

By Senator Simmons

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1 A bill to be entitled
2 An act relating to clerks of court; amending s.
3 24.115, F.S.; requiring the Department of the Lottery
4 to use the Comprehensive Case Information System of
5 the Florida Association of Court Clerks and
6 Comptroller, Inc., to determine whether a prize winner
7 owes outstanding fines, fees, or court costs to the
8 state; amending s. 27.52, F.S.; authorizing the clerk
9 of court to review the property records and motor
10 vehicle records to determine whether an applicant for
11 the appointment of a public defender is indigent;
12 deleting a requirement that the clerk conduct the
13 review; amending s. 28.24, F.S.; deleting a
14 requirement for the clerks of the circuit courts to
15 participate in the Comprehensive Case Information
16 System; creating s. 28.2405, F.S.; requiring clerks of
17 the circuit courts to use the Comprehensive Case
18 Information System and to submit data to the system
19 based on case types designated by the Supreme Court of
20 Florida; amending s. 28.241, F.S.; providing that
21 filing fees and fees to reopen a proceeding are due at
22 the time a party files a pleading to initiate a
23 proceeding; requiring the clerk of court to pursue the
24 collection of fees that are not timely paid; revising
25 the circumstances under which a fee to reopen a case
26 applies; exempting a person from paying a reopen fee
27 for filing a motion to enforce a stipulation or a
28 motion for contempt; authorizing the clerk of court to
29 charge a fee to issue an electronic certified copy of

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30 a summons; amending s. 28.246, F.S.; requiring that
31 the circuit court order a prisoner to make monthly
32 payments for court-related costs under certain
33 circumstances; requiring that the Department of
34 Corrections or the local detention facility place a
35 lien on the prisoner's trust account for the full
36 amount of the costs and to forward payments from the
37 trust account to the appropriate clerk of the court;
38 amending s. 34.041, F.S.; requiring the party filing a
39 case in county court to pay all filing and reopen fees
40 at the time of filing; requiring the clerk to pursue
41 collection of the fees if the fees are not paid at the
42 time of filing; authorizing the clerk of court to
43 charge a fee for issuing an electronic certified copy
44 of a summons; revising the circumstances under which a
45 fee to reopen a case applies; exempting a party from
46 paying a reopen fee for filing motions to enforce
47 stipulations and motions for contempt; amending s.
48 45.035, F.S.; requiring a plaintiff to pay a
49 rescheduling fee to the clerk on each occasion a sale
50 of real or personal property under an order or
51 judgment is rescheduled; requiring the rescheduling
52 fee to be assessed as costs; requiring the plaintiff
53 to pay the rescheduling fee to the court before the
54 sale; amending s. 57.081, F.S.; providing that a
55 person who receives a certification of indigence with
56 respect to a proceeding is not required to pay charges
57 to issue a summons; amending s. 57.082, F.S.;

58 requiring that a court order a prisoner to make

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59 monthly payments for court-related costs under certain
60 circumstances; requiring that the Department of
61 Corrections or the local detention facility place a
62 lien on the prisoner's trust account for the full
63 amount of the costs and to forward payments from the
64 trust account to the appropriate clerk of the court;
65 amending s. 95.11, F.S.; providing that an action to
66 collect any court costs or fines owed to the state may
67 be commenced at any time; amending s. 112.3173, F.S.;
68 providing for the duty of a clerk of court to notify
69 the Commission on Ethics of certain proceedings
70 involving public officers or employees to arise after
71 the clerk is advised by the state attorney that the
72 defendant is a public officer or employee who is
73 alleged to have committed a qualifying offense;
74 amending s. 318.18, F.S.; requiring that the signature
75 of the person designated to represent a community
76 service agency be notarized on letterhead that
77 indicates the number of hours of community service
78 completed and the date the community service hours
79 were completed by a person who is ordered to perform
80 community service as a penalty for a noncriminal
81 disposition pursuant to s. 318.14, F.S., or a criminal
82 offense listed in s. 318.17, F.S.; amending s. 668.50,
83 F.S.; deleting the exemption from the Uniform
84 Electronic Transaction Act for transactions governed
85 by rules relating to judicial procedure; amending s.
86 733.707, F.S.; specifying the priority of payment of
87 unpaid court costs, fees, or fines by a decedent's

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88 estate; amending s. 893.11, F.S.; deleting a
89 requirement that a clerk of court send criminal
90 conviction information to the state agency that has
91 issued a business or professional license to a person
92 who is convicted of certain types of criminal
93 offenses; requiring state agencies that issue business
94 or professional licenses to use the Comprehensive Case
95 Information System to obtain information relating to
96 criminal convictions of licensees; requiring the clerk
97 of court to provide certified copies of judgments to
98 licensing agencies upon request; defining the term
99 "business or professional license"; amending s.
100 938.27, F.S.; authorizing a court to require a
101 defendant to pay the costs of prosecution and
102 investigation pursuant to a payment plan under s.
103 28.246, F.S., relating to payment of court-related
104 fees, charges, and costs; amending s. 938.30, F.S.;
105 requiring that a court order a prisoner to make
106 monthly payments for court-related costs under certain
107 circumstances; requiring that the Department of
108 Corrections or the local detention facility place a
109 lien on the prisoner's trust account for the full
110 amount of the costs and to forward payments from the
111 trust account to the appropriate clerk of the court;
112 providing that criminal or civil judgment and related
113 costs are a civil lien against the judgment debtor's
114 presently owned or after-acquired real or personal
115 property if the judgment is recorded; providing an
116 exception to rerecording requirements; requiring that

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117 the clerk of court enforce, satisfy, compromise,
118 settle, subordinate, release, or otherwise dispose of
119 any debts or lien imposed and collected in the same
120 manner as for an indigent defendant-recipient;
121 amending s. 947.181, F.S.; providing that the Parole
122 Commission require as a condition of parole the
123 payment of fines, fees, or other court-ordered costs
124 under certain circumstances; requiring that the
125 commission state on record the reasons for not
126 requiring the full payment of the fines, fees, or
127 other court-ordered costs; providing an effective
128 date.

129
130 Be It Enacted by the Legislature of the State of Florida:

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

134 24.115 Payment of prizes.—

135 (4) (a) It is the responsibility of the appropriate state
136 agency and of the judicial branch to identify to the department,
137 in the form and format prescribed by the department, persons
138 owing an outstanding debt to any state agency or owing child
139 support collected through a court, including spousal support or
140 alimony for the spouse or former spouse of the obligor if the
141 child support obligation is being enforced by the Department of
142 Revenue.

143 (b) Notwithstanding paragraph (a), the department must use
144 the Comprehensive Case Information System of the Florida
145 Association of Court Clerks and Comptroller, Inc., to determine

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146 whether a prize winner owes outstanding fines, fees, or court
147 costs to the state, before it may pay a prize of \$600 or more.

148 (c) Before ~~Prior to~~ the payment of a prize of \$600 or more
149 to any claimant having such an outstanding obligation, the
150 department shall transmit the amount of the debt to the agency
151 claiming the debt or owed the debt as shown on the Comprehensive
152 Case Information System and shall authorize payment of the
153 balance to the prize winner after deduction of the debt. If a
154 prize winner owes multiple debts subject to offset under this
155 subsection and the prize is insufficient to cover all such
156 debts, the amount of the prize shall be transmitted first to the
157 agency claiming that past due child support is owed. If a
158 balance of lottery prize remains after payment of past due child
159 support, the remaining lottery prize amount shall be transmitted
160 to other agencies owed ~~claiming~~ debts ~~owed to the state~~, pro
161 rata, based upon the ratio of the individual debt to the
162 remaining debt owed to the state.

163 Section 2. Paragraph (a) of subsection (2) of section
164 27.52, Florida Statutes, is amended to read:

165 27.52 Determination of indigent status.—

166 (2) DETERMINATION BY THE CLERK.—The clerk of the court
167 shall determine whether an applicant seeking appointment of a
168 public defender is indigent based upon the information provided
169 in the application and the criteria prescribed in this
170 subsection.

171 (a)1. An applicant, including an applicant who is a minor
172 or an adult tax-dependent person, is indigent if the applicant's
173 income is equal to or below 200 percent of the then-current
174 federal poverty guidelines prescribed for the size of the

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175 household of the applicant by the United States Department of
176 Health and Human Services or if the person is receiving
177 Temporary Assistance for Needy Families-Cash Assistance,
178 poverty-related veterans' benefits, or Supplemental Security
179 Income (SSI).

180 2.a. There is a presumption that the applicant is not
181 indigent if the applicant owns, or has equity in, any intangible
182 or tangible personal property or real property or the expectancy
183 of an interest in any such property having a net equity value of
184 \$2,500 or more, excluding the value of the person's homestead
185 and one vehicle having a net value not exceeding \$5,000.

186 b. Notwithstanding the information that the applicant
187 provides, the clerk may ~~shall~~ conduct a review of the property
188 records for the county in which the applicant resides and the
189 motor vehicle title records of the state to identify any
190 property interests of the applicant under this subparagraph. The
191 clerk may ~~shall~~ evaluate and consider the results of the review
192 in making a determination under this subsection. If the review
193 is completed by the clerk, the clerk shall maintain the results
194 of the review in a file with the application and provide the
195 file to the court if the applicant seeks review under subsection
196 (4) of the clerk's determination of indigent status.

197 Section 3. Paragraph (e) of subsection (12) of section
198 28.24, Florida Statutes, is amended to read:

199 28.24 Service charges by clerk of the circuit court.—The
200 clerk of the circuit court shall charge for services rendered by
201 the clerk's office in recording documents and instruments and in
202 performing the duties enumerated in amounts not to exceed those
203 specified in this section. Notwithstanding any other provision

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204 of this section, the clerk of the circuit court shall provide
205 without charge to the state attorney, public defender, guardian
206 ad litem, public guardian, attorney ad litem, criminal conflict
207 and civil regional counsel, and private court-appointed counsel
208 paid by the state, and to the authorized staff acting on behalf
209 of each, access to and a copy of any public record, if the
210 requesting party is entitled by law to view the exempt or
211 confidential record, as maintained by and in the custody of the
212 clerk of the circuit court as provided in general law and the
213 Florida Rules of Judicial Administration. The clerk of the
214 circuit court may provide the requested public record in an
215 electronic format in lieu of a paper format when capable of
216 being accessed by the requesting entity.

217

218 Charges

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

223 (e) An additional service charge of \$4 per page shall be
224 paid to the clerk of the circuit court for each instrument
225 listed in s. 28.222, except judgments received from the courts
226 and notices of lis pendens, recorded in the official records.
227 From the additional \$4 service charge collected:

228 1. If the counties maintain legal responsibility for the
229 costs of the court-related technology needs as defined in s.
230 29.008(1)(f)2. and (h), 10 cents shall be distributed to the
231 Florida Association of Court Clerks and Comptroller, Inc., for
232 the cost of development, implementation, operation, and

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233 maintenance of the clerks' Comprehensive Case Information
234 System, ~~in which system all clerks shall participate on or~~
235 ~~before January 1, 2006~~; \$1.90 shall be retained by the clerk to
236 be deposited in the Public Records Modernization Trust Fund and
237 used exclusively for funding court-related technology needs of
238 the clerk as defined in s. 29.008(1)(f)2. and (h); and \$2 shall
239 be distributed to the board of county commissioners to be used
240 exclusively to fund court-related technology, and court
241 technology needs as defined in s. 29.008(1)(f)2. and (h) for the
242 state trial courts, state attorney, public defender, and
243 criminal conflict and civil regional counsel in that county. If
244 the counties maintain legal responsibility for the costs of the
245 court-related technology needs as defined in s. 29.008(1)(f)2.
246 and (h), notwithstanding any other provision of law, the county
247 is not required to provide additional funding beyond that
248 provided herein for the court-related technology needs of the
249 clerk as defined in s. 29.008(1)(f)2. and (h). All court records
250 and official records are the property of the State of Florida,
251 including any records generated as part of the Comprehensive
252 Case Information System funded pursuant to this paragraph and
253 the clerk of court is designated as the custodian of such
254 records, except in a county where the duty of maintaining
255 official records exists in a county office other than the clerk
256 of court or comptroller, such county office is designated the
257 custodian of all official records, and the clerk of court is
258 designated the custodian of all court records. The clerk of
259 court or any entity acting on behalf of the clerk of court,
260 including an association, shall not charge a fee to any agency
261 as defined in s. 119.011, the Legislature, or the State Court

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262 System for copies of records generated by the Comprehensive Case
263 Information System or held by the clerk of court or any entity
264 acting on behalf of the clerk of court, including an
265 association.

266 2. If the state becomes legally responsible for the costs
267 of court-related technology needs as defined in s.
268 29.008(1)(f)2. and (h), whether by operation of general law or
269 by court order, \$4 shall be remitted to the Department of
270 Revenue for deposit into the General Revenue Fund.

271 Section 4. Section 28.2405, Florida Statutes, is created to
272 read:

273 28.2405 Comprehensive Case Information System.—All clerks
274 of the circuit court shall participate in the Comprehensive Case
275 Information System of the Florida Association of Clerks and
276 Comptroller, Inc., and shall submit electronic case data to the
277 system based on the case types designated by the Supreme Court.

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

280 28.241 Filing fees for trial and appellate proceedings.—

281 (1) Filing fees are due at the time a party files a
282 pleading to initiate a proceeding or files a pleading for
283 relief, and reopen fees are due at the time a party files a
284 pleading to reopen a proceeding. If a fee is not paid upon the
285 filing of the pleading, the clerk shall pursue collection of the
286 fee pursuant to s. 28.246.

287 (a)1.a. Except as provided in sub-subparagraph b. and
288 subparagraph 2., the party instituting any civil action, suit,
289 or proceeding in the circuit court shall pay to the clerk of
290 that court a filing fee of up to \$395 in all cases in which

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291 there are not more than five defendants and an additional filing
292 fee of up to \$2.50 for each defendant in excess of five. Of the
293 first \$280 in filing fees, \$80 must be remitted by the clerk to
294 the Department of Revenue for deposit into the General Revenue
295 Fund, \$195 must be remitted to the Department of Revenue for
296 deposit into the State Courts Revenue Trust Fund, \$3.50 must be
297 remitted to the Department of Revenue for deposit into the
298 Clerks of the Court Trust Fund within the Justice Administrative
299 Commission and used to fund the Florida Clerks of Court
300 Operations Corporation created in s. 28.35, and \$1.50 shall be
301 remitted to the Department of Revenue for deposit into the
302 Administrative Trust Fund within the Department of Financial
303 Services to fund clerk budget reviews conducted by the
304 Department of Financial Services. One third of any filing fees
305 collected by the clerk of the circuit court in excess of \$100
306 shall be remitted to the Department of Revenue for deposit into
307 the Clerks of the Court Trust Fund within the Justice
308 Administrative Commission.

309 b. The party instituting any civil action, suit, or
310 proceeding in the circuit court under chapter 39, chapter 61,
311 chapter 741, chapter 742, chapter 747, chapter 752, or chapter
312 753 shall pay to the clerk of that court a filing fee of up to
313 \$295 in all cases in which there are not more than five
314 defendants and an additional filing fee of up to \$2.50 for each
315 defendant in excess of five. Of the first \$180 in filing fees,
316 \$80 must be remitted by the clerk to the Department of Revenue
317 for deposit into the General Revenue Fund, \$95 must be remitted
318 to the Department of Revenue for deposit into the State Courts
319 Revenue Trust Fund, \$3.50 must be remitted to the Department of

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320 Revenue for deposit into the Clerks of the Court Trust Fund
321 within the Justice Administrative Commission and used to fund
322 the Florida Clerks of Court Operations Corporation created in s.
323 28.35, and \$1.50 shall be remitted to the Department of Revenue
324 for deposit into the Administrative Trust Fund within the
325 Department of Financial Services to fund clerk budget reviews
326 conducted by the Department of Financial Services.

327 c. An additional filing fee of \$4 shall be paid to the
328 clerk. The clerk shall remit \$3.50 to the Department of Revenue
329 for deposit into the Court Education Trust Fund and shall remit
330 50 cents to the Department of Revenue for deposit into the
331 Clerks of the Court Trust Fund within the Justice Administrative
332 Commission to fund clerk education. An additional filing fee of
333 up to \$18 shall be paid by the party seeking each severance that
334 is granted. The clerk may impose an additional filing fee of up
335 to \$85 for all proceedings of garnishment, attachment, replevin,
336 and distress. Postal charges incurred by the clerk of the
337 circuit court in making service by certified or registered mail
338 on defendants or other parties shall be paid by the party at
339 whose instance service is made. ~~No~~ Additional fees, charges, or
340 costs may not ~~shall~~ be added to the filing fees imposed under
341 this section, except as authorized in this section or by general
342 law.

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

347 b. A party shall estimate in writing the amount in
348 controversy of the claim upon filing the action. For purposes of

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349 this subparagraph, the value of a mortgage foreclosure action is
350 based upon the principal due on the note secured by the
351 mortgage, plus interest owed on the note and any moneys advanced
352 by the lender for property taxes, insurance, and other advances
353 secured by the mortgage, at the time of filing the foreclosure.
354 The value shall also include the value of any tax certificates
355 related to the property. In stating the value of a mortgage
356 foreclosure claim, a party shall declare in writing the total
357 value of the claim, as well as the individual elements of the
358 value as prescribed in this sub-subparagraph.

359 c. In its order providing for the final disposition of the
360 matter, the court shall identify the actual value of the claim.
361 The clerk shall adjust the filing fee if there is a difference
362 between the estimated amount in controversy and the actual value
363 of the claim and collect any additional filing fee owed or
364 provide a refund of excess filing fee paid.

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

366 (I) Three hundred and ninety-five dollars in all cases in
367 which the value of the claim is \$50,000 or less and in which
368 there are not more than five defendants. The party shall pay an
369 additional filing fee of up to \$2.50 for each defendant in
370 excess of five. Of the first \$280 in filing fees, \$80 must be
371 remitted by the clerk to the Department of Revenue for deposit
372 into the General Revenue Fund, \$195 must be remitted to the
373 Department of Revenue for deposit into the State Courts Revenue
374 Trust Fund, \$3.50 must be remitted to the Department of Revenue
375 for deposit into the Clerks of the Court Trust Fund within the
376 Justice Administrative Commission and used to fund the Florida
377 Clerks of Court Operations Corporation created in s. 28.35, and

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378 \$1.50 shall be remitted to the Department of Revenue for deposit
379 into the Administrative Trust Fund within the Department of
380 Financial Services to fund clerk budget reviews conducted by the
381 Department of Financial Services;

382 (II) Nine hundred dollars in all cases in which the value
383 of the claim is more than \$50,000 but less than \$250,000 and in
384 which there are not more than five defendants. The party shall
385 pay an additional filing fee of up to \$2.50 for each defendant
386 in excess of five. Of the first \$785 in filing fees, \$80 must be
387 remitted by the clerk to the Department of Revenue for deposit
388 into the General Revenue Fund, \$700 must be remitted to the
389 Department of Revenue for deposit into the State Courts Revenue
390 Trust Fund, \$3.50 must be remitted to the Department of Revenue
391 for deposit into the Clerks of the Court Trust Fund within the
392 Justice Administrative Commission and used to fund the Florida
393 Clerks of Court Operations Corporation described in s. 28.35,
394 and \$1.50 shall be remitted to the Department of Revenue for
395 deposit into the Administrative Trust Fund within the Department
396 of Financial Services to fund clerk budget reviews conducted by
397 the Department of Financial Services; or

398 (III) One thousand nine hundred dollars in all cases in
399 which the value of the claim is \$250,000 or more and in which
400 there are not more than five defendants. The party shall pay an
401 additional filing fee of up to \$2.50 for each defendant in
402 excess of five. Of the first \$1,785 in filing fees, \$80 must be
403 remitted by the clerk to the Department of Revenue for deposit
404 into the General Revenue Fund, \$1,700 must be remitted to the
405 Department of Revenue for deposit into the State Courts Revenue
406 Trust Fund, \$3.50 must be remitted to the Department of Revenue

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407 for deposit into the Clerks of the Court Trust Fund within the
408 Justice Administrative Commission to fund the Florida Clerks of
409 Court Operations Corporation created in s. 28.35, and \$1.50
410 shall be remitted to the Department of Revenue for deposit into
411 the Administrative Trust Fund within the Department of Financial
412 Services to fund clerk budget reviews conducted by the
413 Department of Financial Services.

414 e. An additional filing fee of \$4 shall be paid to the
415 clerk. The clerk shall remit \$3.50 to the Department of Revenue
416 for deposit into the Court Education Trust Fund and shall remit
417 50 cents to the Department of Revenue for deposit into the
418 Clerks of the Court Trust Fund within the Justice Administrative
419 Commission to fund clerk education. An additional filing fee of
420 up to \$18 shall be paid by the party seeking each severance that
421 is granted. The clerk may impose an additional filing fee of up
422 to \$85 for all proceedings of garnishment, attachment, replevin,
423 and distress. Postal charges incurred by the clerk of the
424 circuit court in making service by certified or registered mail
425 on defendants or other parties shall be paid by the party at
426 whose instance service is made. ~~No~~ Additional fees, charges, or
427 costs may not ~~shall~~ be added to the filing fees imposed under
428 this section, except as authorized in this section or by general
429 law.

430 (b) A party reopening any civil action, suit, or proceeding
431 in the circuit court shall pay to the clerk of court a filing
432 fee set by the clerk in an amount not to exceed \$50. For
433 purposes of this section, a case is reopened after all appeals
434 have been exhausted, or time to file an appeal from a final
435 order or final judgment has expired. A reopen fee may not be

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436 assessed by the clerk for any motion filed by any party until 90
437 days after a final order or final judgment has been filed with
438 the clerk. When the case has been reopened, an additional reopen
439 fee may not be assessed until the reopened matter is resolved. A
440 reservation of jurisdiction by a court does not cause a case to
441 remain open for purposes of this section or exempt a party from
442 paying a reopen fee when a case previously reported as disposed
443 of is resubmitted to a court and includes petitions for
444 modification of a final judgment of dissolution. A party is
445 exempt from paying the fee for any of the following:

- 446 1. A writ of garnishment;
- 447 2. A writ of replevin;
- 448 3. A distress writ;
- 449 4. A writ of attachment;
- 450 5. A motion for rehearing filed within 10 days;
- 451 6. A motion for attorney's fees filed within 30 days after
452 entry of a judgment or final order;
- 453 7. A motion for dismissal filed after a mediation agreement
454 has been filed;
- 455 8. A disposition of personal property without
456 administration;
- 457 9. Any probate case prior to the discharge of a personal
458 representative;
- 459 10. Any guardianship pleading prior to discharge;
- 460 11. Any mental health pleading;
- 461 12. Motions to withdraw by attorneys;
- 462 13. Motions exclusively for the enforcement of child
463 support orders;
- 464 14. A petition for credit of child support;

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465 15. A Notice of Intent to Relocate and any order issuing as
466 a result of an uncontested relocation;

467 16. Stipulations and motions to enforce stipulations;

468 17. Responsive pleadings; ~~or~~

469 18. Cases in which there is no initial filing fee; or

470 19. Motions for contempt.

471 (c)1. A party in addition to a party described in sub-
472 subparagraph (a)1.a. who files a pleading in an original civil
473 action in circuit court for affirmative relief by cross-claim,
474 counterclaim, counterpetition, or third-party complaint shall
475 pay the clerk of court a fee of \$395. A party in addition to a
476 party described in sub-subparagraph (a)1.b. who files a pleading
477 in an original civil action in circuit court for affirmative
478 relief by cross-claim, counterclaim, counterpetition, or third-
479 party complaint shall pay the clerk of court a fee of \$295. The
480 clerk shall remit the fee to the Department of Revenue for
481 deposit into the General Revenue Fund.

482 2. A party in addition to a party described in subparagraph
483 (a)2. who files a pleading in an original civil action in
484 circuit court for affirmative relief by cross-claim,
485 counterclaim, counterpetition, or third-party complaint shall
486 pay the clerk of court a graduated fee of:

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

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

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

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494 The clerk shall remit the fees collected under this subparagraph
495 to the Department of Revenue for deposit into the General
496 Revenue Fund, except that the clerk shall remit \$100 of the fee
497 collected under sub-subparagraph a., \$605 of the fee collected
498 under sub-subparagraph b., and \$1,605 of the fee collected under
499 sub-subparagraph c. to the Department of Revenue for deposit
500 into the State Courts Revenue Trust Fund.

501 (d) The clerk of court shall collect a service charge of
502 \$10 for issuing an original, a certified copy, or an electronic
503 certified copy of a summons. The clerk shall assess the fee
504 against the party seeking to have the summons issued.

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

507 28.246 Payment of court-related fees, charges, and costs;
508 partial payments; distribution of funds.—

509 (4) (a) The clerk of the circuit court shall accept partial
510 payments for court-related fees, service charges, costs, and
511 fines in accordance with the terms of an established payment
512 plan. An individual seeking to defer payment of fees, service
513 charges, costs, or fines imposed by operation of law or order of
514 the court under any provision of general law shall apply to the
515 clerk for enrollment in a payment plan. The clerk shall enter
516 into a payment plan with an individual who the court determines
517 is indigent for costs. A monthly payment amount, calculated
518 based upon all fees and all anticipated costs, is presumed to
519 correspond to the person's ability to pay if the amount does not
520 exceed 2 percent of the person's annual net income, as defined
521 in s. 27.52(1), divided by 12. The court may review the
522 reasonableness of the payment plan.

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523 (b) If court-related costs are assessed as part of a
524 criminal judgment and sentence and the defendant is sentenced to
525 serve time in custody, the court shall order the prisoner to
526 make monthly payments of at least 20 percent of the balance of
527 the prisoner's trust account as payment of the court costs. The
528 Department of Corrections or the local detention facility shall
529 place a lien on the prisoner's trust account for the full amount
530 of the court-related costs. The department or the local facility
531 shall withdraw money from the trust account when the balance
532 exceeds \$10 and forward the payment to the appropriate clerk of
533 court until the court-related costs are paid in full.

534 Section 7. Paragraphs (a) and (d) of subsection (1) and
535 subsection (2) of section 34.041, Florida Statutes, are amended
536 to read:

537 34.041 Filing fees.—

538 (1) (a) All filing and reopen fees shall be paid by the
539 party filing the case at the time the case is filed. If the fee
540 is not paid at that time, the clerk shall pursue collection of
541 these filing fees pursuant to s. 28.246. Upon the institution of
542 any civil action, suit, or proceeding in county court, the party
543 shall pay the following filing fee, not to exceed:

- 544 1. For all claims less than \$100.....\$50.
- 545 2. For all claims of \$100 or more but not more
- 546 than \$500.....\$75.
- 547 3. For all claims of more than \$500 but not more than
- 548 \$2,500.....\$170.
- 549 4. For all claims of more than \$2,500.....\$295.
- 550 5. In addition, for all proceedings of garnishment,
- 551 attachment, replevin, and distress.....\$85.

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

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

556
557 The filing fee in subparagraph 6. is the total fee due under
558 this paragraph for that type of filing, and no other filing fee
559 under this paragraph may be assessed against such a filing.

560 (d) The clerk of court shall collect a service charge of
561 \$10 for issuing a summons or an electronic certified copy of a
562 summons. The clerk shall assess the fee against the party
563 seeking to have the summons issued.

564 (2) A party reopening any civil action, suit, or proceeding
565 in the county court shall pay to the clerk of court a filing fee
566 set by the clerk in an amount not to exceed \$25 for all claims
567 of not more than \$500 and an amount not to exceed \$50 for all
568 claims of more than \$500. For purposes of this section, a case
569 is reopened after all appeals have been exhausted, or time to
570 file an appeal from a final order or final judgment has expired.

571 A reopen fee may not be assessed by the clerk for any motion
572 filed by any party until 90 days after a final order or final
573 judgment has been filed with the clerk. If the case has been
574 reopened, an additional reopen fee may not be assessed until the
575 reopened matter is resolved. A court's reservation of
576 jurisdiction does not have any effect on whether a case is
577 reopened for the purposes of this section ~~when a case previously~~
578 ~~reported as disposed of is resubmitted to a court.~~ A party is
579 exempt from paying the fee for any of the following:

580 (a) A writ of garnishment;

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- 581 (b) A writ of replevin;
- 582 (c) A distress writ;
- 583 (d) A writ of attachment;
- 584 (e) A motion for rehearing filed within 10 days;
- 585 (f) A motion for attorney's fees filed within 30 days of
- 586 the entry of the judgment or final order;
- 587 (g) A motion for dismissal filed after a mediation
- 588 agreement has been filed;
- 589 (h) A motion to withdraw by attorneys;
- 590 (i) Stipulations and motions to enforce stipulations; ~~or~~
- 591 (j) Responsive pleadings; or
- 592 (k) Motions for contempt.

593 Section 8. Subsection (4) is added to section 45.035,
 594 Florida Statutes, to read:

595 45.035 Clerk's fees.—In addition to other fees or service
 596 charges authorized by law, the clerk shall receive service
 597 charges related to the judicial sales procedure set forth in ss.
 598 45.031-45.034 and this section:

599 (4) If the sale is rescheduled for any reason, the
 600 plaintiff shall pay a rescheduling fee of \$70 to the clerk on
 601 each occasion the sale is rescheduled. This rescheduling fee
 602 must be assessed as costs, and the plaintiff shall pay this fee
 603 to the court before the sale.

604 Section 9. Subsection (1) of section 57.081, Florida
 605 Statutes, is amended to read:

606 57.081 Costs; right to proceed where prepayment of costs
 607 and payment of filing fees waived.—

608 (1) Any indigent person, except a prisoner as defined in s.
 609 57.085, who is a party or intervenor in any judicial or

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610 administrative agency proceeding or who initiates such
 611 proceeding shall receive the services of the courts, sheriffs,
 612 and clerks, with respect to such proceedings, despite his or her
 613 present inability to pay for these services. Such services are
 614 limited to filing fees; service of process; certified copies of
 615 orders or final judgments; a single photocopy of any court
 616 pleading, record, or instrument filed with the clerk; examining
 617 fees; mediation services and fees; private court-appointed
 618 counsel fees; subpoena fees and services; service charges for
 619 collecting and disbursing funds; and any other cost or service
 620 arising out of pending litigation. In any appeal from an
 621 administrative agency decision, for which the clerk is
 622 responsible for preparing the transcript, the clerk shall record
 623 the cost of preparing the transcripts and the cost for copies of
 624 any exhibits in the record. A party who has obtained a
 625 certification of indigence pursuant to s. 27.52 or s. 57.082
 626 with respect to a proceeding is not required to prepay costs to
 627 a court, clerk, or sheriff and is not required to pay filing
 628 fees or charges for issuance of a summons. ~~Prepayment of costs~~
 629 ~~to any court, clerk, or sheriff is not required and payment of~~
 630 ~~filing fees is not required in any action if the party has~~
 631 ~~obtained in each proceeding a certification of indigence in~~
 632 ~~accordance with s. 27.52 or s. 57.082.~~

633 Section 10. Present subsection (7) of section 57.082,
 634 Florida Statutes, is redesignated as subsection (8), and a new
 635 subsection (7) is added to that section, to read:

636 57.082 Determination of civil indigent status.—

637 (7) PRISONER INDIGENCE.—If the court finds that deferral of
 638 prepayment of court costs and fees under s. 57.085 is not

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639 applicable, the clerk shall proceed with a determination of
640 indigency under this section. If the clerk finds the prisoner to
641 be indigent and places the prisoner on a payment plan under
642 subsection (5), the court shall order the prisoner to make
643 monthly payments of at least 20 percent of the balance of the
644 prisoner's trust account as payment of court costs. The
645 Department of Corrections or the local detention facility shall
646 place a lien on the prisoner's trust account for the full amount
647 of the court-related costs. The department or the local facility
648 shall withdraw funds from the trust account when the balance
649 exceeds \$10 and forward the payment to the appropriate clerk of
650 court until the court-related costs are paid in full.

651 Section 11. Subsection (11) is added to section 95.11,
652 Florida Statutes, to read:

653 95.11 Limitations other than for the recovery of real
654 property.—Actions other than for recovery of real property shall
655 be commenced as follows:

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

659 Section 12. Paragraph (a) of subsection (4) of section
660 112.3173, Florida Statutes, is amended to read:

661 112.3173 Felonies involving breach of public trust and
662 other specified offenses by public officers and employees;
663 forfeiture of retirement benefits.—

664 (4) NOTICE.—

665 (a) The clerk of a court in which a proceeding involving a
666 specified offense is being conducted against a public officer or
667 employee shall furnish notice of the proceeding to the

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668 Commission on Ethics after the state attorney advises the clerk
669 that the defendant is a public officer or employee and that the
670 defendant is alleged to have committed a qualifying offense.

671 Such notice is sufficient if it is in the form of a copy of the
672 indictment, information, or other document containing the
673 charges. In addition, if a verdict of guilty is returned by a
674 jury or by the court trying the case without a jury, or a plea
675 of guilty or of nolo contendere is entered in the court by the
676 public officer or employee, the clerk shall furnish a copy
677 thereof to the Commission on Ethics.

678 Section 13. Paragraph (b) of subsection (8) of section
679 318.18, Florida Statutes, is amended to read:

680 318.18 Amount of penalties.—The penalties required for a
681 noncriminal disposition pursuant to s. 318.14 or a criminal
682 offense listed in s. 318.17 are as follows:

683 (8)

684 (b)1.a. If a person has been ordered to pay a civil penalty
685 for a noncriminal traffic infraction and the person is unable to
686 comply with the court's order due to demonstrable financial
687 hardship, the court shall allow the person to satisfy the civil
688 penalty by participating in community service until the civil
689 penalty is paid.

690 b. If a court orders a person to perform community service,
691 the person shall receive credit for the civil penalty at the
692 specified hourly credit rate per hour of community service
693 performed, and each hour of community service performed shall
694 reduce the civil penalty by that amount.

695 2.a. As used in this paragraph, the term "specified hourly
696 credit rate" means the wage rate that is specified in 29 U.S.C.

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697 s. 206(a)(1) under the federal Fair Labor Standards Act of 1938,
698 that is then in effect, and that an employer subject to such
699 provision must pay per hour to each employee subject to such
700 provision.

701 b. However, if a person ordered to perform community
702 service has a trade or profession for which there is a community
703 service need, the specified hourly credit rate for each hour of
704 community service performed by that person shall be the average
705 prevailing wage rate for the trade or profession that the
706 community service agency needs.

707 3.a. The community service agency supervising the person
708 shall record the number of hours of community service completed
709 and the date the community service hours were completed. The
710 community service agency shall submit the data to the clerk of
711 court on the letterhead of the community service agency, which
712 must also bear the notarized signature of the person designated
713 to represent the community service agency.

714 b. When the number of community service hours completed by
715 the person equals the amount of the civil penalty, the clerk of
716 court shall certify this fact to the court. Thereafter, the
717 clerk of court shall record in the case file that the civil
718 penalty has been paid in full.

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

720 a. "Community service" means uncompensated labor for a
721 community service agency.

722 b. "Community service agency" means a not-for-profit
723 corporation, community organization, charitable organization,
724 public officer, the state or any political subdivision of the
725 state, or any other body the purpose of which is to improve the

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726 quality of life or social welfare of the community and which
 727 agrees to accept community service from persons unable to pay
 728 civil penalties for noncriminal traffic infractions.

729 Section 14. Subsection (3) of section 668.50, Florida
 730 Statutes, is amended to read:

731 668.50 Uniform Electronic Transaction Act.—

732 (3) SCOPE.—

733 (a) Except as otherwise provided in paragraph (b), this
 734 section applies to electronic records and electronic signatures
 735 relating to a transaction.

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

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

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

742 3. The Uniform Computer Information Transactions Act. ~~;~~ ~~or~~

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

744 (c) This section applies to an electronic record or
 745 electronic signature otherwise excluded under paragraph (b) to
 746 the extent such record or signature is governed by a provision
 747 of law other than those specified in paragraph (b).

748 (d) A transaction subject to this section is also subject
 749 to other applicable provisions of substantive law.

750 Section 15. Paragraph (c) of subsection (1) of section
 751 733.707, Florida Statutes, is amended to read:

752 733.707 Order of payment of expenses and obligations.—

753 (1) The personal representative shall pay the expenses of
 754 the administration and obligations of the decedent's estate in

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755 the following order:

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

759 Section 16. Section 893.11, Florida Statutes, is amended to
760 read:

761 893.11 Suspension, revocation, and reinstatement of
762 business and professional licenses.—A state agency must revoke
763 or suspend the business or professional license of a person
764 licensed by the agency if that person is convicted of a felony
765 ~~Upon the conviction in any court of competent jurisdiction of~~
766 ~~any person holding a license, permit, or certificate issued by a~~
767 ~~state agency, for the sale of, or trafficking in, a controlled~~
768 ~~substance or for conspiracy to sell, or traffic in, a controlled~~
769 ~~substance. A state agency that issues a business or professional~~
770 ~~license must use the Comprehensive Case Information System of~~
771 ~~the Florida Association of Court Clerks and Comptroller, Inc.,~~
772 ~~to obtain information relating to the conviction. The clerk of~~
773 ~~court shall provide certified copies of the judgment upon~~
774 ~~request to the agency., if such offense is a felony, the clerk~~
775 ~~of said court shall send a certified copy of the judgment of~~
776 ~~conviction with the person's license number, permit number, or~~
777 ~~certificate number on the face of such certified copy to the~~
778 ~~agency head by whom the convicted defendant has received a~~
779 ~~license, permit, or certificate to practice his or her~~
780 ~~profession or to carry on his or her business. Such agency head~~
781 ~~shall suspend or revoke the license, permit, or certificate of~~
782 ~~the convicted defendant to practice his or her profession or to~~
783 ~~carry on his or her business. Upon a showing by any such~~

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784 convicted defendant whose business or professional license,
785 ~~permit, or certificate~~ has been suspended or revoked pursuant to
786 this section that his or her civil rights have been restored or
787 upon a showing that the convicted defendant meets the following
788 criteria, the agency head may reinstate or reactivate such
789 license, ~~permit, or certificate~~ when:

790 (1) The person has complied with the conditions of
791 paragraphs (a) and (b) which shall be monitored by the
792 Department of Corrections while the person is under any
793 supervisory sanction. If the person fails to comply with
794 provisions of these paragraphs by either failing to maintain
795 treatment or by testing positive for drug use, the department
796 shall notify the licensing, ~~permitting, or certifying~~ agency,
797 which shall revoke the license, ~~permit, or certification~~. The
798 person under supervision may:

799 (a) Seek evaluation and enrollment in, and once enrolled
800 maintain enrollment in until completion, a drug treatment and
801 rehabilitation program which is approved or regulated by the
802 Department of Children and Family Services. The treatment and
803 rehabilitation program shall be specified by:

804 1. The court, in the case of court-ordered supervisory
805 sanctions;

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

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

810 (b) Submit to periodic urine drug testing pursuant to
811 procedures prescribed by the Department of Corrections. If the
812 person is indigent, the costs shall be paid by the Department of

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813 Corrections; or

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

816 (3) As used in this section, the term "business or
817 professional license" includes any license, permit, or
818 certificate that authorizes a person to practice his or her
819 profession or to carry on his or her business. However, the term
820 ~~This section~~ does not include ~~apply to~~ any of the taxes, fees,
821 or permits regulated, controlled, or administered by the
822 Department of Revenue in accordance with s. 213.05.

823 Section 17. Paragraphs (a) and (b) of subsection (2) of
824 section 938.27, Florida Statutes, are amended to read:

825 938.27 Judgment for costs on conviction.—

826 (2) (a) The court shall impose the costs of prosecution and
827 investigation notwithstanding the defendant's present ability to
828 pay. The court shall require the defendant to pay the costs
829 within a specified period or pursuant to a payment plan under s.
830 28.246(4) in specified installments.

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

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

835 2. Five years after the end of the term of imprisonment
836 imposed, if the court does not order probation or community
837 control; or

838 3. Five years after the date of sentencing in any other
839 case.

840
841 However, ~~in no event shall~~ the obligation to pay any unpaid

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842 amounts does not expire if not paid in full within the period
843 specified in this paragraph.

844 Section 18. Present subsections (6), (7), (8), (9), (10),
845 (11), and (12) of section 938.30, Florida Statutes, are
846 renumbered as subsections (7), (10), (11), (12), (13), (14), and
847 (15), respectively, and new subsections (6), (8), and (9) are
848 added to that section, to read:

849 938.30 Financial obligations in criminal cases;
850 supplementary proceedings.—

851 (6) The court may order a prisoner, as defined in s.
852 57.085(1), to make monthly payments of at least 20 percent of
853 the balance of the prisoner's trust account as payment of court-
854 related costs. If the court orders such payment, the Department
855 of Corrections or the local detention facility shall place a
856 lien on the prisoner's trust account for the full amount of the
857 court-related costs. The department or the local facility shall
858 withdraw funds from the trust account when the balance exceeds
859 \$10 and forward the payment to the appropriate clerk of court
860 until the court-related costs are paid in full.

861 (8) If a criminal or civil judgment has previously been
862 entered on a court-imposed financial obligation, the judgment
863 constitutes a civil lien against the judgment debtor's presently
864 owned or after-acquired real or personal property when recorded
865 pursuant to s. 55.10, except that a judgment on a court-imposed
866 financial obligation is not subject to the 10-year rerecording
867 requirement of s. 55.10. The judgment must secure all unpaid
868 court-imposed financial obligations that are due and may accrue
869 subsequent to the recording of the judgment, as well as interest
870 and reasonable costs for issuing a satisfaction and recording

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871 the satisfaction in the official records.

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

876 Section 19. Section 947.181, Florida Statutes, is amended
877 to read:

878 947.181 Fines, fees, restitution, or other costs ordered to
879 be paid by a court ~~Victim restitution~~ as conditions ~~condition~~ of
880 parole.-

881 (1)~~(a)~~ The Parole Commission shall require the payment of
882 finances, fees, restitution, or other court-ordered costs as a
883 condition of parole ~~reparation or restitution to the aggrieved~~
884 ~~party for the damage or loss caused by the offense for which the~~
885 ~~parolee was imprisoned~~ unless the commission finds reasons to
886 the contrary. If the commission does not require the payment of
887 finances, fees, restitution, or other court-ordered costs ~~order~~
888 ~~restitution~~ or requires ~~orders~~ only partial payment of the
889 finances, fees, restitution, or other court-ordered costs
890 ~~restitution~~, the commission shall state on the record the
891 reasons for its decision ~~therefor~~. ~~The amount of such reparation~~
892 ~~or restitution shall be determined by the Parole Commission.~~

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

898 (2) ~~If a defendant is paroled, any restitution ordered~~
899 ~~under s. 775.089 shall be a condition of such parole. The Parole~~

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900 ~~Commission may revoke parole if the defendant fails to comply~~
901 ~~with such order.~~

902 (3) In determining whether to revoke parole, the Parole
903 Commission shall consider the defendant's employment status,
904 earning ability, and financial resources; the willfulness of the
905 defendant's failure to pay; and any other special circumstances
906 that may have a bearing on the defendant's ability to pay.

907 Section 20. This act shall take effect upon becoming a law.