jurors who are regularly employed and who continue
835 to receive regular wages while serving as a juror are not
836 entitled to receive compensation from the clerk of the circuit
837 court ~~state~~ for the first 3 days of juror service.



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838 (b) Jurors who are not regularly employed or who do not
839 continue to receive regular wages while serving as a juror are
840 entitled to receive \$15 per day for the first 3 days of juror
841 service.

842 (4) Each juror who serves more than 3 days is entitled to
843 be paid by the clerk of the circuit court ~~state~~ for the fourth
844 day of service and each day thereafter at the rate of \$30 per day
845 of service.

846 (5) Jurors are not entitled to additional reimbursement by
847 the clerk of the circuit court ~~state~~ for travel or other out-of-
848 pocket expenses.

849 Section 12. Section 40.26, Florida Statutes, is amended to
850 read:

851 40.26 Meals and lodging for jurors.--The sheriff, when
852 required by order of the court, shall provide juries with meals
853 and lodging, the expense to be ~~taxed against and~~ paid by the
854 clerk of the circuit court ~~state~~.

855 Section 13. Section 40.29, Florida Statutes, is amended to
856 read:

857 40.29 Payment of due-process costs.--

858 (1) ~~(a)~~ Each clerk of the circuit court, on behalf of ~~the~~
859 ~~courts~~, the state attorney, private court-appointed counsel, ~~and~~
860 the public defender, and the criminal conflict and civil regional
861 counsel, shall forward to the Justice Administrative Commission,
862 by county, a quarterly estimate of funds necessary to pay for
863 ordinary witnesses, including, but not limited to, witnesses in
864 civil traffic cases and witnesses of the state attorney, the
865 public defender, criminal conflict and civil regional counsel,
866 private court-appointed counsel, and persons determined to be
867 indigent for costs. Each quarter of the state fiscal year, the



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868 commission, based upon the estimates, shall advance funds to each
869 clerk to pay for these ordinary witnesses from state funds
870 specifically appropriated for the payment of ordinary witnesses.

871 ~~(b) Each clerk of the circuit court shall forward to the~~
872 ~~Office of the State Courts Administrator, by county, a quarterly~~
873 ~~estimate of funds necessary to pay juror compensation.~~

874 (2) Upon receipt of an estimate pursuant to subsection (1),
875 the Justice Administrative Commission ~~or Office of State Courts~~
876 ~~Administrator, as applicable,~~ shall endorse the amount deemed
877 necessary for payment by the clerk of the court during the
878 quarterly fiscal period and shall submit a request for payment to
879 the Chief Financial Officer.

880 (3) Upon receipt of the funds from the Chief Financial
881 Officer, the clerk of the court shall pay all invoices approved
882 and submitted by the state attorney, the public defender,
883 criminal conflict and civil regional counsel, and private court-
884 appointed counsel ~~circuit court administrator~~ for the items
885 enumerated in subsection paragraphs (1)(a) and (b).

886 (4) After review for compliance with applicable rates and
887 requirements, the Justice Administrative Commission shall pay all
888 due process service related invoices, except those enumerated in
889 subsection paragraphs (1)(a) and (b), approved and submitted by
890 the state attorney, the public defender, criminal conflict and
891 civil regional counsel, or private court-appointed counsel in
892 accordance with the applicable requirements of ss. 29.005,
893 29.006, and 29.007.

894 Section 14. Section 40.31, Florida Statutes, is amended to
895 read:

896 40.31 Justice Administrative Commission ~~State Courts~~
897 ~~Administrator~~ may apportion appropriation.--If the Justice



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898 ~~Administrative Commission has State Courts Administrator shall~~
899 ~~have~~ reason to believe that the amount appropriated by the
900 Legislature is insufficient to meet the expenses of ~~jurors and~~
901 witnesses during the remaining part of the state fiscal year, the
902 commission ~~he or she~~ may apportion the money in the treasury for
903 that purpose among the several counties, basing such
904 apportionment upon the amount expended for the payment of ~~jurors~~
905 ~~and~~ witnesses in each county during the prior fiscal year. In
906 such case, each county shall be paid by warrant, issued by the
907 Chief Financial Officer, only the amount so apportioned to each
908 county, and, when the amount so apportioned is insufficient to
909 pay in full all the ~~jurors and~~ witnesses during a quarterly
910 fiscal period, the clerk of the court shall apportion the money
911 received pro rata among the ~~jurors and~~ witnesses entitled to pay
912 and shall give to each ~~juror or~~ witness a certificate of the
913 amount of compensation still due, which certificate shall be held
914 by the commission ~~State Courts Administrator~~ as other demands
915 against the state.

916 Section 15. Section 40.32, Florida Statutes, is amended to
917 read:

918 40.32 Clerks to disburse money; payments to jurors and
919 witnesses.--

920 (1) All moneys drawn from the treasury under the provisions
921 of this chapter by the clerk of the court shall be disbursed by
922 the clerk of the court as far as needed in payment of ~~jurors and~~
923 witnesses, except for expert witnesses paid under ~~pursuant to~~ a
924 contract or other professional services agreement pursuant to ss.
925 29.004, 29.005, 29.006, and 29.007, for the legal compensation
926 for service during the quarterly fiscal period for which the said
927 moneys were drawn and for no other purposes.



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928 (2) The payment of jurors and the payment of expenses for
929 meals and lodging for jurors under the provisions of this chapter
930 are court-related functions that the clerk of the court shall
931 fund from filing fees, service charges, court costs, and fines as
932 part of the maximum annual budget under ss. 28.35 and 28.36.

933 (3) Jurors and witnesses shall be paid by the clerk of the
934 court either in cash or by warrant within 20 days after
935 completion of jury service or of completion of service as a
936 witness.

937 (a) Whenever the clerk of the court pays a juror or witness
938 by cash, the said juror or witness shall sign the payroll in the
939 presence of the clerk, a deputy clerk, or some other person
940 designated by the clerk.

941 (b) Whenever the clerk pays a juror or witness by warrant,
942 he or she shall endorse on the payroll opposite the juror's or
943 witness's name the words "Paid by warrant," giving the number and
944 date of the warrant.

945 Section 16. Section 40.33, Florida Statutes, is amended to
946 read:

947 40.33 Deficiency.--If the funds required for payment of the
948 items enumerated in s. 40.29(1) ~~(a) or (b)~~ in any county during a
949 quarterly fiscal period exceeds the amount of the funds provided
950 pursuant to s. 40.29(3), the state attorney, ~~or~~ public defender,
951 or criminal conflict and civil regional counsel, as applicable,
952 shall make a further request upon the Justice Administrative
953 Commission for the items enumerated in s. 40.29(1) ~~s. 40.29(1)(a)~~
954 ~~or the clerk of court shall make a further request upon the~~
955 ~~Office of the State Courts Administrator for items enumerated in~~
956 ~~s. 40.29(1)(b)~~ for the amount necessary to allow for full
957 payment.



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958 Section 17. Section 40.34, Florida Statutes, is amended to
959 read:

960 40.34 Clerks to make triplicate payroll.--

961 (1) The clerk of the court shall make out a payroll in
962 triplicate for the payment of ~~jurors and~~ witnesses, which payroll
963 shall contain:

964 (a) The name of each ~~juror and~~ witness entitled to be paid
965 with state funds;

966 (b) The number of days for which the ~~such jurors and~~
967 witnesses are entitled to be paid;

968 (c) The number of miles traveled by each; and

969 (d) The total compensation each ~~such juror or~~ witness is
970 entitled to receive.

971 (2) The form of such payroll shall be prescribed by the
972 Chief Financial Officer.

973 (3) Compensation paid a witness ~~or juror~~ shall be attested
974 as provided in s. 40.32. The payroll shall be approved by the
975 signature of the clerk, or his or her deputy, except for the
976 payroll as to witnesses appearing before the state attorney,
977 which payroll shall be approved by the signature of the state
978 attorney or an assistant state attorney.

979 ~~(4) The clerks of the courts shall forward two copies of~~
980 ~~such payrolls to the State Courts Administrator, within 2 weeks~~
981 ~~after the last day of the quarterly fiscal period, and the State~~
982 ~~Courts Administrator shall audit such payrolls.~~

983 Section 18. Section 40.35, Florida Statutes, is repealed.

984 Section 19. Section 40.355, Florida Statutes, is amended to
985 read:

986 40.355 Accounting and payment ~~to public defenders and state~~
987 ~~attorneys.~~--The clerk of the court shall, within 2 weeks after



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988 | the last day of the state's quarterly fiscal period, render to
989 | the state attorney, and the public defender, and the criminal
990 | conflict and civil regional counsel in each circuit a full
991 | statement of accounts for state moneys received and disbursed
992 | under this chapter for the payment of witnesses.

993 | Section 20. Section 40.361, Florida Statutes, is amended to
994 | read:

995 | 40.361 Applicability of laws regarding state budgeting and
996 | finances.--The requirements contained within chapter 216,
997 | including the provisions of s. 216.192 related to release of
998 | funds, chapter 29, including ss. 29.015 and 29.016 related to use
999 | of contingency funds for due process services, and all other laws
1000 | of this state relating to state budgeting and financing shall
1001 | apply to all processes authorized or required under this chapter
1002 | for the payment of the items enumerated in s. 40.29(1) ~~(a) and~~
1003 | ~~(b)~~.

1004 | Section 21. Section 44.108, Florida Statutes, is amended to
1005 | read:

1006 | 44.108 Funding of mediation and arbitration.--

1007 | (1) Mediation and arbitration should be accessible to all
1008 | parties regardless of financial status. A filing fee of \$1 is
1009 | levied on all civil proceedings in the circuit or county courts
1010 | to fund mediation and arbitration services which are the
1011 | responsibility of the Supreme Court pursuant to the provisions of
1012 | s. 44.106. The clerk of the court shall forward the moneys
1013 | collected to the Department of Revenue for deposit in the state
1014 | courts' Mediation and Arbitration Trust Fund.

1015 | (2) When court-ordered mediation services are provided by a
1016 | circuit court's mediation program, the following fees, unless
1017 | otherwise established in the General Appropriations Act, shall be



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1018 collected by the clerk of court:

1019 (a) One-hundred twenty ~~Eighty~~ dollars per person per
1020 scheduled session in family mediation when the parties' combined
1021 income is greater than \$50,000, but less than \$100,000 per year;

1022 (b) Sixty ~~Forty~~ dollars per person per scheduled session in
1023 family mediation when the parties' combined income is less than
1024 \$50,000; or

1025 (c) Sixty ~~Forty~~ dollars per person per scheduled session in
1026 county court cases.

1027

1028 No mediation fees shall be assessed under this subsection in
1029 residential eviction cases, against a party found to be indigent,
1030 or for any small claims action. Fees collected by the clerk of
1031 court pursuant to this section shall be remitted to the
1032 Department of Revenue for deposit into the state courts'
1033 Mediation and Arbitration Trust Fund to fund court-ordered
1034 mediation. The clerk of court may deduct \$1 per fee assessment
1035 for processing this fee. The clerk of the court shall submit to
1036 the chief judge of the circuit and to the Office of the State
1037 Courts Administrator, no later than 30 days after the end of each
1038 quarter of the fiscal year, beginning July 1, 2008, a report
1039 specifying the amount of funds collected and remitted to the
1040 state courts' Mediation and Arbitration Trust Fund under this
1041 section and any other section during the previous each quarter of
1042 the fiscal year. In addition to identifying the total aggregate
1043 collections and remissions from all statutory sources, the report
1044 must identify collections and remissions by each statutory
1045 source.

1046 Section 22. Section 45.035, Florida Statutes, is amended to
1047 read:



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1048 45.035 Clerk's fees.--In addition to other fees or service
1049 charges authorized by law, the clerk shall receive service
1050 charges related to the judicial sales procedure set forth in ss.
1051 45.031-45.034 and this section:

1052 (1) The clerk shall receive a service charge of \$70 ~~\$60~~ for
1053 services in making, recording, and certifying the sale and title,
1054 which service charge shall be assessed as costs and shall be
1055 advanced by the plaintiff before the sale.

1056 (2) If there is a surplus resulting from the sale, the
1057 clerk may receive the following service charges, which shall be
1058 deducted from the surplus:

1059 (a) The clerk may withhold the sum of \$28 ~~\$25~~ from the
1060 surplus which may only be used for purposes of educating the
1061 public as to the rights of homeowners regarding foreclosure
1062 proceedings.

1063 (b) The clerk is entitled to a service charge of \$15 ~~\$10~~
1064 for notifying a surplus trustee of his or her appointment.

1065 (c) The clerk is entitled to a service charge of \$15 ~~\$10~~
1066 for each disbursement of surplus proceeds.

1067 (d) The clerk is entitled to a service charge of \$15 ~~\$10~~
1068 for appointing a surplus trustee, furnishing the surplus trustee
1069 with a copy of the final judgment and the certificate of
1070 disbursements, and disbursing to the surplus trustee the
1071 trustee's cost advance.

1072 Section 23. Subsection (3) of section 55.505, Florida
1073 Statutes, is amended to read:

1074 55.505 Notice of recording; prerequisite to enforcement.--

1075 (3) No execution or other process for enforcement of a
1076 foreign judgment recorded hereunder shall issue until 30 days
1077 after the mailing of notice by the clerk and payment of a service



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1078 charge of up to \$42 ~~\$37.50~~ to the clerk. When an action
1079 authorized in s. 55.509(1) is filed, it acts as an automatic stay
1080 of the effect of this section.

1081 Section 24. Subsection (1) of section 57.082, Florida
1082 Statutes, is amended to read:

1083 57.082 Determination of civil indigent status.--

1084 (1) APPLICATION TO THE CLERK.--A person seeking appointment
1085 of an attorney in a civil case eligible for court-appointed
1086 counsel, or seeking relief from prepayment of fees and costs
1087 under s. 57.081, based upon an inability to pay must apply to the
1088 clerk of the court for a determination of civil indigent status
1089 using an application form developed by the Florida Clerks of
1090 Court Operations Corporation with final approval by the Supreme
1091 Court.

1092 (a) The application must include, at a minimum, the
1093 following financial information:

1094 1. Net income, consisting of total salary and wages, minus
1095 deductions required by law, including court-ordered support
1096 payments.

1097 2. Other income, including, but not limited to, social
1098 security benefits, union funds, veterans' benefits, workers'
1099 compensation, other regular support from absent family members,
1100 public or private employee pensions, unemployment compensation,
1101 dividends, interest, rent, trusts, and gifts.

1102 3. Assets, including, but not limited to, cash, savings
1103 accounts, bank accounts, stocks, bonds, certificates of deposit,
1104 equity in real estate, and equity in a boat or a motor vehicle or
1105 in other tangible property.

1106 4. All liabilities and debts.
1107



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1108 The application must include a signature by the applicant which
1109 attests to the truthfulness of the information provided. The
1110 application form developed by the corporation must include notice
1111 that the applicant may seek court review of a clerk's
1112 determination that the applicant is not indigent, as provided in
1113 this section.

1114 (b) The clerk shall assist a person who appears before the
1115 clerk and requests assistance in completing the application, and
1116 the clerk shall notify the court if a person is unable to
1117 complete the application after the clerk has provided assistance.

1118 (c) The clerk shall accept an application that is signed by
1119 the applicant and submitted on his or her behalf by a private
1120 attorney who is representing the applicant in the applicable
1121 matter.

1122 (d) A person who seeks appointment of an attorney in a case
1123 under chapter 39, at the trial or appellate level, for which an
1124 indigent person is eligible for court-appointed representation,
1125 shall pay a \$50 application fee to the clerk for each application
1126 filed. The applicant shall pay the fee within 7 days after
1127 submitting the application. The clerk shall transfer monthly all
1128 application fees collected under this paragraph to the Department
1129 of Revenue for deposit into the Indigent Civil Defense Trust
1130 Fund, to be used as appropriated by the Legislature. The clerk
1131 may retain 2 percent of application fees collected monthly for
1132 administrative costs prior to remitting the remainder to the
1133 Department of Revenue.

1134 Section 25. Subsection (6) of section 61.14, Florida
1135 Statutes, is amended to read:

1136 61.14 Enforcement and modification of support, maintenance,
1137 or alimony agreements or orders.--



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1138 (6) (a)1. When support payments are made through the local
1139 depository or through the State Disbursement Unit, any payment or
1140 installment of support which becomes due and is unpaid under any
1141 support order is delinquent; and this unpaid payment or
1142 installment, and all other costs and fees herein provided for,
1143 become, after notice to the obligor and the time for response as
1144 set forth in this subsection, a final judgment by operation of
1145 law, which has the full force, effect, and attributes of a
1146 judgment entered by a court in this state for which execution may
1147 issue. No deduction shall be made by the local depository from
1148 any payment made for costs and fees accrued in the judgment by
1149 operation of law process under paragraph (b) until the total
1150 amount of support payments due the obligee under the judgment has
1151 been paid.

1152 2. A certified statement by the local depository evidencing
1153 a delinquency in support payments constitute evidence of the
1154 final judgment under this paragraph.

1155 3. The judgment under this paragraph is a final judgment as
1156 to any unpaid payment or installment of support which has accrued
1157 up to the time either party files a motion with the court to
1158 alter or modify the support order, and such judgment may not be
1159 modified by the court. The court may modify such judgment as to
1160 any unpaid payment or installment of support which accrues after
1161 the date of the filing of the motion to alter or modify the
1162 support order. This subparagraph does not prohibit the court from
1163 providing relief from the judgment pursuant to Rule 1.540,
1164 Florida Rules of Civil Procedure.

1165 (b)1. When an obligor is 15 days delinquent in making a
1166 payment or installment of support and the amount of the
1167 delinquency is greater than the periodic payment amount ordered



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1168 | by the court, the local depository shall serve notice on the
1169 | obligor informing him or her of:

1170 | a. The delinquency and its amount.

1171 | b. An impending judgment by operation of law against him or
1172 | her in the amount of the delinquency and all other amounts which
1173 | thereafter become due and are unpaid, together with costs and a
1174 | service charge of up to \$25 ~~\$7.50~~, for failure to pay the amount
1175 | of the delinquency.

1176 | c. The obligor's right to contest the impending judgment
1177 | and the ground upon which such contest can be made.

1178 | d. The local depository's authority to release information
1179 | regarding the delinquency to one or more credit reporting
1180 | agencies.

1181 | 2. The local depository shall serve the notice by mailing
1182 | it by first class mail to the obligor at his or her last address
1183 | of record with the local depository. If the obligor has no
1184 | address of record with the local depository, service shall be by
1185 | publication as provided in chapter 49.

1186 | 3. When service of the notice is made by mail, service is
1187 | complete on the date of mailing.

1188 | (c) Within 15 days after service of the notice is complete,
1189 | the obligor may file with the court that issued the support
1190 | order, or with the court in the circuit where the local
1191 | depository which served the notice is located, a motion to
1192 | contest the impending judgment. An obligor may contest the
1193 | impending judgment only on the ground of a mistake of fact
1194 | regarding an error in whether a delinquency exists, in the amount
1195 | of the delinquency, or in the identity of the obligor.

1196 | (d) The court shall hear the obligor's motion to contest
1197 | the impending judgment within 15 days after the date of the



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1198 filing of the motion. Upon the court's denial of the obligor's
1199 motion, the amount of the delinquency and all other amounts which
1200 thereafter become due, together with costs and a service charge
1201 of up to \$25 ~~\$7.50~~, become a final judgment by operation of law
1202 against the obligor. The depository shall charge interest at the
1203 rate established in s. 55.03 on all judgments for support.

1204 (e) If the obligor fails to file a motion to contest the
1205 impending judgment within the time limit prescribed in paragraph
1206 (c) and fails to pay the amount of the delinquency and all other
1207 amounts which thereafter become due, together with costs and a
1208 service charge of up to \$25 ~~\$7.50~~, such amounts become a final
1209 judgment by operation of law against the obligor at the
1210 expiration of the time for filing a motion to contest the
1211 impending judgment.

1212 (f)1. Upon request of any person, the local depository
1213 shall issue, upon payment of a service charge of up to \$25 ~~\$7.50~~,
1214 a payoff statement of the total amount due under the judgment at
1215 the time of the request. The statement may be relied upon by the
1216 person for up to 30 days from the time it is issued unless proof
1217 of satisfaction of the judgment is provided.

1218 2. When the depository records show that the obligor's
1219 account is current, the depository shall record a satisfaction of
1220 the judgment upon request of any interested person and upon
1221 receipt of the appropriate recording fee. Any person shall be
1222 entitled to rely upon the recording of the satisfaction.

1223 3. The local depository, at the direction of the
1224 department, or the obligee in a non-IV-D case, may partially
1225 release the judgment as to specific real property, and the
1226 depository shall record a partial release upon receipt of the
1227 appropriate recording fee.



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1228 4. The local depository is not liable for errors in its
1229 recordkeeping, except when an error is a result of unlawful
1230 activity or gross negligence by the clerk or his or her
1231 employees.

1232 (g) The local depository shall send the department monthly
1233 by electronic means a list of all Title IV-D and non-Title IV-D
1234 cases in which a judgment by operation of law has been recorded
1235 during the month for which the data is provided. At a minimum,
1236 the depository shall provide the names of the obligor and
1237 obligee, social security numbers of the obligor and obligee, if
1238 available, and depository number.

1239 Section 26. Section 318.121, Florida Statutes, is amended
1240 to read:

1241 318.121 Preemption of additional fees, fines, surcharges,
1242 and costs.--Notwithstanding any general or special law, or
1243 municipal or county ordinance, additional fees, fines,
1244 surcharges, or costs other than the court costs and surcharges
1245 assessed under s. 318.18(11), ~~and (13)~~, and (18) may not be added
1246 to the civil traffic penalties assessed in this chapter.

1247 Section 27. Subsection (10) of section 318.14, Florida
1248 Statutes, is amended to read:

1249 318.14 Noncriminal traffic infractions; exception;
1250 procedures.--

1251 (10) (a) Any person who does not hold a commercial driver's
1252 license and who is cited for an offense listed under this
1253 subsection may, in lieu of payment of fine or court appearance,
1254 elect to enter a plea of nolo contendere and provide proof of
1255 compliance to the clerk of the court or authorized operator of a
1256 traffic violations bureau. In such case, adjudication shall be
1257 withheld; however, no election shall be made under this



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1258 subsection if such person has made an election under this
1259 subsection in the 12 months preceding election hereunder. No
1260 person may make more than three elections under this subsection.
1261 This subsection applies to the following offenses:

1262 1. Operating a motor vehicle without a valid driver's
1263 license in violation of the provisions of s. 322.03, s. 322.065,
1264 or s. 322.15(1), or operating a motor vehicle with a license
1265 which has been suspended for failure to appear, failure to pay
1266 civil penalty, or failure to attend a driver improvement course
1267 pursuant to s. 322.291.

1268 2. Operating a motor vehicle without a valid registration
1269 in violation of s. 320.0605, s. 320.07, or s. 320.131.

1270 3. Operating a motor vehicle in violation of s. 316.646.

1271 (b) Any person cited for an offense listed in this
1272 subsection shall present proof of compliance prior to the
1273 scheduled court appearance date. For the purposes of this
1274 subsection, proof of compliance shall consist of a valid,
1275 renewed, or reinstated driver's license or registration
1276 certificate and proper proof of maintenance of security as
1277 required by s. 316.646. Notwithstanding waiver of fine, any
1278 person establishing proof of compliance shall be assessed court
1279 costs of \$25 ~~\$22~~, except that a person charged with violation of
1280 s. 316.646(1)-(3) may be assessed court costs of \$8 ~~\$7~~. One
1281 dollar of such costs shall be remitted to the Department of
1282 Revenue for deposit into the Child Welfare Training Trust Fund of
1283 the Department of Children and Family Services. One dollar of
1284 such costs shall be distributed to the Department of Juvenile
1285 Justice for deposit into the Juvenile Justice Training Trust
1286 Fund. Fourteen ~~Twelve~~ dollars of such costs shall be distributed
1287 to the municipality and \$9 ~~\$8~~ shall be deposited by the clerk of



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1288 the court into the fine and forfeiture fund established pursuant
1289 to s. 142.01, if the offense was committed within the
1290 municipality. If the offense was committed in an unincorporated
1291 area of a county or if the citation was for a violation of s.
1292 316.646(1)-(3), the entire amount shall be deposited by the clerk
1293 of the court into the fine and forfeiture fund established
1294 pursuant to s. 142.01, except for the moneys to be deposited into
1295 the Child Welfare Training Trust Fund and the Juvenile Justice
1296 Training Trust Fund. This subsection shall not be construed to
1297 authorize the operation of a vehicle without a valid driver's
1298 license, without a valid vehicle tag and registration, or without
1299 the maintenance of required security.

1300 Section 28. Subsection (1) of section 318.15, Florida
1301 Statutes, is amended to read:

1302 318.15 Failure to comply with civil penalty or to appear;
1303 penalty.--

1304 (1)(a) If a person fails to comply with the civil penalties
1305 provided in s. 318.18 within the time period specified in s.
1306 318.14(4), fails to attend driver improvement school, or fails to
1307 appear at a scheduled hearing, the clerk of the court shall
1308 notify the Division of Driver Licenses of the Department of
1309 Highway Safety and Motor Vehicles of such failure within 10 days
1310 after such failure. Upon receipt of such notice, the department
1311 shall immediately issue an order suspending the driver's license
1312 and privilege to drive of such person effective 20 days after the
1313 date the order of suspension is mailed in accordance with s.
1314 322.251(1), (2), and (6). Any such suspension of the driving
1315 privilege which has not been reinstated, including a similar
1316 suspension imposed outside Florida, shall remain on the records
1317 of the department for a period of 7 years from the date imposed



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1318 and shall be removed from the records after the expiration of 7
1319 years from the date it is imposed.

1320 (b) However, a person who elects to attend driver
1321 improvement school and has paid the civil penalty as provided in
1322 s. 318.14(9), but who subsequently fails to attend the driver
1323 improvement school within the time specified by the court shall
1324 be deemed to have admitted the infraction and shall be
1325 adjudicated guilty. In such case the person must pay the clerk of
1326 the court the 18 percent deducted pursuant to s. 318.14(9), and a
1327 processing fee of up to \$18 ~~\$15~~, after which no additional
1328 penalties, court costs, or surcharges shall be imposed for the
1329 violation. The clerk of the court shall notify the department of
1330 the person's failure to attend driver improvement school and
1331 points shall be assessed pursuant to s. 322.27.

1332 Section 29. Subsection (2), paragraph (a) of subsection
1333 (8), and paragraph (a) of subsection (11) of section 318.18,
1334 Florida Statutes, are amended, and subsection (18) is added to
1335 that section, to read:

1336 318.18 Amount of penalties.--The penalties required for a
1337 noncriminal disposition pursuant to s. 318.14 or a criminal
1338 offense listed in s. 318.17 are as follows:

1339 (2) Thirty dollars for all nonmoving traffic violations
1340 and:

1341 (a) For all violations of s. 322.19.

1342 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,
1343 and 322.15(1). Any person who is cited for a violation of s.
1344 320.07(1) shall be charged a delinquent fee pursuant to s.
1345 320.07(4).

1346 1. If a person who is cited for a violation of s. 320.0605
1347 or s. 320.07 can show proof of having a valid registration at the



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1348 | time of arrest, the clerk of the court may dismiss the case and
1349 | may assess a dismissal fee of up to \$10 ~~\$7.50~~. A person who finds
1350 | it impossible or impractical to obtain a valid registration
1351 | certificate must submit an affidavit detailing the reasons for
1352 | the impossibility or impracticality. The reasons may include, but
1353 | are not limited to, the fact that the vehicle was sold, stolen,
1354 | or destroyed; that the state in which the vehicle is registered
1355 | does not issue a certificate of registration; or that the vehicle
1356 | is owned by another person.

1357 | 2. If a person who is cited for a violation of s. 322.03,
1358 | s. 322.065, or s. 322.15 can show a driver's license issued to
1359 | him or her and valid at the time of arrest, the clerk of the
1360 | court may dismiss the case and may assess a dismissal fee of up
1361 | to \$10 ~~\$7.50~~.

1362 | 3. If a person who is cited for a violation of s. 316.646
1363 | can show proof of security as required by s. 627.733, issued to
1364 | the person and valid at the time of arrest, the clerk of the
1365 | court may dismiss the case and may assess a dismissal fee of up
1366 | to \$10 ~~\$7.50~~. A person who finds it impossible or impractical to
1367 | obtain proof of security must submit an affidavit detailing the
1368 | reasons for the impracticality. The reasons may include, but are
1369 | not limited to, the fact that the vehicle has since been sold,
1370 | stolen, or destroyed; that the owner or registrant of the vehicle
1371 | is not required by s. 627.733 to maintain personal injury
1372 | protection insurance; or that the vehicle is owned by another
1373 | person.

1374 | (c) For all violations of ss. 316.2935 and 316.610.
1375 | However, for a violation of s. 316.2935 or s. 316.610, if the
1376 | person committing the violation corrects the defect and obtains
1377 | proof of such timely repair by an affidavit of compliance



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1378 | executed by the law enforcement agency within 30 days from the
1379 | date upon which the traffic citation was issued, and pays \$4 to
1380 | the law enforcement agency, thereby completing the affidavit of
1381 | compliance, then upon presentation of said affidavit by the
1382 | defendant to the clerk within the 30-day time period set forth
1383 | under s. 318.14(4), the fine must be reduced to \$10 ~~\$7.50~~, which
1384 | the clerk of the court shall retain.

1385 | (d) For all violations of s. 316.126(1)(b), unless
1386 | otherwise specified.

1387 | (8)(a) Any person who fails to comply with the court's
1388 | requirements or who fails to pay the civil penalties specified in
1389 | this section within the 30-day period provided for in s. 318.14
1390 | must pay an additional civil penalty of \$18 ~~\$12~~, \$2.50 of which
1391 | must be remitted to the Department of Revenue for deposit in the
1392 | General Revenue Fund, \$6 of which must be retained by the clerk,
1393 | and \$9.50 of which must be remitted to the Department of Revenue
1394 | for deposit in the Highway Safety Operating Trust Fund. The
1395 | department shall contract with the Florida Association of Court
1396 | Clerks, Inc., to design, establish, operate, upgrade, and
1397 | maintain an automated statewide Uniform Traffic Citation
1398 | Accounting System to be operated by the clerks of the court which
1399 | shall include, but not be limited to, the accounting for traffic
1400 | infractions by type, a record of the disposition of the
1401 | citations, and an accounting system for the fines assessed and
1402 | the subsequent fine amounts paid to the clerks of the court. On
1403 | or before December 1, 2001, the clerks of the court must provide
1404 | the information required by this chapter to be transmitted to the
1405 | department by electronic transmission pursuant to the contract.

1406 | (11)(a) In addition to the stated fine, court costs must be
1407 | paid in the following amounts and shall be deposited by the clerk



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1408 into the fine and forfeiture fund established pursuant to s.
1409 142.01:

1410

1411 For pedestrian infractions....\$4 ~~\$3~~.

1412 For nonmoving traffic infractions....\$18 ~~\$16~~.

1413 For moving traffic infractions....\$35 ~~\$30~~.

1414 (18) In addition to any penalties imposed, an
1415 administrative fee of \$10 must be paid for all noncriminal moving
1416 and nonmoving traffic violations under chapter 316. Revenue from
1417 the administrative fee shall be deposited by the clerk of court
1418 into the fine and forfeiture fund established pursuant to s.
1419 142.01.

1420 Section 30. Subsections (1) and (2) of section 322.245,
1421 Florida Statutes, are amended to read:

1422 322.245 Suspension of license upon failure of person
1423 charged with specified offense under chapter 316, chapter 320, or
1424 this chapter to comply with directives ordered by traffic court
1425 or upon failure to pay child support in non-IV-D cases as
1426 provided in chapter 61 or failure to pay any financial obligation
1427 in any other criminal case.--

1428 (1) If a person charged with a violation of any of the
1429 criminal offenses enumerated in s. 318.17 or with the commission
1430 of any offense constituting a misdemeanor under chapter 320 or
1431 this chapter fails to comply with all of the directives of the
1432 court within the time allotted by the court, the clerk of the
1433 traffic court shall mail to the person, at the address specified
1434 on the uniform traffic citation, a notice of such failure,
1435 notifying him or her that, if he or she does not comply with the
1436 directives of the court within 30 days after the date of the
1437 notice and pay a delinquency fee of up to \$25 ~~\$15~~ to the clerk,



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1438 his or her driver's license will be suspended. The notice shall
1439 be mailed no later than 5 days after such failure. The
1440 delinquency fee may be retained by the office of the clerk to
1441 defray the operating costs of the office.

1442 (2) In non-IV-D cases, if a person fails to pay child
1443 support under chapter 61 and the obligee so requests, the
1444 depository or the clerk of the court shall mail in accordance
1445 with s. 61.13016 the notice specified in that section, notifying
1446 him or her that if he or she does not comply with the
1447 requirements of that section and pay a delinquency fee of \$25 ~~\$10~~
1448 to the depository or the clerk, his or her driver's license and
1449 motor vehicle registration will be suspended. The delinquency fee
1450 may be retained by the depository or the office of the clerk to
1451 defray the operating costs of the office.

1452 Section 31. Subsection (4), paragraph (a) of subsection
1453 (9), and subsection (11) of section 327.73, Florida Statutes, are
1454 amended to read:

1455 327.73 Noncriminal infractions.--

1456 (4) Any person charged with a noncriminal infraction under
1457 this section may:

1458 (a) Pay the civil penalty, either by mail or in person,
1459 within 30 days of the date of receiving the citation; or,

1460 (b) If he or she has posted bond, forfeit bond by not
1461 appearing at the designated time and location.

1462
1463 If the person cited follows either of the above procedures, he or
1464 she shall be deemed to have admitted the noncriminal infraction
1465 and to have waived the right to a hearing on the issue of
1466 commission of the infraction. Such admission shall not be used as
1467 evidence in any other proceedings. If a person who is cited for a



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1468 violation of s. 327.395 can show a boating safety identification
1469 card issued to that person and valid at the time of the citation,
1470 the clerk of the court may dismiss the case and may assess a
1471 dismissal fee of up to \$10 ~~\$7.50~~. If a person who is cited for a
1472 violation of s. 328.72(13) can show proof of having a
1473 registration for that vessel which was valid at the time of the
1474 citation, the clerk may dismiss the case and may assess the
1475 dismissal fee.

1476 (9) (a) Any person who fails to comply with the court's
1477 requirements or who fails to pay the civil penalties specified in
1478 this section within the 30-day period provided for in s. 327.72
1479 must pay an additional court cost of up to \$20 ~~\$18~~, which shall
1480 be used by the clerks of the courts to defray the costs of
1481 tracking unpaid uniform boating citations.

1482 (11) (a) Court costs that are to be in addition to the
1483 stated civil penalty shall be imposed by the court in an amount
1484 not less than the following:

- 1485 1. For swimming or diving infractions, \$4 ~~\$3~~.
- 1486 2. For nonmoving boating infractions, \$18 ~~\$6~~.
- 1487 3. For boating infractions listed in s. 327.731(1), \$35
1488 ~~\$10~~.

1489
1490 (b) In addition to the court cost assessed under paragraph
1491 (a), the court shall impose a \$3 court cost for each noncriminal
1492 infraction, to be distributed as provided in s. 938.01, and a \$2
1493 court cost as provided in s. 938.15 when assessed by a
1494 municipality or county.

1495
1496 Court costs imposed under this subsection may not exceed \$45 ~~\$30~~.
1497 A criminal justice selection center or both local criminal



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1498 justice access and assessment centers may be funded from these
1499 court costs.

1500 Section 32. Paragraph (i) of subsection (1) of section
1501 372.83, Florida Statutes, is amended to read:

1502 372.83 Penalties and violations; civil penalties for
1503 noncriminal infractions; criminal penalties; suspension and
1504 forfeiture of licenses and permits.--

1505 (1)

1506 (i) A person cited for violating the requirements of s.
1507 372.57 relating to personal possession of a license or permit may
1508 not be convicted if, prior to or at the time of a county court
1509 hearing, the person produces the required license or permit for
1510 verification by the hearing officer or the court clerk. The
1511 license or permit must have been valid at the time the person was
1512 cited. The clerk or hearing officer may assess a \$10 ~~\$5~~ fee for
1513 costs under this paragraph.

1514 Section 33. Subsection (1) of section 713.24, Florida
1515 Statutes, is amended to read:

1516 713.24 Transfer of liens to security.--

1517 (1) Any lien claimed under this part may be transferred, by
1518 any person having an interest in the real property upon which the
1519 lien is imposed or the contract under which the lien is claimed,
1520 from such real property to other security by either:

1521 (a) Depositing in the clerk's office a sum of money, or

1522 (b) Filing in the clerk's office a bond executed as surety
1523 by a surety insurer licensed to do business in this state,

1524
1525 either to be in an amount equal to the amount demanded in such
1526 claim of lien, plus interest thereon at the legal rate for 3
1527 years, plus \$1,000 or 25 percent of the amount demanded in the



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1528 claim of lien, whichever is greater, to apply on any attorney's
1529 fees and court costs that may be taxed in any proceeding to
1530 enforce said lien. Such deposit or bond shall be conditioned to
1531 pay any judgment or decree which may be rendered for the
1532 satisfaction of the lien for which such claim of lien was
1533 recorded. Upon making such deposit or filing such bond, the clerk
1534 shall make and record a certificate showing the transfer of the
1535 lien from the real property to the security and shall mail a copy
1536 thereof by registered or certified mail to the lienor named in
1537 the claim of lien so transferred, at the address stated therein.
1538 Upon filing the certificate of transfer, the real property shall
1539 thereupon be released from the lien claimed, and such lien shall
1540 be transferred to said security. In the absence of allegations of
1541 privity between the lienor and the owner, and subject to any
1542 order of the court increasing the amount required for the lien
1543 transfer deposit or bond, no other judgment or decree to pay
1544 money may be entered by the court against the owner. The clerk
1545 shall be entitled to a service charge for making and serving the
1546 certificate, in the amount of up to \$20 ~~\$15~~. If the transaction
1547 involves the transfer of multiple liens, an additional charge of
1548 up to \$10 ~~\$7.50~~ for each additional lien shall be charged. For
1549 recording the certificate and approving the bond, the clerk shall
1550 receive her or his usual statutory service charges as prescribed
1551 in s. 28.24. Any number of liens may be transferred to one such
1552 security.

1553 Section 34. Subsection (3) of section 721.83, Florida
1554 Statutes, is amended to read:

1555 721.83 Consolidation of foreclosure actions.--

1556 (3) A consolidated timeshare foreclosure action shall be
1557 considered a single action, suit, or proceeding for the payment



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1558 of filing fees and service charges pursuant to general law. In
1559 addition to the payment of such filing fees and service charges,
1560 an additional filing fee of up to \$10 ~~\$5~~ for each timeshare
1561 estate joined in that action shall be paid to the clerk of court.

1562 Section 35. Subsection (6) of section 744.365, Florida
1563 Statutes, is amended to read:

1564 744.365 Verified inventory.--

1565 (6) AUDIT FEE.--

1566 (a) Where the value of the ward's property exceeds \$25,000,
1567 a guardian shall pay from the ward's property to the clerk of the
1568 circuit court a fee of up to \$85 ~~\$75~~, upon the filing of the
1569 verified inventory, for the auditing of the inventory. Upon
1570 petition by the guardian, the court may waive the auditing fee
1571 upon a showing of insufficient funds in the ward's estate. Any
1572 guardian unable to pay the auditing fee may petition the court
1573 for waiver of the fee. The court may waive the fee after it has
1574 reviewed the documentation filed by the guardian in support of
1575 the waiver.

1576 (b) An audit fee may not be charged to any ward whose
1577 property has a value of less than \$25,000.

1578 Section 36. Subsection (4) of section 744.3678, Florida
1579 Statutes, is amended to read:

1580 744.3678 Annual accounting.--

1581 (4) The guardian shall pay from the ward's estate to the
1582 clerk of the circuit court a fee based upon the following
1583 graduated fee schedule, upon the filing of the annual financial
1584 return, for the auditing of the return:

1585 (a) For estates with a value of \$25,000 or less the clerk
1586 of the court may charge a fee of up to \$20 ~~\$15~~.



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1587 (b) For estates with a value of more than \$25,000 up to and
1588 including \$100,000 the clerk of the court may charge a fee of up
1589 to \$85 ~~\$75~~.

1590 (c) For estates with a value of more than \$100,000 up to
1591 and including \$500,000 the clerk of the court may charge a fee of
1592 up to \$170 ~~\$150~~.

1593 (d) For estates with a value in excess of \$500,000 the
1594 clerk of the court may charge a fee of up to \$250 ~~\$225~~.

1595

1596 Upon petition by the guardian, the court may waive the auditing
1597 fee upon a showing of insufficient funds in the ward's estate.
1598 Any guardian unable to pay the auditing fee may petition the
1599 court for a waiver of the fee. The court may waive the fee after
1600 it has reviewed the documentation filed by the guardian in
1601 support of the waiver.

1602 Section 37. Subsection (2) of section 766.104, Florida
1603 Statutes, is amended to read:

1604 766.104 Pleading in medical negligence cases; claim for
1605 punitive damages; authorization for release of records for
1606 investigation.--

1607 (2) Upon petition to the clerk of the court where the suit
1608 will be filed and payment to the clerk of a filing fee, not to
1609 exceed \$42 ~~\$37.50~~, an automatic 90-day extension of the statute
1610 of limitations shall be granted to allow the reasonable
1611 investigation required by subsection (1). This period shall be in
1612 addition to other tolling periods. No court order is required for
1613 the extension to be effective. The provisions of this subsection
1614 shall not be deemed to revive a cause of action on which the
1615 statute of limitations has run.



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1616 Section 38. Subsection (1) of section 938.05, Florida
1617 Statutes, is amended to read:

1618 938.05 Additional court costs for felonies, misdemeanors,
1619 and criminal traffic offenses.--

1620 (1) Any person pleading nolo contendere to a misdemeanor or
1621 criminal traffic offense under s. 318.14(10)(a) or pleading
1622 guilty or nolo contendere to, or being found guilty of, any
1623 felony, misdemeanor, or criminal traffic offense under the laws
1624 of this state or the violation of any municipal or county
1625 ordinance which adopts by reference any misdemeanor under state
1626 law, shall pay as a cost in the case, in addition to any other
1627 cost required to be imposed by law, a sum in accordance with the
1628 following schedule:

1629 (a) Felonies....\$225 ~~\$200~~

1630 (b) Misdemeanors....\$60 ~~\$50~~

1631 (c) Criminal traffic offenses....\$60 ~~\$50~~

1632 Section 39. Subsections (1), (2), and (8) of section
1633 938.27, Florida Statutes, are amended to read:

1634 938.27 Judgment for costs on conviction.--

1635 (1) In all criminal, juvenile, and violation-of-probation
1636 or community-control cases, convicted persons are liable for
1637 payment of the ~~documented~~ costs of prosecution, including
1638 investigative costs incurred by law enforcement agencies, by fire
1639 departments for arson investigations, and by investigations of
1640 the Department of Financial Services or the Office of Financial
1641 Regulation of the Financial Services Commission, if requested by
1642 such agencies. The court shall include these costs in every ~~shall~~
1643 ~~be included and entered in the judgment rendered against the~~
1644 convicted person. For purposes of this section, "convicted" means
1645 a determination of guilt or delinquency, or of violation of



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1646 probation or community control, which is a result of a plea,
1647 trial, or violation proceeding, regardless of whether
1648 adjudication is withheld.

1649 (2) (a) The court shall impose the costs of prosecution and
1650 investigation notwithstanding the defendant's present ability to
1651 pay. The court shall require the defendant to pay the costs
1652 within a specified period or in specified installments.

1653 (b) The end of such period or the last such installment
1654 shall not be later than:

1655 1. The end of the period of probation or community control,
1656 if probation or community control is ordered;

1657 2. Five years after the end of the term of imprisonment
1658 imposed, if the court does not order probation or community
1659 control; or

1660 3. Five years after the date of sentencing in any other
1661 case.

1662
1663 However, in no event shall the obligation to pay any unpaid
1664 amounts expire if not paid in full within the period specified in
1665 this paragraph.

1666 (c) If not otherwise provided by the court under this
1667 section, costs shall be paid immediately.

1668 (8) Costs for the state attorney shall be set in all cases
1669 at no less than \$50 per case when a misdemeanor, criminal
1670 traffic, or juvenile offense is charged and no less than \$100 per
1671 case when a felony offense is charged, including a proceeding in
1672 which the underlying offense is a violation of probation or
1673 community control. The court may set a higher amount upon a
1674 showing of sufficient proof of higher costs incurred. Costs
1675 recovered on behalf of ~~that are collected by~~ the state attorney



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1676 | under this section shall be deposited into the state attorney's
1677 | grants and donations trust fund to be used during the fiscal year
1678 | in which the funds are collected, or in any subsequent fiscal
1679 | year, for actual expenses incurred in investigating and
1680 | prosecuting criminal cases, which may include the salaries of
1681 | permanent employees, or for any other purpose authorized by the
1682 | Legislature.

1683 | Section 40. Subsection (1) of section 938.29, Florida
1684 | Statutes, is amended to read:

1685 | 938.29 Legal assistance; lien for payment of attorney's
1686 | fees or costs.--

1687 | (1)(a) A defendant determined to be guilty of a criminal
1688 | act by a court or jury or through a plea of guilty or nolo
1689 | contendere and who has received the assistance of the public
1690 | defender's office, a special assistant public defender, the
1691 | office of criminal conflict and civil regional counsel, or a
1692 | private conflict attorney, or who has received due process
1693 | services after being found indigent for costs under s. 27.52,
1694 | shall be liable for payment of the assessed application fee under
1695 | s. 27.52 and attorney's fees and costs. The court shall determine
1696 | the amount of the obligation. Such costs shall include, but not
1697 | be limited to, the cost of depositions; cost of transcripts of
1698 | depositions, including the cost of defendant's copy, which
1699 | transcripts are certified by the defendant's attorney as having
1700 | served a useful purpose in the disposition of the case;
1701 | investigative costs; witness fees; the cost of psychiatric
1702 | examinations; or other reasonable costs specially incurred by the
1703 | state and the clerk of court for the defense of the defendant in
1704 | criminal prosecutions. Costs shall not include expenses inherent
1705 | in providing a constitutionally guaranteed jury trial or



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1706 expenditures in connection with the maintenance and operation of
1707 government agencies that must be made by the public irrespective
1708 of specific violations of law. Any costs assessed pursuant to
1709 this paragraph shall be reduced by any amount assessed against a
1710 defendant pursuant to s. 938.05.

1711 (b) Upon entering a judgment of conviction, the defendant
1712 shall be liable to pay the costs in full after the judgment of
1713 conviction becomes final.

1714 (c) The defendant shall pay the application fee under s.
1715 27.52(1)(b) and attorney's fees and costs in full or in
1716 installments, at the time or times specified. The court may order
1717 payment of the assessed application fee and attorney's fees and
1718 costs as a condition of probation, of suspension of sentence, or
1719 of withholding the imposition of sentence. ~~The first \$40 from~~
1720 ~~attorney's fees and costs collected under this section shall be~~
1721 ~~transferred monthly by the clerk to the Department of Revenue for~~
1722 ~~deposit into the Indigent Criminal Defense Trust Fund. All funds~~
1723 ~~remaining attorney's fees and costs collected under this section~~
1724 shall be distributed as provided in s. 27.652 ~~deposited into the~~
1725 ~~General Revenue Fund.~~

1726 Section 41. Notwithstanding s. 28.36, Florida Statutes, the
1727 Florida Clerks of Court Operations Corporation may not approve
1728 increases to the clerks budgets for the 2008-2009 county fiscal
1729 year based on increased revenue generated under this act. The
1730 corporation may increase clerk budgets in the aggregate by
1731 \$4,752,735 on an annual basis beginning July 1, 2008, for the
1732 increased duties related to paying jurors and witnesses and juror
1733 meals and lodging expenses as provided in this act.

1734 Section 42. This act shall take effect July 1, 2008.