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CHAMBER ACTION

Senate

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1 The Conference Committee on CS for SB 1790 recommended the  
2 following **amendment**:

3  
4 **Conference Committee Amendment (with title amendment)**

5 Delete everything after the enacting clause  
6 and insert:

7 Section 1. Subsection (3) of section 25.241, Florida  
8 Statutes, is amended to read:

9 25.241 Clerk of Supreme Court; compensation; assistants;  
10 filing fees, etc.--

11 (3) (a) The Clerk of the Supreme Court is hereby required to  
12 collect, upon the filing of a certified copy of a notice of  
13 appeal or petition, \$300 for each case docketed, and for copying,  
14 certifying, or furnishing opinions, records, papers, or other  
15 instruments, except as otherwise herein provided, the same fees  
16 that are allowed clerks of the circuit court; however, no fee  
17 shall be less than \$1. The State of Florida or its agencies, when



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18 appearing as appellant or petitioner, is exempt from the filing  
19 fees required in this subsection. From each attorney appearing  
20 pro hac vice, the Clerk of the Supreme Court shall collect an  
21 additional fee of \$100 to be deposited into the General Revenue  
22 Fund.

23 (b) Upon the filing of a notice of cross-appeal, or a  
24 notice of joinder or motion to intervene as an appellant, cross-  
25 appellant, or petitioner, the Clerk of the Supreme Court shall  
26 charge and collect a filing fee of \$295. The clerk shall remit  
27 the fee to the Department of Revenue for deposit into the General  
28 Revenue Fund. The state and its agencies are exempt from the  
29 filing fee required in this paragraph.

30 Section 2. Section 26.57, Florida Statutes, is amended to  
31 read:

32 26.57 Temporary designation of county court judge to  
33 preside over circuit court cases.--In each county where there is  
34 no resident circuit judge and the county court judge has been a  
35 member of the bar for at least 5 years and is qualified to be a  
36 circuit judge, the county court judge may be designated on a  
37 temporary basis to preside over circuit court cases by the Chief  
38 Justice of the Supreme Court upon recommendation of the chief  
39 judge of the circuit, ~~and the judge so designated shall receive~~  
40 ~~the same salary as a duly elected circuit judge for the time~~  
41 ~~periods that the county judge is actually presiding over circuit~~  
42 ~~court cases.~~ He or she may be assigned to exercise all county and  
43 circuit court jurisdiction in the county, except appeals from the  
44 county court. In addition, he or she may be required to perform  
45 the duties of circuit judge in other counties of the circuit as  
46 time may permit and as the need arises, as determined by the  
47 chief judge of the circuit.



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48 Section 3. Subsections (4) and (8) of section 27.511,  
49 Florida Statutes, are amended to read:

50 27.511 Offices of criminal conflict and civil regional  
51 counsel; legislative intent; qualifications; appointment;  
52 duties.--

53 (4) (a) Each regional counsel shall serve on a full-time  
54 basis and may not engage in the private practice of law while  
55 holding office. Assistant regional counsel shall give priority  
56 and preference to their duties as assistant regional counsel and  
57 may not otherwise engage in the practice of criminal law.  
58 Assistant regional counsel may not engage ~~or~~ in civil proceedings  
59 for which the state compensates attorneys under s. 27.5304 ~~for~~  
60 representation.

61 (b) Notwithstanding paragraph (a), part-time assistant  
62 regional counsel may practice criminal law for private payment so  
63 long as the representation does not result in a legal or ethical  
64 conflict of interest with a case for which the office of criminal  
65 conflict and civil regional council is providing representation.  
66 Assistant regional counsel may not accept criminal cases for  
67 reimbursement by the state under s. 27.5304. This paragraph  
68 expires June 30, 2010.

69 (8) The public defender for the judicial circuit specified  
70 in s. 27.51(4) ~~office of criminal conflict and civil regional~~  
71 ~~counsel~~ shall, after the record on appeal is transmitted to the  
72 appellate court by the office of criminal conflict and civil  
73 regional counsel which handled the trial and if requested by the  
74 regional counsel for the indicated appellate district, handle all  
75 circuit court appeals authorized pursuant to paragraph (5) (f)  
76 within the state courts system and any authorized appeals to the  
77 federal courts ~~which are~~ required of the official making the



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78 ~~request in cases in which the office of criminal conflict and~~  
79 ~~civil regional counsel is appointed under this section. If the~~  
80 ~~public defender certifies to the court that the public defender~~  
81 ~~has a conflict consistent with the criteria prescribed in s.~~  
82 ~~27.5303 and moves to withdraw, the regional counsel shall handle~~  
83 ~~the appeal, unless the regional counsel has a conflict, in which~~  
84 ~~case the court shall appoint private counsel pursuant to s.~~  
85 ~~27.40.~~

86 Section 4. Paragraphs (b) and (c) of subsection (1) of  
87 section 27.52, Florida Statutes, are amended to read:

88 27.52 Determination of indigent status.--

89 (1) APPLICATION TO THE CLERK.--A person seeking appointment  
90 of a public defender under s. 27.51 based upon an inability to  
91 pay must apply to the clerk of the court for a determination of  
92 indigent status using an application form developed by the  
93 Florida Clerks of Court Operations Corporation with final  
94 approval by the Supreme Court.

95 (b) An applicant shall pay a \$50 ~~\$40~~ application fee to the  
96 clerk for each application for court-appointed counsel filed. The  
97 applicant shall pay the fee within 7 days after submitting the  
98 application. If the applicant does not pay the fee prior to the  
99 disposition of the case, the clerk shall notify the court, and  
100 the court shall:

101 1. Assess the application fee as part of the sentence or as  
102 a condition of probation; or

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

104 (c) Notwithstanding any provision of law, court rule, or  
105 administrative order, the clerk shall assign the first \$50 ~~\$40~~ of  
106 any fees or costs paid by an indigent person as payment of the  
107 application fee. A person found to be indigent may not be refused



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108 | counsel or other required due process services for failure to pay  
109 | the fee.

110 |       Section 5. Section 27.562, Florida Statutes, is amended to  
111 | read:

112 |       27.562 Disposition of funds.--The first \$50 ~~\$40~~ of all  
113 | funds collected pursuant to s. 938.29 shall be deposited into the  
114 | Indigent Criminal Defense Trust Fund pursuant to s. 27.525 in  
115 | satisfaction of the application fee for a determination of  
116 | indigent status under s. 27.52 if the fee was not paid. The  
117 | remaining funds collected pursuant to s. 938.29 shall be  
118 | distributed as follows:

119 |       (1) Twenty-five percent shall be remitted to the Department  
120 | of Revenue for deposit into the Justice Administrative  
121 | Commission's Indigent Criminal Defense Trust Fund.

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

124 |  
125 | The Justice Administrative Commission shall account for funds  
126 | deposited into the Indigent Criminal Defense Trust Fund by  
127 | circuit. Appropriations from the fund shall be proportional to  
128 | each circuit's collections. All judgments entered pursuant to  
129 | this part shall be in the name of the state.

130 |       Section 6. Section 28.24, Florida Statutes, is amended to  
131 | read:

132 |       28.24 Service charges by clerk of the circuit court.--The  
133 | clerk of the circuit court shall charge for services rendered by  
134 | the clerk's office in recording documents and instruments and in  
135 | performing the duties enumerated in amounts not to exceed those  
136 | specified in this section. Notwithstanding any other provision of  
137 | this section, the clerk of the circuit court shall provide



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138 without charge to the state attorney, public defender, guardian  
139 ad litem, public guardian, attorney ad litem, criminal conflict  
140 and civil regional counsel, and private court-appointed counsel  
141 paid by the state, and to the authorized staff acting on behalf  
142 of each, access to and a copy of any public record, if the  
143 requesting party is entitled by law to view the exempt or  
144 confidential record, as maintained by and in the custody of the  
145 clerk of the circuit court as provided in general law and the  
146 Florida Rules of Judicial Administration. The clerk of the  
147 circuit court may provide the requested public record in an  
148 electronic format in lieu of a paper format when capable of being  
149 accessed by the requesting entity.

150

151 Charges

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

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

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

160 (4) For verifying any instrument presented for  
161 certification prepared by someone other than clerk, per  
162 page....3.50 ~~3.00~~

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



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- 166 (b) For making copies by photographic process of any  
167 instrument in the public records of more than 14 inches by 8 1/2  
168 inches, per page....5.00
- 169 (6) For making microfilm copies of any public records:
- 170 (a) 16 mm 100' microfilm roll....42.00 ~~37.50~~
- 171 (b) 35 mm 100' microfilm roll....60.00 ~~52.50~~
- 172 (c) Microfiche, per fiche....3.50 ~~3.00~~
- 173 (7) For copying any instrument in the public records by  
174 other than photographic process, per page....6.00
- 175 (8) For writing any paper other than herein specifically  
176 mentioned, same as for copying, including signing and  
177 sealing....7.00 ~~6.00~~
- 178 (9) For indexing each entry not recorded....1.00
- 179 (10) For receiving money into the registry of court:
- 180 (a)1. First \$500, percent....3
- 181 2. Each subsequent \$100, percent....1.5
- 182 (b) Eminent domain actions, per deposit....170.00 ~~150.00~~
- 183 (11) For examining, certifying, and recording plats and for  
184 recording condominium exhibits larger than 14 inches by 8 1/2  
185 inches:
- 186 (a) First page....30.00
- 187 (b) Each additional page....15.00
- 188 (12) For recording, indexing, and filing any instrument not  
189 more than 14 inches by 8 1/2 inches, including required notice to  
190 property appraiser where applicable:
- 191 (a) First page or fraction thereof....5.00
- 192 (b) Each additional page or fraction thereof....4.00
- 193 (c) For indexing instruments recorded in the official  
194 records which contain more than four names, per additional  
195 name....1.00



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196 (d) An additional service charge shall be paid to the clerk  
197 of the circuit court to be deposited in the Public Records  
198 Modernization Trust Fund for each instrument listed in s. 28.222,  
199 except judgments received from the courts and notices of lis  
200 pendens, recorded in the official records:

- 201 1. First page....1.00
- 202 2. Each additional page....0.50

203

204 Said fund shall be held in trust by the clerk and used  
205 exclusively for equipment and maintenance of equipment, personnel  
206 training, and technical assistance in modernizing the public  
207 records system of the office. In a county where the duty of  
208 maintaining official records exists in an office other than the  
209 office of the clerk of the circuit court, the clerk of the  
210 circuit court is entitled to 25 percent of the moneys deposited  
211 into the trust fund for equipment, maintenance of equipment,  
212 training, and technical assistance in modernizing the system for  
213 storing records in the office of the clerk of the circuit court.  
214 The fund may not be used for the payment of travel expenses,  
215 membership dues, bank charges, staff-recruitment costs, salaries  
216 or benefits of employees, construction costs, general operating  
217 expenses, or other costs not directly related to obtaining and  
218 maintaining equipment for public records systems or for the  
219 purchase of furniture or office supplies and equipment not  
220 related to the storage of records. On or before December 1, 1995,  
221 and on or before December 1 of each year immediately preceding  
222 each year during which the trust fund is scheduled for  
223 legislative review under s. 19(f)(2), Art. III of the State  
224 Constitution, each clerk of the circuit court shall file a report  
225 on the Public Records Modernization Trust Fund with the President





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226 of the Senate and the Speaker of the House of Representatives.  
227 The report must itemize each expenditure made from the trust fund  
228 since the last report was filed; each obligation payable from the  
229 trust fund on that date; and the percentage of funds expended for  
230 each of the following: equipment, maintenance of equipment,  
231 personnel training, and technical assistance. The report must  
232 indicate the nature of the system each clerk uses to store,  
233 maintain, and retrieve public records and the degree to which the  
234 system has been upgraded since the creation of the trust fund.

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

240 1. If the counties maintain legal responsibility for the  
241 costs of the court-related technology needs as defined in s.  
242 29.008(1)(f)2. and (h), 10 cents shall be distributed to the  
243 Florida Association of Court Clerks and Comptroller, Inc., for  
244 the cost of development, implementation, operation, and  
245 maintenance of the clerks' Comprehensive Case Information System,  
246 in which system all clerks shall participate on or before January  
247 1, 2006; \$1.90 shall be retained by the clerk to be deposited in  
248 the Public Records Modernization Trust Fund and used exclusively  
249 for funding court-related technology needs of the clerk as  
250 defined in s. 29.008(1)(f)2. and (h); and \$2 shall be distributed  
251 to the board of county commissioners to be used exclusively to  
252 fund court-related technology, and court technology needs as  
253 defined in s. 29.008(1)(f)2. and (h) for the state trial courts,  
254 state attorney, public defender, and criminal conflict and civil  
255 regional counsel in that county. If the counties maintain legal



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256 responsibility for the costs of the court-related technology  
257 needs as defined in s. 29.008(1)(f)2. and (h), notwithstanding  
258 any other provision of law, the county is not required to provide  
259 additional funding beyond that provided herein for the court-  
260 related technology needs of the clerk as defined in s.  
261 29.008(1)(f)2. and (h). All court records and official records  
262 are the property of the State of Florida, including any records  
263 generated as part of the Comprehensive Case Information System  
264 funded pursuant to this paragraph and the clerk of court is  
265 designated as the custodian of such records, except in a county  
266 where the duty of maintaining official records exists in a county  
267 office other than the clerk of court or comptroller, such county  
268 office is designated the custodian of all official records, and  
269 the clerk of court is designated the custodian of all court  
270 records. The clerk of court or any entity acting on behalf of the  
271 clerk of court, including an association, shall not charge a fee  
272 to any agency as defined in s. 119.011, the Legislature, or the  
273 State Court System for copies of records generated by the  
274 Comprehensive Case Information System or held by the clerk of  
275 court or any entity acting on behalf of the clerk of court,  
276 including an association.

277 2. If the state becomes legally responsible for the costs  
278 of court-related technology needs as defined in s. 29.008(1)(f)2.  
279 and (h), whether by operation of general law or by court order,  
280 \$4 shall be remitted to the Department of Revenue for deposit  
281 into the General Revenue Fund.

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

284 (14) For validating certificates, any authorized bonds,  
285 each....3.50 ~~3.00~~



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- 286 (15) For preparing affidavit of domicile....5.00  
287 (16) For exemplified certificates, including signing and  
288 sealing....7.00 ~~6.00~~  
289 (17) For authenticated certificates, including signing and  
290 sealing....7.00 ~~6.00~~  
291 (18) (a) For issuing and filing a subpoena for a witness,  
292 not otherwise provided for herein (includes writing, preparing,  
293 signing, and sealing)....7.00 ~~6.00~~  
294 (b) For signing and sealing only....2.00 ~~1.50~~  
295 (19) For approving bond....8.50 ~~7.50~~  
296 (20) For searching of records, for each year's  
297 search....2.00 ~~1.50~~  
298 (21) For processing an application for a tax deed sale  
299 (includes application, sale, issuance, and preparation of tax  
300 deed, and disbursement of proceeds of sale), other than excess  
301 proceeds....60.00  
302 (22) For disbursement of excess proceeds of tax deed sale,  
303 first \$100 or fraction thereof....10.00  
304 (23) Upon receipt of an application for a marriage license,  
305 for preparing and administering of oath; issuing, sealing, and  
306 recording of the marriage license; and providing a certified  
307 copy....30.00  
308 (24) For solemnizing matrimony....30.00  
309 (25) For sealing any court file or expungement of any  
310 record....42.00 ~~37.50~~  
311 (26) (a) For receiving and disbursing all restitution  
312 payments, per payment....3.50 ~~3.00~~  
313 (b) For receiving and disbursing all partial payments,  
314 other than restitution payments, for which an administrative



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315 processing service charge is not imposed pursuant to s. 28.246,  
316 per month....5.00

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

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

323 (28) For furnishing an electronic copy of information  
324 contained in a computer database: a fee as provided for in  
325 chapter 119.

326 Section 7. Subsection (1) of section 28.2401, Florida  
327 Statutes, is amended to read:

328 28.2401 Service charges in probate matters.--

329 (1) Except when otherwise provided, the clerk may impose  
330 service charges for the following services, not to exceed the  
331 following amounts:

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

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

340 (c) Petition and order to admit foreign wills,  
341 authenticated copies, exemplified copies, or transcript to  
342 record....\$115 ~~\$100~~

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



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345 (e) Summary administration--estates valued at \$1,000 or  
346 more....\$225 ~~\$200~~  
347 (f) Summary administration--estates valued at less than  
348 \$1,000....\$115 ~~\$100~~  
349 (g) Formal administration, guardianship, ancillary,  
350 curatorship, or conservatorship proceedings....\$280 ~~\$250~~  
351 (h) Guardianship proceedings of person only....\$115 ~~\$100~~  
352 (i) Veterans' guardianship pursuant to chapter 744....\$115  
353 ~~\$100~~  
354 (j) Exemplified certificates....\$7 ~~\$6~~  
355 (k) Petition for determination of incompetency....\$115 ~~\$100~~  
356 Section 8. Subsections (1) and (2) of section 28.241,  
357 Florida Statutes, are amended to read:  
358 28.241 Filing fees for trial and appellate proceedings.--  
359 (1)(a) The party instituting any civil action, suit, or  
360 proceeding in the circuit court shall pay to the clerk of that  
361 court a filing fee of up to \$295 ~~\$250~~ in all cases in which there  
362 are not more than five defendants and an additional filing fee of  
363 up to \$2.50 ~~\$2~~ for each defendant in excess of five. Of the first  
364 \$85 ~~\$55~~ in filing fees, \$80 ~~\$50~~ must be remitted by the clerk to  
365 the Department of Revenue for deposit into the General Revenue  
366 Fund, and \$5 must be remitted to the Department of Revenue for  
367 deposit into the Department of Financial Services' Administrative  
368 Trust Fund to fund the contract with the Florida Clerks of Court  
369 Operations Corporation created in s. 28.35. The next \$15 of the  
370 filing fee collected shall be deposited in the state courts'  
371 Mediation and Arbitration Trust Fund. One-third of any filing  
372 fees collected by the clerk of the circuit court in excess of  
373 \$100 ~~\$55~~ shall be remitted to the Department of Revenue for  
374 deposit into the Department of Revenue Clerks of the Court Trust



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375 Fund. An additional filing fee of \$4 shall be paid to the clerk.  
376 The clerk shall remit \$3.50 to the Department of Revenue for  
377 deposit into the Court Education Trust Fund and shall remit 50  
378 cents to the Department of Revenue for deposit into the  
379 Department of Financial Services Administrative Trust Fund to  
380 fund clerk education. An additional filing fee of up to \$18 ~~\$15~~  
381 shall be paid by the party seeking each severance that is  
382 granted. The clerk may impose an additional filing fee of up to  
383 \$85 ~~\$75~~ for all proceedings of garnishment, attachment, replevin,  
384 and distress. Postal charges incurred by the clerk of the circuit  
385 court in making service by certified or registered mail on  
386 defendants or other parties shall be paid by the party at whose  
387 instance service is made. No additional fees, charges, or costs  
388 shall be added to the filing fees imposed under this section,  
389 except as authorized herein or by general law.

390 (b) A party reopening any civil action, suit, or proceeding  
391 in the circuit court shall pay to the clerk of court a filing fee  
392 set by the clerk in an amount not to exceed \$50. For purposes of  
393 this section, a case is reopened when a case previously reported  
394 as disposed of is resubmitted to a court and includes petitions  
395 for modification of a final judgment of dissolution. A party is  
396 exempt from paying the fee for any of the following:

- 397 1. A writ of garnishment;
- 398 2. A writ of replevin;
- 399 3. A distress writ;
- 400 4. A writ of attachment;
- 401 5. A motion for rehearing filed within 10 days;
- 402 6. A motion for attorney's fees filed within 30 days after  
403 entry of a judgment or final order;



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404 7. A motion for dismissal filed after a mediation agreement  
405 has been filed;

406 8. A disposition of personal property without  
407 administration;

408 9. Any probate case prior to the discharge of a personal  
409 representative;

410 10. Any guardianship pleading prior to discharge;

411 11. Any mental health pleading;

412 12. Motions to withdraw by attorneys;

413 13. Motions exclusively for the enforcement of child  
414 support orders;

415 14. A petition for credit of child support;

416 15. A Notice of Intent to Relocate and any order issuing as  
417 a result of an uncontested relocation;

418 16. Stipulations;

419 17. Responsive pleadings; or

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

421 (c) Any party other than a party described in paragraph (a)  
422 who files a pleading in an original civil action in circuit court  
423 for affirmative relief by cross-claim, counterclaim, or third-  
424 party complaint shall pay the clerk of court a fee of \$295. The  
425 clerk shall remit the fee to the Department of Revenue for  
426 deposit into the General Revenue Fund.

427 (d) The clerk of court shall collect a service charge of  
428 \$10 for issuing a summons. The clerk shall assess the fee against  
429 the party seeking to have the summons issued.

430 (2) Upon the institution of any appellate proceeding from  
431 any lower court to the circuit court of any such county,  
432 including appeals filed by a county or municipality as provided  
433 in s. 34.041(5), or from the circuit court to an appellate court



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434 of the state, the clerk shall charge and collect from the party  
435 or parties instituting such appellate proceedings a filing fee  
436 not to exceed \$280 ~~\$250~~ for filing a notice of appeal from the  
437 county court to the circuit court and, in addition to the filing  
438 fee required under s. 25.241 or s. 35.22, \$100 ~~\$50~~ for filing a  
439 notice of appeal from the circuit court to the district court of  
440 appeal or to the Supreme Court. If the party is determined to be  
441 indigent, the clerk shall defer payment of the fee. The clerk  
442 shall remit the first \$80 ~~\$50~~ to the Department of Revenue for  
443 deposit into the General Revenue Fund. One-third of the fee  
444 collected by the clerk in excess of \$80 ~~\$50~~ also shall be  
445 remitted to the Department of Revenue for deposit into the Clerks  
446 of the Court Trust Fund.

447 Section 9. Subsections (2) and (4) of section 28.35,  
448 Florida Statutes, are amended to read:

449 28.35 Florida Clerks of Court Operations Corporation.--

450 (2) The duties of the corporation shall include the  
451 following:

452 (a) Adopting a plan of operation.

453 (b) Conducting the election of directors as required in  
454 paragraph (1) (a).

455 (c) Recommending to the Legislature changes in the various  
456 court-related fines, fees, service charges, and court costs  
457 established by law to ensure reasonable and adequate funding of  
458 the clerks of the court in the performance of their court-related  
459 functions.

460 (d) Pursuant to contract with the Chief Financial Officer,  
461 establishing a process for the review and certification of  
462 proposed court-related budgets submitted by clerks of the court  
463 for completeness and compliance with this section and ss. 28.36





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464 and 28.37. This process shall be designed and be of sufficient  
465 detail to permit independent verification and validation of the  
466 budget certification. The contract shall specify the process to  
467 be used in determining compliance by the corporation with this  
468 section and ss. 28.36 and 28.37.

469 (e) Developing and certifying a uniform system of  
470 performance measures and applicable performance standards for the  
471 functions specified in paragraph (4) (a) and clerk performance in  
472 meeting the performance standards. These measures and standards  
473 shall be designed to facilitate an objective determination of the  
474 performance of each clerk in accordance with minimum standards  
475 for fiscal management, operational efficiency, and effective  
476 collection of fines, fees, service charges, and court costs. When  
477 the corporation finds a clerk has not met the performance  
478 standards, the corporation shall identify the nature of each  
479 deficiency and any corrective action recommended and taken by the  
480 affected clerk of the court.

481 (f) Reviewing and certifying proposed budgets submitted by  
482 clerks of the court utilizing the process approved by the Chief  
483 Financial Officer pursuant to paragraph (d) for the purpose of  
484 making the certification in paragraph (3) (a). As part of this  
485 process, the corporation shall:

486 1. Calculate the maximum authorized annual budget pursuant  
487 to the requirements of s. 28.36.

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

491 3. Identify those proposed budgets containing funding for  
492 items not included on the standard list of court-related



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493 functions specified in ~~developed pursuant to~~ paragraph (4) (a)  
494 ~~(3) (a)~~.

495 4. Identify those clerks projected to have court-related  
496 revenues insufficient to fund their anticipated court-related  
497 expenditures.

498 (g) Developing and conducting clerk education programs.

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

502 (4) (a) The list of court-related functions clerks may fund  
503 from filing fees, service charges, court costs, and fines shall  
504 be limited to those functions expressly authorized by law or  
505 court rule. Those functions must include the following: case  
506 maintenance; records management; court preparation and  
507 attendance; processing the assignment, reopening, and  
508 reassignment of cases; processing of appeals; collection and  
509 distribution of fines, fees, service charges, and court costs;  
510 processing of bond forfeiture payments; payment of jurors and  
511 witnesses; payment of expenses for meals or lodging provided to  
512 jurors; data collection and reporting; processing of jurors;  
513 determinations of indigent status; and reasonable administrative  
514 support costs to enable the clerk of the court to carry out these  
515 court-related functions.

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

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

519 2. Functions assigned by administrative orders which are  
520 not required for the clerk to perform the functions in paragraph  
521 (a).



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

524 | 4. Functions identified as local requirements in law or  
525 | local optional programs.

526 | ~~(c) Publishing a uniform schedule of actual fees, service~~  
527 | ~~charges, and costs charged by a clerk of the court for court-~~  
528 | ~~related functions pursuant to general law.~~

529 | Section 10. For the purpose of incorporating the amendment  
530 | made by this act to section 28.35, Florida Statutes, in  
531 | references thereto, subsections (1) and (2), paragraph (a) of  
532 | subsection (3), and subsections (4) and (5) of section 28.36,  
533 | Florida Statutes, are reenacted to read:

534 | 28.36 Budget procedure.--There is hereby established a  
535 | budget procedure for the court-related functions of the clerks of  
536 | the court.

537 | (1) Only those functions on the standard list developed  
538 | pursuant to s. 28.35(4) (a) may be funded from fees, service  
539 | charges, court costs, and fines retained by the clerks of the  
540 | court. No clerk may use fees, service charges, court costs, and  
541 | fines in excess of the maximum budget amounts as established in  
542 | subsection (5).

543 | (2) For the period July 1, 2004, through September 30,  
544 | 2004, and for each county fiscal year ending September 30  
545 | thereafter, each clerk of the court shall prepare a budget  
546 | relating solely to the performance of the standard list of court-  
547 | related functions pursuant to s. 28.35(4) (a).

548 | (3) Each proposed budget shall further conform to the  
549 | following requirements:

550 | (a) On or before August 15 for each fiscal year thereafter,  
551 | the proposed budget shall be prepared, summarized, and submitted



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552 | by the clerk in each county to the Clerks of Court Operations  
553 | Corporation in the manner and form prescribed by the corporation.  
554 | The proposed budget must provide detailed information on the  
555 | anticipated revenues available and expenditures necessary for the  
556 | performance of the standard list of court-related functions of  
557 | the clerk's office developed pursuant to s. 28.35(4)(a) for the  
558 | county fiscal year beginning the following October 1.

559 |       (4) If a clerk of the court estimates that available funds  
560 | plus projected revenues from fines, fees, service charges, and  
561 | costs for court-related services are insufficient to meet the  
562 | anticipated expenditures for the standard list of court-related  
563 | functions in s. 28.35(4)(a) performed by his or her office, the  
564 | clerk must report the revenue deficit to the Clerks of Court  
565 | Operations Corporation in the manner and form prescribed by the  
566 | corporation pursuant to contract with the Chief Financial  
567 | Officer. The corporation shall verify that the proposed budget is  
568 | limited to the standard list of court-related functions in s.  
569 | 28.35(4)(a).

570 |       (a) If the corporation verifies that the proposed budget is  
571 | limited to the standard list of court-related functions in s.  
572 | 28.35(4)(a) and a revenue deficit is projected, a clerk seeking  
573 | to retain revenues pursuant to this subsection shall increase all  
574 | fees, service charges, and any other court-related clerk fees and  
575 | charges to the maximum amounts specified by law or the amount  
576 | necessary to resolve the deficit, whichever is less. If, after  
577 | increasing fees, service charges, and any other court-related  
578 | clerk fees and charges to the maximum amounts specified by law, a  
579 | revenue deficit is still projected, the corporation shall,  
580 | pursuant to the terms of the contract with the Chief Financial  
581 | Officer, certify a revenue deficit and notify the Department of



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582 Revenue that the clerk is authorized to retain revenues, in an  
583 amount necessary to fully fund the projected revenue deficit,  
584 which he or she would otherwise be required to remit to the  
585 Department of Revenue for deposit into the Department of Revenue  
586 Clerks of the Court Trust Fund pursuant to s. 28.37. If a revenue  
587 deficit is projected for that clerk after retaining all of the  
588 projected collections from the court-related fines, fees, service  
589 charges, and costs, the Department of Revenue shall certify the  
590 amount of the revenue deficit amount to the Executive Office of  
591 the Governor and request release authority for funds appropriated  
592 for this purpose from the Department of Revenue Clerks of the  
593 Court Trust Fund. Notwithstanding provisions of s. 216.192  
594 related to the release of funds, the Executive Office of the  
595 Governor may approve the release of funds appropriated to resolve  
596 projected revenue deficits in accordance with the notice, review,  
597 and objection procedures set forth in s. 216.177 and shall  
598 provide notice to the Chief Financial Officer. The Department of  
599 Revenue is directed to request monthly distributions from the  
600 Chief Financial Officer in equal amounts to each clerk certified  
601 to have a revenue deficit, in accordance with the releases  
602 approved by the Governor.

603 (b) If the Chief Financial Officer finds the court-related  
604 budget proposed by a clerk includes functions not included in the  
605 standard list of court-related functions in s. 28.35(4)(a), the  
606 Chief Financial Officer shall notify the clerk of the amount of  
607 the proposed budget not eligible to be funded from fees, service  
608 charges, costs, and fines for court-related functions and shall  
609 identify appropriate corrective measures to ensure budget  
610 integrity. The clerk shall then immediately discontinue all  
611 ineligible expenditures of court-related funds for this purpose



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612 and reimburse the Clerks of the Court Trust Fund for any  
613 previously ineligible expenditures made for non-court-related  
614 functions, and shall implement any corrective actions identified  
615 by the Chief Financial Officer.

616 (5) (a) For the county fiscal year October 1, 2004, through  
617 September 30, 2005, the maximum annual budget amount for the  
618 standard list of court-related functions of the clerks of court  
619 in s. 28.35(4) (a) that may be funded from fees, service charges,  
620 court costs, and fines retained by the clerks of the court shall  
621 not exceed:

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

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

630 (b) For the county fiscal year 2005-2006, the maximum  
631 budget amount for the standard list of court-related functions of  
632 the clerks of court in s. 28.35(4) (a) that may be funded from  
633 fees, service charges, court costs, and fines retained by the  
634 clerks of the court shall be the approved budget for county  
635 fiscal year 2004-2005 adjusted by the projected percentage change  
636 in revenue between the county fiscal years 2004-2005 and 2005-  
637 2006.

638 (c) For the county fiscal years 2006-2007 and thereafter,  
639 the maximum budget amount for the standard list of court-related  
640 functions of the clerks of court in s. 28.35(4) (a) that may be  
641 funded from fees, service charges, court costs, and fines



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642 retained by the clerks of the court shall be established by first  
643 rebasing the prior fiscal year budget to reflect the actual  
644 percentage change in the prior fiscal year revenue and then  
645 adjusting the rebased prior fiscal year budget by the projected  
646 percentage change in revenue for the proposed budget year. The  
647 rebasing calculations and maximum annual budget calculations  
648 shall be as follows:

649 1. For county fiscal year 2006-2007, the approved budget  
650 for county fiscal year 2004-2005 shall be adjusted for the actual  
651 percentage change in revenue between the two 12-month periods  
652 ending June 30, 2005, and June 30, 2006. This result is the  
653 rebased budget for the county fiscal year 2005-2006. Then the  
654 rebased budget for the county fiscal year 2005-2006 shall be  
655 adjusted by the projected percentage change in revenue between  
656 the county fiscal years 2005-2006 and 2006-2007. This result  
657 shall be the maximum annual budget amount for the standard list  
658 of court-related functions of the clerks of court in s.  
659 28.35(4) (a) that may be funded from fees, service charges, court  
660 costs, and fines retained by the clerks of the court for each  
661 clerk for the county fiscal year 2006-2007.

662 2. For county fiscal year 2007-2008, the rebased budget for  
663 county fiscal year 2005-2006 shall be adjusted for the actual  
664 percentage change in revenue between the two 12-month periods  
665 ending June 30, 2006, and June 30, 2007. This result is the  
666 rebased budget for the county fiscal year 2006-2007. The rebased  
667 budget for county fiscal year 2006-2007 shall be adjusted by the  
668 projected percentage change in revenue between the county fiscal  
669 years 2006-2007 and 2007-2008. This result shall be the maximum  
670 annual budget amount for the standard list of court-related  
671 functions of the clerks of court in s. 28.35(4) (a) that may be



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672 funded from fees, service charges, court costs, and fines  
673 retained by the clerks of the court for county fiscal year 2007-  
674 2008.

675 3. For county fiscal years 2008-2009 and thereafter, the  
676 maximum budget amount for the standard list of court-related  
677 functions of the clerks of court in s. 28.35(4)(a) that may be  
678 funded from fees, service charges, court costs, and fines  
679 retained by the clerks of the court shall be calculated as the  
680 rebased budget for the prior county fiscal year adjusted by the  
681 projected percentage change in revenues between the prior county  
682 fiscal year and the county fiscal year for which the maximum  
683 budget amount is being authorized. The rebased budget for the  
684 prior county fiscal year shall always be calculated by adjusting  
685 the rebased budget for the year preceding the prior county fiscal  
686 year by the actual percentage change in revenues between the 12-  
687 month period ending June 30 of the year preceding the prior  
688 county fiscal year and the 12-month period ending June 30 of the  
689 prior county fiscal year.

690 Section 11. Subsection (1) of section 34.041, Florida  
691 Statutes, is amended to read:

692 34.041 Filing fees.--

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

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

697 2. For all claims of \$100 or more but not more than  
698 \$500....\$75.

699 3. For all claims of more than \$500 but not more than  
700 \$2,500....\$170 ~~\$150~~.

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





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702           5. In addition, for all proceedings of garnishment,  
703 attachment, replevin, and distress....\$85 ~~\$75~~.

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

705           (b) The first \$80 ~~\$50~~ of the filing fee collected under  
706 subparagraph (a)4. shall be remitted to the Department of Revenue  
707 for deposit into the General Revenue Fund. The next \$15 of the  
708 filing fee collected under subparagraph (a)4., and the first \$15  
709 of each filing fee collected under subparagraph (a)6., shall be  
710 deposited in the state courts' Mediation and Arbitration Trust  
711 Fund. One-third of any filing fees collected by the clerk under  
712 this section in excess of the first \$95 ~~\$50~~ collected under  
713 subparagraph (a)4. shall be remitted to the Department of Revenue  
714 for deposit into the Department of Revenue Clerks of the Court  
715 Trust Fund. An additional filing fee of \$4 shall be paid to the  
716 clerk. The clerk shall transfer \$3.50 to the Department of  
717 Revenue for deposit into the Court Education Trust Fund and shall  
718 transfer 50 cents to the Department of Revenue for deposit into  
719 the Department of Financial Services' Administrative Trust Fund  
720 to fund clerk education. Postal charges incurred by the clerk of  
721 the county court in making service by mail on defendants or other  
722 parties shall be paid by the party at whose instance service is  
723 made. Except as provided herein, filing fees and service charges  
724 for performing duties of the clerk relating to the county court  
725 shall be as provided in ss. 28.24 and 28.241. Except as otherwise  
726 provided herein, all filing fees shall be retained as fee income  
727 of the office of the clerk of circuit court. Filing fees imposed  
728 by this section may not be added to any penalty imposed by  
729 chapter 316 or chapter 318.

730           (c) Any party other than a party described in paragraph (a)  
731 who files a pleading in an original civil action in the county



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732 court for affirmative relief by cross-claim, counterclaim, or  
733 third-party complaint, or who files a notice of cross-appeal or  
734 notice of joinder or motion to intervene as an appellant, cross-  
735 appellant, or petitioner, shall pay the clerk of court a fee of  
736 \$295 if the relief sought by the party under this paragraph  
737 exceeds \$2,500. This fee shall not apply where the cross-claim,  
738 counterclaim, or third-party complaint requires transfer of the  
739 case from county to circuit court. The clerk shall remit the fee  
740 to the Department of Revenue for deposit into the General Revenue  
741 Fund.

742 (d) The clerk of court shall collect a service charge of  
743 \$10 for issuing a summons. The clerk shall assess the fee against  
744 the party seeking to have the summons issued.

745 Section 12. Section 35.06, Florida Statutes, is amended to  
746 read:

747 35.06 Organization of district courts of appeal.--A  
748 district court of appeal shall be organized in each of the five  
749 appellate districts to be named District Court of Appeal, \_\_\_\_\_  
750 District. The number of judges of each district court of appeal  
751 shall be as follows:

- 752 (1) In the first district there shall be 15 judges.  
753 (2) In the second district there shall be 14 judges.  
754 (3) In the third district there shall be 10 ~~11~~ judges.  
755 (4) In the fourth district there shall be 12 judges.  
756 (5) In the fifth district there shall be 10 judges.

757 Section 13. Subsection (3) of section 35.22, Florida  
758 Statutes, is amended to read:

759 35.22 Clerk of district court; appointment; compensation;  
760 assistants; filing fees; teleconferencing.--



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761           (3) (a) The clerk, upon the filing of a certified copy of a  
762 notice of appeal or petition, shall charge and collect a filing  
763 fee of \$300 for each case docketed, and service charges as  
764 provided in s. 28.24 for copying, certifying or furnishing  
765 opinions, records, papers or other instruments and for other  
766 services. The State of Florida or its agencies, when appearing as  
767 appellant or petitioner, is exempt from the filing fee required  
768 in this subsection. From each attorney appearance pro hac vice,  
769 the clerk shall collect a fee of \$100 for deposit as provided in  
770 this section.

771           (b) Upon the filing of a notice of cross-appeal, or a  
772 notice of joinder or motion to intervene as an appellant, cross-  
773 appellant, or petitioner, the clerk shall charge and collect a  
774 filing fee of \$295. The clerk shall remit the fee to the  
775 Department of Revenue for deposit into the General Revenue Fund.  
776 The state and its agencies are exempt from the filing fee  
777 required by this paragraph.

778           Section 14. Subsections (3), (4), and (5) of section 40.24,  
779 Florida Statutes, are amended to read:

780           40.24 Compensation and reimbursement policy.--

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

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

789           (4) Each juror who serves more than 3 days is entitled to  
790 be paid by the clerk of the circuit court ~~state~~ for the fourth



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791 day of service and each day thereafter at the rate of \$30 per day  
792 of service.

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

796 Section 15. Section 40.26, Florida Statutes, is amended to  
797 read:

798 40.26 Meals and lodging for jurors.--The sheriff, when  
799 required by order of the court, shall provide juries with meals  
800 and lodging, the expense to be ~~taxed against and~~ paid by the  
801 clerk of the circuit court ~~state~~.

802 Section 16. Section 40.29, Florida Statutes, is amended to  
803 read:

804 40.29 Payment of due-process costs.--

805 (1) ~~(a)~~ Each clerk of the circuit court, on behalf of ~~the~~  
806 ~~courts~~, the state attorney, private court-appointed counsel, ~~and~~  
807 the public defender, and the criminal conflict and civil regional  
808 counsel, shall forward to the Justice Administrative Commission,  
809 by county, a quarterly estimate of funds necessary to pay for  
810 ordinary witnesses, including, but not limited to, witnesses in  
811 civil traffic cases and witnesses of the state attorney, the  
812 public defender, criminal conflict and civil regional counsel,  
813 private court-appointed counsel, and persons determined to be  
814 indigent for costs. Each quarter of the state fiscal year, the  
815 commission, based upon the estimates, shall advance funds to each  
816 clerk to pay for these ordinary witnesses from state funds  
817 specifically appropriated for the payment of ordinary witnesses.

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



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821 (2) Upon receipt of an estimate pursuant to subsection (1),  
822 the Justice Administrative Commission ~~or Office of State Courts~~  
823 ~~Administrator, as applicable,~~ shall endorse the amount deemed  
824 necessary for payment by the clerk of the court during the  
825 quarterly fiscal period and shall submit a request for payment to  
826 the Chief Financial Officer.

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

833 (4) After review for compliance with applicable rates and  
834 requirements, the Justice Administrative Commission shall pay all  
835 due process service related invoices, except those enumerated in  
836 subsection ~~paragraphs~~ (1) ~~(a) and (b)~~, approved and submitted by  
837 the state attorney, the public defender, criminal conflict and  
838 civil regional counsel, or private court-appointed counsel in  
839 accordance with the applicable requirements of ss. 29.005,  
840 29.006, and 29.007.

841 Section 17. Section 40.31, Florida Statutes, is amended to  
842 read:

843 40.31 Justice Administrative Commission ~~State Courts~~  
844 ~~Administrator~~ may apportion appropriation.--If the Justice  
845 Administrative Commission ~~has State Courts Administrator shall~~  
846 ~~have~~ reason to believe that the amount appropriated by the  
847 Legislature is insufficient to meet the expenses of ~~jurors and~~  
848 witnesses during the remaining part of the state fiscal year, the  
849 commission ~~he or she~~ may apportion the money in the treasury for  
850 that purpose among the several counties, basing such



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851 appportionment upon the amount expended for the payment of ~~jurors~~  
852 ~~and~~ witnesses in each county during the prior fiscal year. In  
853 such case, each county shall be paid by warrant, issued by the  
854 Chief Financial Officer, only the amount so apportioned to each  
855 county, and, when the amount so apportioned is insufficient to  
856 pay in full all the ~~jurors and~~ witnesses during a quarterly  
857 fiscal period, the clerk of the court shall apportion the money  
858 received pro rata among the ~~jurors and~~ witnesses entitled to pay  
859 and shall give to each ~~juror or~~ witness a certificate of the  
860 amount of compensation still due, which certificate shall be held  
861 by the commission ~~State Courts Administrator~~ as other demands  
862 against the state.

863 Section 18. Section 40.32, Florida Statutes, is amended to  
864 read:

865 40.32 Clerks to disburse money; payments to jurors and  
866 witnesses.--

867 (1) All moneys drawn from the treasury under the provisions  
868 of this chapter by the clerk of the court shall be disbursed by  
869 the clerk of the court as far as needed in payment of ~~jurors and~~  
870 witnesses, except for expert witnesses paid under ~~pursuant to~~ a  
871 contract or other professional services agreement pursuant to ss.  
872 29.004, 29.005, 29.006, and 29.007, for the legal compensation  
873 for service during the quarterly fiscal period for which the said  
874 moneys were drawn and for no other purposes.

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



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880           (3) Jurors and witnesses shall be paid by the clerk of the  
881 court either in cash or by warrant within 20 days after  
882 completion of jury service or of completion of service as a  
883 witness.

884           (a) Whenever the clerk of the court pays a juror or witness  
885 by cash, the said juror or witness shall sign the payroll in the  
886 presence of the clerk, a deputy clerk, or some other person  
887 designated by the clerk.

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

892           Section 19. Section 40.33, Florida Statutes, is amended to  
893 read:

894           40.33 Deficiency.--If the funds required for payment of the  
895 items enumerated in s. 40.29(1) ~~(a) or (b)~~ in any county during a  
896 quarterly fiscal period exceeds the amount of the funds provided  
897 pursuant to s. 40.29(3), the state attorney, ~~or~~ public defender,  
898 or criminal conflict and civil regional counsel, as applicable,  
899 shall make a further request upon the Justice Administrative  
900 Commission for the items enumerated in s. 40.29(1) ~~s. 40.29(1)(a)~~  
901 ~~or the clerk of court shall make a further request upon the~~  
902 ~~Office of the State Courts Administrator for items enumerated in~~  
903 ~~s. 40.29(1)(b)~~ for the amount necessary to allow for full  
904 payment.

905           Section 20. Section 40.34, Florida Statutes, is amended to  
906 read:

907           40.34 Clerks to make triplicate payroll.--



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

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

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

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

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

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

920 (3) Compensation paid a witness ~~or juror~~ shall be attested  
921 as provided in s. 40.32. The payroll shall be approved by the  
922 signature of the clerk, or his or her deputy, except for the  
923 payroll as to witnesses appearing before the state attorney,  
924 which payroll shall be approved by the signature of the state  
925 attorney or an assistant state attorney.

926 (4) The clerks of the courts shall forward two copies of  
927 such payrolls to the Justice Administrative Commission ~~State~~  
928 ~~Courts Administrator~~, within 2 weeks after the last day of the  
929 quarterly fiscal period, and the commission ~~State Courts~~  
930 ~~Administrator~~ shall audit such payrolls.

931 Section 21. Section 40.35, Florida Statutes, is repealed.

932 Section 22. Section 40.355, Florida Statutes, is amended to  
933 read:

934 40.355 Accounting and payment ~~to public defenders and state~~  
935 ~~attorneys.~~--The clerk of the court shall, within 2 weeks after  
936 the last day of the state's quarterly fiscal period, render to  
937 the state attorney, ~~and~~ the public defender, and the criminal





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938 conflict and civil regional counsel in each circuit a full  
939 statement of accounts for state moneys received and disbursed  
940 under this chapter for the payment of witnesses.

941 Section 23. Section 40.361, Florida Statutes, is amended to  
942 read:

943 40.361 Applicability of laws regarding state budgeting and  
944 finances.--The requirements contained within chapter 216,  
945 including the provisions of s. 216.192 related to release of  
946 funds, chapter 29, including ss. 29.015 and 29.016 related to use  
947 of contingency funds for due process services, and all other laws  
948 of this state relating to state budgeting and financing shall  
949 apply to all processes authorized or required under this chapter  
950 for the payment of the items enumerated in s. 40.29(1) ~~(a) and~~  
951 ~~(b)~~.

952 Section 24. Section 44.108, Florida Statutes, is amended to  
953 read:

954 44.108 Funding of mediation and arbitration.--

955 (1) Mediation and arbitration should be accessible to all  
956 parties regardless of financial status. A filing fee of \$1 is  
957 levied on all proceedings in the circuit or county courts to fund  
958 mediation and arbitration services which are the responsibility  
959 of the Supreme Court pursuant to the provisions of s. 44.106. The  
960 clerk of the court shall forward the moneys collected to the  
961 Department of Revenue for deposit in the state courts' Mediation  
962 and Arbitration Trust Fund.

963 (2) When court-ordered mediation services are provided by a  
964 circuit court's mediation program, the following fees, unless  
965 otherwise established in the General Appropriations Act, shall be  
966 collected by the clerk of court:



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

970 (b) Sixty ~~Forty~~ dollars per person per scheduled session in  
971 family mediation when the parties' combined income is less than  
972 \$50,000; or

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

975  
976 No mediation fees shall be assessed under this subsection in  
977 residential eviction cases, against a party found to be indigent,  
978 or for any small claims action. Fees collected by the clerk of  
979 court pursuant to this section shall be remitted to the  
980 Department of Revenue for deposit into the state courts'  
981 Mediation and Arbitration Trust Fund to fund court-ordered  
982 mediation. The clerk of court may deduct \$1 per fee assessment  
983 for processing this fee. The clerk of the court shall submit to  
984 the chief judge of the circuit and to the Office of the State  
985 Courts Administrator, no later than 30 days after the end of each  
986 quarter of the fiscal year, beginning July 1, 2008, a report  
987 specifying the amount of funds collected and remitted to the  
988 state courts' Mediation and Arbitration Trust Fund under this  
989 section and any other section during the previous ~~each~~ quarter of  
990 the fiscal year. In addition to identifying the total aggregate  
991 collections and remissions from all statutory sources, the report  
992 must identify collections and remissions by each statutory  
993 source.

994 Section 25. Section 45.035, Florida Statutes, is amended to  
995 read:



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996 45.035 Clerk's fees.--In addition to other fees or service  
997 charges authorized by law, the clerk shall receive service  
998 charges related to the judicial sales procedure set forth in ss.  
999 45.031-45.034 and this section:

1000 (1) The clerk shall receive a service charge of \$70 ~~\$60~~ for  
1001 services in making, recording, and certifying the sale and title,  
1002 which service charge shall be assessed as costs and shall be  
1003 advanced by the plaintiff before the sale.

1004 (2) If there is a surplus resulting from the sale, the  
1005 clerk may receive the following service charges, which shall be  
1006 deducted from the surplus:

1007 (a) The clerk may withhold the sum of \$28 ~~\$25~~ from the  
1008 surplus which may only be used for purposes of educating the  
1009 public as to the rights of homeowners regarding foreclosure  
1010 proceedings.

1011 (b) The clerk is entitled to a service charge of \$15 ~~\$10~~  
1012 for notifying a surplus trustee of his or her appointment.

1013 (c) The clerk is entitled to a service charge of \$15 ~~\$10~~  
1014 for each disbursement of surplus proceeds.

1015 (d) The clerk is entitled to a service charge of \$15 ~~\$10~~  
1016 for appointing a surplus trustee, furnishing the surplus trustee  
1017 with a copy of the final judgment and the certificate of  
1018 disbursements, and disbursing to the surplus trustee the  
1019 trustee's cost advance.

1020 Section 26. Subsection (3) of section 55.505, Florida  
1021 Statutes, is amended to read:

55.505 Notice of recording; prerequisite to enforcement.--

1023 (3) No execution or other process for enforcement of a  
1024 foreign judgment recorded hereunder shall issue until 30 days  
1025 after the mailing of notice by the clerk and payment of a service



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1026 charge of up to \$42 ~~\$37.50~~ to the clerk. When an action  
1027 authorized in s. 55.509(1) is filed, it acts as an automatic stay  
1028 of the effect of this section.

1029 Section 27. Subsection (1) of section 57.082, Florida  
1030 Statutes, is amended to read:

1031 57.082 Determination of civil indigent status.--

1032 (1) APPLICATION TO THE CLERK.--A person seeking appointment  
1033 of an attorney in a civil case eligible for court-appointed  
1034 counsel, or seeking relief from prepayment of fees and costs  
1035 under s. 57.081, based upon an inability to pay must apply to the  
1036 clerk of the court for a determination of civil indigent status  
1037 using an application form developed by the Florida Clerks of  
1038 Court Operations Corporation with final approval by the Supreme  
1039 Court.

1040 (a) The application must include, at a minimum, the  
1041 following financial information:

1042 1. Net income, consisting of total salary and wages, minus  
1043 deductions required by law, including court-ordered support  
1044 payments.

1045 2. Other income, including, but not limited to, social  
1046 security benefits, union funds, veterans' benefits, workers'  
1047 compensation, other regular support from absent family members,  
1048 public or private employee pensions, unemployment compensation,  
1049 dividends, interest, rent, trusts, and gifts.

1050 3. Assets, including, but not limited to, cash, savings  
1051 accounts, bank accounts, stocks, bonds, certificates of deposit,  
1052 equity in real estate, and equity in a boat or a motor vehicle or  
1053 in other tangible property.

1054 4. All liabilities and debts.

1055



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1056 The application must include a signature by the applicant which  
1057 attests to the truthfulness of the information provided. The  
1058 application form developed by the corporation must include notice  
1059 that the applicant may seek court review of a clerk's  
1060 determination that the applicant is not indigent, as provided in  
1061 this section.

1062 (b) The clerk shall assist a person who appears before the  
1063 clerk and requests assistance in completing the application, and  
1064 the clerk shall notify the court if a person is unable to  
1065 complete the application after the clerk has provided assistance.

1066 (c) The clerk shall accept an application that is signed by  
1067 the applicant and submitted on his or her behalf by a private  
1068 attorney who is representing the applicant in the applicable  
1069 matter.

1070 (d) A person who seeks appointment of an attorney in a case  
1071 under chapter 39, at the trial or appellate level, for which an  
1072 indigent person is eligible for court-appointed representation,  
1073 shall pay a \$50 application fee to the clerk for each application  
1074 filed. The applicant shall pay the fee within 7 days after  
1075 submitting the application. The clerk shall transfer monthly all  
1076 application fees collected under this paragraph to the Department  
1077 of Revenue for deposit into the Indigent Civil Defense Trust  
1078 Fund, to be used as appropriated by the Legislature. The clerk  
1079 may retain 10 percent of application fees collected monthly for  
1080 administrative costs prior to remitting the remainder to the  
1081 Department of Revenue. A person found to be indigent may not be  
1082 refused counsel. If the person cannot pay the application fee,  
1083 the clerk shall enroll the person in a payment plan pursuant to  
1084 s. 28.246.



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1085 Section 28. Subsection (6) of section 61.14, Florida  
1086 Statutes, is amended to read:

1087 61.14 Enforcement and modification of support, maintenance,  
1088 or alimony agreements or orders.--

1089 (6)(a)1. When support payments are made through the local  
1090 depository or through the State Disbursement Unit, any payment or  
1091 installment of support which becomes due and is unpaid under any  
1092 support order is delinquent; and this unpaid payment or  
1093 installment, and all other costs and fees herein provided for,  
1094 become, after notice to the obligor and the time for response as  
1095 set forth in this subsection, a final judgment by operation of  
1096 law, which has the full force, effect, and attributes of a  
1097 judgment entered by a court in this state for which execution may  
1098 issue. No deduction shall be made by the local depository from  
1099 any payment made for costs and fees accrued in the judgment by  
1100 operation of law process under paragraph (b) until the total  
1101 amount of support payments due the obligee under the judgment has  
1102 been paid.

1103 2. A certified statement by the local depository evidencing  
1104 a delinquency in support payments constitute evidence of the  
1105 final judgment under this paragraph.

1106 3. The judgment under this paragraph is a final judgment as  
1107 to any unpaid payment or installment of support which has accrued  
1108 up to the time either party files a motion with the court to  
1109 alter or modify the support order, and such judgment may not be  
1110 modified by the court. The court may modify such judgment as to  
1111 any unpaid payment or installment of support which accrues after  
1112 the date of the filing of the motion to alter or modify the  
1113 support order. This subparagraph does not prohibit the court from



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1114 providing relief from the judgment pursuant to Rule 1.540,  
1115 Florida Rules of Civil Procedure.

1116 (b)1. When an obligor is 15 days delinquent in making a  
1117 payment or installment of support and the amount of the  
1118 delinquency is greater than the periodic payment amount ordered  
1119 by the court, the local depository shall serve notice on the  
1120 obligor informing him or her of:

1121 a. The delinquency and its amount.

1122 b. An impending judgment by operation of law against him or  
1123 her in the amount of the delinquency and all other amounts which  
1124 thereafter become due and are unpaid, together with costs and a  
1125 service charge of up to \$25 ~~\$7.50~~, for failure to pay the amount  
1126 of the delinquency.

1127 c. The obligor's right to contest the impending judgment  
1128 and the ground upon which such contest can be made.

1129 d. The local depository's authority to release information  
1130 regarding the delinquency to one or more credit reporting  
1131 agencies.

1132 2. The local depository shall serve the notice by mailing  
1133 it by first class mail to the obligor at his or her last address  
1134 of record with the local depository. If the obligor has no  
1135 address of record with the local depository, service shall be by  
1136 publication as provided in chapter 49.

1137 3. When service of the notice is made by mail, service is  
1138 complete on the date of mailing.

1139 (c) Within 15 days after service of the notice is complete,  
1140 the obligor may file with the court that issued the support  
1141 order, or with the court in the circuit where the local  
1142 depository which served the notice is located, a motion to  
1143 contest the impending judgment. An obligor may contest the



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1144 impending judgment only on the ground of a mistake of fact  
1145 regarding an error in whether a delinquency exists, in the amount  
1146 of the delinquency, or in the identity of the obligor.

1147 (d) The court shall hear the obligor's motion to contest  
1148 the impending judgment within 15 days after the date of the  
1149 filing of the motion. Upon the court's denial of the obligor's  
1150 motion, the amount of the delinquency and all other amounts which  
1151 thereafter become due, together with costs and a service charge  
1152 of up to \$25 ~~\$7.50~~, become a final judgment by operation of law  
1153 against the obligor. The depository shall charge interest at the  
1154 rate established in s. 55.03 on all judgments for support.

1155 (e) If the obligor fails to file a motion to contest the  
1156 impending judgment within the time limit prescribed in paragraph  
1157 (c) and fails to pay the amount of the delinquency and all other  
1158 amounts which thereafter become due, together with costs and a  
1159 service charge of up to \$25 ~~\$7.50~~, such amounts become a final  
1160 judgment by operation of law against the obligor at the  
1161 expiration of the time for filing a motion to contest the  
1162 impending judgment.

1163 (f)1. Upon request of any person, the local depository  
1164 shall issue, upon payment of a service charge of up to \$25 ~~\$7.50~~,  
1165 a payoff statement of the total amount due under the judgment at  
1166 the time of the request. The statement may be relied upon by the  
1167 person for up to 30 days from the time it is issued unless proof  
1168 of satisfaction of the judgment is provided.

1169 2. When the depository records show that the obligor's  
1170 account is current, the depository shall record a satisfaction of  
1171 the judgment upon request of any interested person and upon  
1172 receipt of the appropriate recording fee. Any person shall be  
1173 entitled to rely upon the recording of the satisfaction.





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1174 3. The local depository, at the direction of the  
1175 department, or the obligee in a non-IV-D case, may partially  
1176 release the judgment as to specific real property, and the  
1177 depository shall record a partial release upon receipt of the  
1178 appropriate recording fee.

1179 4. The local depository is not liable for errors in its  
1180 recordkeeping, except when an error is a result of unlawful  
1181 activity or gross negligence by the clerk or his or her  
1182 employees.

1183 (g) The local depository shall send the department monthly  
1184 by electronic means a list of all Title IV-D and non-Title IV-D  
1185 cases in which a judgment by operation of law has been recorded  
1186 during the month for which the data is provided. At a minimum,  
1187 the depository shall provide the names of the obligor and  
1188 obligee, social security numbers of the obligor and obligee, if  
1189 available, and depository number.

1190 Section 29. Subsections (2) and (4) of section 316.193,  
1191 Florida Statutes, is amended to read:

1192 316.193 Driving under the influence; penalties.--

1193 (2) (a) Except as provided in paragraph (b), subsection (3),  
1194 or subsection (4), any person who is convicted of a violation of  
1195 subsection (1) shall be punished:

1196 1. By a fine of:

1197 a. Not less than \$500 ~~\$250~~ or more than \$1,000 ~~\$500~~ for a  
1198 first conviction.

1199 b. Not less than \$1,000 ~~\$500~~ or more than \$2,000 ~~\$1,000~~ for  
1200 a second conviction; and

1201 2. By imprisonment for:

1202 a. Not more than 6 months for a first conviction.

1203 b. Not more than 9 months for a second conviction.



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1204           3. For a second conviction, by mandatory placement for a  
1205 period of at least 1 year, at the convicted person's sole  
1206 expense, of an ignition interlock device approved by the  
1207 department in accordance with s. 316.1938 upon all vehicles that  
1208 are individually or jointly leased or owned and routinely  
1209 operated by the convicted person, when the convicted person  
1210 qualifies for a permanent or restricted license. The installation  
1211 of such device may not occur before July 1, 2003.

1212           (b)1. Any person who is convicted of a third violation of  
1213 this section for an offense that occurs within 10 years after a  
1214 prior conviction for a violation of this section commits a felony  
1215 of the third degree, punishable as provided in s. 775.082, s.  
1216 775.083, or s. 775.084. In addition, the court shall order the  
1217 mandatory placement for a period of not less than 2 years, at the  
1218 convicted person's sole expense, of an ignition interlock device  
1219 approved by the department in accordance with s. 316.1938 upon  
1220 all vehicles that are individually or jointly leased or owned and  
1221 routinely operated by the convicted person, when the convicted  
1222 person qualifies for a permanent or restricted license. The  
1223 installation of such device may not occur before July 1, 2003.

1224           2. Any person who is convicted of a third violation of this  
1225 section for an offense that occurs more than 10 years after the  
1226 date of a prior conviction for a violation of this section shall  
1227 be punished by a fine of not less than \$2,000 ~~\$1,000~~ or more than  
1228 \$5,000 ~~\$2,500~~ and by imprisonment for not more than 12 months. In  
1229 addition, the court shall order the mandatory placement for a  
1230 period of at least 2 years, at the convicted person's sole  
1231 expense, of an ignition interlock device approved by the  
1232 department in accordance with s. 316.1938 upon all vehicles that  
1233 are individually or jointly leased or owned and routinely



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1234 operated by the convicted person, when the convicted person  
1235 qualifies for a permanent or restricted license. The installation  
1236 of such device may not occur before July 1, 2003.

1237 3. Any person who is convicted of a fourth or subsequent  
1238 violation of this section, regardless of when any prior  
1239 conviction for a violation of this section occurred, commits a  
1240 felony of the third degree, punishable as provided in s. 775.082,  
1241 s. 775.083, or s. 775.084. However, the fine imposed for such  
1242 fourth or subsequent violation may be not less than \$2,000  
1243 ~~\$1,000~~.

1244 (4) Any person who is convicted of a violation of  
1245 subsection (1) and who has a blood-alcohol level or breath-  
1246 alcohol level of 0.20 or higher, or any person who is convicted  
1247 of a violation of subsection (1) and who at the time of the  
1248 offense was accompanied in the vehicle by a person under the age  
1249 of 18 years, shall be punished:

1250 (a) By a fine of:

1251 1. Not less than \$1,000 ~~\$500~~ or more than \$2,000 ~~\$1,000~~ for  
1252 a first conviction.

1253 2. Not less than \$2,000 ~~\$1,000~~ or more than \$4,000 ~~\$2,000~~  
1254 for a second conviction.

1255 3. Not less than \$4,000 ~~\$2,000~~ for a third or subsequent  
1256 conviction.

1257 (b) By imprisonment for:

1258 1. Not more than 9 months for a first conviction.

1259 2. Not more than 12 months for a second conviction.

1260

1261 For the purposes of this subsection, only the instant offense is  
1262 required to be a violation of subsection (1) by a person who has  
1263 a blood-alcohol level or breath-alcohol level of 0.20 or higher.



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1264 (c) In addition to the penalties in paragraphs (a) and (b),  
1265 the court shall order the mandatory placement, at the convicted  
1266 person's sole expense, of an ignition interlock device approved  
1267 by the department in accordance with s. 316.1938 upon all  
1268 vehicles that are individually or jointly leased or owned and  
1269 routinely operated by the convicted person for up to 6 months for  
1270 the first offense and for at least 2 years for a second offense,  
1271 when the convicted person qualifies for a permanent or restricted  
1272 license. The installation of such device may not occur before  
1273 July 1, 2003.

1274 Section 30. Section 318.121, Florida Statutes, is amended  
1275 to read:

1276 318.121 Preemption of additional fees, fines, surcharges,  
1277 and costs.--Notwithstanding any general or special law, or  
1278 municipal or county ordinance, additional fees, fines,  
1279 surcharges, or costs other than the court costs and surcharges  
1280 assessed under s. 318.18(11), ~~and (13)~~, and (18) may not be added  
1281 to the civil traffic penalties assessed in this chapter.

1282 Section 31. Subsection (10) of section 318.14, Florida  
1283 Statutes, is amended to read:

1284 318.14 Noncriminal traffic infractions; exception;  
1285 procedures.--

1286 (10)(a) Any person who does not hold a commercial driver's  
1287 license and who is cited for an offense listed under this  
1288 subsection may, in lieu of payment of fine or court appearance,  
1289 elect to enter a plea of nolo contendere and provide proof of  
1290 compliance to the clerk of the court or authorized operator of a  
1291 traffic violations bureau. In such case, adjudication shall be  
1292 withheld; however, no election shall be made under this  
1293 subsection if such person has made an election under this



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1294 subsection in the 12 months preceding election hereunder. No  
1295 person may make more than three elections under this subsection.  
1296 This subsection applies to the following offenses:

1297 1. Operating a motor vehicle without a valid driver's  
1298 license in violation of the provisions of s. 322.03, s. 322.065,  
1299 or s. 322.15(1), or operating a motor vehicle with a license  
1300 which has been suspended for failure to appear, failure to pay  
1301 civil penalty, or failure to attend a driver improvement course  
1302 pursuant to s. 322.291.

1303 2. Operating a motor vehicle without a valid registration  
1304 in violation of s. 320.0605, s. 320.07, or s. 320.131.

1305 3. Operating a motor vehicle in violation of s. 316.646.

1306 (b) Any person cited for an offense listed in this  
1307 subsection shall present proof of compliance prior to the  
1308 scheduled court appearance date. For the purposes of this  
1309 subsection, proof of compliance shall consist of a valid,  
1310 renewed, or reinstated driver's license or registration  
1311 certificate and proper proof of maintenance of security as  
1312 required by s. 316.646. Notwithstanding waiver of fine, any  
1313 person establishing proof of compliance shall be assessed court  
1314 costs of \$25 ~~\$22~~, except that a person charged with violation of  
1315 s. 316.646(1)-(3) may be assessed court costs of \$8 ~~\$7~~. One  
1316 dollar of such costs shall be remitted to the Department of  
1317 Revenue for deposit into the Child Welfare Training Trust Fund of  
1318 the Department of Children and Family Services. One dollar of  
1319 such costs shall be distributed to the Department of Juvenile  
1320 Justice for deposit into the Juvenile Justice Training Trust  
1321 Fund. Fourteen ~~Twelve~~ dollars of such costs shall be distributed  
1322 to the municipality and \$9 ~~\$8~~ shall be deposited by the clerk of  
1323 the court into the fine and forfeiture fund established pursuant



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1324 to s. 142.01, if the offense was committed within the  
1325 municipality. If the offense was committed in an unincorporated  
1326 area of a county or if the citation was for a violation of s.  
1327 316.646(1)-(3), the entire amount shall be deposited by the clerk  
1328 of the court into the fine and forfeiture fund established  
1329 pursuant to s. 142.01, except for the moneys to be deposited into  
1330 the Child Welfare Training Trust Fund and the Juvenile Justice  
1331 Training Trust Fund. This subsection shall not be construed to  
1332 authorize the operation of a vehicle without a valid driver's  
1333 license, without a valid vehicle tag and registration, or without  
1334 the maintenance of required security.

1335 Section 32. Subsection (1) of section 318.15, Florida  
1336 Statutes, is amended to read:

1337 318.15 Failure to comply with civil penalty or to appear;  
1338 penalty.--

1339 (1) (a) If a person fails to comply with the civil penalties  
1340 provided in s. 318.18 within the time period specified in s.  
1341 318.14(4), fails to attend driver improvement school, or fails to  
1342 appear at a scheduled hearing, the clerk of the court shall  
1343 notify the Division of Driver Licenses of the Department of  
1344 Highway Safety and Motor Vehicles of such failure within 10 days  
1345 after such failure. Upon receipt of such notice, the department  
1346 shall immediately issue an order suspending the driver's license  
1347 and privilege to drive of such person effective 20 days after the  
1348 date the order of suspension is mailed in accordance with s.  
1349 322.251(1), (2), and (6). Any such suspension of the driving  
1350 privilege which has not been reinstated, including a similar  
1351 suspension imposed outside Florida, shall remain on the records  
1352 of the department for a period of 7 years from the date imposed



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1353 and shall be removed from the records after the expiration of 7  
1354 years from the date it is imposed.

1355 (b) However, a person who elects to attend driver  
1356 improvement school and has paid the civil penalty as provided in  
1357 s. 318.14(9), but who subsequently fails to attend the driver  
1358 improvement school within the time specified by the court shall  
1359 be deemed to have admitted the infraction and shall be  
1360 adjudicated guilty. In such case the person must pay the clerk of  
1361 the court the 18 percent deducted pursuant to s. 318.14(9), and a  
1362 processing fee of up to \$18 ~~\$15~~, after which no additional  
1363 penalties, court costs, or surcharges shall be imposed for the  
1364 violation. The clerk of the court shall notify the department of  
1365 the person's failure to attend driver improvement school and  
1366 points shall be assessed pursuant to s. 322.27.

1367 Section 33. Subsection (2) and paragraph (a) of subsection  
1368 (11) of section 318.18, Florida Statutes, are amended, and  
1369 subsection (18) is added to that section, to read:

1370 318.18 Amount of penalties.--The penalties required for a  
1371 noncriminal disposition pursuant to s. 318.14 or a criminal  
1372 offense listed in s. 318.17 are as follows:

1373 (2) Thirty dollars for all nonmoving traffic violations  
1374 and:

1375 (a) For all violations of s. 322.19.

1376 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,  
1377 and 322.15(1). Any person who is cited for a violation of s.  
1378 320.07(1) shall be charged a delinquent fee pursuant to s.  
1379 320.07(4).

1380 1. If a person who is cited for a violation of s. 320.0605  
1381 or s. 320.07 can show proof of having a valid registration at the  
1382 time of arrest, the clerk of the court may dismiss the case and



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1383 may assess a dismissal fee of up to \$10 ~~\$7.50~~. A person who finds  
1384 it impossible or impractical to obtain a valid registration  
1385 certificate must submit an affidavit detailing the reasons for  
1386 the impossibility or impracticality. The reasons may include, but  
1387 are not limited to, the fact that the vehicle was sold, stolen,  
1388 or destroyed; that the state in which the vehicle is registered  
1389 does not issue a certificate of registration; or that the vehicle  
1390 is owned by another person.

1391       2. If a person who is cited for a violation of s. 322.03,  
1392 s. 322.065, or s. 322.15 can show a driver's license issued to  
1393 him or her and valid at the time of arrest, the clerk of the  
1394 court may dismiss the case and may assess a dismissal fee of up  
1395 to \$10 ~~\$7.50~~.

1396       3. If a person who is cited for a violation of s. 316.646  
1397 can show proof of security as required by s. 627.733, issued to  
1398 the person and valid at the time of arrest, the clerk of the  
1399 court may dismiss the case and may assess a dismissal fee of up  
1400 to \$10 ~~\$7.50~~. A person who finds it impossible or impractical to  
1401 obtain proof of security must submit an affidavit detailing the  
1402 reasons for the impracticality. The reasons may include, but are  
1403 not limited to, the fact that the vehicle has since been sold,  
1404 stolen, or destroyed; that the owner or registrant of the vehicle  
1405 is not required by s. 627.733 to maintain personal injury  
1406 protection insurance; or that the vehicle is owned by another  
1407 person.

1408       (c) For all violations of ss. 316.2935 and 316.610.  
1409 However, for a violation of s. 316.2935 or s. 316.610, if the  
1410 person committing the violation corrects the defect and obtains  
1411 proof of such timely repair by an affidavit of compliance  
1412 executed by the law enforcement agency within 30 days from the





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1413 date upon which the traffic citation was issued, and pays \$4 to  
1414 the law enforcement agency, thereby completing the affidavit of  
1415 compliance, then upon presentation of said affidavit by the  
1416 defendant to the clerk within the 30-day time period set forth  
1417 under s. 318.14(4), the fine must be reduced to \$10 ~~\$7.50~~, which  
1418 the clerk of the court shall retain.

1419 (d) For all violations of s. 316.126(1)(b), unless  
1420 otherwise specified.

1421 (11)(a) In addition to the stated fine, court costs must be  
1422 paid in the following amounts and shall be deposited by the clerk  
1423 into the fine and forfeiture fund established pursuant to s.  
1424 142.01:

1425  
1426 For pedestrian infractions....\$4 ~~\$3~~.  
1427 For nonmoving traffic infractions....\$18 ~~\$16~~.  
1428 For moving traffic infractions....\$35 ~~\$30~~.

1429 (18) In addition to any penalties imposed, an  
1430 administrative fee of \$12.50 must be paid for all noncriminal  
1431 moving and nonmoving traffic violations under chapter 316.  
1432 Revenue from the administrative fee shall be deposited by the  
1433 clerk of court into the fine and forfeiture fund established  
1434 pursuant to s. 142.01.

1435 Section 34. Subsections (1) and (2) of section 322.245,  
1436 Florida Statutes, are amended to read:

1437 322.245 Suspension of license upon failure of person  
1438 charged with specified offense under chapter 316, chapter 320, or  
1439 this chapter to comply with directives ordered by traffic court  
1440 or upon failure to pay child support in non-IV-D cases as  
1441 provided in chapter 61 or failure to pay any financial obligation  
1442 in any other criminal case.--



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1443           (1) If a person charged with a violation of any of the  
1444 criminal offenses enumerated in s. 318.17 or with the commission  
1445 of any offense constituting a misdemeanor under chapter 320 or  
1446 this chapter fails to comply with all of the directives of the  
1447 court within the time allotted by the court, the clerk of the  
1448 traffic court shall mail to the person, at the address specified  
1449 on the uniform traffic citation, a notice of such failure,  
1450 notifying him or her that, if he or she does not comply with the  
1451 directives of the court within 30 days after the date of the  
1452 notice and pay a delinquency fee of up to \$25 ~~\$15~~ to the clerk,  
1453 his or her driver's license will be suspended. The notice shall  
1454 be mailed no later than 5 days after such failure. The  
1455 delinquency fee may be retained by the office of the clerk to  
1456 defray the operating costs of the office.

1457           (2) In non-IV-D cases, if a person fails to pay child  
1458 support under chapter 61 and the obligee so requests, the  
1459 depository or the clerk of the court shall mail in accordance  
1460 with s. 61.13016 the notice specified in that section, notifying  
1461 him or her that if he or she does not comply with the  
1462 requirements of that section and pay a delinquency fee of \$25 ~~\$10~~  
1463 to the depository or the clerk, his or her driver's license and  
1464 motor vehicle registration will be suspended. The delinquency fee  
1465 may be retained by the depository or the office of the clerk to  
1466 defray the operating costs of the office.

1467           Section 35. Subsections (2) and (4) of section 327.35,  
1468 Florida Statutes, are amended to read:

1469           327.35 Boating under the influence; penalties; "designated  
1470 drivers".--



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1471 (2) (a) Except as provided in paragraph (b), subsection (3),  
1472 or subsection (4), any person who is convicted of a violation of  
1473 subsection (1) shall be punished:

1474 1. By a fine of:

1475 a. Not less than \$500 ~~\$250~~ or more than \$1,000 ~~\$500~~ for a  
1476 first conviction.

1477 b. Not less than \$1,000 ~~\$500~~ or more than \$2,000 ~~\$1,000~~ for  
1478 a second conviction; and

1479 2. By imprisonment for:

1480 a. Not more than 6 months for a first conviction.

1481 b. Not more than 9 months for a second conviction.

1482 (b)1. Any person who is convicted of a third violation of  
1483 this section for an offense that occurs within 10 years after a  
1484 prior conviction for a violation of this section commits a felony  
1485 of the third degree, punishable as provided in s. 775.082, s.  
1486 775.083, or s. 775.084.

1487 2. Any person who is convicted of a third violation of this  
1488 section for an offense that occurs more than 10 years after the  
1489 date of a prior conviction for a violation of this section shall  
1490 be punished by a fine of not less than \$2,000 ~~\$1,000~~ or more than  
1491 \$5,000 ~~\$2,500~~ and by imprisonment for not more than 12 months.

1492 3. Any person who is convicted of a fourth or subsequent  
1493 violation of this section, regardless of when any prior  
1494 conviction for a violation of this section occurred, commits a  
1495 felony of the third degree, punishable as provided in s. 775.082,  
1496 s. 775.083, or s. 775.084.

1497  
1498 However, the fine imposed for such fourth or subsequent violation  
1499 may not be less than \$2,000 ~~\$1,000~~.



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1500 (4) Any person who is convicted of a violation of  
1501 subsection (1) and who has a blood-alcohol level or breath-  
1502 alcohol level of 0.20 or higher, or any person who is convicted  
1503 of a violation of subsection (1) and who at the time of the  
1504 offense was accompanied in the vessel by a person under the age  
1505 of 18 years, shall be punished:

1506 (a) By a fine of:

1507 1. Not less than \$1,000 ~~\$500~~ or more than \$2,000 ~~\$1,000~~ for  
1508 a first conviction.

1509 2. Not less than \$2,000 ~~\$1,000~~ or more than \$4,000 ~~\$2,000~~  
1510 for a second conviction.

1511 3. Not less than \$4,000 ~~\$2,000~~ for a third or subsequent  
1512 conviction.

1513 (b) By imprisonment for:

1514 1. Not more than 9 months for a first conviction.

1515 2. Not more than 12 months for a second conviction.

1516

1517 For the purposes of this subsection, only the instant offense is  
1518 required to be a violation of subsection (1) by a person who has  
1519 a blood-alcohol level or breath-alcohol level of 0.20 or higher.

1520 Section 36. Subsection (4), paragraph (a) of subsection  
1521 (9), and subsection (11) of section 327.73, Florida Statutes, are  
1522 amended to read:

1523 327.73 Noncriminal infractions.--

1524 (4) Any person charged with a noncriminal infraction under  
1525 this section may:

1526 (a) Pay the civil penalty, either by mail or in person,  
1527 within 30 days of the date of receiving the citation; or,

1528 (b) If he or she has posted bond, forfeit bond by not  
1529 appearing at the designated time and location.



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1530  
1531 If the person cited follows either of the above procedures, he or  
1532 she shall be deemed to have admitted the noncriminal infraction  
1533 and to have waived the right to a hearing on the issue of  
1534 commission of the infraction. Such admission shall not be used as  
1535 evidence in any other proceedings. If a person who is cited for a  
1536 violation of s. 327.395 can show a boating safety identification  
1537 card issued to that person and valid at the time of the citation,  
1538 the clerk of the court may dismiss the case and may assess a  
1539 dismissal fee of up to \$10 ~~\$7.50~~. If a person who is cited for a  
1540 violation of s. 328.72(13) can show proof of having a  
1541 registration for that vessel which was valid at the time of the  
1542 citation, the clerk may dismiss the case and may assess the  
1543 dismissal fee.

1544 (9)(a) Any person who fails to comply with the court's  
1545 requirements or who fails to pay the civil penalties specified in  
1546 this section within the 30-day period provided for in s. 327.72  
1547 must pay an additional court cost of up to \$20 ~~\$18~~, which shall  
1548 be used by the clerks of the courts to defray the costs of  
1549 tracking unpaid uniform boating citations.

1550 (11)(a) Court costs that are to be in addition to the  
1551 stated civil penalty shall be imposed by the court in an amount  
1552 not less than the following:

- 1553 1. For swimming or diving infractions, \$4 ~~\$3~~.
- 1554 2. For nonmoving boating infractions, \$18 ~~\$6~~.
- 1555 3. For boating infractions listed in s. 327.731(1), \$35  
1556 ~~\$10~~.

1557  
1558 (b) In addition to the court cost assessed under paragraph  
1559 (a), the court shall impose a \$3 court cost for each noncriminal



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1560 | infraction, to be distributed as provided in s. 938.01, and a \$2  
1561 | court cost as provided in s. 938.15 when assessed by a  
1562 | municipality or county.

1563 |  
1564 | Court costs imposed under this subsection may not exceed \$45 ~~\$30~~.  
1565 | A criminal justice selection center or both local criminal  
1566 | justice access and assessment centers may be funded from these  
1567 | court costs.

1568 |       Section 37. Paragraph (i) of subsection (1) of section  
1569 | 372.83, Florida Statutes, is amended to read:

1570 |       372.83 Penalties and violations; civil penalties for  
1571 | noncriminal infractions; criminal penalties; suspension and  
1572 | forfeiture of licenses and permits.--

1573 |       (1)

1574 |       (i) A person cited for violating the requirements of s.  
1575 | 372.57 relating to personal possession of a license or permit may  
1576 | not be convicted if, prior to or at the time of a county court  
1577 | hearing, the person produces the required license or permit for  
1578 | verification by the hearing officer or the court clerk. The  
1579 | license or permit must have been valid at the time the person was  
1580 | cited. The clerk or hearing officer may assess a \$10 ~~\$5~~ fee for  
1581 | costs under this paragraph.

1582 |       Section 38. Subsection (1) of section 713.24, Florida  
1583 | Statutes, is amended to read:

1584 |       713.24 Transfer of liens to security.--

1585 |       (1) Any lien claimed under this part may be transferred, by  
1586 | any person having an interest in the real property upon which the  
1587 | lien is imposed or the contract under which the lien is claimed,  
1588 | from such real property to other security by either:

1589 |       (a) Depositing in the clerk's office a sum of money, or



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1590 (b) Filing in the clerk's office a bond executed as surety  
1591 by a surety insurer licensed to do business in this state,  
1592  
1593 either to be in an amount equal to the amount demanded in such  
1594 claim of lien, plus interest thereon at the legal rate for 3  
1595 years, plus \$1,000 or 25 percent of the amount demanded in the  
1596 claim of lien, whichever is greater, to apply on any attorney's  
1597 fees and court costs that may be taxed in any proceeding to  
1598 enforce said lien. Such deposit or bond shall be conditioned to  
1599 pay any judgment or decree which may be rendered for the  
1600 satisfaction of the lien for which such claim of lien was  
1601 recorded. Upon making such deposit or filing such bond, the clerk  
1602 shall make and record a certificate showing the transfer of the  
1603 lien from the real property to the security and shall mail a copy  
1604 thereof by registered or certified mail to the lienor named in  
1605 the claim of lien so transferred, at the address stated therein.  
1606 Upon filing the certificate of transfer, the real property shall  
1607 thereupon be released from the lien claimed, and such lien shall  
1608 be transferred to said security. In the absence of allegations of  
1609 privity between the lienor and the owner, and subject to any  
1610 order of the court increasing the amount required for the lien  
1611 transfer deposit or bond, no other judgment or decree to pay  
1612 money may be entered by the court against the owner. The clerk  
1613 shall be entitled to a service charge for making and serving the  
1614 certificate, in the amount of up to \$20 ~~\$15~~. If the transaction  
1615 involves the transfer of multiple liens, an additional charge of  
1616 up to \$10 ~~\$7.50~~ for each additional lien shall be charged. For  
1617 recording the certificate and approving the bond, the clerk shall  
1618 receive her or his usual statutory service charges as prescribed



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1619 in s. 28.24. Any number of liens may be transferred to one such  
1620 security.

1621 Section 39. Subsection (3) of section 721.83, Florida  
1622 Statutes, is amended to read:

1623 721.83 Consolidation of foreclosure actions.--

1624 (3) A consolidated timeshare foreclosure action shall be  
1625 considered a single action, suit, or proceeding for the payment  
1626 of filing fees and service charges pursuant to general law. In  
1627 addition to the payment of such filing fees and service charges,  
1628 an additional filing fee of up to \$10 ~~\$5~~ for each timeshare  
1629 estate joined in that action shall be paid to the clerk of court.

1630 Section 40. Subsection (6) of section 744.365, Florida  
1631 Statutes, is amended to read:

1632 744.365 Verified inventory.--

1633 (6) AUDIT FEE.--

1634 (a) Where the value of the ward's property exceeds \$25,000,  
1635 a guardian shall pay from the ward's property to the clerk of the  
1636 circuit court a fee of up to \$85 ~~\$75~~, upon the filing of the  
1637 verified inventory, for the auditing of the inventory. Upon  
1638 petition by the guardian, the court may waive the auditing fee  
1639 upon a showing of insufficient funds in the ward's estate. Any  
1640 guardian unable to pay the auditing fee may petition the court  
1641 for waiver of the fee. The court may waive the fee after it has  
1642 reviewed the documentation filed by the guardian in support of  
1643 the waiver.

1644 (b) An audit fee may not be charged to any ward whose  
1645 property has a value of less than \$25,000.

1646 Section 41. Subsection (4) of section 744.3678, Florida  
1647 Statutes, is amended to read:

1648 744.3678 Annual accounting.--





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1649 (4) The guardian shall pay from the ward's estate to the  
1650 clerk of the circuit court a fee based upon the following  
1651 graduated fee schedule, upon the filing of the annual financial  
1652 return, for the auditing of the return:

1653 (a) For estates with a value of \$25,000 or less the clerk  
1654 of the court may charge a fee of up to \$20 ~~\$15~~.

1655 (b) For estates with a value of more than \$25,000 up to and  
1656 including \$100,000 the clerk of the court may charge a fee of up  
1657 to \$85 ~~\$75~~.

1658 (c) For estates with a value of more than \$100,000 up to  
1659 and including \$500,000 the clerk of the court may charge a fee of  
1660 up to \$170 ~~\$150~~.

1661 (d) For estates with a value in excess of \$500,000 the  
1662 clerk of the court may charge a fee of up to \$250 ~~\$225~~.

1663  
1664 Upon petition by the guardian, the court may waive the auditing  
1665 fee upon a showing of insufficient funds in the ward's estate.  
1666 Any guardian unable to pay the auditing fee may petition the  
1667 court for a waiver of the fee. The court may waive the fee after  
1668 it has reviewed the documentation filed by the guardian in  
1669 support of the waiver.

1670 Section 42. Subsection (2) of section 766.104, Florida  
1671 Statutes, is amended to read:

1672 766.104 Pleading in medical negligence cases; claim for  
1673 punitive damages; authorization for release of records for  
1674 investigation.--

1675 (2) Upon petition to the clerk of the court where the suit  
1676 will be filed and payment to the clerk of a filing fee, not to  
1677 exceed \$42 ~~\$37.50~~, an automatic 90-day extension of the statute  
1678 of limitations shall be granted to allow the reasonable



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1679 investigation required by subsection (1). This period shall be in  
1680 addition to other tolling periods. No court order is required for  
1681 the extension to be effective. The provisions of this subsection  
1682 shall not be deemed to revive a cause of action on which the  
1683 statute of limitations has run.

1684 Section 43. Subsection (1) of section 938.05, Florida  
1685 Statutes, is amended to read:

1686 938.05 Additional court costs for felonies, misdemeanors,  
1687 and criminal traffic offenses.--

1688 (1) Any person pleading nolo contendere to a misdemeanor or  
1689 criminal traffic offense under s. 318.14(10)(a) or pleading  
1690 guilty or nolo contendere to, or being found guilty of, any  
1691 felony, misdemeanor, or criminal traffic offense under the laws  
1692 of this state or the violation of any municipal or county  
1693 ordinance which adopts by reference any misdemeanor under state  
1694 law, shall pay as a cost in the case, in addition to any other  
1695 cost required to be imposed by law, a sum in accordance with the  
1696 following schedule:

1697 (a) Felonies....~~\$225~~ \$200

1698 (b) Misdemeanors....~~\$60~~ \$50

1699 (c) Criminal traffic offenses....~~\$60~~ \$50

1700 Section 44. Subsections (1), (2), and (8) of section  
1701 938.27, Florida Statutes, are amended to read:

1702 938.27 Judgment for costs on conviction.--

1703 (1) In all criminal and violation-of-probation or  
1704 community-control cases, convicted persons are liable for payment  
1705 of the ~~documented~~ costs of prosecution, including investigative  
1706 costs incurred by law enforcement agencies, by fire departments  
1707 for arson investigations, and by investigations of the Department  
1708 of Financial Services or the Office of Financial Regulation of



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1709 the Financial Services Commission, if requested by such agencies.  
1710 The court shall include these costs in every ~~shall be included~~  
1711 ~~and entered in the~~ judgment rendered against the convicted  
1712 person. For purposes of this section, "convicted" means a  
1713 determination of guilt, or of violation of probation or community  
1714 control, which is a result of a plea, trial, or violation  
1715 proceeding, regardless of whether adjudication is withheld.

1716 (2) (a) The court shall impose the costs of prosecution and  
1717 investigation notwithstanding the defendant's present ability to  
1718 pay. The court shall require the defendant to pay the costs  
1719 within a specified period or in specified installments.

1720 (b) The end of such period or the last such installment  
1721 shall not be later than:

1722 1. The end of the period of probation or community control,  
1723 if probation or community control is ordered;

1724 2. Five years after the end of the term of imprisonment  
1725 imposed, if the court does not order probation or community  
1726 control; or

1727 3. Five years after the date of sentencing in any other  
1728 case.

1729  
1730 However, in no event shall the obligation to pay any unpaid  
1731 amounts expire if not paid in full within the period specified in  
1732 this paragraph.

1733 (c) If not otherwise provided by the court under this  
1734 section, costs shall be paid immediately.

1735 (8) Costs for the state attorney shall be set in all cases  
1736 at no less than \$50 per case when a misdemeanor or criminal  
1737 traffic offense is charged and no less than \$100 per case when a  
1738 felony offense is charged, including a proceeding in which the



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1739 underlying offense is a violation of probation or community  
1740 control. The court may set a higher amount upon a showing of  
1741 sufficient proof of higher costs incurred. Costs recovered on  
1742 behalf of ~~that are collected by~~ the state attorney under this  
1743 section shall be deposited into the state attorney's grants and  
1744 donations trust fund to be used during the fiscal year in which  
1745 the funds are collected, or in any subsequent fiscal year, for  
1746 actual expenses incurred in investigating and prosecuting  
1747 criminal cases, which may include the salaries of permanent  
1748 employees, or for any other purpose authorized by the  
1749 Legislature.

1750 Section 45. Subsection (1) of section 938.29, Florida  
1751 Statutes, is amended to read:

1752 938.29 Legal assistance; lien for payment of attorney's  
1753 fees or costs.--

1754 (1) (a) A defendant who is convicted ~~determined to be guilty~~  
1755 of a criminal act or a violation-of-probation or community-  
1756 control by a court or jury or through a plea of guilty or nolo  
1757 ~~contendere~~ and who has received the assistance of the public  
1758 defender's office, a special assistant public defender, the  
1759 office of criminal conflict and civil regional counsel, or a  
1760 private conflict attorney, or who has received due process  
1761 services after being found indigent for costs under s. 27.52,  
1762 shall be liable for payment of the assessed application fee under  
1763 s. 27.52 and attorney's fees and costs. Attorney's fees and costs  
1764 shall be set in all cases at no less than \$50 per case when a  
1765 misdemeanor or criminal traffic offense is charged and no less  
1766 than \$100 per case when a felony offense is charged, including a  
1767 proceeding in which the underlying offense is a violation of  
1768 probation or community control. The court may set a higher amount



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1769 upon a showing of sufficient proof of higher fees or costs  
1770 incurred. For purposes of this section, "convicted" means a  
1771 determination of guilt, or of violation of probation or community  
1772 control, which is a result of a plea, trial, or violation  
1773 proceeding, regardless of whether adjudication is withheld. The  
1774 court shall include these fees and costs in every judgment  
1775 rendered against the convicted person ~~determine the amount of the~~  
1776 ~~obligation. Such costs shall include, but not be limited to, the~~  
1777 ~~cost of depositions; cost of transcripts of depositions,~~  
1778 ~~including the cost of defendant's copy, which transcripts are~~  
1779 ~~certified by the defendant's attorney as having served a useful~~  
1780 ~~purpose in the disposition of the case; investigative costs;~~  
1781 ~~witness fees; the cost of psychiatric examinations; or other~~  
1782 ~~reasonable costs specially incurred by the state and the clerk of~~  
1783 ~~court for the defense of the defendant in criminal prosecutions.~~  
1784 ~~Costs shall not include expenses inherent in providing a~~  
1785 ~~constitutionally guaranteed jury trial or expenditures in~~  
1786 ~~connection with the maintenance and operation of government~~  
1787 ~~agencies that must be made by the public irrespective of specific~~  
1788 ~~violations of law. Any costs assessed pursuant to this paragraph~~  
1789 ~~shall be reduced by any amount assessed against a defendant~~  
1790 ~~pursuant to s. 938.05.~~

1791 (b) Upon entering a judgment of conviction, the defendant  
1792 shall be liable to pay the attorney's fees and costs in full  
1793 after the judgment of conviction becomes final. The court shall  
1794 impose the attorney's fees and costs notwithstanding the  
1795 defendant's present ability to pay.

1796 (c) The defendant shall pay the application fee under s.  
1797 27.52(1)(b) and attorney's fees and costs in full or in  
1798 installments, at the time or times specified. The court may order



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1799 | payment of the assessed application fee and attorney's fees and  
1800 | costs as a condition of probation, of suspension of sentence, or  
1801 | of withholding the imposition of sentence. ~~The first \$40 from~~  
1802 | ~~attorney's fees and costs collected under this section shall be~~  
1803 | ~~transferred monthly by the clerk to the Department of Revenue for~~  
1804 | ~~deposit into the Indigent Criminal Defense Trust Fund. All funds~~  
1805 | ~~remaining attorney's fees and costs~~ collected under this section  
1806 | shall be distributed as provided in s. 27.562 ~~deposited into the~~  
1807 | ~~General Revenue Fund.~~

1808 |       Section 46. Section 984.08, Florida Statutes, is amended to  
1809 | read:

1810 |       984.08 Attorney's fees.--

1811 |       ~~(1)~~ The court may appoint an attorney to represent a parent  
1812 | or legal guardian under this chapter only upon a finding that the  
1813 | parent or legal guardian is indigent pursuant to s. 57.082. If an  
1814 | attorney is appointed, the parent or legal guardian shall be  
1815 | enrolled in a payment plan pursuant to s. 28.246.

1816 |       ~~(a)~~ ~~The finding of indigence of any parent or legal~~  
1817 | ~~guardian may be made by the court at any stage of the~~  
1818 | ~~proceedings. Any parent or legal guardian claiming indigence~~  
1819 | ~~shall file with the court an affidavit containing the factual~~  
1820 | ~~information required in paragraphs (c) and (d).~~

1821 |       ~~(b)~~ ~~A parent or legal guardian who is unable to pay for the~~  
1822 | ~~services of an attorney without substantial hardship to self or~~  
1823 | ~~family is indigent for the purposes of this chapter.~~

1824 |       ~~(c)~~ ~~Before finding that a parent or legal guardian is~~  
1825 | ~~indigent, the court shall determine whether any of the following~~  
1826 | ~~facts exist, and the existence of any such fact creates a~~  
1827 | ~~presumption that the parent or legal guardian is not indigent:~~



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1828 | ~~1. The parent or legal guardian has no dependents and has a~~  
1829 | ~~gross income exceeding \$250 per week; or, the parent or legal~~  
1830 | ~~guardian has dependents and has a gross income exceeding \$250 per~~  
1831 | ~~week plus \$100 per week for each dependent.~~

1832 | ~~2. The parent or legal guardian owns cash in excess of~~  
1833 | ~~\$1,000.~~

1834 | ~~3. The parent or legal guardian has an interest exceeding~~  
1835 | ~~\$1,000 in value in a single motor vehicle as defined in s.~~  
1836 | ~~320.01.~~

1837 | ~~(d) The court shall also consider the following~~  
1838 | ~~circumstances before finding that a parent or legal guardian is~~  
1839 | ~~indigent:~~

1840 | ~~1. The probable expense of being represented in the case.~~

1841 | ~~2. The parent's or legal guardian's ownership of, or equity~~  
1842 | ~~in, any intangible or tangible personal property or real property~~  
1843 | ~~or expectancy of an interest in any such property.~~

1844 | ~~3. The amount of debts the parent or legal guardian owes or~~  
1845 | ~~might incur because of illness or other misfortunes within the~~  
1846 | ~~family.~~

1847 | ~~(2) If, after the appointment of counsel for an indigent~~  
1848 | ~~parent or legal guardian, it is determined that the parent or~~  
1849 | ~~legal guardian is not indigent, the court has continuing~~  
1850 | ~~jurisdiction to assess attorney's fees and costs against the~~  
1851 | ~~parent or legal guardian, and order the payment thereof. When~~  
1852 | ~~payment of attorney's fees or costs has been assessed and ordered~~  
1853 | ~~by the court, there is hereby created a lien in the name of the~~  
1854 | ~~county in which the legal assistance was rendered, enforceable as~~  
1855 | ~~provided in subsection (3), upon all the property, both real and~~  
1856 | ~~personal, of the parent or legal guardian who received the court-~~  
1857 | ~~ordered appointed counsel under this chapter. The lien~~



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1858 ~~constitutes a claim against the parent or legal guardian and the~~  
1859 ~~parent's or legal guardian's estate in an amount to be determined~~  
1860 ~~by the court in which the legal assistance was rendered.~~

1861 ~~(3)(a) The lien created for court ordered payment of~~  
1862 ~~attorney's fees or costs under subsection (2) is enforceable upon~~  
1863 ~~all the property, both real and personal, of the parent or legal~~  
1864 ~~guardian who is being, or has been, represented by legal counsel~~  
1865 ~~appointed by the court in proceedings under this chapter. The~~  
1866 ~~lien constitutes a claim against the person and the estate of the~~  
1867 ~~parent or legal guardian, enforceable according to law, in an~~  
1868 ~~amount to be determined by the court in which the legal~~  
1869 ~~assistance was rendered.~~

1870 ~~(b) Immediately after the issuance of an order for the~~  
1871 ~~payment of attorney's fees or costs, a judgment showing the name,~~  
1872 ~~the residential address, the date of birth, and either a physical~~  
1873 ~~description or the social security number of the parent or legal~~  
1874 ~~guardian must be filed for record in the office of the clerk of~~  
1875 ~~the circuit court in the county where the parent or legal~~  
1876 ~~guardian resides and in each county in which the parent or legal~~  
1877 ~~guardian then owns or later acquires any property. The judgment~~  
1878 ~~is enforceable on behalf of the county by the board of county~~  
1879 ~~commissioners of the county in which the legal assistance was~~  
1880 ~~rendered.~~

1881 ~~(c) Instead of the procedure described in paragraphs (a)~~  
1882 ~~and (b), the court is authorized to require that the parent or~~  
1883 ~~legal guardian who has been represented by legal counsel~~  
1884 ~~appointed by the court in proceedings under this chapter execute~~  
1885 ~~a lien upon his or her real or personal property, presently owned~~  
1886 ~~or after-acquired, as security for the debt created by the~~  
1887 ~~court's order requiring payment of attorney's fees or costs. The~~





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1888 ~~lien must be recorded in the public records of the county at no~~  
1889 ~~charge by the clerk of the circuit court and is enforceable in~~  
1890 ~~the same manner as a mortgage.~~

1891 ~~(d) The board of county commissioners of the county where~~  
1892 ~~the parent received the services of an appointed private legal~~  
1893 ~~counsel is authorized to enforce, satisfy, compromise, settle,~~  
1894 ~~subordinate, release, or otherwise dispose of any debt or lien~~  
1895 ~~imposed under this section. A parent, who has been ordered to pay~~  
1896 ~~attorney's fees or costs and who is not in willful default in the~~  
1897 ~~payment thereof, may, at any time, petition the court which~~  
1898 ~~entered the order for remission of the payment of attorney's fees~~  
1899 ~~or costs or of any unpaid portion thereof. If the court~~  
1900 ~~determines that payment of the amount due will impose manifest~~  
1901 ~~hardship on the parent or immediate family, the court may remit~~  
1902 ~~all or part of the amount due in attorney's fees or costs or may~~  
1903 ~~modify the method of payment.~~

1904 ~~(e) The board of county commissioners of the county~~  
1905 ~~claiming the lien is authorized to contract with a collection~~  
1906 ~~agency for collection of such debts or liens, provided the fee~~  
1907 ~~for collection is on a contingent basis not to exceed 50 percent~~  
1908 ~~of the recovery. However, no fee may be paid to any collection~~  
1909 ~~agency by reason of foreclosure proceedings against real property~~  
1910 ~~or from the proceeds from the sale or other disposition of real~~  
1911 ~~property.~~

1912 Section 47. Notwithstanding s. 28.36, Florida Statutes, the  
1913 Florida Clerks of Court Operations Corporation may not approve  
1914 increases to the clerks' budgets based on increased revenue  
1915 generated under this act. The corporation may increase the  
1916 clerks' budgets in the aggregate by \$1,188,184 for the period  
1917 from July 1, 2008, through September 30, 2008, and \$3,564,551 for



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1918 the period from October 1, 2008, through June 30, 2009, for the  
1919 increased duties related to paying jurors and juror meals and  
1920 lodging expenses as provided in this act. These budget increases  
1921 shall be considered as part of the recurring base budget of the  
1922 clerks for future budgets approved pursuant to s. 28.36, Florida  
1923 Statutes.

1924 Section 48. This act shall take effect July 1, 2008.

1925  
1926 ===== T I T L E A M E N D M E N T =====

1927 And the title is amended as follows:

1928 Delete everything before the enacting clause  
1929 and insert:

1930 A bill to be entitled  
1931 An act relating to the state judicial system; amending s.  
1932 25.241, F.S.; requiring a fee for filing a notice of  
1933 cross-appeal or certain joinder notices or intervenor  
1934 motions with the Supreme Court; amending s. 26.57, F.S.;  
1935 eliminating additional compensation for county judges  
1936 presiding over circuit court cases; amending s. 27.511,  
1937 F.S.; prescribing the types of civil proceedings in which  
1938 assistant criminal conflict and civil regional counsel may  
1939 not otherwise engage; authorizing part-time assistant  
1940 regional counsel to practice criminal law with specified  
1941 limitations; providing for the public defender to handle  
1942 criminal appeals in certain cases for which trial  
1943 representation was provided by the office of criminal  
1944 conflict and civil regional counsel; providing an  
1945 exception when the public defender has a conflict;  
1946 amending s. 27.52, F.S.; increasing the application fee  
1947 for determining indigent status for the purpose of



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1948 receiving criminal representation by state-funded counsel;  
1949 conforming provisions to changes made by the act; amending  
1950 s. 27.562, F.S.; specifying that certain assessments  
1951 collected from a defendant are in satisfaction of the  
1952 application fee for a determination of indigent status;  
1953 amending s. 28.24, F.S.; increasing charges for services  
1954 rendered by the clerk of the circuit court in recording  
1955 documents and instruments and performing other duties;  
1956 amending s. 28.2401, F.S.; increasing services charges  
1957 that the clerk of court is authorized to charge in probate  
1958 matters; amending s. 28.241, F.S.; increasing filing fees  
1959 for civil actions in circuit court; conforming provisions  
1960 governing the remission of a portion of the fees to the  
1961 General Revenue Fund; providing for a portion of the fees  
1962 to be deposited in a designated trust fund in support of  
1963 mediation activities; requiring a fee for filing cross-  
1964 claims, counterclaims, and third-party pleadings;  
1965 requiring a service charge for issuing a summons;  
1966 increasing filing fees for instituting certain appellate  
1967 proceedings; amending s. 28.35, F.S.; including the  
1968 provision of meals and lodging for jurors within the  
1969 court-related functions that the clerk of court may fund  
1970 through fees, service charges, court costs, and fines;  
1971 revising provisions to conform; clarifying duties of the  
1972 Florida Clerks of Court Operations Corporation; reenacting  
1973 s. 28.36(1), (2), (3) (a), (4), and (5), F.S., relating to  
1974 budget procedures of the clerks of court, to incorporate  
1975 the amendment to s. 28.35, F.S., in references thereto;  
1976 amending s. 34.041, F.S.; increasing filing fees for civil  
1977 actions in county court; conforming provisions governing



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1978 | the remission of a portion of the fees to the General  
1979 | Revenue Fund; providing for a portion of the fees to be  
1980 | deposited in a designated trust fund in support of  
1981 | mediation activities; requiring a fee for filing certain  
1982 | cross-claims, counterclaims, third-party pleadings, and  
1983 | certain appellate notices and motions; requiring a service  
1984 | charge for issuing a summons; amending s. 35.06, F.S.;  
1985 | reducing the number of judges in the Third District Court  
1986 | of Appeal; amending s. 35.22, F.S.; requiring a fee for  
1987 | filing a notice of cross-appeal or certain joinder notices  
1988 | or intervenor motions with a district court of appeal;  
1989 | amending s. 40.24, F.S.; providing for jurors to be  
1990 | compensated by the clerk of the court rather than the  
1991 | state; amending s. 40.26, F.S.; providing for certain  
1992 | meals and lodging expenses for jurors to be paid by the  
1993 | clerk of the court; amending s. 40.29, F.S.; revising  
1994 | requirements for the clerk of the court relating to  
1995 | payment of ordinary witnesses; including the criminal  
1996 | conflict and regional civil counsel among the persons on  
1997 | whose behalf the clerk of the court estimates funds for  
1998 | payment of witnesses; eliminating a requirement that the  
1999 | clerk of the court provide an estimate of certain juror  
2000 | expenses; revising provisions to conform; amending s.  
2001 | 40.31, F.S.; revising provisions to conform to the payment  
2002 | of juror compensation from funds retained by the clerk of  
2003 | the court; authorizing the Justice Administrative  
2004 | Commission rather than the State Courts Administrator to  
2005 | apportion certain funds for payment of witnesses by the  
2006 | clerk of the court; amending s. 40.32, F.S.; requiring  
2007 | that certain juror expenses be paid by the clerk of the



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2008 | court from fees, service charges, court costs, and fines;  
2009 | amending s. 40.33, F.S.; revising procedures related to a  
2010 | deficiency in funds for the payment of witnesses; revising  
2011 | provisions to conform; amending s. 40.34, F.S.;  
2012 | eliminating requirements that the clerk of the court  
2013 | prepare a juror payroll and provide copies to the State  
2014 | Courts Administrator; requiring the clerk to submit a  
2015 | witness payroll to the Justice Administrative Commission;  
2016 | repealing s. 40.35, F.S., relating to an accounting by the  
2017 | clerk of the court to the State Courts Administrator for  
2018 | funds for juror and witness payments; amending s. 40.355,  
2019 | F.S.; revising requirements for the clerk of the court to  
2020 | account for certain funds, to conform to changes made by  
2021 | the act; amending s. 40.361, F.S., relating to the  
2022 | applicability of certain state budgeting laws; conforming  
2023 | a cross-reference; amending s. 44.108, F.S.; increasing  
2024 | fees for court-ordered mediation services; requiring the  
2025 | clerk of the court to report the fees collected and  
2026 | deposited into the Mediation and Arbitration Trust Fund;  
2027 | amending s. 45.035, F.S.; increasing service charges  
2028 | related to judicial sales procedures; amending s. 55.505,  
2029 | F.S.; increasing a service charge for issuing execution or  
2030 | process for enforcement of a foreign judgment; amending s.  
2031 | 57.082, F.S.; creating an application fee for a  
2032 | determination of indigent status and appointment of an  
2033 | attorney in certain proceedings relating to children;  
2034 | providing for fees collected to be deposited into the  
2035 | Indigent Civil Defense Trust Fund; authorizing the clerk  
2036 | of the court to retain a portion of the fees collected;  
2037 | providing for a person who cannot pay the fee to be



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2038 enrolled in a payment plan; amending s. 61.14, F.S.;

2039 increasing service charges related to enforcement and

2040 modification of support, maintenance, or alimony

2041 agreements or orders; amending s. 316.193, F.S.;

2042 increasing fines for driving under the influence; amending

2043 s. 318.121, F.S.; specifying that a new administrative fee

2044 for civil traffic violations is not preempted; amending s.

2045 318.14, F.S.; increasing the court costs that are assessed

2046 in certain noncriminal traffic cases; amending s. 318.15,

2047 F.S.; increasing the processing fee when a person is

2048 adjudicated guilty after failing to attend driver

2049 improvement school; amending s. 318.18, F.S.; increasing

2050 fees and court costs related to certain traffic

2051 infractions; creating an administrative fee for

2052 noncriminal moving and nonmoving traffic violations;

2053 amending s. 322.245, F.S.; increasing delinquency fees

2054 that are imposed for failing to comply with traffic court

2055 directives and that must be paid to avoid suspension of a

2056 driver's license; amending s. 327.35, F.S.; increasing

2057 fines for boating under the influence; amending s. 327.73,

2058 F.S.; increasing dismissal fees and court costs related to

2059 certain noncriminal vessel safety infractions; increasing

2060 the maximum amount of court costs that may be imposed;

2061 amending s. 372.83, F.S.; increasing the costs assessed by

2062 the clerk or a hearing officer for verifying that a person

2063 possesses a certain wildlife license or permit; amending

2064 s. 713.24, F.S.; increasing the fees charged by the clerk

2065 for making and serving a certificate showing transfer of a

2066 lien from real property to certain security; amending s.

2067 721.83, F.S.; increasing the additional filing fee for



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2068 joining a timeshare estate in a consolidated foreclosure  
2069 action; amending s. 744.365, F.S.; increasing the fee paid  
2070 by a guardian from the ward's property upon the filing of  
2071 a verified inventory of the ward's property; amending s.  
2072 744.3678, F.S.; increasing the fees paid by a guardian  
2073 from the ward's estate as part of an annual accounting;  
2074 amending s. 766.104, F.S.; increasing the filing fee for  
2075 securing an automatic extension of the statute of  
2076 limitations to allow for investigation in medical  
2077 negligence cases; amending s. 938.05, F.S.; increasing the  
2078 additional costs that a person must pay in felony,  
2079 misdemeanor, or criminal traffic offenses; amending s.  
2080 938.27, F.S.; defining the term "convicted" for purposes  
2081 of paying the costs of prosecution; providing for the  
2082 payment of costs in violation-of-probation or community-  
2083 control cases; providing for the imposition of such costs  
2084 notwithstanding a defendant's present ability to pay;  
2085 prescribing minimum costs of prosecution; authorizing the  
2086 court to establish higher costs of prosecution; amending  
2087 s. 938.29, F.S.; providing for the payment of attorney's  
2088 fees and costs in violation-of-probation or community-  
2089 control cases; providing that certain defendants are  
2090 liable for the application fee to determine indigent  
2091 status for purposes of appointing counsel; prescribing  
2092 minimum attorney's fees and costs related to  
2093 representation in criminal cases; authorizing the court to  
2094 establish higher fees and costs; defining the term  
2095 "convicted" for purposes of paying attorney's fees and  
2096 costs related to such representation; providing for  
2097 distribution of funds collected from a defendant for the



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2098 application fee, attorney's fees, and costs; amending s.  
2099 984.08, F.S.; eliminating authority for counties to  
2100 collect on liens to pay costs related to court-appointed  
2101 counsel in certain cases involving children and families  
2102 in need of services; providing for parents or legal  
2103 guardians to be enrolled in payment plans; prohibiting the  
2104 Florida Clerks of Court Operations Corporation from  
2105 increasing the clerks' budgets based on increased revenues  
2106 under the act; authorizing the corporation to increase  
2107 budgets in the aggregate for increased clerk duties  
2108 related to the payment of juror expenses; providing an  
2109 effective date.