

By Senator Ring

32-00041-09

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

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

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29          Section 1. Subsection (2) of section 938.30, Florida

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30 Statutes, is amended to read:

31 938.30 Financial obligations in criminal cases;  
32 supplementary proceedings.—

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

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

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

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

53 939.185 Assessment of additional court costs and  
54 surcharges.—

55 (1)

56 (d) The clerk of the court shall record in the official  
57 records a certified copy of the court order imposing such costs,  
58 which constitutes a lien against the person upon whom the costs

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59 are imposed, and attaches as a lien on any real and personal  
60 property owned by the person. Any lien created against real and  
61 personal property is enforceable in the same manner as provided  
62 by law. A lien created under this section does not attach to, or  
63 make subject to execution of levy or foreclosure, any real or  
64 personal property otherwise exempted by s. 4, Art. X of the  
65 State Constitution.

66 Section 4. The Legislature shall establish a joint select  
67 committee to review the methods currently used by each circuit  
68 court and county court in this state to collect court-related  
69 fees, service charges, costs, and fines. The committee shall  
70 consist of 13 members, of whom five shall be Senators appointed  
71 by the President of the Senate and eight shall be  
72 Representatives appointed by the Speaker of the House of  
73 Representatives. The committee chair and vice chair shall be  
74 designated jointly by the President of the Senate and the  
75 Speaker of the House of Representatives. The committee shall  
76 review for a period of 1 year methods used by the circuit courts  
77 and county courts in this state to collect court-related fees,  
78 service charges, costs, and fines, after which the committee  
79 shall submit recommendations to the President of the Senate and  
80 the Speaker of the House of Representatives as to an effective  
81 uniform, statewide method for collecting court-related fees,  
82 service charges, costs, and fines to be mandated for all circuit  
83 courts and county courts and clerks of such courts.

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