



424110

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2012	.	
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The Committee on Regulated Industries (Altman) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (4) of section 24.115, Florida  
Statutes, is amended to read:

24.115 Payment of prizes.—

(4) (a) It is the responsibility of the appropriate state  
agency and of the judicial branch to identify to the department,  
in the form and format prescribed by the department, persons  
owing an outstanding debt to any state agency or owing child  
support collected through a court, including spousal support or



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13 alimony for the spouse or former spouse of the obligor if the  
14 child support obligation is being enforced by the Department of  
15 Revenue.

16 (b) Notwithstanding paragraph (a), the department must use  
17 the Comprehensive Case Information System of the Florida  
18 Association of Court Clerks and Comptroller, Inc., to determine  
19 whether a prize winner owes outstanding fines, fees, or court  
20 costs to the state before it may pay a prize of \$600 or more.

21 (c) Before ~~Prior to~~ the payment of a prize of \$600 or more  
22 to any claimant having such an outstanding obligation, the  
23 department shall transmit the amount of the debt to the agency  
24 claiming the debt or owed the debt as shown on the Comprehensive  
25 Case Information System and shall authorize payment of the  
26 balance to the prize winner after deduction of the debt. If a  
27 prize winner owes multiple debts subject to offset under this  
28 subsection and the prize is insufficient to cover all such  
29 debts, the amount of the prize shall be transmitted first to the  
30 agency claiming that past due child support is owed. If a  
31 balance of lottery prize remains after payment of past due child  
32 support, the remaining lottery prize amount shall be transmitted  
33 to other agencies owed ~~claiming~~ debts ~~owed to the state~~, pro  
34 rata, based upon the ratio of the individual debt to the  
35 remaining debt owed to the state.

36 Section 2. Paragraph (a) of subsection (2) of section  
37 27.52, Florida Statutes, is amended to read:

38 27.52 Determination of indigent status.—

39 (2) DETERMINATION BY THE CLERK.—The clerk of the court  
40 shall determine whether an applicant seeking appointment of a  
41 public defender is indigent based upon the information provided



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42 in the application and the criteria prescribed in this  
43 subsection.

44 (a)1. An applicant, including an applicant who is a minor  
45 or an adult tax-dependent person, is indigent if the applicant's  
46 income is equal to or below 200 percent of the then-current  
47 federal poverty guidelines prescribed for the size of the  
48 household of the applicant by the United States Department of  
49 Health and Human Services or if the person is receiving  
50 Temporary Assistance for Needy Families-Cash Assistance,  
51 poverty-related veterans' benefits, or Supplemental Security  
52 Income (SSI).

53 2.a. There is a presumption that the applicant is not  
54 indigent if the applicant owns, or has equity in, any intangible  
55 or tangible personal property or real property or the expectancy  
56 of an interest in any such property having a net equity value of  
57 \$2,500 or more, excluding the value of the person's homestead  
58 and one vehicle having a net value not exceeding \$5,000.

59 b. Notwithstanding the information that the applicant  
60 provides, the clerk may ~~shall~~ conduct a review of the property  
61 records for the county in which the applicant resides and the  
62 motor vehicle title records of the state to identify any  
63 property interests of the applicant under this subparagraph. The  
64 clerk may ~~shall~~ evaluate and consider the results of the review  
65 in making a determination under this subsection. If the review  
66 is completed by the clerk, the clerk shall maintain the results  
67 of the review in a file with the application and provide the  
68 file to the court if the applicant seeks review under subsection  
69 (4) of the clerk's determination of indigent status.

70 Section 3. Paragraph (e) of subsection (12) of section



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71 28.24, Florida Statutes, is amended to read:

72 28.24 Service charges by clerk of the circuit court.—The  
73 clerk of the circuit court shall charge for services rendered by  
74 the clerk's office in recording documents and instruments and in  
75 performing the duties enumerated in amounts not to exceed those  
76 specified in this section. Notwithstanding any other provision  
77 of this section, the clerk of the circuit court shall provide  
78 without charge to the state attorney, public defender, guardian  
79 ad litem, public guardian, attorney ad litem, criminal conflict  
80 and civil regional counsel, and private court-appointed counsel  
81 paid by the state, and to the authorized staff acting on behalf  
82 of each, access to and a copy of any public record, if the  
83 requesting party is entitled by law to view the exempt or  
84 confidential record, as maintained by and in the custody of the  
85 clerk of the circuit court as provided in general law and the  
86 Florida Rules of Judicial Administration. The clerk of the  
87 circuit court may provide the requested public record in an  
88 electronic format in lieu of a paper format when capable of  
89 being accessed by the requesting entity.

90  
91 Charges

92  
93 (12) For recording, indexing, and filing any instrument not  
94 more than 14 inches by 8 1/2 inches, including required notice  
95 to property appraiser where applicable:

96 (e) An additional service charge of \$4 per page shall be  
97 paid to the clerk of the circuit court for each instrument  
98 listed in s. 28.222, except judgments received from the courts  
99 and notices of lis pendens, recorded in the official records.



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100 From the additional \$4 service charge collected:  
101       1. If the counties maintain legal responsibility for the  
102 costs of the court-related technology needs as defined in s.  
103 29.008(1)(f)2. and (h), 10 cents shall be distributed to the  
104 Florida Association of Court Clerks and Comptroller, Inc., for  
105 the cost of development, implementation, operation, and  
106 maintenance of the clerks' Comprehensive Case Information  
107 System, ~~in which system all clerks shall participate on or~~  
108 ~~before January 1, 2006~~; \$1.90 shall be retained by the clerk to  
109 be deposited in the Public Records Modernization Trust Fund and  
110 used exclusively for funding court-related technology needs of  
111 the clerk as defined in s. 29.008(1)(f)2. and (h); and \$2 shall  
112 be distributed to the board of county commissioners to be used  
113 exclusively to fund court-related technology, and court  
114 technology needs as defined in s. 29.008(1)(f)2. and (h) for the  
115 state trial courts, state attorney, public defender, and  
116 criminal conflict and civil regional counsel in that county. If  
117 the counties maintain legal responsibility for the costs of the  
118 court-related technology needs as defined in s. 29.008(1)(f)2.  
119 and (h), notwithstanding any other provision of law, the county  
120 is not required to provide additional funding beyond that  
121 provided herein for the court-related technology needs of the  
122 clerk as defined in s. 29.008(1)(f)2. and (h). All court records  
123 and official records are the property of the State of Florida,  
124 including any records generated as part of the Comprehensive  
125 Case Information System funded pursuant to this paragraph and  
126 the clerk of court is designated as the custodian of such  
127 records, except in a county where the duty of maintaining  
128 official records exists in a county office other than the clerk



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129 of court or comptroller, such county office is designated the  
130 custodian of all official records, and the clerk of court is  
131 designated the custodian of all court records. The clerk of  
132 court or any entity acting on behalf of the clerk of court,  
133 including an association, shall not charge a fee to any agency  
134 as defined in s. 119.011, the Legislature, or the State Court  
135 System for copies of records generated by the Comprehensive Case  
136 Information System or held by the clerk of court or any entity  
137 acting on behalf of the clerk of court, including an  
138 association.

139 2. If the state becomes legally responsible for the costs  
140 of court-related technology needs as defined in s.  
141 29.008(1)(f)2. and (h), whether by operation of general law or  
142 by court order, \$4 shall be remitted to the Department of  
143 Revenue for deposit into the General Revenue Fund.

144 Section 4. Section 28.2405, Florida Statutes, is created to  
145 read:

146 28.2405 Comprehensive Case Information System.—All clerks  
147 of the circuit court shall participate in the Comprehensive Case  
148 Information System of the Florida Association of Clerks and  
149 Comptroller, Inc., and shall submit electronic case data to the  
150 system based on the case types designated by the Supreme Court.

151 Section 5. Subsection (1) of section 28.241, Florida  
152 Statutes, is amended to read:

153 28.241 Filing fees for trial and appellate proceedings.—

154 (1) Filing fees are due at the time a party files a  
155 pleading to initiate a proceeding or files a pleading for  
156 relief. Reopen fees are due at the time a party files a pleading  
157 to reopen a proceeding if at least 90 days have elapsed since



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158 the filing of a final order or final judgment with the clerk. If  
159 a fee is not paid upon the filing of the pleading as required  
160 under this section, the clerk shall pursue collection of the fee  
161 pursuant to s. 28.246.

162 (a)1.a. Except as provided in sub-subparagraph b. and  
163 subparagraph 2., the party instituting any civil action, suit,  
164 or proceeding in the circuit court shall pay to the clerk of  
165 that court a filing fee of up to \$395 in all cases in which  
166 there are not more than five defendants and an additional filing  
167 fee of up to \$2.50 for each defendant in excess of five. Of the  
168 first \$280 in filing fees, \$80 must be remitted by the clerk to  
169 the Department of Revenue for deposit into the General Revenue  
170 Fund, \$195 must be remitted to the Department of Revenue for  
171 deposit into the State Courts Revenue Trust Fund, \$3.50 must be  
172 remitted to the Department of Revenue for deposit into the  
173 Clerks of the Court Trust Fund within the Justice Administrative  
174 Commission and used to fund the Florida Clerks of Court  
175 Operations Corporation created in s. 28.35, and \$1.50 shall be  
176 remitted to the Department of Revenue for deposit into the  
177 Administrative Trust Fund within the Department of Financial  
178 Services to fund clerk budget reviews conducted by the  
179 Department of Financial Services. One third of any filing fees  
180 collected by the clerk of the circuit court in excess of \$100  
181 shall be remitted to the Department of Revenue for deposit into  
182 the Clerks of the Court Trust Fund within the Justice  
183 Administrative Commission.

184 b. The party instituting any civil action, suit, or  
185 proceeding in the circuit court under chapter 39, chapter 61,  
186 chapter 741, chapter 742, chapter 747, chapter 752, or chapter



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187 753 shall pay to the clerk of that court a filing fee of up to  
188 \$295 in all cases in which there are not more than five  
189 defendants and an additional filing fee of up to \$2.50 for each  
190 defendant in excess of five. Of the first \$180 in filing fees,  
191 \$80 must be remitted by the clerk to the Department of Revenue  
192 for deposit into the General Revenue Fund, \$95 must be remitted  
193 to the Department of Revenue for deposit into the State Courts  
194 Revenue Trust Fund, \$3.50 must be remitted to the Department of  
195 Revenue for deposit into the Clerks of the Court Trust Fund  
196 within the Justice Administrative Commission and used to fund  
197 the Florida Clerks of Court Operations Corporation created in s.  
198 28.35, and \$1.50 shall be remitted to the Department of Revenue  
199 for deposit into the Administrative Trust Fund within the  
200 Department of Financial Services to fund clerk budget reviews  
201 conducted by the Department of Financial Services.

202 c. An additional filing fee of \$4 shall be paid to the  
203 clerk. The clerk shall remit \$3.50 to the Department of Revenue  
204 for deposit into the Court Education Trust Fund and shall remit  
205 50 cents to the Department of Revenue for deposit into the  
206 Clerks of the Court Trust Fund within the Justice Administrative  
207 Commission to fund clerk education. An additional filing fee of  
208 up to \$18 shall be paid by the party seeking each severance that  
209 is granted. The clerk may impose an additional filing fee of up  
210 to \$85 for all proceedings of garnishment, attachment, replevin,  
211 and distress. Postal charges incurred by the clerk of the  
212 circuit court in making service by certified or registered mail  
213 on defendants or other parties shall be paid by the party at  
214 whose instance service is made. ~~No~~ Additional fees, charges, or  
215 costs may not ~~shall~~ be added to the filing fees imposed under





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216 this section, except as authorized in this section or by general  
217 law.

218 2.a. Notwithstanding the fees prescribed in subparagraph  
219 1., a party instituting a civil action in circuit court relating  
220 to real property or mortgage foreclosure shall pay a graduated  
221 filing fee based on the value of the claim.

222 b. A party shall estimate in writing the amount in  
223 controversy of the claim upon filing the action. For purposes of  
224 this subparagraph, the value of a mortgage foreclosure action is  
225 based upon the principal due on the note secured by the  
226 mortgage, plus interest owed on the note and any moneys advanced  
227 by the lender for property taxes, insurance, and other advances  
228 secured by the mortgage, at the time of filing the foreclosure.  
229 The value shall also include the value of any tax certificates  
230 related to the property. In stating the value of a mortgage  
231 foreclosure claim, a party shall declare in writing the total  
232 value of the claim, as well as the individual elements of the  
233 value as prescribed in this sub-subparagraph.

234 c. In its order providing for the final disposition of the  
235 matter, the court shall identify the actual value of the claim.  
236 The clerk shall adjust the filing fee if there is a difference  
237 between the estimated amount in controversy and the actual value  
238 of the claim and collect any additional filing fee owed or  
239 provide a refund of excess filing fee paid.

240 d. The party shall pay a filing fee of:

241 (I) Three hundred and ninety-five dollars in all cases in  
242 which the value of the claim is \$50,000 or less and in which  
243 there are not more than five defendants. The party shall pay an  
244 additional filing fee of up to \$2.50 for each defendant in



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245 excess of five. Of the first \$280 in filing fees, \$80 must be  
246 remitted by the clerk to the Department of Revenue for deposit  
247 into the General Revenue Fund, \$195 must be remitted to the  
248 Department of Revenue for deposit into the State Courts Revenue  
249 Trust Fund, \$3.50 must be remitted to the Department of Revenue  
250 for deposit into the Clerks of the Court Trust Fund within the  
251 Justice Administrative Commission and used to fund the Florida  
252 Clerks of Court Operations Corporation created in s. 28.35, and  
253 \$1.50 shall be remitted to the Department of Revenue for deposit  
254 into the Administrative Trust Fund within the Department of  
255 Financial Services to fund clerk budget reviews conducted by the  
256 Department of Financial Services;

257 (II) Nine hundred dollars in all cases in which the value  
258 of the claim is more than \$50,000 but less than \$250,000 and in  
259 which there are not more than five defendants. The party shall  
260 pay an additional filing fee of up to \$2.50 for each defendant  
261 in excess of five. Of the first \$785 in filing fees, \$80 must be  
262 remitted by the clerk to the Department of Revenue for deposit  
263 into the General Revenue Fund, \$700 must be remitted to the  
264 Department of Revenue for deposit into the State Courts Revenue  
265 Trust Fund, \$3.50 must be remitted to the Department of Revenue  
266 for deposit into the Clerks of the Court Trust Fund within the  
267 Justice Administrative Commission and used to fund the Florida  
268 Clerks of Court Operations Corporation described in s. 28.35,  
269 and \$1.50 shall be remitted to the Department of Revenue for  
270 deposit into the Administrative Trust Fund within the Department  
271 of Financial Services to fund clerk budget reviews conducted by  
272 the Department of Financial Services; or

273 (III) One thousand nine hundred dollars in all cases in



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274 which the value of the claim is \$250,000 or more and in which  
275 there are not more than five defendants. The party shall pay an  
276 additional filing fee of up to \$2.50 for each defendant in  
277 excess of five. Of the first \$1,785 in filing fees, \$80 must be  
278 remitted by the clerk to the Department of Revenue for deposit  
279 into the General Revenue Fund, \$1,700 must be remitted to the  
280 Department of Revenue for deposit into the State Courts Revenue  
281 Trust Fund, \$3.50 must be remitted to the Department of Revenue  
282 for deposit into the Clerks of the Court Trust Fund within the  
283 Justice Administrative Commission to fund the Florida Clerks of  
284 Court Operations Corporation created in s. 28.35, and \$1.50  
285 shall be remitted to the Department of Revenue for deposit into  
286 the Administrative Trust Fund within the Department of Financial  
287 Services to fund clerk budget reviews conducted by the  
288 Department of Financial Services.

289 e. An additional filing fee of \$4 shall be paid to the  
290 clerk. The clerk shall remit \$3.50 to the Department of Revenue  
291 for deposit into the Court Education Trust Fund and shall remit  
292 50 cents to the Department of Revenue for deposit into the  
293 Clerks of the Court Trust Fund within the Justice Administrative  
294 Commission to fund clerk education. An additional filing fee of  
295 up to \$18 shall be paid by the party seeking each severance that  
296 is granted. The clerk may impose an additional filing fee of up  
297 to \$85 for all proceedings of garnishment, attachment, replevin,  
298 and distress. Postal charges incurred by the clerk of the  
299 circuit court in making service by certified or registered mail  
300 on defendants or other parties shall be paid by the party at  
301 whose instance service is made. ~~No~~ Additional fees, charges, or  
302 costs may not ~~shall~~ be added to the filing fees imposed under



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303 this section, except as authorized in this section or by general  
304 law.

305 (b) A party reopening any civil action, suit, or proceeding  
306 in the circuit court shall pay to the clerk of court a filing  
307 fee set by the clerk in an amount not to exceed \$50. For  
308 purposes of this section, a case is reopened after all appeals  
309 have been exhausted or time to file an appeal from a final order  
310 or final judgment has expired. A reopen fee may be assessed by  
311 the clerk for any motion filed by any party at least 90 days  
312 after a final order or final judgment has been filed with the  
313 clerk in the initial case. A reservation of jurisdiction by a  
314 court does not cause a case to remain open for purposes of this  
315 section or exempt a party from paying a reopen fee ~~when a case~~  
316 ~~previously reported as disposed of is resubmitted to a court and~~  
317 ~~includes petitions for modification of a final judgment of~~  
318 ~~dissolution.~~ A party is exempt from paying the fee for any of  
319 the following:

- 320 1. A writ of garnishment;
- 321 2. A writ of replevin;
- 322 3. A distress writ;
- 323 4. A writ of attachment;
- 324 5. A motion for rehearing filed within 10 days;
- 325 6. A motion for attorney's fees filed within 30 days after  
326 entry of a judgment or final order;
- 327 7. A motion for dismissal filed after a mediation agreement  
328 has been filed;
- 329 8. A disposition of personal property without  
330 administration;
- 331 9. Any probate case prior to the discharge of a personal



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- 332 representative;
- 333 10. Any guardianship pleading prior to discharge;
- 334 11. Any mental health pleading;
- 335 12. Motions to withdraw by attorneys;
- 336 13. Motions exclusively for the enforcement of child
- 337 support orders;
- 338 14. A petition for credit of child support;
- 339 15. A Notice of Intent to Relocate and any order issuing as
- 340 a result of an uncontested relocation;
- 341 16. Stipulations and motions to enforce stipulations;
- 342 17. Responsive pleadings; ~~or~~
- 343 18. Cases in which there is no initial filing fee; or
- 344 19. Motions for contempt.

345 (c)1. A party in addition to a party described in sub-

346 subparagraph (a)1.a. who files a pleading in an original civil

347 action in circuit court for affirmative relief by cross-claim,

348 counterclaim, counterpetition, or third-party complaint shall

349 pay the clerk of court a fee of \$395. A party in addition to a

350 party described in sub-subparagraph (a)1.b. who files a pleading

351 in an original civil action in circuit court for affirmative

352 relief by cross-claim, counterclaim, counterpetition, or third-

353 party complaint shall pay the clerk of court a fee of \$295. The

354 clerk shall remit the fee to the Department of Revenue for

355 deposit into the General Revenue Fund.

356 2. A party in addition to a party described in subparagraph

357 (a)2. who files a pleading in an original civil action in

358 circuit court for affirmative relief by cross-claim,

359 counterclaim, counterpetition, or third-party complaint shall

360 pay the clerk of court a graduated fee of:



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361 a. Three hundred and ninety-five dollars in all cases in  
362 which the value of the pleading is \$50,000 or less;

363 b. Nine hundred dollars in all cases in which the value of  
364 the pleading is more than \$50,000 but less than \$250,000; or

365 c. One thousand nine hundred dollars in all cases in which  
366 the value of the pleading is \$250,000 or more.

367

368 The clerk shall remit the fees collected under this  
369 subparagraph to the Department of Revenue for deposit into the  
370 General Revenue Fund, except that the clerk shall remit \$100 of  
371 the fee collected under sub-subparagraph a., \$605 of the fee  
372 collected under sub-subparagraph b., and \$1,605 of the fee  
373 collected under sub-subparagraph c. to the Department of Revenue  
374 for deposit into the State Courts Revenue Trust Fund.

375 (d) The clerk of court shall collect a service charge of  
376 \$10 for issuing an original, a certified copy, or an electronic  
377 certified copy of a summons. The clerk shall assess the fee  
378 against the party seeking to have the summons issued.

379 Section 6. Subsection (2) of section 28.37, Florida  
380 Statutes, is amended to read:

381 28.37 Fines, fees, service charges, and costs remitted to  
382 the state.—

383 (2) Except as otherwise provided in ss. 28.241 and 34.041,  
384 all court-related fines, fees, service charges, and costs are  
385 considered state funds and shall be remitted by the clerk to the  
386 Department of Revenue for deposit into the Clerks of the Court  
387 Trust Fund within the Justice Administrative Commission.

388 However, 10 percent of all court-related fines collected by the  
389 clerk, except for penalties or fines distributed to counties or



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390 municipalities under s. 316.0083(1)(b)3. or s. 318.18(15)(a),  
391 shall be deposited into the clerk's Public Records Modernization  
392 Trust Fund to be used exclusively for additional clerk court-  
393 related operational needs and program enhancements.

394 Section 7. Paragraphs (a) and (d) of subsection (1) and  
395 subsection (2) of section 34.041, Florida Statutes, are amended  
396 to read:

397 34.041 Filing fees.—

398 (1)(a) Filing fees are due at the time a party files a  
399 pleading to initiate a proceeding or files a pleading for  
400 relief. Reopen fees are due at the time a party files a pleading  
401 to reopen a proceeding if at least 90 days have elapsed since  
402 the filing of a final order or final judgment with the clerk. If  
403 a fee is not paid upon the filing of the pleading as required  
404 under this section, the clerk shall pursue collection of the fee  
405 pursuant to s. 28.246. Upon the institution of any civil action,  
406 suit, or proceeding in county court, the party shall pay the  
407 following filing fee, not to exceed:

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

409 2. For all claims of \$100 or more but not more than \$500  
410 \$75.

411 3. For all claims of more than \$500 but not more than  
412 \$2,500 \$170.

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

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

416 6. Notwithstanding subparagraphs 3. and 5., for all claims  
417 of not more than \$1,000 filed simultaneously with an action for  
418 replevin of property that is the subject of the claim \$125.



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419 7. For removal of tenant action \$180.

420  
421 The filing fee in subparagraph 6. is the total fee due  
422 under this paragraph for that type of filing, and no other  
423 filing fee under this paragraph may be assessed against such a  
424 filing.

425 (d) The clerk of court shall collect a service charge of  
426 \$10 for issuing a summons or an electronic certified copy of a  
427 summons. The clerk shall assess the fee against the party  
428 seeking to have the summons issued.

429 (2) A party reopening any civil action, suit, or proceeding  
430 in the county court shall pay to the clerk of court a filing fee  
431 set by the clerk in an amount not to exceed \$25 for all claims  
432 of not more than \$500 and an amount not to exceed \$50 for all  
433 claims of more than \$500. For purposes of this section, a case  
434 is reopened after all appeals have been exhausted, or time to  
435 file an appeal from a final order or final judgment has expired.  
436 A reopen fee may be assessed by the clerk for any motion filed  
437 by any party at least 90 days after a final order or final  
438 judgment has been filed with the clerk in the initial case. A  
439 reservation of jurisdiction by a court does not cause a case to  
440 remain open for purposes of this section or exempt a party from  
441 paying a reopen fee when a case previously reported as disposed  
442 of is resubmitted to a court. A party is exempt from paying the  
443 fee for any of the following:

- 444 (a) A writ of garnishment;
- 445 (b) A writ of replevin;
- 446 (c) A distress writ;
- 447 (d) A writ of attachment;





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- 448 (e) A motion for rehearing filed within 10 days;  
449 (f) A motion for attorney's fees filed within 30 days of  
450 the entry of the judgment or final order;  
451 (g) A motion for dismissal filed after a mediation  
452 agreement has been filed;  
453 (h) A motion to withdraw by attorneys;  
454 (i) Stipulations and motions to enforce stipulations; ~~or~~  
455 (j) Responsive pleadings; or  
456 (k) Motions for contempt.

457 Section 8. Section 40.011, Florida Statutes, is amended to  
458 read:

459 40.011 Jury lists.—

460 (1) A clerk of the court shall generate a set of juror  
461 candidate lists derived from the source lists described in s.  
462 40.01. The source name lists and the juror candidate lists shall  
463 be maintained as specified in this chapter and in accordance  
464 with the juror selection plan approved in s. 40.225.

465 (2) ~~(1)~~ Pursuant to s. 40.01, the Department of Highway  
466 Safety and Motor Vehicles shall deliver quarterly to the clerk  
467 of the circuit court in each county a list of names of persons  
468 who reside in that county, who are citizens of the United  
469 States, who are legal residents of Florida, who are 18 years of  
470 age or older, and for whom the department has a driver's license  
471 or identification card record.

472 (3) The clerk of the circuit court shall add to the list of  
473 licensed drivers and identification card holders the name of any  
474 person who is 18 years of age or older and who is a citizen of  
475 the United States and a legal resident of this state ~~Florida~~ and  
476 who indicates a desire to serve as a juror, but whose name does



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477 not appear on the department list, by requiring such person to  
478 execute an affidavit at the office of the clerk.

479 (4)~~(2)~~ The affidavit executed pursuant to subsection (3)  
480 ~~(1)~~ must be in substantially the following form:

481  
482 State of Florida

483  
484 I, ....., do solemnly swear (or affirm) that I am ....  
485 years of age; that I am a citizen of the United States and a  
486 legal resident of Florida and .... County; that I personally  
487 make application for jury duty; that I am eligible to serve as a  
488 juror under the Constitution and laws of Florida; and that I  
489 reside at ...(Address)...

490  
491 .....  
492 .....(Signature)...

493 Sworn to and subscribed before me this .... day of .....,  
494 ...(year)...., at .... County, Florida.

495  
496 .....  
497 (Signature and title of officer  
498 administering oath)

499 (5) Using the source name lists described in subsection  
500 (1), a clerk of court may generate juror candidate lists as  
501 necessary to ensure a valid and consistent juror selection  
502 process.

503 (a) The initial juror candidate list is derived from the  
504 name sources, described in subsections (1) and (2), and shall be  
505 the master list from which prospective jurors are drawn for



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506 summons.

507 (b) The final juror candidate list shall contain a list of  
508 those persons, drawn from the initial candidate list as  
509 prescribed in this chapter, who are to be summoned as a pool for  
510 possible juror service.

511 Section 9. Section 40.02, Florida Statutes, is amended to  
512 read:

513 40.02 Selection of jury lists.-

514 ~~(1) The chief judge of each circuit, or a circuit judge in~~  
515 ~~each county within the circuit who is designated by the chief~~  
516 ~~judge, shall request the selection of a jury list in each county~~  
517 ~~within the circuit during the first week of January of each~~  
518 ~~year, or as soon thereafter as practicable. The chief judge or~~  
519 ~~the chief judge's designee shall direct the clerk of the court~~  
520 ~~to select, by lot and at random, a sufficient number of names,~~  
521 ~~with their addresses, from the initial juror candidate list of~~  
522 ~~persons who are qualified to serve as jurors under the~~  
523 ~~provisions of s. 40.01 and to generate a final juror candidate~~  
524 ~~list of not fewer than 250 persons to serve as jurors as~~  
525 ~~provided for in s. 40.221. The final juror candidate, which list~~  
526 ~~must shall be signed and verified by the clerk of the court as~~  
527 ~~having been selected as aforesaid. The final juror candidate~~  
528 ~~list may be created, updated, or supplemented as often as~~  
529 ~~necessary to prevent the selection list from becoming exhausted,~~  
530 ~~but in no case less than annually during the first week of~~  
531 ~~January of each year, or as soon thereafter as practicable. A~~  
532 ~~circuit judge in a county to which he or she has been assigned~~  
533 ~~may also request that the final juror candidate list be updated~~  
534 ~~or supplemented, or that a new list be created additional jury~~



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535 ~~lists as necessary to prevent the jury list from becoming~~  
536 ~~exhausted.~~

537       (2) When the final juror candidate ~~annual jury~~ list is  
538 prepared pursuant to the request of a chief judge or the chief  
539 judge's designee, the previously prepared final juror candidate  
540 lists ~~prepared the previous year~~ shall be withdrawn from further  
541 use. If, notwithstanding this provision, some names are not  
542 withdrawn, such error or irregularity shall not invalidate any  
543 subsequent proceeding or jury. The fact that any person so  
544 selected had been on a former jury list or had served as a juror  
545 in any court at any time shall not be grounds for challenge of  
546 such person as a juror. If any person so selected shall be  
547 ascertained to be disqualified or incompetent to serve as a  
548 juror, such disqualification shall not affect the legality of  
549 such list or be cause of challenge to the array of any jury  
550 chosen from such list, but any person ascertained to be  
551 disqualified to serve as a juror shall be subject to challenge  
552 for cause, as defined by law. The set of juror candidate lists,  
553 although they may be defective or irregular in form or other  
554 formal requirement, or in the number or qualification of the  
555 persons so named, shall be the lists from which the names of  
556 persons for jury service are to be drawn as prescribed by law.

557       (3) ~~(2)~~ The clerk of the court shall be responsible for  
558 preserving the security of the source and juror candidate ~~jury~~  
559 lists.

560       (4) ~~(3)~~ The clerk of the court shall perform the duties set  
561 forth in this section and in ss. 40.221, 40.23, and 40.231 in  
562 counties having an approved, computerized jury selection system,  
563 the provisions of any special law or general law of local



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564 application to the contrary notwithstanding. However, the chief  
565 judge may designate the court administrator to perform these  
566 duties if the county provides funding to the court administrator  
567 to provide the personnel and other costs associated with jury  
568 services.

569 Section 10. Subsection (1) of section 40.022, Florida  
570 Statutes, is amended to read:

571 40.022 Clerk to purge jury selection lists; restoration.—

572 (1) To ensure that the juror candidates summoned satisfy  
573 the requirements of ss. 40.01 and 40.013, each clerk of the  
574 circuit court shall, upon receipt of the list of persons in the  
575 department database from the Department of Highway Safety and  
576 Motor Vehicles and at least once each month thereafter, purge  
577 the final juror candidate ~~jury selection~~ lists of, at a minimum,  
578 the names of those persons:

- 579 (a) Adjudicated mentally incompetent;  
580 (b) Convicted of a felony; or  
581 (c) Deceased.

582 Section 11. Section 40.221, Florida Statutes, is amended to  
583 read:

584 40.221 Drawing jury venire.—A clerk of the court, under  
585 supervision of a judge of any court of record, shall, in a  
586 manner deemed to produce a result by lot and at random, ~~randomly~~  
587 select from the final juror candidate ~~jury~~ list such number of  
588 persons as he or she deems necessary or expedient for a jury  
589 venire, to be returnable at such time as the judge shall  
590 specify, from which such venire or venires any jury may be  
591 organized, including a grand jury when drawn by or upon order of  
592 a judge of the circuit court. The clerk of the court shall keep



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593 the list in a secure place.

594 Section 12. Section 40.225, Florida Statutes, is amended to  
595 read:

596 40.225 Drawing jury venire; ~~alternative method.~~-

597 (1) Pursuant to s. 40.001, the chief judge of each circuit  
598 shall review and consent to the process for selecting juror  
599 candidates within his or her circuit. The clerk of court shall  
600 implement an automated electronic system in which ~~Whenever a~~  
601 ~~majority of the judges authorized to conduct jury trials in a~~  
602 ~~county consents,~~ the names of prospective jurors and other data  
603 pertinent thereto shall be maintained for the purpose of the  
604 drawing of juror candidates. This system shall be used as the  
605 exclusive method ~~may be fed into a mechanical, electronic, or~~  
606 ~~electrical device and drawn therefrom as an alternative to other~~  
607 ~~methods~~ authorized by law for obtaining jury venires, if such  
608 drawing is by lot and at random and is approved by the Supreme  
609 Court as hereinafter provided. Subject to the provisions of ss.  
610 40.001 and 40.02, the clerk of the circuit court in each county  
611 shall have the administrative responsibility for developing the  
612 automated system of jury venire selection, obtaining approval  
613 for the juror candidate selection process, and operating and  
614 updating the system in accordance with this chapter and  
615 technical standards and procedures adopted by the Chief Justice.

616 (2) The clerk of the court, or the chief judge of the  
617 circuit if performing the duties of juror candidate selection as  
618 provided in s. 40.02, shall submit for approval a plan for the  
619 selection of juror candidates as required in this section to the  
620 Chief Justice. The plan must be reapproved whenever required by  
621 a change in the law, a change in the technical standards and



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622 procedures, or a change in the approved clerk-maintained  
623 hardware or software used in the automated system of jury venire  
624 selection. The proposed plan, if submitted by the clerk, must be  
625 approved by the chief judge of the judicial circuit in which the  
626 county is located, and must include a description of the  
627 equipment, methods, and mode of operation to be used, in a  
628 manner consistent with the technical standards and procedures  
629 established by the Chief Justice. ~~When a majority of the trial~~  
630 ~~judges authorizes the alternative method of drawing a jury~~  
631 ~~venire as provided in subsection (1), the chief judge of the~~  
632 ~~judicial circuit in which the county is located shall make a~~  
633 ~~certificate to that effect and transmit the same to the Chief~~  
634 ~~Justice of the Supreme Court, together with a description of the~~  
635 ~~equipment, methods, and mode of operation to be used.~~

636 (3) The Chief Justice shall examine the proposed plan for  
637 compliance with applicable statutory requirements and with  
638 established technical standards and procedures ~~cause the~~  
639 ~~certificate and data accompanying it to be presented to the~~  
640 ~~justices of the Supreme Court. If the Chief Justice court finds~~  
641 ~~that the proposed plan method will produce venires selected by~~  
642 ~~lot and at random, is in compliance with applicable statutory~~  
643 ~~requirements and established technical standards and procedures,~~  
644 ~~will produce venires selected by lot and at random~~ all  
645 ~~constitutional requirements of jury selection, and is otherwise~~  
646 ~~feasible and practicable, an administrative order of approval of~~  
647 ~~same shall be made and filed. Thereafter, the alternative method~~  
648 ~~so approved system for automated selection of jury venires shall~~  
649 ~~may be used in the county so authorized.~~

650 ~~(4) The chief judge of the judicial circuit in which the~~



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651 ~~county is located shall supervise the use of such alternative~~  
652 ~~method whenever approval of same has been made by order of the~~  
653 ~~Supreme Court.~~

654 (4)-(5) This section does not require ~~Nothing herein shall~~  
655 ~~be construed as requiring~~ uniform equipment or methods  
656 throughout the state.

657 Section 13. Subsection (4) is added to section 45.035,  
658 Florida Statutes, to read:

659 45.035 Clerk's fees.—In addition to other fees or service  
660 charges authorized by law, the clerk shall receive service  
661 charges related to the judicial sales procedure set forth in ss.  
662 45.031-45.034 and this section:

663 (4) If the sale is rescheduled for any reason, the  
664 plaintiff shall pay a rescheduling fee of \$70 to the clerk on  
665 each occasion the sale is rescheduled. The rescheduling fee must  
666 be assessed as costs, and the plaintiff shall pay the fee to the  
667 clerk before the sale.

668 Section 14. Subsection (1) of section 57.081, Florida  
669 Statutes, is amended to read:

670 57.081 Costs; right to proceed where prepayment of costs  
671 and payment of filing fees waived.—

672 (1) Any indigent person, except a prisoner as defined in s.  
673 57.085, who is a party or intervenor in any judicial or  
674 administrative agency proceeding or who initiates such  
675 proceeding shall receive the services of the courts, sheriffs,  
676 and clerks, with respect to such proceedings, despite his or her  
677 present inability to pay for these services. Such services are  
678 limited to filing fees; service of process; certified copies of  
679 orders or final judgments; a single photocopy of any court





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680 pleading, record, or instrument filed with the clerk; examining  
681 fees; mediation services and fees; private court-appointed  
682 counsel fees; subpoena fees and services; service charges for  
683 collecting and disbursing funds; and any other cost or service  
684 arising out of pending litigation. In any appeal from an  
685 administrative agency decision, for which the clerk is  
686 responsible for preparing the transcript, the clerk shall record  
687 the cost of preparing the transcripts and the cost for copies of  
688 any exhibits in the record. A party who has obtained a  
689 certification of indigence pursuant to s. 27.52 or s. 57.082  
690 with respect to a proceeding is not required to prepay costs to  
691 a court, clerk, or sheriff and is not required to pay filing  
692 fees or charges for issuance of a summons ~~Prepayment of costs to~~  
693 ~~any court, clerk, or sheriff is not required and payment of~~  
694 ~~filing fees is not required in any action if the party has~~  
695 ~~obtained in each proceeding a certification of indigence in~~  
696 ~~accordance with s. 27.52 or s. 57.082.~~

697 Section 15. Subsection (11) is added to section 95.11,  
698 Florida Statutes, to read:

699 95.11 Limitations other than for the recovery of real  
700 property.—Actions other than for recovery of real property shall  
701 be commenced as follows:

702 (11) COURT COSTS AND FINES.—Notwithstanding subsection (1),  
703 an action to collect court costs, fees, or fines owed to the  
704 state may be commenced at any time.

705 Section 16. Paragraph (a) of subsection (4) of section  
706 112.3173, Florida Statutes, is amended to read:

707 112.3173 Felonies involving breach of public trust and  
708 other specified offenses by public officers and employees;



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709 forfeiture of retirement benefits.-

710 (4) NOTICE.-

711 (a) The clerk of a court in which a proceeding involving a  
712 specified offense is being conducted against a public officer or  
713 employee shall furnish notice of the proceeding to the  
714 Commission on Ethics after the state attorney advises the clerk  
715 that the defendant is a public officer or employee and that the  
716 defendant is alleged to have committed a specified offense. Such  
717 notice is sufficient if it is in the form of a copy of the  
718 indictment, information, or other document containing the  
719 charges. In addition, if a verdict of guilty is returned by a  
720 jury or by the court trying the case without a jury, or a plea  
721 of guilty or of nolo contendere is entered in the court by the  
722 public officer or employee, the clerk shall furnish a copy  
723 thereof to the Commission on Ethics.

724 Section 17. Paragraph (b) of subsection (8) of section  
725 318.18, Florida Statutes, is amended to read:

726 318.18 Amount of penalties.-The penalties required for a  
727 noncriminal disposition pursuant to s. 318.14 or a criminal  
728 offense listed in s. 318.17 are as follows:

729 (8)

730 (b)1.a. If a person has been ordered to pay a civil penalty  
731 for a noncriminal traffic infraction and the person is unable to  
732 comply with the court's order due to demonstrable financial  
733 hardship, the court shall allow the person to satisfy the civil  
734 penalty by participating in community service until the civil  
735 penalty is paid.

736 b. If a court orders a person to perform community service,  
737 the person shall receive credit for the civil penalty at the



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738 specified hourly credit rate per hour of community service  
739 performed, and each hour of community service performed shall  
740 reduce the civil penalty by that amount.

741 2.a. As used in this paragraph, the term "specified hourly  
742 credit rate" means the wage rate that is specified in 29 U.S.C.  
743 s. 206(a)(1) under the federal Fair Labor Standards Act of 1938,  
744 that is then in effect, and that an employer subject to such  
745 provision must pay per hour to each employee subject to such  
746 provision.

747 b. However, if a person ordered to perform community  
748 service has a trade or profession for which there is a community  
749 service need, the specified hourly credit rate for each hour of  
750 community service performed by that person shall be the average  
751 prevailing wage rate for the trade or profession that the  
752 community service agency needs.

753 3.a. The community service agency supervising the person  
754 shall record the number of hours of community service completed  
755 and the date the community service hours were completed. The  
756 community service agency shall submit the data to the clerk of  
757 court on the letterhead of the community service agency, which  
758 must also bear the notarized signature of the person designated  
759 to represent the community service agency.

760 b. When the number of community service hours completed by  
761 the person equals the amount of the civil penalty, the clerk of  
762 court shall certify this fact to the court. Thereafter, the  
763 clerk of court shall record in the case file that the civil  
764 penalty has been paid in full.

765 4. As used in this paragraph, the term:

766 a. "Community service" means uncompensated labor for a



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767 community service agency.

768 b. "Community service agency" means a not-for-profit  
769 corporation, community organization, charitable organization,  
770 public officer, the state or any political subdivision of the  
771 state, or any other body the purpose of which is to improve the  
772 quality of life or social welfare of the community and which  
773 agrees to accept community service from persons unable to pay  
774 civil penalties for noncriminal traffic infractions.

775 Section 18. Subsection (3) of section 668.50, Florida  
776 Statutes, is amended to read:

777 668.50 Uniform Electronic Transaction Act.—

778 (3) SCOPE.—

779 (a) Except as otherwise provided in paragraph (b), this  
780 section applies to electronic records and electronic signatures  
781 relating to a transaction.

782 (b) This section does not apply to a transaction to the  
783 extent the transaction is governed by:

784 1. A provision of law governing the creation and execution  
785 of wills, codicils, or testamentary trusts;

786 2. The Uniform Commercial Code other than s. 671.107 and  
787 chapters 672 and 680; or

788 3. The Uniform Computer Information Transactions Act. ~~or~~

789 ~~4. Rules relating to judicial procedure.~~

790 (c) Except with respect to subsections (2), (9), and (11),  
791 this section does not apply to a transaction to the extent the  
792 transaction is governed by rules relating to judicial procedure.

793 (d) ~~(e)~~ This section applies to an electronic record or  
794 electronic signature otherwise excluded under paragraph (b) to  
795 the extent such record or signature is governed by a provision



796 of law other than those specified in paragraph (b).

797 (e)~~(d)~~ A transaction subject to this section is also  
798 subject to other applicable provisions of substantive law.

799 Section 19. Paragraph (c) of subsection (1) of section  
800 733.707, Florida Statutes, is amended to read:

801 733.707 Order of payment of expenses and obligations.—

802 (1) The personal representative shall pay the expenses of  
803 the administration and obligations of the decedent's estate in  
804 the following order:

805 (c) *Class 3.*—Debts and taxes with preference under federal  
806 law, ~~and~~ claims pursuant to ss. 409.9101 and 414.28, and claims  
807 in favor of the state for unpaid court costs, fees, or fines.

808 Section 20. Section 893.11, Florida Statutes, is amended to  
809 read:

810 893.11 Suspension, revocation, and reinstatement of  
811 business and professional licenses.—For the purposes of s.  
812 120.60(6), any conviction in any court reported to the  
813 Comprehensive Case Information System of the Florida Association  
814 of Clerks and Comptroller, Inc., for the sale of, or trafficking  
815 in, a controlled substance or for conspiracy to sell, or traffic  
816 in, a controlled substance constitutes an immediate serious  
817 danger to the public health, safety, or welfare, and is grounds  
818 for disciplinary action by the licensing state agency. A state  
819 agency shall initiate an immediate emergency suspension of an  
820 individual professional license issued by the agency, in  
821 compliance with the procedures for summary suspensions in s.  
822 120.60(6), upon the agency's findings of the licensee's  
823 conviction in any court reported to the Comprehensive Case  
824 Information System of the Florida Association of Court Clerks



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825 ~~and Comptroller, Inc., Upon the conviction in any court of~~  
826 ~~competent jurisdiction of any person holding a license, permit,~~  
827 ~~or certificate issued by a state agency, for the sale of, or~~  
828 ~~trafficking in, a controlled substance, or for conspiracy to~~  
829 ~~sell, or traffic in, a controlled substance. Before renewing any~~  
830 ~~professional license, a state agency that issues a professional~~  
831 ~~license must use the Comprehensive Case Information System of~~  
832 ~~the Florida Association of Court Clerks and Comptroller, Inc.,~~  
833 ~~to obtain information relating to any conviction for the sale~~  
834 ~~of, or trafficking in, a controlled substance or for conspiracy~~  
835 ~~to sell, or traffic in, a controlled substance. The clerk of~~  
836 ~~court shall provide electronic access to each state agency at no~~  
837 ~~cost and also provide certified copies of the judgment upon~~  
838 ~~request to the agency., if such offense is a felony, the clerk~~  
839 ~~of said court shall send a certified copy of the judgment of~~  
840 ~~conviction with the person's license number, permit number, or~~  
841 ~~certificate number on the face of such certified copy to the~~  
842 ~~agency head by whom the convicted defendant has received a~~  
843 ~~license, permit, or certificate to practice his or her~~  
844 ~~profession or to carry on his or her business. Such agency head~~  
845 ~~shall suspend or revoke the license, permit, or certificate of~~  
846 ~~the convicted defendant to practice his or her profession or to~~  
847 ~~carry on his or her business. Upon a showing by any such~~  
848 ~~convicted defendant whose professional license, ~~permit, or~~~~  
849 ~~certificate has been suspended or revoked pursuant to this~~  
850 ~~section that his or her civil rights have been restored or upon~~  
851 ~~a showing that the convicted defendant meets the following~~  
852 ~~criteria, the agency head may reinstate or reactivate such~~  
853 ~~license, permit, or certificate when:~~



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854 (1) The person has complied with the conditions of  
855 paragraphs (a) and (b) which shall be monitored by the  
856 Department of Corrections while the person is under any  
857 supervisory sanction. If the person fails to comply with  
858 provisions of these paragraphs by either failing to maintain  
859 treatment or by testing positive for drug use, the department  
860 shall notify the licensing, ~~permitting, or certifying~~ agency,  
861 which shall revoke the license, ~~permit, or certification~~. The  
862 person under supervision may:

863 (a) Seek evaluation and enrollment in, and once enrolled  
864 maintain enrollment in until completion, a drug treatment and  
865 rehabilitation program which is approved or regulated by the  
866 Department of Children and Family Services. The treatment and  
867 rehabilitation program shall be specified by:

868 1. The court, in the case of court-ordered supervisory  
869 sanctions;

870 2. The Parole Commission, in the case of parole, control  
871 release, or conditional release; or

872 3. The Department of Corrections, in the case of  
873 imprisonment or any other supervision required by law.

874 (b) Submit to periodic urine drug testing pursuant to  
875 procedures prescribed by the Department of Corrections. If the  
876 person is indigent, the costs shall be paid by the Department of  
877 Corrections; or

878 (2) The person has successfully completed an appropriate  
879 program under the Correctional Education Program.

880 (3) As used in this section, the term "business or  
881 professional license" includes any license, permit, or  
882 certificate that authorizes a person to practice his or her



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883 profession or to carry on his or her business. However, the term  
884 ~~This section~~ does not include ~~apply to~~ any of the taxes, fees,  
885 or permits regulated, controlled, or administered by the  
886 Department of Revenue in accordance with s. 213.05.

887 Section 21. Paragraphs (a) and (b) of subsection (2) of  
888 section 938.27, Florida Statutes, are amended to read:

889 938.27 Judgment for costs on conviction.—

890 (2) (a) The court shall impose the costs of prosecution and  
891 investigation notwithstanding the defendant's present ability to  
892 pay. The court shall require the defendant to pay the costs  
893 within a specified period or pursuant to a payment plan under s.  
894 28.246(4) in specified installments.

895 (b) The end of such period or the last such installment  
896 must ~~shall~~ not be later than:

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

899 2. Five years after the end of the term of imprisonment  
900 imposed, if the court does not order probation or community  
901 control; or

902 3. Five years after the date of sentencing in any other  
903 case.

904

905 However, ~~in no event shall~~ the obligation to pay any unpaid  
906 amounts does not expire if not paid in full within the period  
907 specified in this paragraph.

908 Section 22. Present subsections (8) through (12) of section  
909 938.30, Florida Statutes, are renumbered as subsections (10)  
910 through (14), respectively, and new subsections (8) and (9) are  
911 added to that section to read:





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912           938.30 Financial obligations in criminal cases;  
913 supplementary proceedings.-

914           (8) If a criminal or civil judgment has previously been  
915 entered on a court-imposed financial obligation, the judgment  
916 constitutes a civil lien against the judgment debtor's presently  
917 owned or after-acquired real or personal property when recorded  
918 pursuant to s. 55.10, except that a judgment on a court-imposed  
919 financial obligation is not subject to the 10-year rerecording  
920 requirement of s. 55.10. The judgment must secure all unpaid  
921 court-imposed financial obligations that are due and may accrue  
922 subsequent to the recording of the judgment, as well as interest  
923 and reasonable costs for issuing a satisfaction and recording  
924 the satisfaction in the official records.

925           (9) The clerk of the court shall enforce, satisfy,  
926 compromise, settle, subordinate, release, or otherwise dispose  
927 of any debts or liens imposed and collected under this section  
928 in the same manner as prescribed in s. 938.29(3).

929           Section 23. Section 947.181, Florida Statutes, is amended  
930 to read:

931           947.181 Fines, fees, restitution, or other costs ordered to  
932 be paid ~~Victim restitution~~ as conditions ~~condition~~ of parole.-

933           (1)~~(a)~~ ~~The Parole~~ commission shall require the payment of  
934 fines, fees, restitution, or other court-ordered costs as a  
935 condition of parole ~~reparation or restitution to the aggrieved~~  
936 ~~party for the damage or loss caused by the offense for which the~~  
937 ~~parolee was imprisoned~~ unless the commission finds reasons to  
938 the contrary. Restitution to the aggrieved party for injury,  
939 damage, or loss caused by the offense for which the parolee was  
940 imprisoned shall have first priority in the payment of amounts



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941 owed under this section. If the commission does not require the  
942 payment of fines, fees, restitution, or other court-ordered  
943 costs ~~order restitution~~ or requires ~~orders~~ only partial payment  
944 of the fines, fees, restitution, or other court-ordered costs  
945 ~~restitution,~~ the commission shall state on the record the  
946 reasons for its decision ~~therefor.~~ ~~The amount of such reparation~~  
947 ~~or restitution shall be determined by the Parole Commission.~~

948 (2) ~~(b)~~ If the parolee fails to make the payments ~~reparation~~  
949 ~~or restitution to the aggrieved party as~~ required authorized in  
950 subsection (1) ~~paragraph (a),~~ it shall be considered by the  
951 commission as a violation of parole as specified in s. 947.21  
952 and may be cause for revocation of ~~her or his~~ parole.

953 (3) ~~(2)~~ If a defendant is paroled, any restitution ordered  
954 under s. 775.089 shall be a condition of such parole. The Parole  
955 Commission may revoke parole if the defendant fails to comply  
956 with such order.

957 (4) In determining whether to revoke parole, the ~~Parole~~  
958 commission shall consider the defendant's employment status,  
959 earning ability, and financial resources; the willfulness of the  
960 defendant's failure to pay; and any other special circumstances  
961 that may have a bearing on the defendant's ability to pay.

962 Section 24. This act shall take effect July 1, 2012.

963  
964 ===== T I T L E A M E N D M E N T =====

965 And the title is amended as follows:

966 Delete everything before the enacting clause  
967 and insert:

968 A bill to be entitled  
969 An act relating to clerks of court; amending s.



970 24.115, F.S.; requiring the Department of the Lottery  
971 to use the Comprehensive Case Information System of  
972 the Florida Association of Court Clerks and  
973 Comptroller, Inc., to determine whether a prize winner  
974 owes outstanding fines, fees, or court costs to the  
975 state before it may pay certain prizes; amending s.  
976 27.52, F.S.; authorizing the clerk of court to review  
977 the property records and motor vehicle records to  
978 determine whether an applicant for the appointment of  
979 a public defender is indigent; deleting a requirement  
980 that the clerk conduct the review; amending s. 28.24,  
981 F.S.; deleting a requirement for the clerks of the  
982 circuit courts to participate in the Comprehensive  
983 Case Information System; creating s. 28.2405, F.S.;  
984 requiring clerks of the circuit courts to use the  
985 Comprehensive Case Information System and to submit  
986 data to the system based on case types designated by  
987 the Supreme Court of Florida; amending s. 28.241,  
988 F.S.; providing that filing fees and fees to reopen a  
989 proceeding are due at the time a party files a  
990 pleading to initiate or reopen a proceeding; requiring  
991 the clerk of court to pursue the collection of fees  
992 that are not timely paid; revising the circumstances  
993 under which a fee to reopen a case applies; exempting  
994 a person from paying a reopen fee for filing a motion  
995 to enforce a stipulation or a motion for contempt;  
996 authorizing the clerk of court to charge a fee to  
997 issue an electronic certified copy of a summons;  
998 amending s. 28.37, F.S.; providing that certain



999 penalties and fines are not deposited into the clerk's  
1000 Public Records Modernization Trust Fund; amending s.  
1001 34.041, F.S.; requiring the party filing a case in  
1002 county court to pay all filing and reopen fees at the  
1003 time of filing; requiring the clerk to pursue  
1004 collection of the fees if the fees are not paid at the  
1005 time of filing; authorizing the clerk of court to  
1006 charge a fee for issuing an electronic certified copy  
1007 of a summons; revising the circumstances under which a  
1008 fee to reopen a case applies; exempting a party from  
1009 paying a reopen fee for filing motions to enforce  
1010 stipulations and motions for contempt; amending s.  
1011 40.011, F.S.; requiring that a clerk of court generate  
1012 a set of juror candidate lists; requiring that the  
1013 clerk of court add names of certain persons to the  
1014 juror candidate lists; authorizing the clerk of court  
1015 to generate juror candidate lists to ensure a valid  
1016 and consistent juror selection process; amending s.  
1017 40.02, F.S.; revising the process of selecting jury  
1018 lists; amending s. 40.022, F.S.; revising the process  
1019 of purging jury selection lists; amending s. 40.221,  
1020 F.S.; conforming provisions to changes made by the  
1021 act; amending s. 40.225, F.S.; requiring that the  
1022 clerk of court implement an automated electronic  
1023 system for drawing jury venire; providing  
1024 administrative responsibilities of the clerks of court  
1025 with regard to the jury venire; requiring that the  
1026 clerk of court or the chief judge submit for approval  
1027 a plan for the selection of juror candidates;



1028 requiring that the Chief Justice of the Supreme Court  
1029 examine the proposed plan for compliance with  
1030 applicable statutory requirements and technical  
1031 standards and procedures; requiring that an  
1032 administrative order be filed if the proposed plan is  
1033 approved; amending s. 45.035, F.S.; requiring a  
1034 plaintiff to pay a rescheduling fee to the clerk on  
1035 each occasion a sale of real or personal property  
1036 under an order or judgment is rescheduled; requiring  
1037 the rescheduling fee to be assessed as costs;  
1038 requiring the plaintiff to pay the rescheduling fee to  
1039 the court before the sale; amending s. 57.081, F.S.;  
1040 providing that a person who receives a certification  
1041 of indigence with respect to a proceeding is not  
1042 required to pay charges to issue a summons; amending  
1043 s. 95.11, F.S.; providing that an action to collect  
1044 any court costs, fees, or fines owed to the state may  
1045 be commenced at any time; amending s. 112.3173, F.S.;  
1046 providing for the duty of a clerk of court to notify  
1047 the Commission on Ethics of certain proceedings  
1048 involving public officers or employees to arise after  
1049 the clerk is advised by the state attorney that the  
1050 defendant is a public officer or employee who is  
1051 alleged to have committed a specified offense;  
1052 amending s. 318.18, F.S.; requiring that the signature  
1053 of the person designated to represent a community  
1054 service agency be notarized on letterhead that  
1055 indicates the number of hours of community service  
1056 completed and the date the community service hours



1057 were completed by a person who is ordered to perform  
1058 community service as a penalty for specified offenses;  
1059 amending s. 668.50, F.S.; limiting the exemption from  
1060 the Uniform Electronic Transaction Act for  
1061 transactions governed by rules relating to judicial  
1062 procedure; amending s. 733.707, F.S.; specifying the  
1063 priority of payment of unpaid court costs, fees, or  
1064 fines by a decedent's estate; amending s. 893.11,  
1065 F.S.; providing that convictions of certain types of  
1066 criminal offenses which are reported to the  
1067 Comprehensive Case Information System of the Florida  
1068 Association of Clerks and Comptroller, Inc., are an  
1069 immediate, serious danger to the public health,  
1070 safety, or welfare; providing that such convictions  
1071 are grounds for disciplinary action by a licensing  
1072 state agency; requiring that a state agency initiate  
1073 an emergency suspension of an individual professional  
1074 license upon the agency's finding of the licensee's  
1075 conviction of a certain type of criminal offense which  
1076 is reported to the Comprehensive Case Information  
1077 System; requiring that certain state agencies use the  
1078 Comprehensive Case Information System to obtain  
1079 information relating to a conviction involving certain  
1080 types of criminal offenses; requiring that the clerk  
1081 of court provide to each state agency electronic  
1082 access and provide certified copies of judgments to  
1083 licensing agencies upon request; defining the term  
1084 "business or professional license"; amending s.  
1085 938.27, F.S.; authorizing a court to require a



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1086 defendant to pay the costs of prosecution and  
1087 investigation pursuant to a payment plan under a  
1088 specified provision; amending s. 938.30, F.S.;  
1089 providing that criminal or civil judgment and related  
1090 costs are a civil lien against the judgment debtor's  
1091 presently owned or after-acquired real or personal  
1092 property if the judgment is recorded; providing an  
1093 exception to rerecording requirements; requiring that  
1094 the clerk of court enforce, satisfy, compromise,  
1095 settle, subordinate, release, or otherwise dispose of  
1096 any debts or lien imposed and collected in the same  
1097 manner as for an indigent defendant-recipient;  
1098 amending s. 947.181, F.S.; providing that the Parole  
1099 Commission require as a condition of parole the  
1100 payment of fines, fees, or other court-ordered costs  
1101 under certain circumstances; providing that  
1102 restitution ordered as a condition of parole has first  
1103 priority over the payment of other costs ordered as a  
1104 condition of parole; requiring that the commission  
1105 state on record the reasons for not requiring the full  
1106 payment of the fines, fees, or other court-ordered  
1107 costs; providing an effective date.