

By the Committee on Criminal and Civil Justice Appropriations;  
and Senator Crist

604-06521-08

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1 A bill to be entitled

2 An act relating to the state judicial system; amending s.  
3 27.511, F.S.; prescribing the types of civil proceedings  
4 in which part-time assistant criminal conflict and civil  
5 regional counsel may not otherwise engage; providing for  
6 the public defender to handle criminal appeals in certain  
7 cases for which trial representation was provided by the  
8 office of criminal conflict and civil regional counsel;  
9 providing an exception when the public defender has a  
10 conflict; amending s. 27.52, F.S.; increasing the  
11 application fee for determining indigent status for the  
12 purpose of receiving criminal representation by state-  
13 funded counsel; conforming provisions to changes made by  
14 the act; amending s. 27.562, F.S.; specifying that certain  
15 assessments collected from a defendant are in satisfaction  
16 of the application fee for a determination of indigent  
17 status; amending s. 28.24, F.S.; increasing charges for  
18 services rendered by the clerk of the circuit court in  
19 recording documents and instruments and performing other  
20 duties; amending s. 28.2401, F.S.; increasing services  
21 charges the clerk of court is authorized to charge in  
22 probate matters; amending s. 28.241, F.S.; increasing  
23 filing fees for civil actions in circuit court; conforming  
24 provisions governing the remission of a portion of the  
25 fees to the General Revenue Fund; providing for a portion  
26 of the fees to be deposited in a designated trust fund in  
27 support of mediation activities; increasing filing fees  
28 for instituting certain appellate proceedings; amending s.  
29 28.246, F.S.; reducing the maximum fee that may be charged

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

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

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

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

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

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117 security; amending s. 721.83, F.S.; increasing the  
118 additional filing fee for joining a timeshare estate in a  
119 consolidated foreclosure action; amending s. 744.365,  
120 F.S.; increasing the fee paid by a guardian from the  
121 ward's property upon the filing of a verified inventory of  
122 the ward's property; amending s. 744.3678, F.S.;  
123 increasing the fees paid by a guardian from the ward's  
124 estate as part of an annual accounting; amending s.  
125 766.104, F.S.; increasing the filing fee for securing an  
126 automatic extension of the statute of limitations to allow  
127 for investigation in medical negligence cases; amending s.  
128 938.05, F.S.; increasing the additional costs that a  
129 person must pay in felony, misdemeanor, or criminal  
130 traffic offenses; amending s. 938.27, F.S.; defining the  
131 term "convicted" for purposes of paying the costs of  
132 prosecution; providing for the imposition of such costs  
133 notwithstanding a defendant's present ability to pay;  
134 prescribing costs of prosecution; authorizing the court to  
135 establish higher minimum costs of prosecution; amending s.  
136 938.29, F.S.; providing that certain defendants are liable  
137 for the application fee to determine indigent status for  
138 purposes of appointing counsel; providing for distribution  
139 of funds collected from a defendant for the application  
140 fee, attorney's fees, and costs; prohibiting the Florida  
141 Clerks of Court Operations Corporation from increasing  
142 clerks budgets in a specified fiscal year based on  
143 increased revenues under the act; authorizing the  
144 corporation to increase budgets in the aggregate for

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145 increased clerk duties related to the payment of juror  
146 expenses; providing an effective date.

147

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

149

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

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

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

162 (8) The public defender for the judicial circuit specified  
163 in s. 27.51(4) ~~office of criminal conflict and civil regional~~  
164 ~~counsel~~ shall handle all circuit court appeals within the state  
165 courts system and any authorized appeals to the federal courts  
166 which are required in any criminal case ~~eases~~ in which the office  
167 of criminal conflict and civil regional counsel is appointed  
168 under this section, unless the public defender certifies to the  
169 trial court that the public defender has a conflict consistent  
170 with the criteria prescribed in s. 27.5303. If the public  
171 defender has a conflict, the regional counsel shall handle the  
172 appeal, unless the regional counsel has a conflict, in which case  
173 the court shall appoint private counsel pursuant to s. 27.40.

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

176 27.52 Determination of indigent status.--

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

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

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

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

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

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

200 27.562 Disposition of funds.--The first \$50 ~~\$40~~ of all  
201 funds collected pursuant to s. 938.29 shall be deposited into the  
202 Indigent Criminal Defense Trust Fund pursuant to s. 27.525 in

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203 satisfaction of the application fee for a determination of  
204 indigent status under s. 27.52 if the fee was not paid. The  
205 remaining funds collected pursuant to s. 938.29 shall be  
206 distributed as follows:

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

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

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

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

220 28.24 Service charges by clerk of the circuit court.--The  
221 clerk of the circuit court shall charge for services rendered by  
222 the clerk's office in recording documents and instruments and in  
223 performing the duties enumerated in amounts not to exceed those  
224 specified in this section. Notwithstanding any other provision of  
225 this section, the clerk of the circuit court shall provide  
226 without charge to the state attorney, public defender, guardian  
227 ad litem, public guardian, attorney ad litem, criminal conflict  
228 and civil regional counsel, and private court-appointed counsel  
229 paid by the state, and to the authorized staff acting on behalf  
230 of each, access to and a copy of any public record, if the  
231 requesting party is entitled by law to view the exempt or



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232 confidential record, as maintained by and in the custody of the  
 233 clerk of the circuit court as provided in general law and the  
 234 Florida Rules of Judicial Administration. The clerk of the  
 235 circuit court may provide the requested public record in an  
 236 electronic format in lieu of a paper format when capable of being  
 237 accessed by the requesting entity.

238

## 239 Charges

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

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

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

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

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

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

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

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

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

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

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- 261 (7) For copying any instrument in the public records by  
262 other than photographic process, per page....6.00
- 263 (8) For writing any paper other than herein specifically  
264 mentioned, same as for copying, including signing and  
265 sealing....7.00 ~~6.00~~
- 266 (9) For indexing each entry not recorded....1.00
- 267 (10) For receiving money into the registry of court:
- 268 (a)1. First \$500, percent....3
- 269 2. Each subsequent \$100, percent....1.5
- 270 (b) Eminent domain actions, per deposit....170.00 ~~150.00~~
- 271 (11) For examining, certifying, and recording plats and for  
272 recording condominium exhibits larger than 14 inches by 8 1/2  
273 inches:
- 274 (a) First page....30.00
- 275 (b) Each additional page....15.00
- 276 (12) For recording, indexing, and filing any instrument not  
277 more than 14 inches by 8 1/2 inches, including required notice to  
278 property appraiser where applicable:
- 279 (a) First page or fraction thereof....5.00
- 280 (b) Each additional page or fraction thereof....4.00
- 281 (c) For indexing instruments recorded in the official  
282 records which contain more than four names, per additional  
283 name....1.00
- 284 (d) An additional service charge shall be paid to the clerk  
285 of the circuit court to be deposited in the Public Records  
286 Modernization Trust Fund for each instrument listed in s. 28.222,  
287 except judgments received from the courts and notices of lis  
288 pendens, recorded in the official records:
- 289 1. First page....1.00

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290 2. Each additional page....0.50

291

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

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319 personnel training, and technical assistance. The report must  
320 indicate the nature of the system each clerk uses to store,  
321 maintain, and retrieve public records and the degree to which the  
322 system has been upgraded since the creation of the trust fund.

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

328 1. If the counties maintain legal responsibility for the  
329 costs of the court-related technology needs as defined in s.  
330 29.008(1)(f)2. and (h), 10 cents shall be distributed to the  
331 Florida Association of Court Clerks and Comptroller, Inc., for  
332 the cost of development, implementation, operation, and  
333 maintenance of the clerks' Comprehensive Case Information System,  
334 in which system all clerks shall participate on or before January  
335 1, 2006; \$1.90 shall be retained by the clerk to be deposited in  
336 the Public Records Modernization Trust Fund and used exclusively  
337 for funding court-related technology needs of the clerk as  
338 defined in s. 29.008(1)(f)2. and (h); and \$2 shall be distributed  
339 to the board of county commissioners to be used exclusively to  
340 fund court-related technology, and court technology needs as  
341 defined in s. 29.008(1)(f)2. and (h) for the state trial courts,  
342 state attorney, public defender, and criminal conflict and civil  
343 regional counsel in that county. If the counties maintain legal  
344 responsibility for the costs of the court-related technology  
345 needs as defined in s. 29.008(1)(f)2. and (h), notwithstanding  
346 any other provision of law, the county is not required to provide  
347 additional funding beyond that provided herein for the court-

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348 related technology needs of the clerk as defined in s.  
 349 29.008(1)(f)2. and (h). All court records and official records  
 350 are the property of the State of Florida, including any records  
 351 generated as part of the Comprehensive Case Information System  
 352 funded pursuant to this paragraph and the clerk of court is  
 353 designated as the custodian of such records, except in a county  
 354 where the duty of maintaining official records exists in a county  
 355 office other than the clerk of court or comptroller, such county  
 356 office is designated the custodian of all official records, and  
 357 the clerk of court is designated the custodian of all court  
 358 records. The clerk of court or any entity acting on behalf of the  
 359 clerk of court, including an association, shall not charge a fee  
 360 to any agency as defined in s. 119.011, the Legislature, or the  
 361 State Court System for copies of records generated by the  
 362 Comprehensive Case Information System or held by the clerk of  
 363 court or any entity acting on behalf of the clerk of court,  
 364 including an association.

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

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

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

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

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

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- 377 (17) For authenticated certificates, including signing and  
378 sealing....7.00 ~~6.00~~
- 379 (18) (a) For issuing and filing a subpoena for a witness,  
380 not otherwise provided for herein (includes writing, preparing,  
381 signing, and sealing)....7.00 ~~6.00~~
- 382 (b) For signing and sealing only....2.00 ~~1.50~~
- 383 (19) For approving bond....8.50 ~~7.50~~
- 384 (20) For searching of records, for each year's  
385 search....2.00 ~~1.50~~
- 386 (21) For processing an application for a tax deed sale  
387 (includes application, sale, issuance, and preparation of tax  
388 deed, and disbursement of proceeds of sale), other than excess  
389 proceeds....60.00
- 390 (22) For disbursement of excess proceeds of tax deed sale,  
391 first \$100 or fraction thereof....10.00
- 392 (23) Upon receipt of an application for a marriage license,  
393 for preparing and administering of oath; issuing, sealing, and  
394 recording of the marriage license; and providing a certified  
395 copy....30.00
- 396 (24) For solemnizing matrimony....30.00
- 397 (25) For sealing any court file or expungement of any  
398 record....42.00 ~~37.50~~
- 399 (26) (a) For receiving and disbursing all restitution  
400 payments, per payment....3.50 ~~3.00~~
- 401 (b) For receiving and disbursing all partial payments,  
402 other than restitution payments, for which an administrative  
403 processing service charge is not imposed pursuant to s. 28.246,  
404 per month....5.00
- 405 (c) For setting up a payment plan, a one-time

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406 administrative processing charge in lieu of a per month charge  
407 under paragraph (b)....25.00

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

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

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

416 28.2401 Service charges in probate matters.--

417 (1) Except when otherwise provided, the clerk may impose  
418 service charges for the following services, not to exceed the  
419 following amounts:

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

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

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

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

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

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

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

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

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

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

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

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

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

447 (1)(a) The party instituting any civil action, suit, or  
 448 proceeding in the circuit court shall pay to the clerk of that  
 449 court a filing fee of up to \$295 ~~\$250~~ in all cases in which there  
 450 are not more than five defendants and an additional filing fee of  
 451 up to \$2.50 ~~\$2~~ for each defendant in excess of five. Of the first  
 452 \$85 ~~\$55~~ in filing fees, \$80 ~~\$50~~ must be remitted by the clerk to  
 453 the Department of Revenue for deposit into the General Revenue  
 454 Fund, and \$5 must be remitted to the Department of Revenue for  
 455 deposit into the Department of Financial Services' Administrative  
 456 Trust Fund to fund the contract with the Florida Clerks of Court  
 457 Operations Corporation created in s. 28.35. The next \$15 of the  
 458 filing fee collected shall be deposited in the state courts'  
 459 Mediation and Arbitration Trust Fund. One-third of any filing  
 460 fees collected by the clerk of the circuit court in excess of  
 461 \$100 ~~\$55~~ shall be remitted to the Department of Revenue for  
 462 deposit into the Department of Revenue Clerks of the Court Trust  
 463 Fund. An additional filing fee of \$4 shall be paid to the clerk.



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464 The clerk shall remit \$3.50 to the Department of Revenue for  
465 deposit into the Court Education Trust Fund and shall remit 50  
466 cents to the Department of Revenue for deposit into the  
467 Department of Financial Services Administrative Trust Fund to  
468 fund clerk education. An additional filing fee of up to \$18 ~~\$15~~  
469 shall be paid by the party seeking each severance that is  
470 granted. The clerk may impose an additional filing fee of up to  
471 \$85 ~~\$75~~ for all proceedings of garnishment, attachment, replevin,  
472 and distress. Postal charges incurred by the clerk of the circuit  
473 court in making service by certified or registered mail on  
474 defendants or other parties shall be paid by the party at whose  
475 instance service is made. No additional fees, charges, or costs  
476 shall be added to the filing fees imposed under this section,  
477 except as authorized herein or by general law.

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

- 485 1. A writ of garnishment;
- 486 2. A writ of replevin;
- 487 3. A distress writ;
- 488 4. A writ of attachment;
- 489 5. A motion for rehearing filed within 10 days;
- 490 6. A motion for attorney's fees filed within 30 days after  
491 entry of a judgment or final order;
- 492 7. A motion for dismissal filed after a mediation agreement

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493 has been filed;

494 8. A disposition of personal property without  
495 administration;

496 9. Any probate case prior to the discharge of a personal  
497 representative;

498 10. Any guardianship pleading prior to discharge;

499 11. Any mental health pleading;

500 12. Motions to withdraw by attorneys;

501 13. Motions exclusively for the enforcement of child  
502 support orders;

503 14. A petition for credit of child support;

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

506 16. Stipulations;

507 17. Responsive pleadings; or

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

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

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522 deposit into the General Revenue Fund. One-third of the fee  
523 collected by the clerk in excess of \$80 ~~\$50~~ also shall be  
524 remitted to the Department of Revenue for deposit into the Clerks  
525 of the Court Trust Fund.

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

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

530 (6) A clerk of court may pursue the collection of any fees,  
531 service charges, fines, court costs, and liens for the payment of  
532 attorney's fees and costs pursuant to s. 938.29 which remain  
533 unpaid for 90 days or more, or refer the account to a private  
534 attorney who is a member in good standing of The Florida Bar or  
535 collection agent who is registered and in good standing pursuant  
536 to chapter 559. In pursuing the collection of such unpaid  
537 financial obligations through a private attorney or collection  
538 agent, the clerk of the court must have attempted to collect the  
539 unpaid amount through a collection court, collections docket, or  
540 other collections process, if any, established by the court, find  
541 this to be cost-effective and follow any applicable procurement  
542 practices. The collection fee, including any reasonable  
543 attorney's fee, paid to any attorney or collection agent retained  
544 by the clerk may be added to the balance owed in an amount not to  
545 exceed 25 ~~40~~ percent of the amount owed at the time the account  
546 is referred to the attorney or agent for collection.

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

549 28.35 Florida Clerks of Court Operations Corporation.--

550 (2) The duties of the corporation shall include the

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551 following:

552 (a) Adopting a plan of operation.

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

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

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

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

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580 affected clerk of the court.

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

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

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

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

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

598 (g) Developing and conducting clerk education programs.

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

602 (4) (a) The list of court-related functions clerks may fund  
603 from filing fees, service charges, court costs, and fines shall  
604 be limited to those functions expressly authorized by law or  
605 court rule. Those functions must include the following: case  
606 maintenance; records management; court preparation and  
607 attendance; processing the assignment, reopening, and  
608 reassignment of cases; processing of appeals; collection and

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609 distribution of fines, fees, service charges, and court costs;  
610 processing of bond forfeiture payments; payment of jurors and  
611 witnesses; payment of expenses for meals or lodging provided to  
612 jurors; data collection and reporting; processing of jurors;  
613 determinations of indigent status; and reasonable administrative  
614 support costs to enable the clerk of the court to carry out these  
615 court-related functions.

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

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

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

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

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

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

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

637 (1) Only those functions on the standard list developed

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

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

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

650 (a) On or before August 15 for each fiscal year thereafter,  
651 the proposed budget shall be prepared, summarized, and submitted  
652 by the clerk in each county to the Clerks of Court Operations  
653 Corporation in the manner and form prescribed by the corporation.  
654 The proposed budget must provide detailed information on the  
655 anticipated revenues available and expenditures necessary for the  
656 performance of the standard list of court-related functions of  
657 the clerk's office developed pursuant to s. 28.35(4) (a) for the  
658 county fiscal year beginning the following October 1.

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

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667 Officer. The corporation shall verify that the proposed budget is  
668 limited to the standard list of court-related functions in s.  
669 28.35(4) (a).

670 (a) If the corporation verifies that the proposed budget is  
671 limited to the standard list of court-related functions in s.  
672 28.35(4) (a) and a revenue deficit is projected, a clerk seeking  
673 to retain revenues pursuant to this subsection shall increase all  
674 fees, service charges, and any other court-related clerk fees and  
675 charges to the maximum amounts specified by law or the amount  
676 necessary to resolve the deficit, whichever is less. If, after  
677 increasing fees, service charges, and any other court-related  
678 clerk fees and charges to the maximum amounts specified by law, a  
679 revenue deficit is still projected, the corporation shall,  
680 pursuant to the terms of the contract with the Chief Financial  
681 Officer, certify a revenue deficit and notify the Department of  
682 Revenue that the clerk is authorized to retain revenues, in an  
683 amount necessary to fully fund the projected revenue deficit,  
684 which he or she would otherwise be required to remit to the  
685 Department of Revenue for deposit into the Department of Revenue  
686 Clerks of the Court Trust Fund pursuant to s. 28.37. If a revenue  
687 deficit is projected for that clerk after retaining all of the  
688 projected collections from the court-related fines, fees, service  
689 charges, and costs, the Department of Revenue shall certify the  
690 amount of the revenue deficit amount to the Executive Office of  
691 the Governor and request release authority for funds appropriated  
692 for this purpose from the Department of Revenue Clerks of the  
693 Court Trust Fund. Notwithstanding provisions of s. 216.192  
694 related to the release of funds, the Executive Office of the  
695 Governor may approve the release of funds appropriated to resolve



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696 projected revenue deficits in accordance with the notice, review,  
697 and objection procedures set forth in s. 216.177 and shall  
698 provide notice to the Chief Financial Officer. The Department of  
699 Revenue is directed to request monthly distributions from the  
700 Chief Financial Officer in equal amounts to each clerk certified  
701 to have a revenue deficit, in accordance with the releases  
702 approved by the Governor.

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

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

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

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

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

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

749 1. For county fiscal year 2006-2007, the approved budget  
750 for county fiscal year 2004-2005 shall be adjusted for the actual  
751 percentage change in revenue between the two 12-month periods  
752 ending June 30, 2005, and June 30, 2006. This result is the  
753 rebased budget for the county fiscal year 2005-2006. Then the

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754 | rebased budget for the county fiscal year 2005-2006 shall be  
755 | adjusted by the projected percentage change in revenue between  
756 | the county fiscal years 2005-2006 and 2006-2007. This result  
757 | shall be the maximum annual budget amount for the standard list  
758 | of court-related functions of the clerks of court in s.  
759 | 28.35(4) (a) that may be funded from fees, service charges, court  
760 | costs, and fines retained by the clerks of the court for each  
761 | clerk for the county fiscal year 2006-2007.

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

775 |         3. For county fiscal years 2008-2009 and thereafter, the  
776 | maximum budget amount for the standard list of court-related  
777 | functions of the clerks of court in s. 28.35(4) (a) that may be  
778 | funded from fees, service charges, court costs, and fines  
779 | retained by the clerks of the court shall be calculated as the  
780 | rebased budget for the prior county fiscal year adjusted by the  
781 | projected percentage change in revenues between the prior county  
782 | fiscal year and the county fiscal year for which the maximum

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783 budget amount is being authorized. The rebased budget for the  
784 prior county fiscal year shall always be calculated by adjusting  
785 the rebased budget for the year preceding the prior county fiscal  
786 year by the actual percentage change in revenues between the 12-  
787 month period ending June 30 of the year preceding the prior  
788 county fiscal year and the 12-month period ending June 30 of the  
789 prior county fiscal year.

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

792 34.041 Filing fees.--

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

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

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

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

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

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

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

805 (b) The first \$80 ~~\$50~~ of the filing fee collected under  
806 subparagraph (a)4. shall be remitted to the Department of Revenue  
807 for deposit into the General Revenue Fund. The next \$15 of the  
808 filing fee collected under subparagraph (a)4., and the first \$15  
809 of each filing fee collected under subparagraph (a)5. or  
810 subparagraph (a)6., shall be deposited in the state courts'  
811 Mediation and Arbitration Trust Fund. One-third of any filing

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

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

833 40.24 Compensation and reimbursement policy.--

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

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

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841 service.

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

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

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

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

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

857 40.29 Payment of due-process costs.--

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

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870 specifically appropriated for the payment of ordinary witnesses.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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957 payment.

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

960 40.34 Clerks to make triplicate payroll.--

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

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

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

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

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

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

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

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

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

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

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986           40.355 Accounting and payment ~~to public defenders and state~~  
987 ~~attorneys.~~--The clerk of the court shall, within 2 weeks after  
988 the last day of the state's quarterly fiscal period, render to  
989 the state attorney, and the public defender, and the criminal  
990 conflict and civil regional counsel in each circuit a full  
991 statement of accounts for state moneys received and disbursed  
992 under this chapter for the payment of witnesses.

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

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

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

1006           44.108 Funding of mediation and arbitration.--

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

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1015 (2) When court-ordered mediation services are provided by a  
1016 circuit court's mediation program, the following fees, unless  
1017 otherwise established in the General Appropriations Act, shall be  
1018 collected by the clerk of court:

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

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

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

1027  
1028 No mediation fees shall be assessed under this subsection in  
1029 residential eviction cases, against a party found to be indigent,  
1030 or for any small claims action. Fees collected by the clerk of  
1031 court pursuant to this section shall be remitted to the  
1032 Department of Revenue for deposit into the state courts'  
1033 Mediation and Arbitration Trust Fund to fund court-ordered  
1034 mediation. The clerk of court may deduct \$1 per fee assessment  
1035 for processing this fee. The clerk of the court shall submit to  
1036 the chief judge of the circuit and to the Office of the State  
1037 Courts Administrator, no later than 30 days after the end of each  
1038 quarter of the fiscal year, beginning July 1, 2008, a report  
1039 specifying the amount of funds collected and remitted to the  
1040 state courts' Mediation and Arbitration Trust Fund under this  
1041 section and any other section during the previous ~~each~~ quarter of  
1042 the fiscal year. In addition to identifying the total aggregate  
1043 collections and remissions from all statutory sources, the report

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1044 must identify collections and remissions by each statutory  
1045 source.

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

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

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

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

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

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

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

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

1072 Section 23. Subsection (3) of section 55.505, Florida

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1073 Statutes, is amended to read:

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

1075 (3) No execution or other process for enforcement of a  
1076 foreign judgment recorded hereunder shall issue until 30 days  
1077 after the mailing of notice by the clerk and payment of a service  
1078 charge of up to \$42 ~~\$37.50~~ to the clerk. When an action  
1079 authorized in s. 55.509(1) is filed, it acts as an automatic stay  
1080 of the effect of this section.

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

1083 57.082 Determination of civil indigent status.--

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

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

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

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

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

1106 4. All liabilities and debts.  
1107

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

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

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

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

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1131 may retain 2 percent of application fees collected monthly for  
1132 administrative costs prior to remitting the remainder to the  
1133 Department of Revenue.

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

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

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

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

1155 3. The judgment under this paragraph is a final judgment as  
1156 to any unpaid payment or installment of support which has accrued  
1157 up to the time either party files a motion with the court to  
1158 alter or modify the support order, and such judgment may not be  
1159 modified by the court. The court may modify such judgment as to



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1160 any unpaid payment or installment of support which accrues after  
1161 the date of the filing of the motion to alter or modify the  
1162 support order. This subparagraph does not prohibit the court from  
1163 providing relief from the judgment pursuant to Rule 1.540,  
1164 Florida Rules of Civil Procedure.

1165 (b)1. When an obligor is 15 days delinquent in making a  
1166 payment or installment of support and the amount of the  
1167 delinquency is greater than the periodic payment amount ordered  
1168 by the court, the local depository shall serve notice on the  
1169 obligor informing him or her of:

1170 a. The delinquency and its amount.

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

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

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

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

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

1188 (c) Within 15 days after service of the notice is complete,

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

1196 (d) The court shall hear the obligor's motion to contest  
1197 the impending judgment within 15 days after the date of the  
1198 filing of the motion. Upon the court's denial of the obligor's  
1199 motion, the amount of the delinquency and all other amounts which  
1200 thereafter become due, together with costs and a service charge  
1201 of up to \$25 ~~\$7.50~~, become a final judgment by operation of law  
1202 against the obligor. The depository shall charge interest at the  
1203 rate established in s. 55.03 on all judgments for support.

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

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

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

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

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

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

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

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

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

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

1251 (10) (a) Any person who does not hold a commercial driver's  
1252 license and who is cited for an offense listed under this  
1253 subsection may, in lieu of payment of fine or court appearance,  
1254 elect to enter a plea of nolo contendere and provide proof of  
1255 compliance to the clerk of the court or authorized operator of a  
1256 traffic violations bureau. In such case, adjudication shall be  
1257 withheld; however, no election shall be made under this  
1258 subsection if such person has made an election under this  
1259 subsection in the 12 months preceding election hereunder. No  
1260 person may make more than three elections under this subsection.  
1261 This subsection applies to the following offenses:

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

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

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

1271 (b) Any person cited for an offense listed in this  
1272 subsection shall present proof of compliance prior to the  
1273 scheduled court appearance date. For the purposes of this  
1274 subsection, proof of compliance shall consist of a valid,  
1275 renewed, or reinstated driver's license or registration

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1276 certificate and proper proof of maintenance of security as  
1277 required by s. 316.646. Notwithstanding waiver of fine, any  
1278 person establishing proof of compliance shall be assessed court  
1279 costs of \$25 ~~\$22~~, except that a person charged with violation of  
1280 s. 316.646(1)-(3) may be assessed court costs of \$8 ~~\$7~~. One  
1281 dollar of such costs shall be remitted to the Department of  
1282 Revenue for deposit into the Child Welfare Training Trust Fund of  
1283 the Department of Children and Family Services. One dollar of  
1284 such costs shall be distributed to the Department of Juvenile  
1285 Justice for deposit into the Juvenile Justice Training Trust  
1286 Fund. Fourteen ~~Twelve~~ dollars of such costs shall be distributed  
1287 to the municipality and \$9 ~~\$8~~ shall be deposited by the clerk of  
1288 the court into the fine and forfeiture fund established pursuant  
1289 to s. 142.01, if the offense was committed within the  
1290 municipality. If the offense was committed in an unincorporated  
1291 area of a county or if the citation was for a violation of s.  
1292 316.646(1)-(3), the entire amount shall be deposited by the clerk  
1293 of the court into the fine and forfeiture fund established  
1294 pursuant to s. 142.01, except for the moneys to be deposited into  
1295 the Child Welfare Training Trust Fund and the Juvenile Justice  
1296 Training Trust Fund. This subsection shall not be construed to  
1297 authorize the operation of a vehicle without a valid driver's  
1298 license, without a valid vehicle tag and registration, or without  
1299 the maintenance of required security.

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

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

1304 (1) (a) If a person fails to comply with the civil penalties

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1305 provided in s. 318.18 within the time period specified in s.  
1306 318.14(4), fails to attend driver improvement school, or fails to  
1307 appear at a scheduled hearing, the clerk of the court shall  
1308 notify the Division of Driver Licenses of the Department of  
1309 Highway Safety and Motor Vehicles of such failure within 10 days  
1310 after such failure. Upon receipt of such notice, the department  
1311 shall immediately issue an order suspending the driver's license  
1312 and privilege to drive of such person effective 20 days after the  
1313 date the order of suspension is mailed in accordance with s.  
1314 322.251(1), (2), and (6). Any such suspension of the driving  
1315 privilege which has not been reinstated, including a similar  
1316 suspension imposed outside Florida, shall remain on the records  
1317 of the department for a period of 7 years from the date imposed  
1318 and shall be removed from the records after the expiration of 7  
1319 years from the date it is imposed.

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

1332 Section 29. Subsection (2), paragraph (a) of subsection  
1333 (8), and paragraph (a) of subsection (11) of section 318.18,

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1334 Florida Statutes, are amended, and subsection (18) is added to  
1335 that section, to read:

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

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

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

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

1346 1. If a person who is cited for a violation of s. 320.0605  
1347 or s. 320.07 can show proof of having a valid registration at the  
1348 time of arrest, the clerk of the court may dismiss the case and  
1349 may assess a dismissal fee of up to \$10 ~~\$7.50~~. A person who finds  
1350 it impossible or impractical to obtain a valid registration  
1351 certificate must submit an affidavit detailing the reasons for  
1352 the impossibility or impracticality. The reasons may include, but  
1353 are not limited to, the fact that the vehicle was sold, stolen,  
1354 or destroyed; that the state in which the vehicle is registered  
1355 does not issue a certificate of registration; or that the vehicle  
1356 is owned by another person.

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

1362 3. If a person who is cited for a violation of s. 316.646

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

1374 (c) For all violations of ss. 316.2935 and 316.610.  
1375 However, for a violation of s. 316.2935 or s. 316.610, if the  
1376 person committing the violation corrects the defect and obtains  
1377 proof of such timely repair by an affidavit of compliance  
1378 executed by the law enforcement agency within 30 days from the  
1379 date upon which the traffic citation was issued, and pays \$4 to  
1380 the law enforcement agency, thereby completing the affidavit of  
1381 compliance, then upon presentation of said affidavit by the  
1382 defendant to the clerk within the 30-day time period set forth  
1383 under s. 318.14(4), the fine must be reduced to \$10 ~~\$7.50~~, which  
1384 the clerk of the court shall retain.

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

1387 (8)(a) Any person who fails to comply with the court's  
1388 requirements or who fails to pay the civil penalties specified in  
1389 this section within the 30-day period provided for in s. 318.14  
1390 must pay an additional civil penalty of \$18 ~~\$12~~, \$2.50 of which  
1391 must be remitted to the Department of Revenue for deposit in the



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1392 General Revenue Fund, \$6 of which must be retained by the clerk,  
1393 and \$9.50 of which must be remitted to the Department of Revenue  
1394 for deposit in the Highway Safety Operating Trust Fund. The  
1395 department shall contract with the Florida Association of Court  
1396 Clerks, Inc., to design, establish, operate, upgrade, and  
1397 maintain an automated statewide Uniform Traffic Citation  
1398 Accounting System to be operated by the clerks of the court which  
1399 shall include, but not be limited to, the accounting for traffic  
1400 infractions by type, a record of the disposition of the  
1401 citations, and an accounting system for the fines assessed and  
1402 the subsequent fine amounts paid to the clerks of the court. On  
1403 or before December 1, 2001, the clerks of the court must provide  
1404 the information required by this chapter to be transmitted to the  
1405 department by electronic transmission pursuant to the contract.

1406 (11) (a) In addition to the stated fine, court costs must be  
1407 paid in the following amounts and shall be deposited by the clerk  
1408 into the fine and forfeiture fund established pursuant to s.  
1409 142.01:

1410

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

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

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

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

1420 Section 30. Subsections (1) and (2) of section 322.245,

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1421 Florida Statutes, are amended to read:

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

1428       (1) If a person charged with a violation of any of the  
1429 criminal offenses enumerated in s. 318.17 or with the commission  
1430 of any offense constituting a misdemeanor under chapter 320 or  
1431 this chapter fails to comply with all of the directives of the  
1432 court within the time allotted by the court, the clerk of the  
1433 traffic court shall mail to the person, at the address specified  
1434 on the uniform traffic citation, a notice of such failure,  
1435 notifying him or her that, if he or she does not comply with the  
1436 directives of the court within 30 days after the date of the  
1437 notice and pay a delinquency fee of up to \$25 ~~\$15~~ to the clerk,  
1438 his or her driver's license will be suspended. The notice shall  
1439 be mailed no later than 5 days after such failure. The  
1440 delinquency fee may be retained by the office of the clerk to  
1441 defray the operating costs of the office.

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

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1450 | may be retained by the depository or the office of the clerk to  
1451 | defray the operating costs of the office.

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

1455 |       327.73 Noncriminal infractions.--

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

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

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

1462 |

1463 | If the person cited follows either of the above procedures, he or  
1464 | she shall be deemed to have admitted the noncriminal infraction  
1465 | and to have waived the right to a hearing on the issue of  
1466 | commission of the infraction. Such admission shall not be used as  
1467 | evidence in any other proceedings. If a person who is cited for a  
1468 | violation of s. 327.395 can show a boating safety identification  
1469 | card issued to that person and valid at the time of the citation,  
1470 | the clerk of the court may dismiss the case and may assess a  
1471 | dismissal fee of up to \$10 ~~\$7.50~~. If a person who is cited for a  
1472 | violation of s. 328.72(13) can show proof of having a  
1473 | registration for that vessel which was valid at the time of the  
1474 | citation, the clerk may dismiss the case and may assess the  
1475 | dismissal fee.

1476 |       (9) (a) Any person who fails to comply with the court's  
1477 | requirements or who fails to pay the civil penalties specified in  
1478 | this section within the 30-day period provided for in s. 327.72

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1479 must pay an additional court cost of up to \$20 ~~\$18~~, which shall  
1480 be used by the clerks of the courts to defray the costs of  
1481 tracking unpaid uniform boating citations.

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

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

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

1495  
1496 Court costs imposed under this subsection may not exceed \$45 ~~\$30~~.  
1497 A criminal justice selection center or both local criminal  
1498 justice access and assessment centers may be funded from these  
1499 court costs.

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

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

1505 (1)

1506 (i) A person cited for violating the requirements of s.  
1507 372.57 relating to personal possession of a license or permit may

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

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

1516 713.24 Transfer of liens to security.--

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

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

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

1524  
1525 either to be in an amount equal to the amount demanded in such  
1526 claim of lien, plus interest thereon at the legal rate for 3  
1527 years, plus \$1,000 or 25 percent of the amount demanded in the  
1528 claim of lien, whichever is greater, to apply on any attorney's  
1529 fees and court costs that may be taxed in any proceeding to  
1530 enforce said lien. Such deposit or bond shall be conditioned to  
1531 pay any judgment or decree which may be rendered for the  
1532 satisfaction of the lien for which such claim of lien was  
1533 recorded. Upon making such deposit or filing such bond, the clerk  
1534 shall make and record a certificate showing the transfer of the  
1535 lien from the real property to the security and shall mail a copy  
1536 thereof by registered or certified mail to the lienor named in

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1537 the claim of lien so transferred, at the address stated therein.  
1538 Upon filing the certificate of transfer, the real property shall  
1539 thereupon be released from the lien claimed, and such lien shall  
1540 be transferred to said security. In the absence of allegations of  
1541 privity between the lienor and the owner, and subject to any  
1542 order of the court increasing the amount required for the lien  
1543 transfer deposit or bond, no other judgment or decree to pay  
1544 money may be entered by the court against the owner. The clerk  
1545 shall be entitled to a service charge for making and serving the  
1546 certificate, in the amount of up to \$20 ~~\$15~~. If the transaction  
1547 involves the transfer of multiple liens, an additional charge of  
1548 up to \$10 ~~\$7.50~~ for each additional lien shall be charged. For  
1549 recording the certificate and approving the bond, the clerk shall  
1550 receive her or his usual statutory service charges as prescribed  
1551 in s. 28.24. Any number of liens may be transferred to one such  
1552 security.

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

1555 721.83 Consolidation of foreclosure actions.--

1556 (3) A consolidated timeshare foreclosure action shall be  
1557 considered a single action, suit, or proceeding for the payment  
1558 of filing fees and service charges pursuant to general law. In  
1559 addition to the payment of such filing fees and service charges,  
1560 an additional filing fee of up to \$10 ~~\$5~~ for each timeshare  
1561 estate joined in that action shall be paid to the clerk of court.

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

1564 744.365 Verified inventory.--

1565 (6) AUDIT FEE.--

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

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

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

1580 744.3678 Annual accounting.--

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

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

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

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

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

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1595  
1596 Upon petition by the guardian, the court may waive the auditing  
1597 fee upon a showing of insufficient funds in the ward's estate.  
1598 Any guardian unable to pay the auditing fee may petition the  
1599 court for a waiver of the fee. The court may waive the fee after  
1600 it has reviewed the documentation filed by the guardian in  
1601 support of the waiver.

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

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

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

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

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

1620 (1) Any person pleading nolo contendere to a misdemeanor or  
1621 criminal traffic offense under s. 318.14(10)(a) or pleading  
1622 guilty or nolo contendere to, or being found guilty of, any  
1623 felony, misdemeanor, or criminal traffic offense under the laws



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1624 of this state or the violation of any municipal or county  
1625 ordinance which adopts by reference any misdemeanor under state  
1626 law, shall pay as a cost in the case, in addition to any other  
1627 cost required to be imposed by law, a sum in accordance with the  
1628 following schedule:

- 1629 (a) Felonies....\$225 ~~\$200~~  
1630 (b) Misdemeanors....\$60 ~~\$50~~  
1631 (c) Criminal traffic offenses....\$60 ~~\$50~~

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

1634 938.27 Judgment for costs on conviction.--

1635 (1) In all criminal, juvenile, and violation-of-probation  
1636 or community-control cases, convicted persons are liable for  
1637 payment of the ~~documented~~ costs of prosecution, including  
1638 investigative costs incurred by law enforcement agencies, by fire  
1639 departments for arson investigations, and by investigations of  
1640 the Department of Financial Services or the Office of Financial  
1641 Regulation of the Financial Services Commission, if requested by  
1642 such agencies. The court shall include these costs in every ~~shall~~  
1643 ~~be included and entered in the~~ judgment rendered against the  
1644 convicted person. For purposes of this section, "convicted" means  
1645 a determination of guilt or delinquency, or of violation of  
1646 probation or community control, which is a result of a plea,  
1647 trial, or violation proceeding, regardless of whether  
1648 adjudication is withheld.

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

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

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

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

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

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

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

1668 (8) Costs for the state attorney shall be set in all cases  
1669 at no less than \$50 per case when a misdemeanor, criminal  
1670 traffic, or juvenile offense is charged and no less than \$100 per  
1671 case when a felony offense is charged, including a proceeding in  
1672 which the underlying offense is a violation of probation or  
1673 community control. The court may set a higher amount upon a  
1674 showing of sufficient proof of higher costs incurred. Costs  
1675 recovered on behalf of ~~that are collected by~~ the state attorney  
1676 under this section shall be deposited into the state attorney's  
1677 grants and donations trust fund to be used during the fiscal year  
1678 in which the funds are collected, or in any subsequent fiscal  
1679 year, for actual expenses incurred in investigating and  
1680 prosecuting criminal cases, which may include the salaries of  
1681 permanent employees, or for any other purpose authorized by the

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1682 | Legislature.

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

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

1687 |       (1) (a) A defendant determined to be guilty of a criminal  
1688 | act by a court or jury or through a plea of guilty or nolo  
1689 | contendere and who has received the assistance of the public  
1690 | defender's office, a special assistant public defender, the  
1691 | office of criminal conflict and civil regional counsel, or a  
1692 | private conflict attorney, or who has received due process  
1693 | services after being found indigent for costs under s. 27.52,  
1694 | shall be liable for payment of the assessed application fee under  
1695 | s. 27.52 and attorney's fees and costs. The court shall determine  
1696 | the amount of the obligation. Such costs shall include, but not  
1697 | be limited to, the cost of depositions; cost of transcripts of  
1698 | depositions, including the cost of defendant's copy, which  
1699 | transcripts are certified by the defendant's attorney as having  
1700 | served a useful purpose in the disposition of the case;  
1701 | investigative costs; witness fees; the cost of psychiatric  
1702 | examinations; or other reasonable costs specially incurred by the  
1703 | state and the clerk of court for the defense of the defendant in  
1704 | criminal prosecutions. Costs shall not include expenses inherent  
1705 | in providing a constitutionally guaranteed jury trial or  
1706 | expenditures in connection with the maintenance and operation of  
1707 | government agencies that must be made by the public irrespective  
1708 | of specific violations of law. Any costs assessed pursuant to  
1709 | this paragraph shall be reduced by any amount assessed against a  
1710 | defendant pursuant to s. 938.05.

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

1714 (c) The defendant shall pay the application fee under s.  
1715 27.52(1)(b) and attorney's fees and costs in full or in  
1716 installments, at the time or times specified. The court may order  
1717 payment of the assessed application fee and attorney's fees and  
1718 costs as a condition of probation, of suspension of sentence, or  
1719 of withholding the imposition of sentence. ~~The first \$40 from~~  
1720 ~~attorney's fees and costs collected under this section shall be~~  
1721 ~~transferred monthly by the clerk to the Department of Revenue for~~  
1722 ~~deposit into the Indigent Criminal Defense Trust Fund. All funds~~  
1723 ~~remaining attorney's fees and costs collected under this section~~  
1724 shall be distributed as provided in s. 27.562 ~~deposited into the~~  
1725 ~~General Revenue Fund.~~

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

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