

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Adams offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 108 and 109, insert:

5 Section 4. Subsection (6) of section 28.246, Florida
6 Statutes, is amended to read:

7 28.246 Payment of court-related fees, charges, and costs;
8 partial payments; distribution of funds.—

9 (6) A clerk of court shall pursue the collection of any
10 fees, service charges, fines, court costs, and liens for the
11 payment of attorney's fees and costs pursuant to s. 938.29 which
12 remain unpaid after 90 days by referring the account to a
13 private attorney who is a member in good standing of The Florida
14 Bar or collection agent who is registered and in good standing
15 pursuant to chapter 559. In pursuing the collection of such
16 unpaid financial obligations through a private attorney or
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17 collection agent, the clerk of the court must have attempted to
18 collect the unpaid amount through a collection court,
19 collections docket, or other collections process, if any,
20 established by the court, find this to be cost-effective and
21 follow any applicable procurement practices. The collection fee,
22 including any reasonable attorney's fee, paid to any attorney or
23 collection agent retained by the clerk may be added to the
24 balance owed in an amount not to exceed 40 percent of the amount
25 owed at the time the account is referred to the attorney or
26 agent for collection. The clerk shall, upon request, give the
27 private attorney or collection agent any financial affidavit,
28 application for the appointment of court appointed counsel,
29 order appointing counsel due to indigency, or other document or
30 information that would assist in the collections,
31 notwithstanding whether or not the court file is otherwise
32 confidential from disclosure.

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35 **T I T L E A M E N D M E N T**

36 Remove line 18 and insert:
37 and disposition of fee proceeds; amending s. 28.246, F.S.;
38 providing that a clerk of court must provide certain
39 information to an attorney or collection agent employed by
40 the clerk to collect a debt owed to the clerk; providing an
41 effective