

HB 121

2009

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

25
26 Be It Enacted by the Legislature of the State of Florida:
27

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

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

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

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

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

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

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

54 (1)

55 (d) The clerk of courts shall cause a certified copy of
56 the court order imposing such costs to be recorded in the
57 official records, which shall constitute a lien against the
58 person upon whom the costs are imposed, and shall attach as a
59 lien on any real and personal property owned by the person. Any
60 lien created against real and personal property is enforceable
61 in the same manner as provided by law. A lien created under this
62 section does not attach to, or make subject to execution of levy
63 or foreclosure, any real or personal property otherwise exempted
64 by s. 4, Art. X of the State Constitution.

65 Section 4. The Legislature shall establish a joint select
66 committee to review the methods currently used by each circuit
67 court and county court in this state to collect court-related
68 fees, service charges, costs, and fines. The committee shall
69 consist of 13 members, of whom five shall be senators appointed
70 by the President of the Senate, with three being members of the
71 majority party and two being members of the minority party, and
72 eight shall be representatives appointed by the Speaker of the
73 House of Representatives, with five being members of the
74 majority party and three being members of the minority party.
75 The committee chair and vice chair shall be designated jointly
76 by the President of the Senate and the Speaker of the House of
77 Representatives. The committee shall review for a period of 1
78 year methods used by the circuit courts and county courts in
79 this state to collect court-related fees, service charges,
80 costs, and fines. The committee shall determine how these funds
81 may be used to create designated funding for the judiciary,
82 after which the committee shall submit recommendations to the

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83 President of the Senate and the Speaker of the House of
84 Representatives as to an effective uniform statewide method for
85 collecting court-related fees, service charges, costs, and fines
86 to be mandated for all circuit courts and county courts and
87 clerks of such courts.

88 Section 5. This act shall take effect July 1, 2009.