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1
2 An act relating to the state judicial system; amending s.
3 25.241, F.S.; requiring a fee for filing a notice of
4 cross-appeal or certain joinder notices or intervenor
5 motions with the Supreme Court; amending s. 26.57, F.S.;
6 eliminating additional compensation for county judges
7 presiding over circuit court cases; amending s. 27.511,
8 F.S.; prescribing the types of civil proceedings in which
9 assistant criminal conflict and civil regional counsel may
10 not otherwise engage; authorizing part-time assistant
11 regional counsel to practice criminal law with specified
12 limitations; providing for the public defender to handle
13 criminal appeals in certain cases for which trial
14 representation was provided by the office of criminal
15 conflict and civil regional counsel; providing an
16 exception when the public defender has a conflict;
17 amending s. 27.52, F.S.; increasing the application fee
18 for determining indigent status for the purpose of
19 receiving criminal representation by state-funded counsel;
20 conforming provisions to changes made by the act; amending
21 s. 27.562, F.S.; specifying that certain assessments
22 collected from a defendant are in satisfaction of the
23 application fee for a determination of indigent status;
24 amending s. 28.24, F.S.; increasing charges for services
25 rendered by the clerk of the circuit court in recording
26 documents and instruments and performing other duties;
27 amending s. 28.2401, F.S.; increasing services charges
28 that the clerk of court is authorized to charge in probate
29 matters; amending s. 28.241, F.S.; increasing filing fees

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30 for civil actions in circuit court; conforming provisions
31 governing the remission of a portion of the fees to the
32 General Revenue Fund; providing for a portion of the fees
33 to be deposited in a designated trust fund in support of
34 mediation activities; requiring a fee for filing cross-
35 claims, counterclaims, and third-party pleadings;
36 requiring a service charge for issuing a summons;
37 increasing filing fees for instituting certain appellate
38 proceedings; amending s. 28.35, F.S.; including the
39 provision of meals and lodging for jurors within the
40 court-related functions that the clerk of court may fund
41 through fees, service charges, court costs, and fines;
42 revising provisions to conform; clarifying duties of the
43 Florida Clerks of Court Operations Corporation; reenacting
44 s. 28.36(1), (2), (3)(a), (4), and (5), F.S., relating to
45 budget procedures of the clerks of court, to incorporate
46 the amendment to s. 28.35, F.S., in references thereto;
47 amending s. 34.041, F.S.; increasing filing fees for civil
48 actions in county court; conforming provisions governing
49 the remission of a portion of the fees to the General
50 Revenue Fund; providing for a portion of the fees to be
51 deposited in a designated trust fund in support of
52 mediation activities; requiring a fee for filing certain
53 cross-claims, counterclaims, third-party pleadings, and
54 certain appellate notices and motions; requiring a service
55 charge for issuing a summons; amending s. 35.06, F.S.;
56 reducing the number of judges in the Third District Court
57 of Appeal; amending s. 35.22, F.S.; requiring a fee for
58 filing a notice of cross-appeal or certain joinder notices

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59 | or intervenor motions with a district court of appeal;
60 | amending s. 40.24, F.S.; providing for jurors to be
61 | compensated by the clerk of the court rather than the
62 | state; amending s. 40.26, F.S.; providing for certain
63 | meals and lodging expenses for jurors to be paid by the
64 | clerk of the court; amending s. 40.29, F.S.; revising
65 | requirements for the clerk of the court relating to
66 | payment of ordinary witnesses; including the criminal
67 | conflict and regional civil counsel among the persons on
68 | whose behalf the clerk of the court estimates funds for
69 | payment of witnesses; eliminating a requirement that the
70 | clerk of the court provide an estimate of certain juror
71 | expenses; revising provisions to conform; amending s.
72 | 40.31, F.S.; revising provisions to conform to the payment
73 | of juror compensation from funds retained by the clerk of
74 | the court; authorizing the Justice Administrative
75 | Commission rather than the State Courts Administrator to
76 | apportion certain funds for payment of witnesses by the
77 | clerk of the court; amending s. 40.32, F.S.; requiring
78 | that certain juror expenses be paid by the clerk of the
79 | court from fees, service charges, court costs, and fines;
80 | amending s. 40.33, F.S.; revising procedures related to a
81 | deficiency in funds for the payment of witnesses; revising
82 | provisions to conform; amending s. 40.34, F.S.;
83 | eliminating requirements that the clerk of the court
84 | prepare a juror payroll and provide copies to the State
85 | Courts Administrator; requiring the clerk to submit a
86 | witness payroll to the Justice Administrative Commission;
87 | repealing s. 40.35, F.S., relating to an accounting by the

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88 clerk of the court to the State Courts Administrator for
89 funds for juror and witness payments; amending s. 40.355,
90 F.S.; revising requirements for the clerk of the court to
91 account for certain funds, to conform to changes made by
92 the act; amending s. 40.361, F.S., relating to the
93 applicability of certain state budgeting laws; conforming
94 a cross-reference; amending s. 44.108, F.S.; increasing
95 fees for court-ordered mediation services; requiring the
96 clerk of the court to report the fees collected and
97 deposited into the Mediation and Arbitration Trust Fund;
98 amending s. 45.035, F.S.; increasing service charges
99 related to judicial sales procedures; amending s. 55.505,
100 F.S.; increasing a service charge for issuing execution or
101 process for enforcement of a foreign judgment; amending s.
102 57.082, F.S.; creating an application fee for a
103 determination of indigent status and appointment of an
104 attorney in certain proceedings relating to children;
105 providing for fees collected to be deposited into the
106 Indigent Civil Defense Trust Fund; authorizing the clerk
107 of the court to retain a portion of the fees collected;
108 providing for a person who cannot pay the fee to be
109 enrolled in a payment plan; amending s. 61.14, F.S.;
110 increasing service charges related to enforcement and
111 modification of support, maintenance, or alimony
112 agreements or orders; amending s. 316.193, F.S.;
113 increasing fines for driving under the influence; amending
114 s. 318.121, F.S.; specifying that a new administrative fee
115 for civil traffic violations is not preempted; amending s.
116 318.14, F.S.; increasing the court costs that are assessed

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117 | in certain noncriminal traffic cases; amending s. 318.15,
118 | F.S.; increasing the processing fee when a person is
119 | adjudicated guilty after failing to attend driver
120 | improvement school; amending s. 318.18, F.S.; increasing
121 | fees and court costs related to certain traffic
122 | infractions; creating an administrative fee for
123 | noncriminal moving and nonmoving traffic violations;
124 | amending s. 322.245, F.S.; increasing delinquency fees
125 | that are imposed for failing to comply with traffic court
126 | directives and that must be paid to avoid suspension of a
127 | driver's license; amending s. 327.35, F.S.; increasing
128 | fines for boating under the influence; amending s. 327.73,
129 | F.S.; increasing dismissal fees and court costs related to
130 | certain noncriminal vessel safety infractions; increasing
131 | the maximum amount of court costs that may be imposed;
132 | amending s. 372.83, F.S.; increasing the costs assessed by
133 | the clerk or a hearing officer for verifying that a person
134 | possesses a certain wildlife license or permit; amending
135 | s. 713.24, F.S.; increasing the fees charged by the clerk
136 | for making and serving a certificate showing transfer of a
137 | lien from real property to certain security; amending s.
138 | 721.83, F.S.; increasing the additional filing fee for
139 | joining a timeshare estate in a consolidated foreclosure
140 | action; amending s. 744.365, F.S.; increasing the fee paid
141 | by a guardian from the ward's property upon the filing of
142 | a verified inventory of the ward's property; amending s.
143 | 744.3678, F.S.; increasing the fees paid by a guardian
144 | from the ward's estate as part of an annual accounting;
145 | amending s. 766.104, F.S.; increasing the filing fee for

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146 | securing an automatic extension of the statute of
147 | limitations to allow for investigation in medical
148 | negligence cases; amending s. 938.05, F.S.; increasing the
149 | additional costs that a person must pay in felony,
150 | misdemeanor, or criminal traffic offenses; amending s.
151 | 938.27, F.S.; defining the term "convicted" for purposes
152 | of paying the costs of prosecution; providing for the
153 | payment of costs in violation-of-probation or community-
154 | control cases; providing for the imposition of such costs
155 | notwithstanding a defendant's present ability to pay;
156 | prescribing minimum costs of prosecution; authorizing the
157 | court to establish higher costs of prosecution; amending
158 | s. 938.29, F.S.; providing for the payment of attorney's
159 | fees and costs in violation-of-probation or community-
160 | control cases; providing that certain defendants are
161 | liable for the application fee to determine indigent
162 | status for purposes of appointing counsel; prescribing
163 | minimum attorney's fees and costs related to
164 | representation in criminal cases; authorizing the court to
165 | establish higher fees and costs; defining the term
166 | "convicted" for purposes of paying attorney's fees and
167 | costs related to such representation; providing for
168 | distribution of funds collected from a defendant for the
169 | application fee, attorney's fees, and costs; amending s.
170 | 984.08, F.S.; eliminating authority for counties to
171 | collect on liens to pay costs related to court-appointed
172 | counsel in certain cases involving children and families
173 | in need of services; providing for parents or legal
174 | guardians to be enrolled in payment plans; prohibiting the

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175 Florida Clerks of Court Operations Corporation from
176 increasing the clerks' budgets based on increased revenues
177 under the act; authorizing the corporation to increase
178 budgets in the aggregate for increased clerk duties
179 related to the payment of juror expenses; providing an
180 effective date.

181
182 Be It Enacted by the Legislature of the State of Florida:

183
184 Section 1. Subsection (3) of section 25.241, Florida
185 Statutes, is amended to read:

186 25.241 Clerk of Supreme Court; compensation; assistants;
187 filing fees, etc.--

188 (3) (a) The Clerk of the Supreme Court is hereby required to
189 collect, upon the filing of a certified copy of a notice of
190 appeal or petition, \$300 for each case docketed, and for copying,
191 certifying, or furnishing opinions, records, papers, or other
192 instruments, except as otherwise herein provided, the same fees
193 that are allowed clerks of the circuit court; however, no fee
194 shall be less than \$1. The State of Florida or its agencies, when
195 appearing as appellant or petitioner, is exempt from the filing
196 fees required in this subsection. From each attorney appearing
197 pro hac vice, the Clerk of the Supreme Court shall collect an
198 additional fee of \$100 to be deposited into the General Revenue
199 Fund.

200 (b) Upon the filing of a notice of cross-appeal, or a
201 notice of joinder or motion to intervene as an appellant, cross-
202 appellant, or petitioner, the Clerk of the Supreme Court shall
203 charge and collect a filing fee of \$295. The clerk shall remit

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204 the fee to the Department of Revenue for deposit into the General
205 Revenue Fund. The state and its agencies are exempt from the
206 filing fee required in this paragraph.

207 Section 2. Section 26.57, Florida Statutes, is amended to
208 read:

209 26.57 Temporary designation of county court judge to
210 preside over circuit court cases.--In each county where there is
211 no resident circuit judge and the county court judge has been a
212 member of the bar for at least 5 years and is qualified to be a
213 circuit judge, the county court judge may be designated on a
214 temporary basis to preside over circuit court cases by the Chief
215 Justice of the Supreme Court upon recommendation of the chief
216 judge of the circuit, ~~and the judge so designated shall receive~~
217 ~~the same salary as a duly elected circuit judge for the time~~
218 ~~periods that the county judge is actually presiding over circuit~~
219 ~~court cases.~~ He or she may be assigned to exercise all county and
220 circuit court jurisdiction in the county, except appeals from the
221 county court. In addition, he or she may be required to perform
222 the duties of circuit judge in other counties of the circuit as
223 time may permit and as the need arises, as determined by the
224 chief judge of the circuit.

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

227 27.511 Offices of criminal conflict and civil regional
228 counsel; legislative intent; qualifications; appointment;
229 duties.--

230 (4) (a) Each regional counsel shall serve on a full-time
231 basis and may not engage in the private practice of law while
232 holding office. Assistant regional counsel shall give priority

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233 and preference to their duties as assistant regional counsel and
234 may not otherwise engage in the practice of criminal law.
235 Assistant regional counsel may not engage ~~or~~ in civil proceedings
236 for which the state compensates attorneys under s. 27.5304 ~~for~~
237 representation.

238 (b) Notwithstanding paragraph (a), part-time assistant
239 regional counsel may practice criminal law for private payment so
240 long as the representation does not result in a legal or ethical
241 conflict of interest with a case for which the office of criminal
242 conflict and civil regional council is providing representation.
243 Assistant regional counsel may not accept criminal cases for
244 reimbursement by the state under s. 27.5304. This paragraph
245 expires June 30, 2010.

246 (8) The public defender for the judicial circuit specified
247 in s. 27.51(4) ~~office of criminal conflict and civil regional~~
248 ~~counsel~~ shall, after the record on appeal is transmitted to the
249 appellate court by the office of criminal conflict and civil
250 regional counsel which handled the trial and if requested by the
251 regional counsel for the indicated appellate district, handle all
252 circuit court appeals authorized pursuant to paragraph (5)(f)
253 within the state courts system and any authorized appeals to the
254 federal courts ~~which are required~~ of the official making the
255 request ~~in cases in which the office of criminal conflict and~~
256 ~~civil regional counsel is appointed under this section. If the~~
257 public defender certifies to the court that the public defender
258 has a conflict consistent with the criteria prescribed in s.
259 27.5303 and moves to withdraw, the regional counsel shall handle
260 the appeal, unless the regional counsel has a conflict, in which
261 case the court shall appoint private counsel pursuant to s.

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262 | 27.40.

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

265 | 27.52 Determination of indigent status.--

266 | (1) APPLICATION TO THE CLERK.--A person seeking appointment
267 | of a public defender under s. 27.51 based upon an inability to
268 | pay must apply to the clerk of the court for a determination of
269 | indigent status using an application form developed by the
270 | Florida Clerks of Court Operations Corporation with final
271 | approval by the Supreme Court.

272 | (b) An applicant shall pay a \$50 ~~\$40~~ application fee to the
273 | clerk for each application for court-appointed counsel filed. The
274 | applicant shall pay the fee within 7 days after submitting the
275 | application. If the applicant does not pay the fee prior to the
276 | disposition of the case, the clerk shall notify the court, and
277 | the court shall:

278 | 1. Assess the application fee as part of the sentence or as
279 | a condition of probation; or

280 | 2. Assess the application fee pursuant to s. 938.29.

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

287 | Section 5. Section 27.562, Florida Statutes, is amended to
288 | read:

289 | 27.562 Disposition of funds.--The first \$50 ~~\$40~~ of all
290 | funds collected pursuant to s. 938.29 shall be deposited into the

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291 Indigent Criminal Defense Trust Fund pursuant to s. 27.525 in
292 satisfaction of the application fee for a determination of
293 indigent status under s. 27.52 if the fee was not paid. The
294 remaining funds collected pursuant to s. 938.29 shall be
295 distributed as follows:

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

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

301
302 The Justice Administrative Commission shall account for funds
303 deposited into the Indigent Criminal Defense Trust Fund by
304 circuit. Appropriations from the fund shall be proportional to
305 each circuit's collections. All judgments entered pursuant to
306 this part shall be in the name of the state.

307 Section 6. Section 28.24, Florida Statutes, is amended to
308 read:

309 28.24 Service charges by clerk of the circuit court.--The
310 clerk of the circuit court shall charge for services rendered by
311 the clerk's office in recording documents and instruments and in
312 performing the duties enumerated in amounts not to exceed those
313 specified in this section. Notwithstanding any other provision of
314 this section, the clerk of the circuit court shall provide
315 without charge to the state attorney, public defender, guardian
316 ad litem, public guardian, attorney ad litem, criminal conflict
317 and civil regional counsel, and private court-appointed counsel
318 paid by the state, and to the authorized staff acting on behalf
319 of each, access to and a copy of any public record, if the

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320 requesting party is entitled by law to view the exempt or
321 confidential record, as maintained by and in the custody of the
322 clerk of the circuit court as provided in general law and the
323 Florida Rules of Judicial Administration. The clerk of the
324 circuit court may provide the requested public record in an
325 electronic format in lieu of a paper format when capable of being
326 accessed by the requesting entity.

327

328 Charges

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

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

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

337 (4) For verifying any instrument presented for
338 certification prepared by someone other than clerk, per
339 page....3.50 ~~3.00~~

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

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

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

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

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

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349 (c) Microfiche, per fiche....3.50 ~~3.00~~
350 (7) For copying any instrument in the public records by
351 other than photographic process, per page....6.00
352 (8) For writing any paper other than herein specifically
353 mentioned, same as for copying, including signing and
354 sealing....7.00 ~~6.00~~
355 (9) For indexing each entry not recorded....1.00
356 (10) For receiving money into the registry of court:
357 (a)1. First \$500, percent....3
358 2. Each subsequent \$100, percent....1.5
359 (b) Eminent domain actions, per deposit....170.00 ~~150.00~~
360 (11) For examining, certifying, and recording plats and for
361 recording condominium exhibits larger than 14 inches by 8 1/2
362 inches:
363 (a) First page....30.00
364 (b) Each additional page....15.00
365 (12) For recording, indexing, and filing any instrument not
366 more than 14 inches by 8 1/2 inches, including required notice to
367 property appraiser where applicable:
368 (a) First page or fraction thereof....5.00
369 (b) Each additional page or fraction thereof....4.00
370 (c) For indexing instruments recorded in the official
371 records which contain more than four names, per additional
372 name....1.00
373 (d) An additional service charge shall be paid to the clerk
374 of the circuit court to be deposited in the Public Records
375 Modernization Trust Fund for each instrument listed in s. 28.222,
376 except judgments received from the courts and notices of lis
377 pendens, recorded in the official records:

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- 378 1. First page....1.00
379 2. Each additional page....0.50
380

381 Said fund shall be held in trust by the clerk and used
382 exclusively for equipment and maintenance of equipment, personnel
383 training, and technical assistance in modernizing the public
384 records system of the office. In a county where the duty of
385 maintaining official records exists in an office other than the
386 office of the clerk of the circuit court, the clerk of the
387 circuit court is entitled to 25 percent of the moneys deposited
388 into the trust fund for equipment, maintenance of equipment,
389 training, and technical assistance in modernizing the system for
390 storing records in the office of the clerk of the circuit court.
391 The fund may not be used for the payment of travel expenses,
392 membership dues, bank charges, staff-recruitment costs, salaries
393 or benefits of employees, construction costs, general operating
394 expenses, or other costs not directly related to obtaining and
395 maintaining equipment for public records systems or for the
396 purchase of furniture or office supplies and equipment not
397 related to the storage of records. On or before December 1, 1995,
398 and on or before December 1 of each year immediately preceding
399 each year during which the trust fund is scheduled for
400 legislative review under s. 19(f)(2), Art. III of the State
401 Constitution, each clerk of the circuit court shall file a report
402 on the Public Records Modernization Trust Fund with the President
403 of the Senate and the Speaker of the House of Representatives.
404 The report must itemize each expenditure made from the trust fund
405 since the last report was filed; each obligation payable from the
406 trust fund on that date; and the percentage of funds expended for

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407 | each of the following: equipment, maintenance of equipment,
408 | personnel training, and technical assistance. The report must
409 | indicate the nature of the system each clerk uses to store,
410 | maintain, and retrieve public records and the degree to which the
411 | system has been upgraded since the creation of the trust fund.

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

417 | 1. If the counties maintain legal responsibility for the
418 | costs of the court-related technology needs as defined in s.
419 | 29.008(1)(f)2. and (h), 10 cents shall be distributed to the
420 | Florida Association of Court Clerks and Comptroller, Inc., for
421 | the cost of development, implementation, operation, and
422 | maintenance of the clerks' Comprehensive Case Information System,
423 | in which system all clerks shall participate on or before January
424 | 1, 2006; \$1.90 shall be retained by the clerk to be deposited in
425 | the Public Records Modernization Trust Fund and used exclusively
426 | for funding court-related technology needs of the clerk as
427 | defined in s. 29.008(1)(f)2. and (h); and \$2 shall be distributed
428 | to the board of county commissioners to be used exclusively to
429 | fund court-related technology, and court technology needs as
430 | defined in s. 29.008(1)(f)2. and (h) for the state trial courts,
431 | state attorney, public defender, and criminal conflict and civil
432 | regional counsel in that county. If the counties maintain legal
433 | responsibility for the costs of the court-related technology
434 | needs as defined in s. 29.008(1)(f)2. and (h), notwithstanding
435 | any other provision of law, the county is not required to provide

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436 additional funding beyond that provided herein for the court-
437 related technology needs of the clerk as defined in s.
438 29.008(1)(f)2. and (h). All court records and official records
439 are the property of the State of Florida, including any records
440 generated as part of the Comprehensive Case Information System
441 funded pursuant to this paragraph and the clerk of court is
442 designated as the custodian of such records, except in a county
443 where the duty of maintaining official records exists in a county
444 office other than the clerk of court or comptroller, such county
445 office is designated the custodian of all official records, and
446 the clerk of court is designated the custodian of all court
447 records. The clerk of court or any entity acting on behalf of the
448 clerk of court, including an association, shall not charge a fee
449 to any agency as defined in s. 119.011, the Legislature, or the
450 State Court System for copies of records generated by the
451 Comprehensive Case Information System or held by the clerk of
452 court or any entity acting on behalf of the clerk of court,
453 including an association.

454 2. If the state becomes legally responsible for the costs
455 of court-related technology needs as defined in s. 29.008(1)(f)2.
456 and (h), whether by operation of general law or by court order,
457 \$4 shall be remitted to the Department of Revenue for deposit
458 into the General Revenue Fund.

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

461 (14) For validating certificates, any authorized bonds,
462 each....3.50 ~~3.00~~

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

464 (16) For exemplified certificates, including signing and

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465 | sealing....7.00 ~~6.00~~
466 | (17) For authenticated certificates, including signing and
467 | sealing....7.00 ~~6.00~~
468 | (18) (a) For issuing and filing a subpoena for a witness,
469 | not otherwise provided for herein (includes writing, preparing,
470 | signing, and sealing)....7.00 ~~6.00~~
471 | (b) For signing and sealing only....2.00 ~~1.50~~
472 | (19) For approving bond....8.50 ~~7.50~~
473 | (20) For searching of records, for each year's
474 | search....2.00 ~~1.50~~
475 | (21) For processing an application for a tax deed sale
476 | (includes application, sale, issuance, and preparation of tax
477 | deed, and disbursement of proceeds of sale), other than excess
478 | proceeds....60.00
479 | (22) For disbursement of excess proceeds of tax deed sale,
480 | first \$100 or fraction thereof....10.00
481 | (23) Upon receipt of an application for a marriage license,
482 | for preparing and administering of oath; issuing, sealing, and
483 | recording of the marriage license; and providing a certified
484 | copy....30.00
485 | (24) For solemnizing matrimony....30.00
486 | (25) For sealing any court file or expungement of any
487 | record....42.00 ~~37.50~~
488 | (26) (a) For receiving and disbursing all restitution
489 | payments, per payment....3.50 ~~3.00~~
490 | (b) For receiving and disbursing all partial payments,
491 | other than restitution payments, for which an administrative
492 | processing service charge is not imposed pursuant to s. 28.246,
493 | per month....5.00

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

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

500 (28) For furnishing an electronic copy of information
501 contained in a computer database: a fee as provided for in
502 chapter 119.

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

505 28.2401 Service charges in probate matters.--

506 (1) Except when otherwise provided, the clerk may impose
507 service charges for the following services, not to exceed the
508 following amounts:

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

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

517 (c) Petition and order to admit foreign wills,
518 authenticated copies, exemplified copies, or transcript to
519 record....\$115 ~~\$100~~

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

522 (e) Summary administration--estates valued at \$1,000 or

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523 | more....\$225 ~~\$200~~
524 | (f) Summary administration--estates valued at less than
525 | \$1,000....\$115 ~~\$100~~
526 | (g) Formal administration, guardianship, ancillary,
527 | curatorship, or conservatorship proceedings....\$280 ~~\$250~~
528 | (h) Guardianship proceedings of person only....\$115 ~~\$100~~
529 | (i) Veterans' guardianship pursuant to chapter 744....\$115
530 | ~~\$100~~
531 | (j) Exemplified certificates....\$7 ~~\$6~~
532 | (k) Petition for determination of incompetency....\$115 ~~\$100~~
533 | Section 8. Subsections (1) and (2) of section 28.241,
534 | Florida Statutes, are amended to read:
535 | 28.241 Filing fees for trial and appellate proceedings.--
536 | (1) (a) The party instituting any civil action, suit, or
537 | proceeding in the circuit court shall pay to the clerk of that
538 | court a filing fee of up to \$295 ~~\$250~~ in all cases in which there
539 | are not more than five defendants and an additional filing fee of
540 | up to \$2.50 ~~\$2~~ for each defendant in excess of five. Of the first
541 | \$85 ~~\$55~~ in filing fees, \$80 ~~\$50~~ must be remitted by the clerk to
542 | the Department of Revenue for deposit into the General Revenue
543 | Fund, and \$5 must be remitted to the Department of Revenue for
544 | deposit into the Department of Financial Services' Administrative
545 | Trust Fund to fund the contract with the Florida Clerks of Court
546 | Operations Corporation created in s. 28.35. The next \$15 of the
547 | filing fee collected shall be deposited in the state courts'
548 | Mediation and Arbitration Trust Fund. One-third of any filing
549 | fees collected by the clerk of the circuit court in excess of
550 | \$100 ~~\$55~~ shall be remitted to the Department of Revenue for
551 | deposit into the Department of Revenue Clerks of the Court Trust

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552 Fund. An additional filing fee of \$4 shall be paid to the clerk.
553 The clerk shall remit \$3.50 to the Department of Revenue for
554 deposit into the Court Education Trust Fund and shall remit 50
555 cents to the Department of Revenue for deposit into the
556 Department of Financial Services Administrative Trust Fund to
557 fund clerk education. An additional filing fee of up to \$18 ~~\$15~~
558 shall be paid by the party seeking each severance that is
559 granted. The clerk may impose an additional filing fee of up to
560 \$85 ~~\$75~~ for all proceedings of garnishment, attachment, replevin,
561 and distress. Postal charges incurred by the clerk of the circuit
562 court in making service by certified or registered mail on
563 defendants or other parties shall be paid by the party at whose
564 instance service is made. No additional fees, charges, or costs
565 shall be added to the filing fees imposed under this section,
566 except as authorized herein or by general law.

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

- 574 1. A writ of garnishment;
- 575 2. A writ of replevin;
- 576 3. A distress writ;
- 577 4. A writ of attachment;
- 578 5. A motion for rehearing filed within 10 days;
- 579 6. A motion for attorney's fees filed within 30 days after
580 entry of a judgment or final order;

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581 7. A motion for dismissal filed after a mediation agreement
582 has been filed;

583 8. A disposition of personal property without
584 administration;

585 9. Any probate case prior to the discharge of a personal
586 representative;

587 10. Any guardianship pleading prior to discharge;

588 11. Any mental health pleading;

589 12. Motions to withdraw by attorneys;

590 13. Motions exclusively for the enforcement of child
591 support orders;

592 14. A petition for credit of child support;

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

595 16. Stipulations;

596 17. Responsive pleadings; or

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

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

604 (d) The clerk of court shall collect a service charge of
605 \$10 for issuing a summons. The clerk shall assess the fee against
606 the party seeking to have the summons issued.

607 (2) Upon the institution of any appellate proceeding from
608 any lower court to the circuit court of any such county,
609 including appeals filed by a county or municipality as provided

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610 in s. 34.041(5), or from the circuit court to an appellate court
611 of the state, the clerk shall charge and collect from the party
612 or parties instituting such appellate proceedings a filing fee
613 not to exceed \$280 ~~\$250~~ for filing a notice of appeal from the
614 county court to the circuit court and, in addition to the filing
615 fee required under s. 25.241 or s. 35.22, \$100 ~~\$50~~ for filing a
616 notice of appeal from the circuit court to the district court of
617 appeal or to the Supreme Court. If the party is determined to be
618 indigent, the clerk shall defer payment of the fee. The clerk
619 shall remit the first \$80 ~~\$50~~ to the Department of Revenue for
620 deposit into the General Revenue Fund. One-third of the fee
621 collected by the clerk in excess of \$80 ~~\$50~~ also shall be
622 remitted to the Department of Revenue for deposit into the Clerks
623 of the Court Trust Fund.

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

626 28.35 Florida Clerks of Court Operations Corporation.--

627 (2) The duties of the corporation shall include the
628 following:

629 (a) Adopting a plan of operation.

630 (b) Conducting the election of directors as required in
631 paragraph (1)(a).

632 (c) Recommending to the Legislature changes in the various
633 court-related fines, fees, service charges, and court costs
634 established by law to ensure reasonable and adequate funding of
635 the clerks of the court in the performance of their court-related
636 functions.

637 (d) Pursuant to contract with the Chief Financial Officer,
638 establishing a process for the review and certification of

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639 | proposed court-related budgets submitted by clerks of the court
640 | for completeness and compliance with this section and ss. 28.36
641 | and 28.37. This process shall be designed and be of sufficient
642 | detail to permit independent verification and validation of the
643 | budget certification. The contract shall specify the process to
644 | be used in determining compliance by the corporation with this
645 | section and ss. 28.36 and 28.37.

646 | (e) Developing and certifying a uniform system of
647 | performance measures and applicable performance standards for the
648 | functions specified in paragraph (4) (a) and clerk performance in
649 | meeting the performance standards. These measures and standards
650 | shall be designed to facilitate an objective determination of the
651 | performance of each clerk in accordance with minimum standards
652 | for fiscal management, operational efficiency, and effective
653 | collection of fines, fees, service charges, and court costs. When
654 | the corporation finds a clerk has not met the performance
655 | standards, the corporation shall identify the nature of each
656 | deficiency and any corrective action recommended and taken by the
657 | affected clerk of the court.

658 | (f) Reviewing and certifying proposed budgets submitted by
659 | clerks of the court utilizing the process approved by the Chief
660 | Financial Officer pursuant to paragraph (d) for the purpose of
661 | making the certification in paragraph (3) (a). As part of this
662 | process, the corporation shall:

663 | 1. Calculate the maximum authorized annual budget pursuant
664 | to the requirements of s. 28.36.

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

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

672 4. Identify those clerks projected to have court-related
673 revenues insufficient to fund their anticipated court-related
674 expenditures.

675 (g) Developing and conducting clerk education programs.

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

679 (4) (a) The list of court-related functions clerks may fund
680 from filing fees, service charges, court costs, and fines shall
681 be limited to those functions expressly authorized by law or
682 court rule. Those functions must include the following: case
683 maintenance; records management; court preparation and
684 attendance; processing the assignment, reopening, and
685 reassignment of cases; processing of appeals; collection and
686 distribution of fines, fees, service charges, and court costs;
687 processing of bond forfeiture payments; payment of jurors and
688 witnesses; payment of expenses for meals or lodging provided to
689 jurors; data collection and reporting; processing of jurors;
690 determinations of indigent status; and reasonable administrative
691 support costs to enable the clerk of the court to carry out these
692 court-related functions.

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

- 695 1. Those functions not specified within paragraph (a).
696 2. Functions assigned by administrative orders which are

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697 | not required for the clerk to perform the functions in paragraph
698 | (a).

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

701 | 4. Functions identified as local requirements in law or
702 | local optional programs.

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

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

711 | 28.36 Budget procedure.--There is hereby established a
712 | budget procedure for the court-related functions of the clerks of
713 | the court.

714 | (1) Only those functions on the standard list developed
715 | pursuant to s. 28.35(4) (a) may be funded from fees, service
716 | charges, court costs, and fines retained by the clerks of the
717 | court. No clerk may use fees, service charges, court costs, and
718 | fines in excess of the maximum budget amounts as established in
719 | subsection (5).

720 | (2) For the period July 1, 2004, through September 30,
721 | 2004, and for each county fiscal year ending September 30
722 | thereafter, each clerk of the court shall prepare a budget
723 | relating solely to the performance of the standard list of court-
724 | related functions pursuant to s. 28.35(4) (a).

725 | (3) Each proposed budget shall further conform to the

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726 following requirements:

727 (a) On or before August 15 for each fiscal year thereafter,
728 the proposed budget shall be prepared, summarized, and submitted
729 by the clerk in each county to the Clerks of Court Operations
730 Corporation in the manner and form prescribed by the corporation.
731 The proposed budget must provide detailed information on the
732 anticipated revenues available and expenditures necessary for the
733 performance of the standard list of court-related functions of
734 the clerk's office developed pursuant to s. 28.35(4) (a) for the
735 county fiscal year beginning the following October 1.

736 (4) If a clerk of the court estimates that available funds
737 plus projected revenues from fines, fees, service charges, and
738 costs for court-related services are insufficient to meet the
739 anticipated expenditures for the standard list of court-related
740 functions in s. 28.35(4) (a) performed by his or her office, the
741 clerk must report the revenue deficit to the Clerks of Court
742 Operations Corporation in the manner and form prescribed by the
743 corporation pursuant to contract with the Chief Financial
744 Officer. The corporation shall verify that the proposed budget is
745 limited to the standard list of court-related functions in s.
746 28.35(4) (a).

747 (a) If the corporation verifies that the proposed budget is
748 limited to the standard list of court-related functions in s.
749 28.35(4) (a) and a revenue deficit is projected, a clerk seeking
750 to retain revenues pursuant to this subsection shall increase all
751 fees, service charges, and any other court-related clerk fees and
752 charges to the maximum amounts specified by law or the amount
753 necessary to resolve the deficit, whichever is less. If, after
754 increasing fees, service charges, and any other court-related

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755 clerk fees and charges to the maximum amounts specified by law, a
756 revenue deficit is still projected, the corporation shall,
757 pursuant to the terms of the contract with the Chief Financial
758 Officer, certify a revenue deficit and notify the Department of
759 Revenue that the clerk is authorized to retain revenues, in an
760 amount necessary to fully fund the projected revenue deficit,
761 which he or she would otherwise be required to remit to the
762 Department of Revenue for deposit into the Department of Revenue
763 Clerks of the Court Trust Fund pursuant to s. 28.37. If a revenue
764 deficit is projected for that clerk after retaining all of the
765 projected collections from the court-related fines, fees, service
766 charges, and costs, the Department of Revenue shall certify the
767 amount of the revenue deficit amount to the Executive Office of
768 the Governor and request release authority for funds appropriated
769 for this purpose from the Department of Revenue Clerks of the
770 Court Trust Fund. Notwithstanding provisions of s. 216.192
771 related to the release of funds, the Executive Office of the
772 Governor may approve the release of funds appropriated to resolve
773 projected revenue deficits in accordance with the notice, review,
774 and objection procedures set forth in s. 216.177 and shall
775 provide notice to the Chief Financial Officer. The Department of
776 Revenue is directed to request monthly distributions from the
777 Chief Financial Officer in equal amounts to each clerk certified
778 to have a revenue deficit, in accordance with the releases
779 approved by the Governor.

780 (b) If the Chief Financial Officer finds the court-related
781 budget proposed by a clerk includes functions not included in the
782 standard list of court-related functions in s. 28.35(4)(a), the
783 Chief Financial Officer shall notify the clerk of the amount of

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784 the proposed budget not eligible to be funded from fees, service
785 charges, costs, and fines for court-related functions and shall
786 identify appropriate corrective measures to ensure budget
787 integrity. The clerk shall then immediately discontinue all
788 ineligible expenditures of court-related funds for this purpose
789 and reimburse the Clerks of the Court Trust Fund for any
790 previously ineligible expenditures made for non-court-related
791 functions, and shall implement any corrective actions identified
792 by the Chief Financial Officer.

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

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

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

807 (b) For the county fiscal year 2005-2006, the maximum
808 budget amount for the standard list of court-related functions of
809 the clerks of court in s. 28.35(4) (a) that may be funded from
810 fees, service charges, court costs, and fines retained by the
811 clerks of the court shall be the approved budget for county
812 fiscal year 2004-2005 adjusted by the projected percentage change

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813 | in revenue between the county fiscal years 2004-2005 and 2005-
814 | 2006.

815 | (c) For the county fiscal years 2006-2007 and thereafter,
816 | the maximum budget amount for the standard list of court-related
817 | functions of the clerks of court in s. 28.35(4)(a) that may be
818 | funded from fees, service charges, court costs, and fines
819 | retained by the clerks of the court shall be established by first
820 | rebasing the prior fiscal year budget to reflect the actual
821 | percentage change in the prior fiscal year revenue and then
822 | adjusting the rebased prior fiscal year budget by the projected
823 | percentage change in revenue for the proposed budget year. The
824 | rebasing calculations and maximum annual budget calculations
825 | shall be as follows:

826 | 1. For county fiscal year 2006-2007, the approved budget
827 | for county fiscal year 2004-2005 shall be adjusted for the actual
828 | percentage change in revenue between the two 12-month periods
829 | ending June 30, 2005, and June 30, 2006. This result is the
830 | rebased budget for the county fiscal year 2005-2006. Then the
831 | rebased budget for the county fiscal year 2005-2006 shall be
832 | adjusted by the projected percentage change in revenue between
833 | the county fiscal years 2005-2006 and 2006-2007. This result
834 | shall be the maximum annual budget amount for the standard list
835 | of court-related functions of the clerks of court in s.
836 | 28.35(4)(a) that may be funded from fees, service charges, court
837 | costs, and fines retained by the clerks of the court for each
838 | clerk for the county fiscal year 2006-2007.

839 | 2. For county fiscal year 2007-2008, the rebased budget for
840 | county fiscal year 2005-2006 shall be adjusted for the actual
841 | percentage change in revenue between the two 12-month periods

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842 ending June 30, 2006, and June 30, 2007. This result is the
843 rebased budget for the county fiscal year 2006-2007. The rebased
844 budget for county fiscal year 2006-2007 shall be adjusted by the
845 projected percentage change in revenue between the county fiscal
846 years 2006-2007 and 2007-2008. This result shall be the maximum
847 annual budget amount for the standard list of court-related
848 functions of the clerks of court in s. 28.35(4) (a) that may be
849 funded from fees, service charges, court costs, and fines
850 retained by the clerks of the court for county fiscal year 2007-
851 2008.

852 3. For county fiscal years 2008-2009 and thereafter, the
853 maximum budget amount for the standard list of court-related
854 functions of the clerks of court in s. 28.35(4) (a) that may be
855 funded from fees, service charges, court costs, and fines
856 retained by the clerks of the court shall be calculated as the
857 rebased budget for the prior county fiscal year adjusted by the
858 projected percentage change in revenues between the prior county
859 fiscal year and the county fiscal year for which the maximum
860 budget amount is being authorized. The rebased budget for the
861 prior county fiscal year shall always be calculated by adjusting
862 the rebased budget for the year preceding the prior county fiscal
863 year by the actual percentage change in revenues between the 12-
864 month period ending June 30 of the year preceding the prior
865 county fiscal year and the 12-month period ending June 30 of the
866 prior county fiscal year.

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

869 34.041 Filing fees.--

870 (1) (a) Upon the institution of any civil action, suit, or

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871 proceeding in county court, the party shall pay the following
872 filing fee, not to exceed:

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

874 2. For all claims of \$100 or more but not more than
875 \$500....\$75.

876 3. For all claims of more than \$500 but not more than
877 \$2,500....\$170 ~~\$150~~.

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

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

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

882 (b) The first \$80 ~~\$50~~ of the filing fee collected under
883 subparagraph (a)4. shall be remitted to the Department of Revenue
884 for deposit into the General Revenue Fund. The next \$15 of the
885 filing fee collected under subparagraph (a)4., and the first \$15
886 of each filing fee collected under subparagraph (a)6., shall be
887 deposited in the state courts' Mediation and Arbitration Trust
888 Fund. One-third of any filing fees collected by the clerk under
889 this section in excess of the first \$95 ~~\$50~~ collected under
890 subparagraph (a)4. shall be remitted to the Department of Revenue
891 for deposit into the Department of Revenue Clerks of the Court
892 Trust Fund. An additional filing fee of \$4 shall be paid to the
893 clerk. The clerk shall transfer \$3.50 to the Department of
894 Revenue for deposit into the Court Education Trust Fund and shall
895 transfer 50 cents to the Department of Revenue for deposit into
896 the Department of Financial Services' Administrative Trust Fund
897 to fund clerk education. Postal charges incurred by the clerk of
898 the county court in making service by mail on defendants or other
899 parties shall be paid by the party at whose instance service is

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900 made. Except as provided herein, filing fees and service charges
901 for performing duties of the clerk relating to the county court
902 shall be as provided in ss. 28.24 and 28.241. Except as otherwise
903 provided herein, all filing fees shall be retained as fee income
904 of the office of the clerk of circuit court. Filing fees imposed
905 by this section may not be added to any penalty imposed by
906 chapter 316 or chapter 318.

907 (c) Any party other than a party described in paragraph (a)
908 who files a pleading in an original civil action in the county
909 court for affirmative relief by cross-claim, counterclaim, or
910 third-party complaint, or who files a notice of cross-appeal or
911 notice of joinder or motion to intervene as an appellant, cross-
912 appellant, or petitioner, shall pay the clerk of court a fee of
913 \$295 if the relief sought by the party under this paragraph
914 exceeds \$2,500. This fee shall not apply where the cross-claim,
915 counterclaim, or third-party complaint requires transfer of the
916 case from county to circuit court. The clerk shall remit the fee
917 to the Department of Revenue for deposit into the General Revenue
918 Fund.

919 (d) The clerk of court shall collect a service charge of
920 \$10 for issuing a summons. The clerk shall assess the fee against
921 the party seeking to have the summons issued.

922 Section 12. Section 35.06, Florida Statutes, is amended to
923 read:

924 35.06 Organization of district courts of appeal.--A
925 district court of appeal shall be organized in each of the five
926 appellate districts to be named District Court of Appeal, _____
927 District. The number of judges of each district court of appeal
928 shall be as follows:

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- 929 (1) In the first district there shall be 15 judges.
930 (2) In the second district there shall be 14 judges.
931 (3) In the third district there shall be 10 ~~11~~ judges.
932 (4) In the fourth district there shall be 12 judges.
933 (5) In the fifth district there shall be 10 judges.

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

936 35.22 Clerk of district court; appointment; compensation;
937 assistants; filing fees; teleconferencing.--

938 (3) (a) The clerk, upon the filing of a certified copy of a
939 notice of appeal or petition, shall charge and collect a filing
940 fee of \$300 for each case docketed, and service charges as
941 provided in s. 28.24 for copying, certifying or furnishing
942 opinions, records, papers or other instruments and for other
943 services. The State of Florida or its agencies, when appearing as
944 appellant or petitioner, is exempt from the filing fee required
945 in this subsection. From each attorney appearance pro hac vice,
946 the clerk shall collect a fee of \$100 for deposit as provided in
947 this section.

948 (b) Upon the filing of a notice of cross-appeal, or a
949 notice of joinder or motion to intervene as an appellant, cross-
950 appellant, or petitioner, the clerk shall charge and collect a
951 filing fee of \$295. The clerk shall remit the fee to the
952 Department of Revenue for deposit into the General Revenue Fund.
953 The state and its agencies are exempt from the filing fee
954 required by this paragraph.

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

957 40.24 Compensation and reimbursement policy.--

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

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

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

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

973 Section 15. Section 40.26, Florida Statutes, is amended to
974 read:

975 40.26 Meals and lodging for jurors.--The sheriff, when
976 required by order of the court, shall provide juries with meals
977 and lodging, the expense to be ~~taxed against and~~ paid by the
978 clerk of the circuit court ~~state~~.

979 Section 16. Section 40.29, Florida Statutes, is amended to
980 read:

981 40.29 Payment of due-process costs.--

982 (1) ~~(a)~~ Each clerk of the circuit court, on behalf of ~~the~~
983 ~~courts~~, the state attorney, private court-appointed counsel, ~~and~~
984 the public defender, and the criminal conflict and civil regional
985 counsel, shall forward to the Justice Administrative Commission,
986 by county, a quarterly estimate of funds necessary to pay for

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987 ordinary witnesses, including, but not limited to, witnesses in
988 civil traffic cases and witnesses of the state attorney, the
989 public defender, criminal conflict and civil regional counsel,
990 private court-appointed counsel, and persons determined to be
991 indigent for costs. Each quarter of the state fiscal year, the
992 commission, based upon the estimates, shall advance funds to each
993 clerk to pay for these ordinary witnesses from state funds
994 specifically appropriated for the payment of ordinary witnesses.

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

998 (2) Upon receipt of an estimate pursuant to subsection (1),
999 the Justice Administrative Commission ~~or Office of State Courts~~
1000 ~~Administrator, as applicable,~~ shall endorse the amount deemed
1001 necessary for payment by the clerk of the court during the
1002 quarterly fiscal period and shall submit a request for payment to
1003 the Chief Financial Officer.

1004 (3) Upon receipt of the funds from the Chief Financial
1005 Officer, the clerk of the court shall pay all invoices approved
1006 and submitted by the state attorney, the public defender,
1007 criminal conflict and civil regional counsel, and private court-
1008 appointed counsel ~~circuit court administrator~~ for the items
1009 enumerated in subsection ~~paragraphs~~ (1) ~~(a) and (b).~~

1010 (4) After review for compliance with applicable rates and
1011 requirements, the Justice Administrative Commission shall pay all
1012 due process service related invoices, except those enumerated in
1013 subsection ~~paragraphs~~ (1) ~~(a) and (b),~~ approved and submitted by
1014 the state attorney, the public defender, criminal conflict and
1015 civil regional counsel, or private court-appointed counsel in

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1016 accordance with the applicable requirements of ss. 29.005,
1017 29.006, and 29.007.

1018 Section 17. Section 40.31, Florida Statutes, is amended to
1019 read:

1020 40.31 Justice Administrative Commission ~~State Courts~~
1021 ~~Administrator~~ may apportion appropriation.--If the Justice
1022 Administrative Commission ~~has State Courts Administrator shall~~
1023 ~~have~~ reason to believe that the amount appropriated by the
1024 Legislature is insufficient to meet the expenses of ~~jurors and~~
1025 witnesses during the remaining part of the state fiscal year, the
1026 commission ~~he or she~~ may apportion the money in the treasury for
1027 that purpose among the several counties, basing such
1028 apportionment upon the amount expended for the payment of ~~jurors~~
1029 ~~and~~ witnesses in each county during the prior fiscal year. In
1030 such case, each county shall be paid by warrant, issued by the
1031 Chief Financial Officer, only the amount so apportioned to each
1032 county, and, when the amount so apportioned is insufficient to
1033 pay in full all the ~~jurors and~~ witnesses during a quarterly
1034 fiscal period, the clerk of the court shall apportion the money
1035 received pro rata among the ~~jurors and~~ witnesses entitled to pay
1036 and shall give to each ~~juror or~~ witness a certificate of the
1037 amount of compensation still due, which certificate shall be held
1038 by the commission ~~State Courts Administrator~~ as other demands
1039 against the state.

1040 Section 18. Section 40.32, Florida Statutes, is amended to
1041 read:

1042 40.32 Clerks to disburse money; payments to jurors and
1043 witnesses.--

1044 (1) All moneys drawn from the treasury under the provisions

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1045 of this chapter by the clerk of the court shall be disbursed by
1046 the clerk of the court as far as needed in payment of ~~jurors and~~
1047 witnesses, except for expert witnesses paid under ~~pursuant to~~ a
1048 contract or other professional services agreement pursuant to ss.
1049 29.004, 29.005, 29.006, and 29.007, for the legal compensation
1050 for service during the quarterly fiscal period for which the said
1051 moneys were drawn and for no other purposes.

1052 (2) The payment of jurors and the payment of expenses for
1053 meals and lodging for jurors under the provisions of this chapter
1054 are court-related functions that the clerk of the court shall
1055 fund from filing fees, service charges, court costs, and fines as
1056 part of the maximum annual budget under ss. 28.35 and 28.36.

1057 (3) Jurors and witnesses shall be paid by the clerk of the
1058 court either in cash or by warrant within 20 days after
1059 completion of jury service or of completion of service as a
1060 witness.

1061 (a) Whenever the clerk of the court pays a juror or witness
1062 by cash, the said juror or witness shall sign the payroll in the
1063 presence of the clerk, a deputy clerk, or some other person
1064 designated by the clerk.

1065 (b) Whenever the clerk pays a juror or witness by warrant,
1066 he or she shall endorse on the payroll opposite the juror's or
1067 witness's name the words "Paid by warrant," giving the number and
1068 date of the warrant.

1069 Section 19. Section 40.33, Florida Statutes, is amended to
1070 read:

1071 40.33 Deficiency.--If the funds required for payment of the
1072 items enumerated in s. 40.29(1) ~~(a) or (b)~~ in any county during a
1073 quarterly fiscal period exceeds the amount of the funds provided

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1074 pursuant to s. 40.29(3), the state attorney, ~~or~~ public defender,
1075 or criminal conflict and civil regional counsel, as applicable,
1076 shall make a further request upon the Justice Administrative
1077 Commission for the items enumerated in s. 40.29(1) ~~s. 40.29(1)(a)~~
1078 ~~or the clerk of court shall make a further request upon the~~
1079 ~~Office of the State Courts Administrator for items enumerated in~~
1080 ~~s. 40.29(1)(b)~~ for the amount necessary to allow for full
1081 payment.

1082 Section 20. Section 40.34, Florida Statutes, is amended to
1083 read:

1084 40.34 Clerks to make triplicate payroll.--

1085 (1) The clerk of the court shall make out a payroll in
1086 triplicate for the payment of ~~jurors and~~ witnesses, which payroll
1087 shall contain:

1088 (a) The name of each ~~juror and~~ witness entitled to be paid
1089 with state funds;

1090 (b) The number of days for which the ~~such jurors and~~
1091 witnesses are entitled to be paid;

1092 (c) The number of miles traveled by each; and

1093 (d) The total compensation each ~~such juror or~~ witness is
1094 entitled to receive.

1095 (2) The form of such payroll shall be prescribed by the
1096 Chief Financial Officer.

1097 (3) Compensation paid a witness ~~or juror~~ shall be attested
1098 as provided in s. 40.32. The payroll shall be approved by the
1099 signature of the clerk, or his or her deputy, except for the
1100 payroll as to witnesses appearing before the state attorney,
1101 which payroll shall be approved by the signature of the state
1102 attorney or an assistant state attorney.

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1103 (4) The clerks of the courts shall forward two copies of
1104 such payrolls to the Justice Administrative Commission ~~State~~
1105 ~~Courts Administrator~~, within 2 weeks after the last day of the
1106 quarterly fiscal period, and the commission ~~State Courts~~
1107 ~~Administrator~~ shall audit such payrolls.

1108 Section 21. Section 40.35, Florida Statutes, is repealed.

1109 Section 22. Section 40.355, Florida Statutes, is amended to
1110 read:

1111 40.355 Accounting and payment ~~to public defenders and state~~
1112 ~~attorneys.~~--The clerk of the court shall, within 2 weeks after
1113 the last day of the state's quarterly fiscal period, render to
1114 the state attorney, and the public defender, and the criminal
1115 conflict and civil regional counsel in each circuit a full
1116 statement of accounts for state moneys received and disbursed
1117 under this chapter for the payment of witnesses.

1118 Section 23. Section 40.361, Florida Statutes, is amended to
1119 read:

1120 40.361 Applicability of laws regarding state budgeting and
1121 finances.--The requirements contained within chapter 216,
1122 including the provisions of s. 216.192 related to release of
1123 funds, chapter 29, including ss. 29.015 and 29.016 related to use
1124 of contingency funds for due process services, and all other laws
1125 of this state relating to state budgeting and financing shall
1126 apply to all processes authorized or required under this chapter
1127 for the payment of the items enumerated in s. 40.29(1) ~~(a) and~~
1128 ~~(b).~~

1129 Section 24. Section 44.108, Florida Statutes, is amended to
1130 read:

1131 44.108 Funding of mediation and arbitration.--

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1132 (1) Mediation and arbitration should be accessible to all
1133 parties regardless of financial status. A filing fee of \$1 is
1134 levied on all proceedings in the circuit or county courts to fund
1135 mediation and arbitration services which are the responsibility
1136 of the Supreme Court pursuant to the provisions of s. 44.106. The
1137 clerk of the court shall forward the moneys collected to the
1138 Department of Revenue for deposit in the state courts' Mediation
1139 and Arbitration Trust Fund.

1140 (2) When court-ordered mediation services are provided by a
1141 circuit court's mediation program, the following fees, unless
1142 otherwise established in the General Appropriations Act, shall be
1143 collected by the clerk of court:

1144 (a) One-hundred twenty ~~Eighty~~ dollars per person per
1145 scheduled session in family mediation when the parties' combined
1146 income is greater than \$50,000, but less than \$100,000 per year;

1147 (b) Sixty ~~Forty~~ dollars per person per scheduled session in
1148 family mediation when the parties' combined income is less than
1149 \$50,000; or

1150 (c) Sixty ~~Forty~~ dollars per person per scheduled session in
1151 county court cases.

1152
1153 No mediation fees shall be assessed under this subsection in
1154 residential eviction cases, against a party found to be indigent,
1155 or for any small claims action. Fees collected by the clerk of
1156 court pursuant to this section shall be remitted to the
1157 Department of Revenue for deposit into the state courts'
1158 Mediation and Arbitration Trust Fund to fund court-ordered
1159 mediation. The clerk of court may deduct \$1 per fee assessment
1160 for processing this fee. The clerk of the court shall submit to

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1161 | the chief judge of the circuit and to the Office of the State
1162 | Courts Administrator, no later than 30 days after the end of each
1163 | quarter of the fiscal year, beginning July 1, 2008, a report
1164 | specifying the amount of funds collected and remitted to the
1165 | state courts' Mediation and Arbitration Trust Fund under this
1166 | section and any other section during the previous each quarter of
1167 | the fiscal year. In addition to identifying the total aggregate
1168 | collections and remissions from all statutory sources, the report
1169 | must identify collections and remissions by each statutory
1170 | source.

1171 | Section 25. Section 45.035, Florida Statutes, is amended to
1172 | read:

1173 | 45.035 Clerk's fees.--In addition to other fees or service
1174 | charges authorized by law, the clerk shall receive service
1175 | charges related to the judicial sales procedure set forth in ss.
1176 | 45.031-45.034 and this section:

1177 | (1) The clerk shall receive a service charge of \$70 ~~\$60~~ for
1178 | services in making, recording, and certifying the sale and title,
1179 | which service charge shall be assessed as costs and shall be
1180 | advanced by the plaintiff before the sale.

1181 | (2) If there is a surplus resulting from the sale, the
1182 | clerk may receive the following service charges, which shall be
1183 | deducted from the surplus:

1184 | (a) The clerk may withhold the sum of \$28 ~~\$25~~ from the
1185 | surplus which may only be used for purposes of educating the
1186 | public as to the rights of homeowners regarding foreclosure
1187 | proceedings.

1188 | (b) The clerk is entitled to a service charge of \$15 ~~\$10~~
1189 | for notifying a surplus trustee of his or her appointment.

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1190 (c) The clerk is entitled to a service charge of \$15 ~~\$10~~
1191 for each disbursement of surplus proceeds.

1192 (d) The clerk is entitled to a service charge of \$15 ~~\$10~~
1193 for appointing a surplus trustee, furnishing the surplus trustee
1194 with a copy of the final judgment and the certificate of
1195 disbursements, and disbursing to the surplus trustee the
1196 trustee's cost advance.

1197 Section 26. Subsection (3) of section 55.505, Florida
1198 Statutes, is amended to read:

1199 55.505 Notice of recording; prerequisite to enforcement.--

1200 (3) No execution or other process for enforcement of a
1201 foreign judgment recorded hereunder shall issue until 30 days
1202 after the mailing of notice by the clerk and payment of a service
1203 charge of up to \$42 ~~\$37.50~~ to the clerk. When an action
1204 authorized in s. 55.509(1) is filed, it acts as an automatic stay
1205 of the effect of this section.

1206 Section 27. Subsection (1) of section 57.082, Florida
1207 Statutes, is amended to read:

1208 57.082 Determination of civil indigent status.--

1209 (1) APPLICATION TO THE CLERK.--A person seeking appointment
1210 of an attorney in a civil case eligible for court-appointed
1211 counsel, or seeking relief from prepayment of fees and costs
1212 under s. 57.081, based upon an inability to pay must apply to the
1213 clerk of the court for a determination of civil indigent status
1214 using an application form developed by the Florida Clerks of
1215 Court Operations Corporation with final approval by the Supreme
1216 Court.

1217 (a) The application must include, at a minimum, the
1218 following financial information:

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1219 1. Net income, consisting of total salary and wages, minus
1220 deductions required by law, including court-ordered support
1221 payments.

1222 2. Other income, including, but not limited to, social
1223 security benefits, union funds, veterans' benefits, workers'
1224 compensation, other regular support from absent family members,
1225 public or private employee pensions, unemployment compensation,
1226 dividends, interest, rent, trusts, and gifts.

1227 3. Assets, including, but not limited to, cash, savings
1228 accounts, bank accounts, stocks, bonds, certificates of deposit,
1229 equity in real estate, and equity in a boat or a motor vehicle or
1230 in other tangible property.

1231 4. All liabilities and debts.
1232

1233 The application must include a signature by the applicant which
1234 attests to the truthfulness of the information provided. The
1235 application form developed by the corporation must include notice
1236 that the applicant may seek court review of a clerk's
1237 determination that the applicant is not indigent, as provided in
1238 this section.

1239 (b) The clerk shall assist a person who appears before the
1240 clerk and requests assistance in completing the application, and
1241 the clerk shall notify the court if a person is unable to
1242 complete the application after the clerk has provided assistance.

1243 (c) The clerk shall accept an application that is signed by
1244 the applicant and submitted on his or her behalf by a private
1245 attorney who is representing the applicant in the applicable
1246 matter.

1247 (d) A person who seeks appointment of an attorney in a case

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1248 under chapter 39, at the trial or appellate level, for which an
1249 indigent person is eligible for court-appointed representation,
1250 shall pay a \$50 application fee to the clerk for each application
1251 filed. The applicant shall pay the fee within 7 days after
1252 submitting the application. The clerk shall transfer monthly all
1253 application fees collected under this paragraph to the Department
1254 of Revenue for deposit into the Indigent Civil Defense Trust
1255 Fund, to be used as appropriated by the Legislature. The clerk
1256 may retain 10 percent of application fees collected monthly for
1257 administrative costs prior to remitting the remainder to the
1258 Department of Revenue. A person found to be indigent may not be
1259 refused counsel. If the person cannot pay the application fee,
1260 the clerk shall enroll the person in a payment plan pursuant to
1261 s. 28.246.

1262 Section 28. Subsection (6) of section 61.14, Florida
1263 Statutes, is amended to read:

1264 61.14 Enforcement and modification of support, maintenance,
1265 or alimony agreements or orders.--

1266 (6) (a) 1. When support payments are made through the local
1267 depository or through the State Disbursement Unit, any payment or
1268 installment of support which becomes due and is unpaid under any
1269 support order is delinquent; and this unpaid payment or
1270 installment, and all other costs and fees herein provided for,
1271 become, after notice to the obligor and the time for response as
1272 set forth in this subsection, a final judgment by operation of
1273 law, which has the full force, effect, and attributes of a
1274 judgment entered by a court in this state for which execution may
1275 issue. No deduction shall be made by the local depository from
1276 any payment made for costs and fees accrued in the judgment by

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1277 | operation of law process under paragraph (b) until the total
1278 | amount of support payments due the obligee under the judgment has
1279 | been paid.

1280 | 2. A certified statement by the local depository evidencing
1281 | a delinquency in support payments constitute evidence of the
1282 | final judgment under this paragraph.

1283 | 3. The judgment under this paragraph is a final judgment as
1284 | to any unpaid payment or installment of support which has accrued
1285 | up to the time either party files a motion with the court to
1286 | alter or modify the support order, and such judgment may not be
1287 | modified by the court. The court may modify such judgment as to
1288 | any unpaid payment or installment of support which accrues after
1289 | the date of the filing of the motion to alter or modify the
1290 | support order. This subparagraph does not prohibit the court from
1291 | providing relief from the judgment pursuant to Rule 1.540,
1292 | Florida Rules of Civil Procedure.

1293 | (b)1. When an obligor is 15 days delinquent in making a
1294 | payment or installment of support and the amount of the
1295 | delinquency is greater than the periodic payment amount ordered
1296 | by the court, the local depository shall serve notice on the
1297 | obligor informing him or her of:

1298 | a. The delinquency and its amount.

1299 | b. An impending judgment by operation of law against him or
1300 | her in the amount of the delinquency and all other amounts which
1301 | thereafter become due and are unpaid, together with costs and a
1302 | service charge of up to \$25 ~~\$7.50~~, for failure to pay the amount
1303 | of the delinquency.

1304 | c. The obligor's right to contest the impending judgment
1305 | and the ground upon which such contest can be made.

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1306 d. The local depository's authority to release information
1307 regarding the delinquency to one or more credit reporting
1308 agencies.

1309 2. The local depository shall serve the notice by mailing
1310 it by first class mail to the obligor at his or her last address
1311 of record with the local depository. If the obligor has no
1312 address of record with the local depository, service shall be by
1313 publication as provided in chapter 49.

1314 3. When service of the notice is made by mail, service is
1315 complete on the date of mailing.

1316 (c) Within 15 days after service of the notice is complete,
1317 the obligor may file with the court that issued the support
1318 order, or with the court in the circuit where the local
1319 depository which served the notice is located, a motion to
1320 contest the impending judgment. An obligor may contest the
1321 impending judgment only on the ground of a mistake of fact
1322 regarding an error in whether a delinquency exists, in the amount
1323 of the delinquency, or in the identity of the obligor.

1324 (d) The court shall hear the obligor's motion to contest
1325 the impending judgment within 15 days after the date of the
1326 filing of the motion. Upon the court's denial of the obligor's
1327 motion, the amount of the delinquency and all other amounts which
1328 thereafter become due, together with costs and a service charge
1329 of up to \$25 ~~\$7.50~~, become a final judgment by operation of law
1330 against the obligor. The depository shall charge interest at the
1331 rate established in s. 55.03 on all judgments for support.

1332 (e) If the obligor fails to file a motion to contest the
1333 impending judgment within the time limit prescribed in paragraph
1334 (c) and fails to pay the amount of the delinquency and all other

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1335 amounts which thereafter become due, together with costs and a
1336 service charge of up to \$25 ~~\$7.50~~, such amounts become a final
1337 judgment by operation of law against the obligor at the
1338 expiration of the time for filing a motion to contest the
1339 impending judgment.

1340 (f)1. Upon request of any person, the local depository
1341 shall issue, upon payment of a service charge of up to \$25 ~~\$7.50~~,
1342 a payoff statement of the total amount due under the judgment at
1343 the time of the request. The statement may be relied upon by the
1344 person for up to 30 days from the time it is issued unless proof
1345 of satisfaction of the judgment is provided.

1346 2. When the depository records show that the obligor's
1347 account is current, the depository shall record a satisfaction of
1348 the judgment upon request of any interested person and upon
1349 receipt of the appropriate recording fee. Any person shall be
1350 entitled to rely upon the recording of the satisfaction.

1351 3. The local depository, at the direction of the
1352 department, or the obligee in a non-IV-D case, may partially
1353 release the judgment as to specific real property, and the
1354 depository shall record a partial release upon receipt of the
1355 appropriate recording fee.

1356 4. The local depository is not liable for errors in its
1357 recordkeeping, except when an error is a result of unlawful
1358 activity or gross negligence by the clerk or his or her
1359 employees.

1360 (g) The local depository shall send the department monthly
1361 by electronic means a list of all Title IV-D and non-Title IV-D
1362 cases in which a judgment by operation of law has been recorded
1363 during the month for which the data is provided. At a minimum,

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1364 | the depository shall provide the names of the obligor and
1365 | obligee, social security numbers of the obligor and obligee, if
1366 | available, and depository number.

1367 | Section 29. Subsections (2) and (4) of section 316.193,
1368 | Florida Statutes, are amended to read:

1369 | 316.193 Driving under the influence; penalties.--

1370 | (2) (a) Except as provided in paragraph (b), subsection (3),
1371 | or subsection (4), any person who is convicted of a violation of
1372 | subsection (1) shall be punished:

1373 | 1. By a fine of:

1374 | a. Not less than \$500 ~~\$250~~ or more than \$1,000 ~~\$500~~ for a
1375 | first conviction.

1376 | b. Not less than \$1,000 ~~\$500~~ or more than \$2,000 ~~\$1,000~~ for
1377 | a second conviction; and

1378 | 2. By imprisonment for:

1379 | a. Not more than 6 months for a first conviction.

1380 | b. Not more than 9 months for a second conviction.

1381 | 3. For a second conviction, by mandatory placement for a
1382 | period of at least 1 year, at the convicted person's sole
1383 | expense, of an ignition interlock device approved by the
1384 | department in accordance with s. 316.1938 upon all vehicles that
1385 | are individually or jointly leased or owned and routinely
1386 | operated by the convicted person, when the convicted person
1387 | qualifies for a permanent or restricted license. The installation
1388 | of such device may not occur before July 1, 2003.

1389 | (b)1. Any person who is convicted of a third violation of
1390 | this section for an offense that occurs within 10 years after a
1391 | prior conviction for a violation of this section commits a felony
1392 | of the third degree, punishable as provided in s. 775.082, s.

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1393 775.083, or s. 775.084. In addition, the court shall order the
1394 mandatory placement for a period of not less than 2 years, at the
1395 convicted person's sole expense, of an ignition interlock device
1396 approved by the department in accordance with s. 316.1938 upon
1397 all vehicles that are individually or jointly leased or owned and
1398 routinely operated by the convicted person, when the convicted
1399 person qualifies for a permanent or restricted license. The
1400 installation of such device may not occur before July 1, 2003.

1401 2. Any person who is convicted of a third violation of this
1402 section for an offense that occurs more than 10 years after the
1403 date of a prior conviction for a violation of this section shall
1404 be punished by a fine of not less than \$2,000 ~~\$1,000~~ or more than
1405 \$5,000 ~~\$2,500~~ and by imprisonment for not more than 12 months. In
1406 addition, the court shall order the mandatory placement for a
1407 period of at least 2 years, at the convicted person's sole
1408 expense, of an ignition interlock device approved by the
1409 department in accordance with s. 316.1938 upon all vehicles that
1410 are individually or jointly leased or owned and routinely
1411 operated by the convicted person, when the convicted person
1412 qualifies for a permanent or restricted license. The installation
1413 of such device may not occur before July 1, 2003.

1414 3. Any person who is convicted of a fourth or subsequent
1415 violation of this section, regardless of when any prior
1416 conviction for a violation of this section occurred, commits a
1417 felony of the third degree, punishable as provided in s. 775.082,
1418 s. 775.083, or s. 775.084. However, the fine imposed for such
1419 fourth or subsequent violation may be not less than \$2,000
1420 ~~\$1,000~~.

1421 (4) Any person who is convicted of a violation of

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1422 subsection (1) and who has a blood-alcohol level or breath-
1423 alcohol level of 0.20 or higher, or any person who is convicted
1424 of a violation of subsection (1) and who at the time of the
1425 offense was accompanied in the vehicle by a person under the age
1426 of 18 years, shall be punished:

1427 (a) By a fine of:

1428 1. Not less than \$1,000 ~~\$500~~ or more than \$2,000 ~~\$1,000~~ for
1429 a first conviction.

1430 2. Not less than \$2,000 ~~\$1,000~~ or more than \$4,000 ~~\$2,000~~
1431 for a second conviction.

1432 3. Not less than \$4,000 ~~\$2,000~~ for a third or subsequent
1433 conviction.

1434 (b) By imprisonment for:

1435 1. Not more than 9 months for a first conviction.

1436 2. Not more than 12 months for a second conviction.

1437

1438 For the purposes of this subsection, only the instant offense is
1439 required to be a violation of subsection (1) by a person who has
1440 a blood-alcohol level or breath-alcohol level of 0.20 or higher.

1441 (c) In addition to the penalties in paragraphs (a) and (b),
1442 the court shall order the mandatory placement, at the convicted
1443 person's sole expense, of an ignition interlock device approved
1444 by the department in accordance with s. 316.1938 upon all
1445 vehicles that are individually or jointly leased or owned and
1446 routinely operated by the convicted person for up to 6 months for
1447 the first offense and for at least 2 years for a second offense,
1448 when the convicted person qualifies for a permanent or restricted
1449 license. The installation of such device may not occur before
1450 July 1, 2003.

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1451 Section 30. Section 318.121, Florida Statutes, is amended
1452 to read:

1453 318.121 Preemption of additional fees, fines, surcharges,
1454 and costs.--Notwithstanding any general or special law, or
1455 municipal or county ordinance, additional fees, fines,
1456 surcharges, or costs other than the court costs and surcharges
1457 assessed under s. 318.18(11), ~~and (13)~~, and (18) may not be added
1458 to the civil traffic penalties assessed in this chapter.

1459 Section 31. Subsection (10) of section 318.14, Florida
1460 Statutes, is amended to read:

1461 318.14 Noncriminal traffic infractions; exception;
1462 procedures.--

1463 (10) (a) Any person who does not hold a commercial driver's
1464 license and who is cited for an offense listed under this
1465 subsection may, in lieu of payment of fine or court appearance,
1466 elect to enter a plea of nolo contendere and provide proof of
1467 compliance to the clerk of the court or authorized operator of a
1468 traffic violations bureau. In such case, adjudication shall be
1469 withheld; however, no election shall be made under this
1470 subsection if such person has made an election under this
1471 subsection in the 12 months preceding election hereunder. No
1472 person may make more than three elections under this subsection.
1473 This subsection applies to the following offenses:

1474 1. Operating a motor vehicle without a valid driver's
1475 license in violation of the provisions of s. 322.03, s. 322.065,
1476 or s. 322.15(1), or operating a motor vehicle with a license
1477 which has been suspended for failure to appear, failure to pay
1478 civil penalty, or failure to attend a driver improvement course
1479 pursuant to s. 322.291.

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1480 2. Operating a motor vehicle without a valid registration
1481 in violation of s. 320.0605, s. 320.07, or s. 320.131.

1482 3. Operating a motor vehicle in violation of s. 316.646.

1483 (b) Any person cited for an offense listed in this
1484 subsection shall present proof of compliance prior to the
1485 scheduled court appearance date. For the purposes of this
1486 subsection, proof of compliance shall consist of a valid,
1487 renewed, or reinstated driver's license or registration
1488 certificate and proper proof of maintenance of security as
1489 required by s. 316.646. Notwithstanding waiver of fine, any
1490 person establishing proof of compliance shall be assessed court
1491 costs of \$25 ~~\$22~~, except that a person charged with violation of
1492 s. 316.646(1)-(3) may be assessed court costs of \$8 ~~\$7~~. One
1493 dollar of such costs shall be remitted to the Department of
1494 Revenue for deposit into the Child Welfare Training Trust Fund of
1495 the Department of Children and Family Services. One dollar of
1496 such costs shall be distributed to the Department of Juvenile
1497 Justice for deposit into the Juvenile Justice Training Trust
1498 Fund. Fourteen ~~Twelve~~ dollars of such costs shall be distributed
1499 to the municipality and \$9 ~~\$8~~ shall be deposited by the clerk of
1500 the court into the fine and forfeiture fund established pursuant
1501 to s. 142.01, if the offense was committed within the
1502 municipality. If the offense was committed in an unincorporated
1503 area of a county or if the citation was for a violation of s.
1504 316.646(1)-(3), the entire amount shall be deposited by the clerk
1505 of the court into the fine and forfeiture fund established
1506 pursuant to s. 142.01, except for the moneys to be deposited into
1507 the Child Welfare Training Trust Fund and the Juvenile Justice
1508 Training Trust Fund. This subsection shall not be construed to

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1509 | authorize the operation of a vehicle without a valid driver's
1510 | license, without a valid vehicle tag and registration, or without
1511 | the maintenance of required security.

1512 | Section 32. Subsection (1) of section 318.15, Florida
1513 | Statutes, is amended to read:

1514 | 318.15 Failure to comply with civil penalty or to appear;
1515 | penalty.--

1516 | (1) (a) If a person fails to comply with the civil penalties
1517 | provided in s. 318.18 within the time period specified in s.
1518 | 318.14(4), fails to attend driver improvement school, or fails to
1519 | appear at a scheduled hearing, the clerk of the court shall
1520 | notify the Division of Driver Licenses of the Department of
1521 | Highway Safety and Motor Vehicles of such failure within 10 days
1522 | after such failure. Upon receipt of such notice, the department
1523 | shall immediately issue an order suspending the driver's license
1524 | and privilege to drive of such person effective 20 days after the
1525 | date the order of suspension is mailed in accordance with s.
1526 | 322.251(1), (2), and (6). Any such suspension of the driving
1527 | privilege which has not been reinstated, including a similar
1528 | suspension imposed outside Florida, shall remain on the records
1529 | of the department for a period of 7 years from the date imposed
1530 | and shall be removed from the records after the expiration of 7
1531 | years from the date it is imposed.

1532 | (b) However, a person who elects to attend driver
1533 | improvement school and has paid the civil penalty as provided in
1534 | s. 318.14(9), but who subsequently fails to attend the driver
1535 | improvement school within the time specified by the court shall
1536 | be deemed to have admitted the infraction and shall be
1537 | adjudicated guilty. In such case the person must pay the clerk of

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1538 | the court the 18 percent deducted pursuant to s. 318.14(9), and a
1539 | processing fee of up to \$18 ~~\$15~~, after which no additional
1540 | penalties, court costs, or surcharges shall be imposed for the
1541 | violation. The clerk of the court shall notify the department of
1542 | the person's failure to attend driver improvement school and
1543 | points shall be assessed pursuant to s. 322.27.

1544 | Section 33. Subsection (2) and paragraph (a) of subsection
1545 | (11) of section 318.18, Florida Statutes, are amended, and
1546 | subsection (18) is added to that section, to read:

1547 | 318.18 Amount of penalties.--The penalties required for a
1548 | noncriminal disposition pursuant to s. 318.14 or a criminal
1549 | offense listed in s. 318.17 are as follows:

1550 | (2) Thirty dollars for all nonmoving traffic violations
1551 | and:

1552 | (a) For all violations of s. 322.19.

1553 | (b) For all violations of ss. 320.0605, 320.07(1), 322.065,
1554 | and 322.15(1). Any person who is cited for a violation of s.
1555 | 320.07(1) shall be charged a delinquent fee pursuant to s.
1556 | 320.07(4).

1557 | 1. If a person who is cited for a violation of s. 320.0605
1558 | or s. 320.07 can show proof of having a valid registration at the
1559 | time of arrest, the clerk of the court may dismiss the case and
1560 | may assess a dismissal fee of up to \$10 ~~\$7.50~~. A person who finds
1561 | it impossible or impractical to obtain a valid registration
1562 | certificate must submit an affidavit detailing the reasons for
1563 | the impossibility or impracticality. The reasons may include, but
1564 | are not limited to, the fact that the vehicle was sold, stolen,
1565 | or destroyed; that the state in which the vehicle is registered
1566 | does not issue a certificate of registration; or that the vehicle

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1567 | is owned by another person.

1568 | 2. If a person who is cited for a violation of s. 322.03,
1569 | s. 322.065, or s. 322.15 can show a driver's license issued to
1570 | him or her and valid at the time of arrest, the clerk of the
1571 | court may dismiss the case and may assess a dismissal fee of up
1572 | to \$10 ~~\$7.50~~.

1573 | 3. If a person who is cited for a violation of s. 316.646
1574 | can show proof of security as required by s. 627.733, issued to
1575 | the person and valid at the time of arrest, the clerk of the
1576 | court may dismiss the case and may assess a dismissal fee of up
1577 | to \$10 ~~\$7.50~~. A person who finds it impossible or impractical to
1578 | obtain proof of security must submit an affidavit detailing the
1579 | reasons for the impracticality. The reasons may include, but are
1580 | not limited to, the fact that the vehicle has since been sold,
1581 | stolen, or destroyed; that the owner or registrant of the vehicle
1582 | is not required by s. 627.733 to maintain personal injury
1583 | protection insurance; or that the vehicle is owned by another
1584 | person.

1585 | (c) For all violations of ss. 316.2935 and 316.610.
1586 | However, for a violation of s. 316.2935 or s. 316.610, if the
1587 | person committing the violation corrects the defect and obtains
1588 | proof of such timely repair by an affidavit of compliance
1589 | executed by the law enforcement agency within 30 days from the
1590 | date upon which the traffic citation was issued, and pays \$4 to
1591 | the law enforcement agency, thereby completing the affidavit of
1592 | compliance, then upon presentation of said affidavit by the
1593 | defendant to the clerk within the 30-day time period set forth
1594 | under s. 318.14(4), the fine must be reduced to \$10 ~~\$7.50~~, which
1595 | the clerk of the court shall retain.

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1596 (d) For all violations of s. 316.126(1)(b), unless
1597 otherwise specified.

1598 (11)(a) In addition to the stated fine, court costs must be
1599 paid in the following amounts and shall be deposited by the clerk
1600 into the fine and forfeiture fund established pursuant to s.
1601 142.01:

1602
1603 For pedestrian infractions....\$4 ~~\$3~~.

1604 For nonmoving traffic infractions....\$18 ~~\$16~~.

1605 For moving traffic infractions....\$35 ~~\$30~~.

1606 (18) In addition to any penalties imposed, an
1607 administrative fee of \$12.50 must be paid for all noncriminal
1608 moving and nonmoving traffic violations under chapter 316.
1609 Revenue from the administrative fee shall be deposited by the
1610 clerk of court into the fine and forfeiture fund established
1611 pursuant to s. 142.01.

1612 Section 34. Subsections (1) and (2) of section 322.245,
1613 Florida Statutes, are amended to read:

1614 322.245 Suspension of license upon failure of person
1615 charged with specified offense under chapter 316, chapter 320, or
1616 this chapter to comply with directives ordered by traffic court
1617 or upon failure to pay child support in non-IV-D cases as
1618 provided in chapter 61 or failure to pay any financial obligation
1619 in any other criminal case.--

1620 (1) If a person charged with a violation of any of the
1621 criminal offenses enumerated in s. 318.17 or with the commission
1622 of any offense constituting a misdemeanor under chapter 320 or
1623 this chapter fails to comply with all of the directives of the
1624 court within the time allotted by the court, the clerk of the

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1625 traffic court shall mail to the person, at the address specified
1626 on the uniform traffic citation, a notice of such failure,
1627 notifying him or her that, if he or she does not comply with the
1628 directives of the court within 30 days after the date of the
1629 notice and pay a delinquency fee of up to \$25 ~~\$15~~ to the clerk,
1630 his or her driver's license will be suspended. The notice shall
1631 be mailed no later than 5 days after such failure. The
1632 delinquency fee may be retained by the office of the clerk to
1633 defray the operating costs of the office.

1634 (2) In non-IV-D cases, if a person fails to pay child
1635 support under chapter 61 and the obligee so requests, the
1636 depository or the clerk of the court shall mail in accordance
1637 with s. 61.13016 the notice specified in that section, notifying
1638 him or her that if he or she does not comply with the
1639 requirements of that section and pay a delinquency fee of \$25 ~~\$10~~
1640 to the depository or the clerk, his or her driver's license and
1641 motor vehicle registration will be suspended. The delinquency fee
1642 may be retained by the depository or the office of the clerk to
1643 defray the operating costs of the office.

1644 Section 35. Subsections (2) and (4) of section 327.35,
1645 Florida Statutes, are amended to read:

1646 327.35 Boating under the influence; penalties; "designated
1647 drivers".--

1648 (2) (a) Except as provided in paragraph (b), subsection (3),
1649 or subsection (4), any person who is convicted of a violation of
1650 subsection (1) shall be punished:

1651 1. By a fine of:

1652 a. Not less than \$500 ~~\$250~~ or more than \$1,000 ~~\$500~~ for a
1653 first conviction.

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1654 b. Not less than \$1,000 ~~\$500~~ or more than \$2,000 ~~\$1,000~~ for
1655 a second conviction; and

1656 2. By imprisonment for:

1657 a. Not more than 6 months for a first conviction.

1658 b. Not more than 9 months for a second conviction.

1659 (b)1. Any person who is convicted of a third violation of
1660 this section for an offense that occurs within 10 years after a
1661 prior conviction for a violation of this section commits a felony
1662 of the third degree, punishable as provided in s. 775.082, s.
1663 775.083, or s. 775.084.

1664 2. Any person who is convicted of a third violation of this
1665 section for an offense that occurs more than 10 years after the
1666 date of a prior conviction for a violation of this section shall
1667 be punished by a fine of not less than \$2,000 ~~\$1,000~~ or more than
1668 \$5,000 ~~\$2,500~~ and by imprisonment for not more than 12 months.

1669 3. Any person who is convicted of a fourth or subsequent
1670 violation of this section, regardless of when any prior
1671 conviction for a violation of this section occurred, commits a
1672 felony of the third degree, punishable as provided in s. 775.082,
1673 s. 775.083, or s. 775.084.

1674
1675 However, the fine imposed for such fourth or subsequent violation
1676 may not be less than \$2,000 ~~\$1,000~~.

1677 (4) Any person who is convicted of a violation of
1678 subsection (1) and who has a blood-alcohol level or breath-
1679 alcohol level of 0.20 or higher, or any person who is convicted
1680 of a violation of subsection (1) and who at the time of the
1681 offense was accompanied in the vessel by a person under the age
1682 of 18 years, shall be punished:

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- 1683 (a) By a fine of:
- 1684 1. Not less than \$1,000 ~~\$500~~ or more than \$2,000 ~~\$1,000~~ for
- 1685 a first conviction.
- 1686 2. Not less than \$2,000 ~~\$1,000~~ or more than \$4,000 ~~\$2,000~~
- 1687 for a second conviction.
- 1688 3. Not less than \$4,000 ~~\$2,000~~ for a third or subsequent
- 1689 conviction.

1690 (b) By imprisonment for:

- 1691 1. Not more than 9 months for a first conviction.
- 1692 2. Not more than 12 months for a second conviction.

1693

1694 For the purposes of this subsection, only the instant offense is

1695 required to be a violation of subsection (1) by a person who has

1696 a blood-alcohol level or breath-alcohol level of 0.20 or higher.

1697 Section 36. Subsection (4), paragraph (a) of subsection

1698 (9), and subsection (11) of section 327.73, Florida Statutes, are

1699 amended to read:

1700 327.73 Noncriminal infractions.--

1701 (4) Any person charged with a noncriminal infraction under

1702 this section may:

1703 (a) Pay the civil penalty, either by mail or in person,

1704 within 30 days of the date of receiving the citation; or,

1705 (b) If he or she has posted bond, forfeit bond by not

1706 appearing at the designated time and location.

1707

1708 If the person cited follows either of the above procedures, he or

1709 she shall be deemed to have admitted the noncriminal infraction

1710 and to have waived the right to a hearing on the issue of

1711 commission of the infraction. Such admission shall not be used as

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1712 evidence in any other proceedings. If a person who is cited for a
1713 violation of s. 327.395 can show a boating safety identification
1714 card issued to that person and valid at the time of the citation,
1715 the clerk of the court may dismiss the case and may assess a
1716 dismissal fee of up to \$10 ~~\$7.50~~. If a person who is cited for a
1717 violation of s. 328.72(13) can show proof of having a
1718 registration for that vessel which was valid at the time of the
1719 citation, the clerk may dismiss the case and may assess the
1720 dismissal fee.

1721 (9) (a) Any person who fails to comply with the court's
1722 requirements or who fails to pay the civil penalties specified in
1723 this section within the 30-day period provided for in s. 327.72
1724 must pay an additional court cost of up to \$20 ~~\$18~~, which shall
1725 be used by the clerks of the courts to defray the costs of
1726 tracking unpaid uniform boating citations.

1727 (11) (a) Court costs that are to be in addition to the
1728 stated civil penalty shall be imposed by the court in an amount
1729 not less than the following:

- 1730 1. For swimming or diving infractions, \$4 ~~\$3~~.
- 1731 2. For nonmoving boating infractions, \$18 ~~\$6~~.
- 1732 3. For boating infractions listed in s. 327.731(1), \$35
1733 ~~\$10~~.

1734
1735 (b) In addition to the court cost assessed under paragraph
1736 (a), the court shall impose a \$3 court cost for each noncriminal
1737 infraction, to be distributed as provided in s. 938.01, and a \$2
1738 court cost as provided in s. 938.15 when assessed by a
1739 municipality or county.

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1741 Court costs imposed under this subsection may not exceed \$45 ~~\$30~~.
1742 A criminal justice selection center or both local criminal
1743 justice access and assessment centers may be funded from these
1744 court costs.

1745 Section 37. Paragraph (i) of subsection (1) of section
1746 372.83, Florida Statutes, is amended to read:

1747 372.83 Penalties and violations; civil penalties for
1748 noncriminal infractions; criminal penalties; suspension and
1749 forfeiture of licenses and permits.--

1750 (1)

1751 (i) A person cited for violating the requirements of s.
1752 372.57 relating to personal possession of a license or permit may
1753 not be convicted if, prior to or at the time of a county court
1754 hearing, the person produces the required license or permit for
1755 verification by the hearing officer or the court clerk. The
1756 license or permit must have been valid at the time the person was
1757 cited. The clerk or hearing officer may assess a \$10 ~~\$5~~ fee for
1758 costs under this paragraph.

1759 Section 38. Subsection (1) of section 713.24, Florida
1760 Statutes, is amended to read:

1761 713.24 Transfer of liens to security.--

1762 (1) Any lien claimed under this part may be transferred, by
1763 any person having an interest in the real property upon which the
1764 lien is imposed or the contract under which the lien is claimed,
1765 from such real property to other security by either:

1766 (a) Depositing in the clerk's office a sum of money, or

1767 (b) Filing in the clerk's office a bond executed as surety
1768 by a surety insurer licensed to do business in this state,
1769

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1770 either to be in an amount equal to the amount demanded in such
1771 claim of lien, plus interest thereon at the legal rate for 3
1772 years, plus \$1,000 or 25 percent of the amount demanded in the
1773 claim of lien, whichever is greater, to apply on any attorney's
1774 fees and court costs that may be taxed in any proceeding to
1775 enforce said lien. Such deposit or bond shall be conditioned to
1776 pay any judgment or decree which may be rendered for the
1777 satisfaction of the lien for which such claim of lien was
1778 recorded. Upon making such deposit or filing such bond, the clerk
1779 shall make and record a certificate showing the transfer of the
1780 lien from the real property to the security and shall mail a copy
1781 thereof by registered or certified mail to the lienor named in
1782 the claim of lien so transferred, at the address stated therein.
1783 Upon filing the certificate of transfer, the real property shall
1784 thereupon be released from the lien claimed, and such lien shall
1785 be transferred to said security. In the absence of allegations of
1786 privity between the lienor and the owner, and subject to any
1787 order of the court increasing the amount required for the lien
1788 transfer deposit or bond, no other judgment or decree to pay
1789 money may be entered by the court against the owner. The clerk
1790 shall be entitled to a service charge for making and serving the
1791 certificate, in the amount of up to \$20 ~~\$15~~. If the transaction
1792 involves the transfer of multiple liens, an additional charge of
1793 up to \$10 ~~\$7.50~~ for each additional lien shall be charged. For
1794 recording the certificate and approving the bond, the clerk shall
1795 receive her or his usual statutory service charges as prescribed
1796 in s. 28.24. Any number of liens may be transferred to one such
1797 security.

1798 Section 39. Subsection (3) of section 721.83, Florida

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1799 Statutes, is amended to read:

1800 721.83 Consolidation of foreclosure actions.--

1801 (3) A consolidated timeshare foreclosure action shall be
1802 considered a single action, suit, or proceeding for the payment
1803 of filing fees and service charges pursuant to general law. In
1804 addition to the payment of such filing fees and service charges,
1805 an additional filing fee of up to \$10 ~~\$5~~ for each timeshare
1806 estate joined in that action shall be paid to the clerk of court.

1807 Section 40. Subsection (6) of section 744.365, Florida
1808 Statutes, is amended to read:

1809 744.365 Verified inventory.--

1810 (6) AUDIT FEE.--

1811 (a) Where the value of the ward's property exceeds \$25,000,
1812 a guardian shall pay from the ward's property to the clerk of the
1813 circuit court a fee of up to \$85 ~~\$75~~, upon the filing of the
1814 verified inventory, for the auditing of the inventory. Upon
1815 petition by the guardian, the court may waive the auditing fee
1816 upon a showing of insufficient funds in the ward's estate. Any
1817 guardian unable to pay the auditing fee may petition the court
1818 for waiver of the fee. The court may waive the fee after it has
1819 reviewed the documentation filed by the guardian in support of
1820 the waiver.

1821 (b) An audit fee may not be charged to any ward whose
1822 property has a value of less than \$25,000.

1823 Section 41. Subsection (4) of section 744.3678, Florida
1824 Statutes, is amended to read:

1825 744.3678 Annual accounting.--

1826 (4) The guardian shall pay from the ward's estate to the
1827 clerk of the circuit court a fee based upon the following

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1828 graduated fee schedule, upon the filing of the annual financial
1829 return, for the auditing of the return:

1830 (a) For estates with a value of \$25,000 or less the clerk
1831 of the court may charge a fee of up to \$20 ~~\$15~~.

1832 (b) For estates with a value of more than \$25,000 up to and
1833 including \$100,000 the clerk of the court may charge a fee of up
1834 to \$85 ~~\$75~~.

1835 (c) For estates with a value of more than \$100,000 up to
1836 and including \$500,000 the clerk of the court may charge a fee of
1837 up to \$170 ~~\$150~~.

1838 (d) For estates with a value in excess of \$500,000 the
1839 clerk of the court may charge a fee of up to \$250 ~~\$225~~.

1840

1841 Upon petition by the guardian, the court may waive the auditing
1842 fee upon a showing of insufficient funds in the ward's estate.
1843 Any guardian unable to pay the auditing fee may petition the
1844 court for a waiver of the fee. The court may waive the fee after
1845 it has reviewed the documentation filed by the guardian in
1846 support of the waiver.

1847 Section 42. Subsection (2) of section 766.104, Florida
1848 Statutes, is amended to read:

1849 766.104 Pleading in medical negligence cases; claim for
1850 punitive damages; authorization for release of records for
1851 investigation.--

1852 (2) Upon petition to the clerk of the court where the suit
1853 will be filed and payment to the clerk of a filing fee, not to
1854 exceed \$42 ~~\$37.50~~, an automatic 90-day extension of the statute
1855 of limitations shall be granted to allow the reasonable
1856 investigation required by subsection (1). This period shall be in

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1857 | addition to other tolling periods. No court order is required for
1858 | the extension to be effective. The provisions of this subsection
1859 | shall not be deemed to revive a cause of action on which the
1860 | statute of limitations has run.

1861 | Section 43. Subsection (1) of section 938.05, Florida
1862 | Statutes, is amended to read:

1863 | 938.05 Additional court costs for felonies, misdemeanors,
1864 | and criminal traffic offenses.--

1865 | (1) Any person pleading nolo contendere to a misdemeanor or
1866 | criminal traffic offense under s. 318.14(10)(a) or pleading
1867 | guilty or nolo contendere to, or being found guilty of, any
1868 | felony, misdemeanor, or criminal traffic offense under the laws
1869 | of this state or the violation of any municipal or county
1870 | ordinance which adopts by reference any misdemeanor under state
1871 | law, shall pay as a cost in the case, in addition to any other
1872 | cost required to be imposed by law, a sum in accordance with the
1873 | following schedule:

1874 | (a) Felonies....\$225 ~~\$200~~

1875 | (b) Misdemeanors....\$60 ~~\$50~~

1876 | (c) Criminal traffic offenses....\$60 ~~\$50~~

1877 | Section 44. Subsections (1), (2), and (8) of section
1878 | 938.27, Florida Statutes, are amended to read:

1879 | 938.27 Judgment for costs on conviction.--

1880 | (1) In all criminal and violation-of-probation or
1881 | community-control cases, convicted persons are liable for payment
1882 | of the ~~documented~~ costs of prosecution, including investigative
1883 | costs incurred by law enforcement agencies, by fire departments
1884 | for arson investigations, and by investigations of the Department
1885 | of Financial Services or the Office of Financial Regulation of

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1886 the Financial Services Commission, if requested by such agencies.
1887 The court shall include these costs in every ~~shall be included~~
1888 ~~and entered in the~~ judgment rendered against the convicted
1889 person. For purposes of this section, "convicted" means a
1890 determination of guilt, or of violation of probation or community
1891 control, which is a result of a plea, trial, or violation
1892 proceeding, regardless of whether adjudication is withheld.

1893 (2) (a) The court shall impose the costs of prosecution and
1894 investigation notwithstanding the defendant's present ability to
1895 pay. The court shall require the defendant to pay the costs
1896 within a specified period or in specified installments.

1897 (b) The end of such period or the last such installment
1898 shall not be later than:

1899 1. The end of the period of probation or community control,
1900 if probation or community control is ordered;

1901 2. Five years after the end of the term of imprisonment
1902 imposed, if the court does not order probation or community
1903 control; or

1904 3. Five years after the date of sentencing in any other
1905 case.

1906
1907 However, in no event shall the obligation to pay any unpaid
1908 amounts expire if not paid in full within the period specified in
1909 this paragraph.

1910 (c) If not otherwise provided by the court under this
1911 section, costs shall be paid immediately.

1912 (8) Costs for the state attorney shall be set in all cases
1913 at no less than \$50 per case when a misdemeanor or criminal
1914 traffic offense is charged and no less than \$100 per case when a

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1915 felony offense is charged, including a proceeding in which the
1916 underlying offense is a violation of probation or community
1917 control. The court may set a higher amount upon a showing of
1918 sufficient proof of higher costs incurred. Costs recovered on
1919 behalf of that are collected by the state attorney under this
1920 section shall be deposited into the state attorney's grants and
1921 donations trust fund to be used during the fiscal year in which
1922 the funds are collected, or in any subsequent fiscal year, for
1923 actual expenses incurred in investigating and prosecuting
1924 criminal cases, which may include the salaries of permanent
1925 employees, or for any other purpose authorized by the
1926 Legislature.

1927 Section 45. Subsection (1) of section 938.29, Florida
1928 Statutes, is amended to read:

1929 938.29 Legal assistance; lien for payment of attorney's
1930 fees or costs.--

1931 (1) (a) A defendant who is convicted ~~determined to be guilty~~
1932 of a criminal act or a violation-of-probation or community-
1933 control by a court or jury or through a plea of guilty or nolo
1934 ~~contendere~~ and who has received the assistance of the public
1935 defender's office, a special assistant public defender, the
1936 office of criminal conflict and civil regional counsel, or a
1937 private conflict attorney, or who has received due process
1938 services after being found indigent for costs under s. 27.52,
1939 shall be liable for payment of the assessed application fee under
1940 s. 27.52 and attorney's fees and costs. Attorney's fees and costs
1941 shall be set in all cases at no less than \$50 per case when a
1942 misdemeanor or criminal traffic offense is charged and no less
1943 than \$100 per case when a felony offense is charged, including a

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1944 proceeding in which the underlying offense is a violation of
1945 probation or community control. The court may set a higher amount
1946 upon a showing of sufficient proof of higher fees or costs
1947 incurred. For purposes of this section, "convicted" means a
1948 determination of guilt, or of violation of probation or community
1949 control, which is a result of a plea, trial, or violation
1950 proceeding, regardless of whether adjudication is withheld. The
1951 court shall include these fees and costs in every judgment
1952 rendered against the convicted person ~~determine the amount of the~~
1953 ~~obligation. Such costs shall include, but not be limited to, the~~
1954 ~~cost of depositions; cost of transcripts of depositions,~~
1955 ~~including the cost of defendant's copy, which transcripts are~~
1956 ~~certified by the defendant's attorney as having served a useful~~
1957 ~~purpose in the disposition of the case; investigative costs;~~
1958 ~~witness fees; the cost of psychiatric examinations; or other~~
1959 ~~reasonable costs specially incurred by the state and the clerk of~~
1960 ~~court for the defense of the defendant in criminal prosecutions.~~
1961 ~~Costs shall not include expenses inherent in providing a~~
1962 ~~constitutionally guaranteed jury trial or expenditures in~~
1963 ~~connection with the maintenance and operation of government~~
1964 ~~agencies that must be made by the public irrespective of specific~~
1965 ~~violations of law. Any costs assessed pursuant to this paragraph~~
1966 ~~shall be reduced by any amount assessed against a defendant~~
1967 ~~pursuant to s. 938.05.~~

1968 (b) Upon entering a judgment of conviction, the defendant
1969 shall be liable to pay the attorney's fees and costs in full
1970 after the judgment of conviction becomes final. The court shall
1971 impose the attorney's fees and costs notwithstanding the
1972 defendant's present ability to pay.

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1973 (c) The defendant shall pay the application fee under s.
1974 27.52(1)(b) and attorney's fees and costs in full or in
1975 installments, at the time or times specified. The court may order
1976 payment of the assessed application fee and attorney's fees and
1977 costs as a condition of probation, of suspension of sentence, or
1978 of withholding the imposition of sentence. ~~The first \$40 from~~
1979 ~~attorney's fees and costs collected under this section shall be~~
1980 ~~transferred monthly by the clerk to the Department of Revenue for~~
1981 ~~deposit into the Indigent Criminal Defense Trust Fund. All funds~~
1982 ~~remaining attorney's fees and costs collected under this section~~
1983 shall be distributed as provided in s. 27.562 ~~deposited into the~~
1984 ~~General Revenue Fund.~~

1985 Section 46. Section 984.08, Florida Statutes, is amended to
1986 read:

1987 984.08 Attorney's fees.--

1988 ~~(1)~~ The court may appoint an attorney to represent a parent
1989 or legal guardian under this chapter only upon a finding that the
1990 parent or legal guardian is indigent pursuant to s. 57.082. If an
1991 attorney is appointed, the parent or legal guardian shall be
1992 enrolled in a payment plan pursuant to s. 28.246.

1993 ~~(a) The finding of indigence of any parent or legal~~
1994 ~~guardian may be made by the court at any stage of the~~
1995 ~~proceedings. Any parent or legal guardian claiming indigence~~
1996 ~~shall file with the court an affidavit containing the factual~~
1997 ~~information required in paragraphs (c) and (d).~~

1998 ~~(b) A parent or legal guardian who is unable to pay for the~~
1999 ~~services of an attorney without substantial hardship to self or~~
2000 ~~family is indigent for the purposes of this chapter.~~

2001 ~~(c) Before finding that a parent or legal guardian is~~

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2002 ~~indigent, the court shall determine whether any of the following~~
2003 ~~facts exist, and the existence of any such fact creates a~~
2004 ~~presumption that the parent or legal guardian is not indigent:~~

2005 ~~1. The parent or legal guardian has no dependents and has a~~
2006 ~~gross income exceeding \$250 per week; or, the parent or legal~~
2007 ~~guardian has dependents and has a gross income exceeding \$250 per~~
2008 ~~week plus \$100 per week for each dependent.~~

2009 ~~2. The parent or legal guardian owns cash in excess of~~
2010 ~~\$1,000.~~

2011 ~~3. The parent or legal guardian has an interest exceeding~~
2012 ~~\$1,000 in value in a single motor vehicle as defined in s.~~
2013 ~~320.01.~~

2014 ~~(d) The court shall also consider the following~~
2015 ~~circumstances before finding that a parent or legal guardian is~~
2016 ~~indigent:~~

2017 ~~1. The probable expense of being represented in the case.~~

2018 ~~2. The parent's or legal guardian's ownership of, or equity~~
2019 ~~in, any intangible or tangible personal property or real property~~
2020 ~~or expectancy of an interest in any such property.~~

2021 ~~3. The amount of debts the parent or legal guardian owes or~~
2022 ~~might incur because of illness or other misfortunes within the~~
2023 ~~family.~~

2024 ~~(2) If, after the appointment of counsel for an indigent~~
2025 ~~parent or legal guardian, it is determined that the parent or~~
2026 ~~legal guardian is not indigent, the court has continuing~~
2027 ~~jurisdiction to assess attorney's fees and costs against the~~
2028 ~~parent or legal guardian, and order the payment thereof. When~~
2029 ~~payment of attorney's fees or costs has been assessed and ordered~~
2030 ~~by the court, there is hereby created a lien in the name of the~~

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2031 ~~county in which the legal assistance was rendered, enforceable as~~
2032 ~~provided in subsection (3), upon all the property, both real and~~
2033 ~~personal, of the parent or legal guardian who received the court-~~
2034 ~~ordered appointed counsel under this chapter. The lien~~
2035 ~~constitutes a claim against the parent or legal guardian and the~~
2036 ~~parent's or legal guardian's estate in an amount to be determined~~
2037 ~~by the court in which the legal assistance was rendered.~~

2038 ~~(3) (a) The lien created for court-ordered payment of~~
2039 ~~attorney's fees or costs under subsection (2) is enforceable upon~~
2040 ~~all the property, both real and personal, of the parent or legal~~
2041 ~~guardian who is being, or has been, represented by legal counsel~~
2042 ~~appointed by the court in proceedings under this chapter. The~~
2043 ~~lien constitutes a claim against the person and the estate of the~~
2044 ~~parent or legal guardian, enforceable according to law, in an~~
2045 ~~amount to be determined by the court in which the legal~~
2046 ~~assistance was rendered.~~

2047 ~~(b) Immediately after the issuance of an order for the~~
2048 ~~payment of attorney's fees or costs, a judgment showing the name,~~
2049 ~~the residential address, the date of birth, and either a physical~~
2050 ~~description or the social security number of the parent or legal~~
2051 ~~guardian must be filed for record in the office of the clerk of~~
2052 ~~the circuit court in the county where the parent or legal~~
2053 ~~guardian resides and in each county in which the parent or legal~~
2054 ~~guardian then owns or later acquires any property. The judgment~~
2055 ~~is enforceable on behalf of the county by the board of county~~
2056 ~~commissioners of the county in which the legal assistance was~~
2057 ~~rendered.~~

2058 ~~(c) Instead of the procedure described in paragraphs (a)~~
2059 ~~and (b), the court is authorized to require that the parent or~~

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2060 ~~legal guardian who has been represented by legal counsel~~
2061 ~~appointed by the court in proceedings under this chapter execute~~
2062 ~~a lien upon his or her real or personal property, presently owned~~
2063 ~~or after-acquired, as security for the debt created by the~~
2064 ~~court's order requiring payment of attorney's fees or costs. The~~
2065 ~~lien must be recorded in the public records of the county at no~~
2066 ~~charge by the clerk of the circuit court and is enforceable in~~
2067 ~~the same manner as a mortgage.~~

2068 ~~(d) The board of county commissioners of the county where~~
2069 ~~the parent received the services of an appointed private legal~~
2070 ~~counsel is authorized to enforce, satisfy, compromise, settle,~~
2071 ~~subordinate, release, or otherwise dispose of any debt or lien~~
2072 ~~imposed under this section. A parent, who has been ordered to pay~~
2073 ~~attorney's fees or costs and who is not in willful default in the~~
2074 ~~payment thereof, may, at any time, petition the court which~~
2075 ~~entered the order for remission of the payment of attorney's fees~~
2076 ~~or costs or of any unpaid portion thereof. If the court~~
2077 ~~determines that payment of the amount due will impose manifest~~
2078 ~~hardship on the parent or immediate family, the court may remit~~
2079 ~~all or part of the amount due in attorney's fees or costs or may~~
2080 ~~modify the method of payment.~~

2081 ~~(e) The board of county commissioners of the county~~
2082 ~~claiming the lien is authorized to contract with a collection~~
2083 ~~agency for collection of such debts or liens, provided the fee~~
2084 ~~for collection is on a contingent basis not to exceed 50 percent~~
2085 ~~of the recovery. However, no fee may be paid to any collection~~
2086 ~~agency by reason of foreclosure proceedings against real property~~
2087 ~~or from the proceeds from the sale or other disposition of real~~
2088 ~~property.~~

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2089 Section 47. Notwithstanding s. 28.36, Florida Statutes, the
2090 Florida Clerks of Court Operations Corporation may not approve
2091 increases to the clerks' budgets based on increased revenue
2092 generated under this act. The corporation may increase the
2093 clerks' budgets in the aggregate by \$1,188,184 for the period
2094 from July 1, 2008, through September 30, 2008, and \$3,564,551 for
2095 the period from October 1, 2008, through June 30, 2009, for the
2096 increased duties related to paying jurors and juror meals and
2097 lodging expenses as provided in this act. These budget increases
2098 shall be considered as part of the recurring base budget of the
2099 clerks for future budgets approved pursuant to s. 28.36, Florida
2100 Statutes.

2101 Section 48. This act shall take effect July 1, 2008.