

By the Committee on Judiciary; and Senator Ring

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1 A bill to be entitled
2 An act relating to clerks of the circuit court;
3 amending s. 27.52, F.S.; requiring an applicant for
4 the appointment of a public defender to consent to an
5 indigency background review conducted by a court
6 clerk; providing for a new fee for the background
7 review; requiring an applicant to pay an indigent
8 intake fee within a certain period of time after
9 submitting an application for the appointment of a
10 public defender; requiring that the court assess both
11 fees pursuant to alternative procedures for failure to
12 pay; providing for the deposit of certain fees
13 relating to indigent persons into the Indigent
14 Criminal Defense Trust Fund; deleting provisions
15 authorizing a clerk of court to retain certain fees
16 for administrative costs; requiring a clerk of court
17 to use the Comprehensive Case Information System to
18 conduct an indigency background review; requiring a
19 clerk to use the results of the review to determine
20 whether an applicant is indigent; amending s. 28.241,
21 F.S.; revising criteria to determine when a fee to
22 reopen a case must be paid; providing that the fee
23 does not apply to motions to enforce stipulations or
24 motions for contempt; requiring the payment of a fee
25 upon the filing of a counter petition; amending s.
26 28.246, F.S.; reducing the period of time that an
27 account must be unpaid before a clerk of court may
28 refer the account to a collection agent or private
29 attorney for collection; reducing the amount of the

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30 collection fee that may be paid to a collection agent
31 or attorney under certain circumstances; amending s.
32 34.041, F.S.; requiring the payment of a fee upon the
33 filing of a counter petition; requiring a clerk of
34 court to deposit that fee into the General Revenue
35 Fund; requiring the payment of an additional filing
36 fee for filings that require the transmittal of a case
37 to another court; revising criteria to determine when
38 a fee to reopen a case must be paid; providing that
39 the fee does not apply to motions to enforce
40 stipulations or motions for contempt; amending s.
41 45.035, F.S.; authorizing a clerk of court to charge
42 an additional fee for judicial sales conducted by
43 electronic means; requiring the fee to be paid by the
44 winning bidder; amending s. 57.082, F.S.; renaming an
45 application fee for a determination of indigent status
46 for purposes of receiving a court-appointed attorney
47 in certain civil cases; deleting provisions
48 authorizing a clerk of court to retain a portion of
49 the fees collected from persons applying for a court-
50 appointed attorney for administrative costs; amending
51 s. 197.542, F.S.; providing for the costs of
52 electronic tax deed sales to be added to other charges
53 for costs of the sale; requiring payment of such costs
54 by a certificateholder upon filing an application for
55 a tax deed; amending s. 318.18, F.S.; requiring a
56 report relating to certain surcharges imposed by
57 ordinance to be submitted to the board of county
58 commissioners; authorizing a county to impose an

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59 additional surcharge by ordinance to secure the
60 repayment of bonds relating to court facilities and
61 related purposes; amending s. 322.245, F.S.; requiring
62 the Department of Highway Safety and Motor Vehicles to
63 mail notices to certain persons who have failed to
64 comply with directives of a court; amending s. 938.30,
65 F.S.; exempting inmates from the provision authorizing
66 the court to examine persons to ensure compliance with
67 certain financial obligations; amending s. 938.301,
68 F.S.; providing that circuit court judges have
69 jurisdiction to ensure compliance with court-imposed
70 financial obligations in all types of cases; providing
71 for the appointment of a workgroup to review court-
72 related fees, service charges, costs, and fines;
73 specifying the membership of the workgroup; requiring
74 the workgroup to submit a report to the President of
75 the Senate and Speaker of the House of Representatives
76 by a certain date; providing for expiration of the
77 provisions creating the workgroup; repealing s.
78 939.17, F.S., relating to money deposited by a
79 defendant under prosecution by the state; providing an
80 effective date.

81
82 Be It Enacted by the Legislature of the State of Florida:

83
84 Section 1. Subsections (1) and (2) of section 27.52,
85 Florida Statutes, are amended to read:

86 27.52 Determination of indigent status.—

87 (1) APPLICATION TO THE CLERK.—A person seeking appointment

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88 of a public defender under s. 27.51 based upon an inability to
89 pay must apply to the clerk of the court for a determination of
90 indigent status using an application form developed by the
91 Florida Clerks of Court Operations Corporation with final
92 approval by the Supreme Court.

93 (a)1. The application must include, at a minimum, the
94 following financial information:

95 a.1. Net income, consisting of total salary and wages,
96 minus deductions required by law, including court-ordered
97 support payments.

98 b.2. Other income, including, but not limited to, social
99 security benefits, union funds, veterans' benefits, workers'
100 compensation, other regular support from absent family members,
101 public or private employee pensions, unemployment compensation,
102 dividends, interest, rent, trusts, and gifts.

103 c.3. Assets, including, but not limited to, cash, savings
104 accounts, bank accounts, stocks, bonds, certificates of deposit,
105 equity in real estate, and equity in a boat or a motor vehicle
106 or in other tangible property.

107 d.4. All liabilities and debts.

108 e.5. If applicable, the amount of any bail paid for the
109 applicant's release from incarceration and the source of the
110 funds.

111 2. The application must include the signature of the
112 applicant authorizing the clerk to conduct an indigency
113 background review and other information necessary for the clerk
114 to conduct the review.

115 3. The application must include a signature by the
116 applicant which attests to the truthfulness of the information

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117 provided. The application form developed by the corporation must
118 include notice that the applicant may seek court review of a
119 clerk's determination that the applicant is not indigent, as
120 provided in this section.

121 (b) An applicant shall pay a \$10 ~~\$50~~ application fee when
122 an ~~to the clerk for each~~ application for court-appointed counsel
123 is filed. The applicant shall pay a \$50 indigent intake ~~the~~ fee
124 to the clerk within 7 days after submitting the application. If
125 the applicant fails to ~~does not~~ pay the application fee or the
126 intake fee before ~~prior to~~ the disposition of the case, the
127 clerk shall notify the court, and the court shall:

128 1. Assess the application fee or the indigent intake fee as
129 part of the sentence or as a condition of probation; or

130 2. Assess the application fee or the indigent intake fee
131 pursuant to s. 938.29.

132 (c) Notwithstanding any provision of law, court rule, or
133 administrative order, the clerk shall assign the first \$50 of
134 any fees or costs paid by an indigent person as payment of the
135 application fee. A person found to be indigent may not be
136 refused counsel or other required due process services for
137 failure to pay the fee.

138 (d) All ~~application~~ fees collected by the clerk from
139 indigent persons pursuant to ~~under~~ this section shall be
140 transferred monthly by the clerk to the Department of Revenue
141 for deposit in the Indigent Criminal Defense Trust Fund
142 administered by the Justice Administrative Commission, to be
143 used to as appropriated by the Legislature. ~~The clerk may retain~~
144 ~~2 percent of application fees collected monthly for~~
145 ~~administrative costs prior to remitting the remainder to the~~

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146 ~~Department of Revenue.~~

147 (e)1. The clerk shall assist a person who appears before
148 the clerk and requests assistance in completing the application,
149 and the clerk shall notify the court if a person is unable to
150 complete the application after the clerk has provided
151 assistance.

152 2. If the person seeking appointment of a public defender
153 is incarcerated, the public defender is responsible for
154 providing the application to the person and assisting him or her
155 in its completion and is responsible for submitting the
156 application to the clerk on the person's behalf. The public
157 defender may enter into an agreement for jail employees,
158 pretrial services employees, or employees of other criminal
159 justice agencies to assist the public defender in performing
160 functions assigned to the public defender under this
161 subparagraph.

162 (2) DETERMINATION BY THE CLERK.—The clerk of the court
163 shall determine whether an applicant seeking appointment of a
164 public defender is indigent based upon the information provided
165 in the application, the results of an indigency background
166 review from the Comprehensive Case Information System, and the
167 criteria prescribed in this subsection.

168 (a)1. An applicant, including an applicant who is a minor
169 or an adult tax-dependent person, is indigent if the applicant's
170 income is equal to or below 200 percent of the then-current
171 federal poverty guidelines prescribed for the size of the
172 household of the applicant by the United States Department of
173 Health and Human Services or if the person is receiving
174 Temporary Assistance for Needy Families-Cash Assistance,

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175 poverty-related veterans' benefits, or Supplemental Security
176 Income (SSI).

177 2. There is a presumption that the applicant is not
178 indigent if the applicant owns, or has equity in, any intangible
179 or tangible personal property or real property or the expectancy
180 of an interest in any such property having a net equity value of
181 \$2,500 or more, excluding the value of the person's homestead
182 and one vehicle having a net value not exceeding \$5,000.

183 (b) Based upon its review, the clerk shall make one of the
184 following determinations:

185 1. The applicant is not indigent.

186 2. The applicant is indigent.

187 (c)1. If the clerk determines that the applicant is
188 indigent, the clerk shall submit the determination to the office
189 of the public defender and immediately file the determination in
190 the case file.

191 2. If the public defender is unable to provide
192 representation due to a conflict pursuant to s. 27.5303, the
193 public defender shall move the court for withdrawal from
194 representation and appointment of the office of criminal
195 conflict and civil regional counsel.

196 (d) The duty of the clerk in determining whether an
197 applicant is indigent shall be limited to receiving the
198 application and comparing the information provided in the
199 application and the results of the indigency background review
200 to the criteria prescribed in this subsection. The determination
201 of indigent status is a ministerial act of the clerk and not a
202 decision based on further investigation or the exercise of
203 independent judgment by the clerk. The clerk may contract with

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204 third parties to perform functions assigned to the clerk under
205 this section.

206 (e) The applicant may seek review of the clerk's
207 determination that the applicant is not indigent in the court
208 having jurisdiction over the matter at the next scheduled
209 hearing. If the applicant seeks review of the clerk's
210 determination of indigent status, the court shall make a final
211 determination as provided in subsection (4).

212 Section 2. Subsection (1) of section 28.241, Florida
213 Statutes, is amended to read:

214 28.241 Filing fees for trial and appellate proceedings.—

215 (1)(a) The party instituting any civil action, suit, or
216 proceeding in the circuit court shall pay to the clerk of that
217 court a filing fee of up to \$295 in all cases in which there are
218 not more than five defendants and an additional filing fee of up
219 to \$2.50 for each defendant in excess of five. Of the first \$85
220 in filing fees, \$80 must be remitted by the clerk to the
221 Department of Revenue for deposit into the General Revenue Fund,
222 and \$5 must be remitted to the Department of Revenue for deposit
223 into the Department of Financial Services' Administrative Trust
224 Fund to fund the contract with the Florida Clerks of Court
225 Operations Corporation created in s. 28.35. The next \$15 of the
226 filing fee collected shall be deposited in the state courts'
227 Mediation and Arbitration Trust Fund. One-third of any filing
228 fees collected by the clerk of the circuit court in excess of
229 \$100 shall be remitted to the Department of Revenue for deposit
230 into the Department of Revenue Clerks of the Court Trust Fund.
231 An additional filing fee of \$4 shall be paid to the clerk. The
232 clerk shall remit \$3.50 to the Department of Revenue for deposit

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233 into the Court Education Trust Fund and shall remit 50 cents to
234 the Department of Revenue for deposit into the Department of
235 Financial Services Administrative Trust Fund to fund clerk
236 education. An additional filing fee of up to \$18 shall be paid
237 by the party seeking each severance that is granted. The clerk
238 may impose an additional filing fee of up to \$85 for all
239 proceedings of garnishment, attachment, replevin, and distress.
240 Postal charges incurred by the clerk of the circuit court in
241 making service by certified or registered mail on defendants or
242 other parties shall be paid by the party at whose instance
243 service is made. No additional fees, charges, or costs shall be
244 added to the filing fees imposed under this section, except as
245 authorized herein or by general law.

246 (b) A party reopening any civil action, suit, or proceeding
247 in the circuit court shall pay to the clerk of court a filing
248 fee set by the clerk in an amount not to exceed \$50. For
249 purposes of this section, a case is reopened after all appeals
250 or time to file an appeal from a final order or final judgment
251 have been exhausted ~~when a case previously reported as disposed~~
252 ~~of is resubmitted to a court and includes petitions for~~
253 ~~modification of a final judgment of dissolution.~~ A clerk may not
254 assess a fee to reopen a civil case for any motion filed by any
255 party until 90 days after a final order or final judgment has
256 been filed with the clerk. Once the case has been reopened, an
257 additional reopen fee may not be assessed until the reopening
258 pleading, motion, or other paper requiring action is resolved,
259 either by the court or by the clerk pursuant to the rules of
260 court. The reservation of jurisdiction by a court in a case does
261 not exempt the case from the reopen fee. A party is exempt from

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- 262 paying the fee for any of the following:
- 263 1. A writ of garnishment;
 - 264 2. A writ of replevin;
 - 265 3. A distress writ;
 - 266 4. A writ of attachment;
 - 267 5. A motion for rehearing filed within 10 days;
 - 268 6. A motion for attorney's fees filed within 30 days after
269 entry of a judgment or final order;
 - 270 7. A motion for dismissal filed after a mediation agreement
271 has been filed;
 - 272 8. A disposition of personal property without
273 administration;
 - 274 9. Any probate case prior to the discharge of a personal
275 representative;
 - 276 10. Any guardianship pleading prior to discharge;
 - 277 11. Any mental health pleading;
 - 278 12. Motions to withdraw by attorneys;
 - 279 13. Motions exclusively for the enforcement of child
280 support orders;
 - 281 14. A petition for credit of child support;
 - 282 15. A Notice of Intent to Relocate and any order issuing as
283 a result of an uncontested relocation;
 - 284 16. Stipulations and motions to enforce stipulations;
 - 285 17. Responsive pleadings; ~~or~~
 - 286 18. Cases in which there is no initial filing fee; or;
 - 287 19. Motions for contempt.
- 288 (c) A ~~Any~~ party in addition to the parties ~~other than a~~
289 party described in paragraph (a) who files a pleading in an
290 original civil action in circuit court for affirmative relief by

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291 cross-claim, counterclaim, counterpetition, or third-party
292 complaint shall pay the clerk of court a fee of \$295. The clerk
293 shall remit the fee to the Department of Revenue for deposit
294 into the General Revenue Fund.

295 (d) The clerk of court shall collect a service charge of
296 \$10 for issuing a summons. The clerk shall assess the fee
297 against the party seeking to have the summons issued.

298 Section 3. Subsection (6) of section 28.246, Florida
299 Statutes, is amended to read:

300 28.246 Payment of court-related fees, charges, and costs;
301 partial payments; distribution of funds.—

302 (6) A clerk of court may pursue the collection of any fees,
303 service charges, fines, court costs, and liens for the payment
304 of attorney's fees and costs pursuant to s. 938.29 which remain
305 unpaid for 60 ~~90~~ days or more, or refer the account to a private
306 attorney who is a member in good standing of The Florida Bar or
307 collection agent who is registered and in good standing pursuant
308 to chapter 559. In pursuing the collection of such unpaid
309 financial obligations through a private attorney or collection
310 agent, the clerk of the court must have attempted to collect the
311 unpaid amount through a collection court, collections docket, or
312 other collections process, if any, established by the court,
313 find this to be cost-effective and follow any applicable
314 procurement practices. The collection fee, including any
315 reasonable attorney's fee, paid to any attorney or collection
316 agent retained by the clerk may be added to the balance owed in
317 an amount not to exceed 25 percent if ~~40 percent~~ of the amount
318 owed is referred to the attorney or collection agency after
319 remaining unpaid for 60 days and is paid within 90 days. If the

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320 financial obligations are not referred to the attorney or
321 collection agency until 90 days after it is due and are paid on
322 or after the 90th day, the collection fee, including any
323 reasonable attorney's fee paid to any attorney or collection
324 agent retained by the clerk, may be added to the balance owed in
325 an amount not to exceed 40 percent of the amount owed at the
326 time the account is referred to the attorney or agent for
327 collection.

328 Section 4. Subsections (1) and (2) of section 34.041,
329 Florida Statutes, are amended to read:

330 34.041 Filing fees.—

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

334 1. For all claims less than \$100 ~~\$100~~ \$50.

335 2. For all claims of \$100 or more but not more than \$500
336 \$75.

337 3. For all claims of more than \$500 but not more than
338 \$2,500 ~~\$2,500~~ \$170.

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

340 5. In addition, for all proceedings of garnishment,
341 attachment, replevin, and distress \$85.

342 6. For removal of tenant action \$265.

343 (b) The first \$80 of the filing fee collected under
344 subparagraph (a)4. shall be remitted to the Department of
345 Revenue for deposit into the General Revenue Fund. The next \$15
346 of the filing fee collected under subparagraph (a)4., and the
347 first \$15 of each filing fee collected under subparagraph (a)6.,
348 shall be deposited in the state courts' Mediation and

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349 Arbitration Trust Fund. One-third of any filing fees collected
350 by the clerk under this section in excess of the first \$95
351 collected under subparagraph (a)4. shall be remitted to the
352 Department of Revenue for deposit into the Department of Revenue
353 Clerks of the Court Trust Fund. An additional filing fee of \$4
354 shall be paid to the clerk. The clerk shall transfer \$3.50 to
355 the Department of Revenue for deposit into the Court Education
356 Trust Fund and shall transfer 50 cents to the Department of
357 Revenue for deposit into the Department of Financial Services'
358 Administrative Trust Fund to fund clerk education. Postal
359 charges incurred by the clerk of the county court in making
360 service by mail on defendants or other parties shall be paid by
361 the party at whose instance service is made. Except as provided
362 herein, filing fees and service charges for performing duties of
363 the clerk relating to the county court shall be as provided in
364 ss. 28.24 and 28.241. Except as otherwise provided herein, all
365 filing fees shall be retained as fee income of the office of the
366 clerk of circuit court. Filing fees imposed by this section may
367 not be added to any penalty imposed by chapter 316 or chapter
368 318.

369 (c) A ~~Any~~ party in addition to the parties ~~other than a~~
370 party described in paragraph (a) who files a pleading in an
371 original civil action in the county court for affirmative relief
372 by cross-claim, counterclaim, counterpetition, or third-party
373 complaint, or who files a notice of cross-appeal or notice of
374 joinder or motion to intervene as an appellant, cross-appellant,
375 or petitioner, shall pay the clerk of court a fee of \$295 if the
376 relief sought by the party under this paragraph exceeds \$2,500.
377 The clerk shall remit the \$295 fee to the Department of Revenue

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378 for deposit into the General Revenue Fund. This fee does ~~shall~~
379 not apply if ~~where~~ the cross-claim, counterclaim,
380 counterpetition, or third-party complaint requires transfer of
381 the case from county to circuit court or small claims court to
382 county court. However, the party shall also pay to the clerk the
383 standard filing fee for the court to which the case is to be
384 transferred. ~~The clerk shall remit the fee to the Department of~~
385 ~~Revenue for deposit into the General Revenue Fund.~~

386 (d) The clerk of court shall collect a service charge of
387 \$10 for issuing a summons. The clerk shall assess the fee
388 against the party seeking to have the summons issued.

389 (2) A party reopening any civil action, suit, or proceeding
390 in the county court shall pay to the clerk of court a filing fee
391 set by the clerk in an amount not to exceed \$25 for all claims
392 of not more than \$500 and an amount not to exceed \$50 for all
393 claims of more than \$500. For purposes of this section, a case
394 is reopened after all appeals or time to file an appeal from a
395 final order or final judgment have been exhausted ~~when a case~~
396 ~~previously reported as disposed of is resubmitted to a court.~~ A
397 clerk may not assess a reopen fee for any motion filed by any
398 party until 90 days after a final order or final judgment has
399 been filed with the clerk. Once the case is reopened, an
400 additional reopen fee may not be assessed until the reopening
401 pleading, motion, or other paper requiring action is resolved by
402 the court or the clerk pursuant to the rules of court. The
403 reservation of jurisdiction by a court in a case does not exempt
404 the case from the reopen fee. A party is exempt from paying the
405 fee for any of the following:

406 (a) A writ of garnishment;

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- 407 (b) A writ of replevin;
408 (c) A distress writ;
409 (d) A writ of attachment;
410 (e) A motion for rehearing filed within 10 days;
411 (f) A motion for attorney's fees filed within 30 days of
412 the entry of the judgment or final order;
413 (g) A motion for dismissal filed after a mediation
414 agreement has been filed;
415 (h) A motion to withdraw by attorneys;
416 (i) Stipulations and motions to enforce stipulations; ~~or~~
417 (j) Responsive pleadings; or
418 (k) Motions for contempt.

419 Section 5. Section 45.035, Florida Statutes, is amended to
420 read:

421 45.035 Clerk's fees.—In addition to other fees or service
422 charges authorized by law, the clerk shall receive service
423 charges related to the judicial sales procedure set forth in ss.
424 45.031-45.034 and this section:

425 (1) The clerk shall receive a service charge of \$70 for
426 services in making, recording, and certifying the sale and
427 title, which service charge shall be assessed as costs and shall
428 be advanced by the plaintiff before the sale.

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

432 (a) The clerk may withhold the sum of \$28 from the surplus
433 which may only be used for purposes of educating the public as
434 to the rights of homeowners regarding foreclosure proceedings.

435 (b) The clerk is entitled to a service charge of \$15 for

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436 notifying a surplus trustee of his or her appointment.

437 (c) The clerk is entitled to a service charge of \$15 for
438 each disbursement of surplus proceeds.

439 (d) The clerk is entitled to a service charge of \$15 for
440 appointing a surplus trustee, furnishing the surplus trustee
441 with a copy of the final judgment and the certificate of
442 disbursements, and disbursing to the surplus trustee the
443 trustee's cost advance.

444 (3) If the sale is conducted by electronic means, as
445 provided in s. 45.031(10), the clerk shall receive an additional
446 a service charge not to exceed of \$60 ~~as provided in subsection~~
447 ~~(1)~~ for services in conducting or contracting for the electronic
448 sale, which service charge shall be assessed as costs and paid
449 by the winning bidder ~~shall be advanced by the plaintiff before~~
450 ~~the sale~~. If the clerk requires advance electronic deposits to
451 secure the right to bid, such deposits shall not be subject to
452 the fee under s. 28.24(10). The portion of an advance deposit
453 from a winning bidder required by s. 45.031(3) shall, upon
454 acceptance of the winning bid, be subject to the fee under s.
455 28.24(10).

456 Section 6. Subsection (1) of section 57.082, Florida
457 Statutes, is amended to read:

458 57.082 Determination of civil indigent status.—

459 (1) APPLICATION TO THE CLERK.—A person seeking appointment
460 of an attorney in a civil case eligible for court-appointed
461 counsel, or seeking relief from prepayment of fees and costs
462 under s. 57.081, based upon an inability to pay must apply to
463 the clerk of the court for a determination of civil indigent
464 status using an application form developed by the Florida Clerks

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465 of Court Operations Corporation with final approval by the
466 Supreme Court.

467 (a)1. The application must include, at a minimum, the
468 following financial information:

469 a.1. Net income, consisting of total salary and wages,
470 minus deductions required by law, including court-ordered
471 support payments.

472 b.2. Other income, including, but not limited to, social
473 security benefits, union funds, veterans' benefits, workers'
474 compensation, other regular support from absent family members,
475 public or private employee pensions, unemployment compensation,
476 dividends, interest, rent, trusts, and gifts.

477 c.3. Assets, including, but not limited to, cash, savings
478 accounts, bank accounts, stocks, bonds, certificates of deposit,
479 equity in real estate, and equity in a boat or a motor vehicle
480 or in other tangible property.

481 d.4. All liabilities and debts.

482 2. The application must include a signature by the
483 applicant which attests to the truthfulness of the information
484 provided. The application form developed by the corporation must
485 include notice that the applicant may seek court review of a
486 clerk's determination that the applicant is not indigent, as
487 provided in this section.

488 (b) The clerk shall assist a person who appears before the
489 clerk and requests assistance in completing the application, and
490 the clerk shall notify the court if a person is unable to
491 complete the application after the clerk has provided
492 assistance.

493 (c) The clerk shall accept an application that is signed by

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494 the applicant and submitted on his or her behalf by a private
495 attorney who is representing the applicant in the applicable
496 matter.

497 (d) A person who seeks appointment of an attorney in a case
498 under chapter 39, at the trial or appellate level, for which an
499 indigent person is eligible for court-appointed representation,
500 shall pay a \$50 indigent intake ~~application~~ fee to the clerk for
501 each application filed. The applicant shall pay the fee within 7
502 days after submitting the application. The clerk shall transfer
503 monthly all indigent intake ~~application~~ fees collected under
504 this paragraph to the Department of Revenue for deposit into the
505 Indigent Civil Defense Trust Fund, to be used as appropriated by
506 the Legislature. ~~The clerk may retain 10 percent of application~~
507 ~~fees collected monthly for administrative costs prior to~~
508 ~~remitting the remainder to the Department of Revenue.~~ A person
509 found to be indigent may not be refused counsel. If the person
510 cannot pay the indigent intake ~~application~~ fee, the clerk shall
511 enroll the person in a payment plan pursuant to s. 28.246.

512 Section 7. Subsection (4) of section 197.542, Florida
513 Statutes, is amended to read:

514 197.542 Sale at public auction.—

515 (4) (a) A clerk may conduct electronic tax deed sales in
516 lieu of public outcry. The clerk must comply with the procedures
517 provided in this chapter, except that electronic proxy bidding
518 shall be allowed and the clerk may require bidders to advance
519 sufficient funds to pay the deposit required by subsection (2).
520 The clerk shall provide access to the electronic sale by
521 computer terminals open to the public at a designated location.
522 A clerk who conducts such electronic sales may receive

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523 electronic deposits and payments related to the sale. The
524 portion of an advance deposit from a winning bidder required by
525 subsection (2) shall, upon acceptance of the winning bid, be
526 subject to the fee under s. 28.24(10).

527 (b) Nothing in this subsection shall be construed to
528 restrict or limit the authority of a charter county from
529 conducting electronic tax deed sales. In a charter county where
530 the clerk of the circuit court does not conduct all electronic
531 sales, the charter county shall be permitted to receive
532 electronic deposits and payments related to sales it conducts,
533 as well as to subject the winning bidder to a fee, consistent
534 with the schedule in s. 28.24(10).

535 (c) The costs of electronic tax deed sales shall be added
536 to the charges for the costs of sale under subsection (1) and
537 paid by the certificateholder when filing an application for a
538 tax deed.

539 Section 8. Subsection (13) of section 318.18, Florida
540 Statutes, is amended to read:

541 318.18 Amount of penalties.—The penalties required for a
542 noncriminal disposition pursuant to s. 318.14 or a criminal
543 offense listed in s. 318.17 are as follows:

544 (13) In addition to any penalties imposed for noncriminal
545 traffic infractions pursuant to this chapter or imposed for
546 criminal violations listed in s. 318.17, a board of county
547 commissioners or any unit of local government which is
548 consolidated as provided by s. 9, Art. VIII of the State
549 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
550 Constitution of 1968:

551 (a) May impose by ordinance a surcharge of up to \$30 ~~\$15~~

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552 for any infraction or violation to fund state court facilities.
553 The court shall not waive this surcharge. Up to 25 percent of
554 the revenue from such surcharge may be used to support local law
555 libraries provided that the county or unit of local government
556 provides a level of service equal to that provided prior to July
557 1, 2004, which shall include the continuation of library
558 facilities located in or near the county courthouse or annexes.

559 (b) May, if it ~~That~~ imposed increased fees or service
560 charges by ordinance under s. 28.2401, s. 28.241, or s. 34.041
561 for the purpose of securing payment of the principal and
562 interest on bonds issued by the county before July 1, 2003, to
563 finance state court facilities, ~~may~~ impose by ordinance a
564 surcharge for any infraction or violation for the exclusive
565 purpose of securing payment of the principal and interest on
566 bonds issued by the county before July 1, 2003, to fund state
567 court facilities until the date of stated maturity. The court
568 shall not waive this surcharge. Such surcharge may not exceed an
569 amount per violation calculated as the quotient of the maximum
570 annual payment of the principal and interest on the bonds as of
571 July 1, 2003, divided by the number of traffic citations for
572 county fiscal year 2002-2003 certified as paid by the clerk of
573 the court of the county. Such quotient shall be rounded up to
574 the next highest dollar amount. The bonds may be refunded only
575 if savings will be realized on payments of debt service and the
576 refunding bonds are scheduled to mature on the same date or
577 before the bonds being refunded. Notwithstanding any of the
578 foregoing provisions of this paragraph that limit the use of
579 surcharge revenues, if the revenues generated as a result of the
580 adoption of this ordinance exceed the debt service on the bonds,

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581 the surplus revenues may be used to pay down the debt service on
582 the bonds; fund other state-court-facility construction projects
583 as may be certified by the chief judge as necessary to address
584 unexpected growth in caseloads, emergency requirements to
585 accommodate public access, threats to the safety of the public,
586 judges, staff, and litigants, or other exigent circumstances; or
587 support local law libraries in or near the county courthouse or
588 annexes.

589
590 A county may not impose both of the surcharges authorized under
591 paragraphs (a) and (b) concurrently. The clerk of court shall
592 report, no later than 30 days after the end of the quarter, the
593 amount of funds collected under this subsection during each
594 quarter of the fiscal year. The clerk shall submit the report,
595 in a format developed by the Office of State Courts
596 Administrator, to the chief judge of the circuit, the Governor,
597 the President of the Senate, ~~and~~ the Speaker of the House of
598 Representatives, and the board of county commissioners.

599 (c) May impose by ordinance a surcharge for any infraction
600 or violation for the exclusive purpose of securing payment of
601 the principal and interest on bonds issued by the county on or
602 after July 1, 2009, to fund state court facilities until the
603 date of stated maturity. The court may not waive this surcharge.
604 The surcharge may not exceed an amount per violation calculated
605 as the quotient of the maximum annual payment of the principal
606 and interest on the bonds, divided by the number of traffic
607 citations certified as paid by the clerk of the court of the
608 county on August 15 of each year. The quotient shall be rounded
609 up to the next highest dollar amount. The bonds may be refunded

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610 if savings will be realized on payments of debt service and the
611 refunding bonds are scheduled to mature on or before the
612 maturity date of the bonds being refunded. If the revenues
613 generated as a result of the adoption of this ordinance exceed
614 the debt service on the bonds, the surplus revenues may be used
615 to pay the debt service on the bonds; to fund other state court
616 facility construction projects certified by the chief judge as
617 necessary to address unexpected growth in caseloads, emergency
618 requirements to accommodate public access, threats to the safety
619 of the public, judges, staff, and litigants, or other exigent
620 circumstances; or to support local law libraries in or near the
621 county courthouse or annexes.

622 Section 9. Subsection (1) of section 322.245, Florida
623 Statutes, is amended to read:

624 322.245 Suspension of license upon failure of person
625 charged with specified offense under chapter 316, chapter 320,
626 or this chapter to comply with directives ordered by traffic
627 court or upon failure to pay child support in non-IV-D cases as
628 provided in chapter 61 or failure to pay any financial
629 obligation in any other criminal case.-

630 (1) If a person charged with a violation of any of the
631 criminal offenses enumerated in s. 318.17 or with the commission
632 of any offense constituting a misdemeanor under chapter 320 or
633 this chapter fails to comply with all of the directives of the
634 court within the time allotted by the court, the department
635 ~~clerk of the traffic court~~ shall mail to the person, at the
636 address specified on the uniform traffic citation, a notice of
637 such failure, notifying him or her that, if he or she does not
638 comply with the directives of the court within 30 days after the

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639 date of the notice and pay a delinquency fee of up to \$25 to the
640 clerk, his or her driver's license will be suspended. The notice
641 shall be mailed no later than 5 days after such failure. The
642 delinquency fee may be retained by the office of the clerk to
643 defray the operating costs of the office.

644 Section 10. Subsection (2) of section 938.30, Florida
645 Statutes, is amended to read:

646 938.30 Financial obligations in criminal cases;
647 supplementary proceedings.—

648 (2) The court may require a person who is not a state
649 inmate and who is liable for payment of an obligation to appear
650 and be examined under oath concerning the person's financial
651 ability to pay the obligation. The judge may convert the
652 statutory financial obligation into a court-ordered obligation
653 to perform community service after examining a person under oath
654 and determining a person's inability to pay. Any person failing
655 to attend a hearing may be arrested on warrant or capias which
656 may be issued by the clerk upon order of the court.

657 Section 11. Section 938.301, Florida Statutes, is amended
658 to read:

659 938.301 Judicial oversight and jurisdiction.—The
660 Comprehensive Court Enforcement Program may be implemented as
661 supplementary proceedings in any judicial circuit by the chief
662 judge of that circuit. Judges in such circuits shall have
663 jurisdiction to carry out the provisions of this section ~~act~~ in
664 any criminal cases to ensure compliance with court-imposed
665 financial obligations.

666 Section 12. Legislature's workgroup for court-related fees,
667 service charges, costs, and fines.—A workgroup shall be

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668 appointed to review court-related fees, service charges, costs,
669 and fines. The workgroup shall consist of seven members: a
670 Senator appointed by the President of the Senate; a
671 Representative appointed by the Speaker of the House of
672 Representatives; two clerks of a circuit court appointed by the
673 Florida Association of Court Clerks and Comptroller; one circuit
674 court judge and one county court judge, each appointed by the
675 Supreme Court; and one member of the American Collectors
676 Association International appointed by the Government Services
677 Program. The workgroup shall submit a report of its findings and
678 recommendations of best practices for the effective uniform
679 collection of court-related fees, service charges, costs, and
680 fines to the President of the Senate and the Speaker of the
681 House of Representatives on or before January 1, 2010. This
682 section expires January 1, 2010.

683 Section 13. Section 939.17, Florida Statutes, is repealed.

684 Section 14. This act shall take effect July 1, 2009.