

By the Committee on Regulated Industries; and 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 before it may pay certain prizes; amending s.
9 27.52, F.S.; authorizing the clerk of court to review
10 the property records and motor vehicle records to
11 determine whether an applicant for the appointment of
12 a public defender is indigent; deleting a requirement
13 that the clerk conduct the review; amending s. 28.24,
14 F.S.; deleting a requirement for the clerks of the
15 circuit courts to participate in the Comprehensive
16 Case Information System; creating s. 28.2405, F.S.;
17 requiring clerks of the circuit courts to use the
18 Comprehensive Case Information System and to submit
19 data to the system based on case types designated by
20 the Supreme Court of Florida; amending s. 28.241,
21 F.S.; providing that filing fees and fees to reopen a
22 proceeding are due at the time a party files a
23 pleading to initiate or reopen a proceeding; requiring
24 the clerk of court to pursue the collection of fees
25 that are not timely paid; revising the circumstances
26 under which a fee to reopen a case applies; exempting
27 a person from paying a reopen fee for filing a motion
28 to enforce a stipulation or a motion for contempt;
29 authorizing the clerk of court to charge a fee to

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30 issue an electronic certified copy of a summons;
31 amending s. 28.37, F.S.; providing that certain
32 penalties and fines are not deposited into the clerk's
33 Public Records Modernization Trust Fund; amending s.
34 34.041, F.S.; requiring the party filing a case in
35 county court to pay all filing and reopen fees at the
36 time of filing; requiring the clerk to pursue
37 collection of the fees if the fees are not paid at the
38 time of filing; authorizing the clerk of court to
39 charge a fee for issuing an electronic certified copy
40 of a summons; revising the circumstances under which a
41 fee to reopen a case applies; exempting a party from
42 paying a reopen fee for filing motions to enforce
43 stipulations and motions for contempt; amending s.
44 40.011, F.S.; requiring that a clerk of court generate
45 a set of juror candidate lists; requiring that the
46 clerk of court add names of certain persons to the
47 juror candidate lists; authorizing the clerk of court
48 to generate juror candidate lists to ensure a valid
49 and consistent juror selection process; amending s.
50 40.02, F.S.; revising the process of selecting jury
51 lists; amending s. 40.022, F.S.; revising the process
52 of purging jury selection lists; amending s. 40.221,
53 F.S.; conforming provisions to changes made by the
54 act; amending s. 40.225, F.S.; requiring that the
55 clerk of court implement an automated electronic
56 system for drawing jury venire; providing
57 administrative responsibilities of the clerks of court
58 with regard to the jury venire; requiring that the

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59 clerk of court or the chief judge submit for approval
60 a plan for the selection of juror candidates;
61 requiring that the Chief Justice of the Supreme Court
62 examine the proposed plan for compliance with
63 applicable statutory requirements and technical
64 standards and procedures; requiring that an
65 administrative order be filed if the proposed plan is
66 approved; amending s. 45.035, F.S.; requiring a
67 plaintiff to pay a rescheduling fee to the clerk on
68 each occasion a sale of real or personal property
69 under an order or judgment is rescheduled; requiring
70 the rescheduling fee to be assessed as costs;
71 requiring the plaintiff to pay the rescheduling fee to
72 the court before the sale; amending s. 57.081, F.S.;
73 providing that a person who receives a certification
74 of indigence with respect to a proceeding is not
75 required to pay charges to issue a summons; amending
76 s. 95.11, F.S.; providing that an action to collect
77 any court costs, fees, or fines owed to the state may
78 be commenced at any time; amending s. 112.3173, F.S.;
79 providing for the duty of a clerk of court to notify
80 the Commission on Ethics of certain proceedings
81 involving public officers or employees to arise after
82 the clerk is advised by the state attorney that the
83 defendant is a public officer or employee who is
84 alleged to have committed a specified offense;
85 amending s. 318.18, F.S.; requiring that the signature
86 of the person designated to represent a community
87 service agency be notarized on letterhead that

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88 indicates the number of hours of community service
89 completed and the date the community service hours
90 were completed by a person who is ordered to perform
91 community service as a penalty for specified offenses;
92 amending s. 668.50, F.S.; limiting the exemption from
93 the Uniform Electronic Transaction Act for
94 transactions governed by rules relating to judicial
95 procedure; amending s. 733.707, F.S.; specifying the
96 priority of payment of unpaid court costs, fees, or
97 fines by a decedent's estate; amending s. 893.11,
98 F.S.; providing that convictions of certain types of
99 criminal offenses which are reported to the
100 Comprehensive Case Information System of the Florida
101 Association of Clerks and Comptroller, Inc., are an
102 immediate, serious danger to the public health,
103 safety, or welfare; providing that such convictions
104 are grounds for disciplinary action by a licensing
105 state agency; requiring that a state agency initiate
106 an emergency suspension of an individual professional
107 license upon the agency's finding of the licensee's
108 conviction of a certain type of criminal offense which
109 is reported to the Comprehensive Case Information
110 System; requiring that certain state agencies use the
111 Comprehensive Case Information System to obtain
112 information relating to a conviction involving certain
113 types of criminal offenses; requiring that the clerk
114 of court provide to each state agency electronic
115 access and provide certified copies of judgments to
116 licensing agencies upon request; defining the term

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117 "business or professional license"; amending s.
118 938.27, F.S.; authorizing a court to require a
119 defendant to pay the costs of prosecution and
120 investigation pursuant to a payment plan under a
121 specified provision; amending s. 938.30, F.S.;
122 providing that criminal or civil judgment and related
123 costs are a civil lien against the judgment debtor's
124 presently owned or after-acquired real or personal
125 property if the judgment is recorded; providing an
126 exception to rerecording requirements; requiring that
127 the clerk of court enforce, satisfy, compromise,
128 settle, subordinate, release, or otherwise dispose of
129 any debts or lien imposed and collected in the same
130 manner as for an indigent defendant-recipient;
131 amending s. 947.181, F.S.; providing that the Parole
132 Commission require as a condition of parole the
133 payment of fines, fees, or other court-ordered costs
134 under certain circumstances; providing that
135 restitution ordered as a condition of parole has first
136 priority over the payment of other costs ordered as a
137 condition of parole; requiring that the commission
138 state on record the reasons for not requiring the full
139 payment of the fines, fees, or other court-ordered
140 costs; providing an effective date.

141
142 Be It Enacted by the Legislature of the State of Florida:

143
144 Section 1. Subsection (4) of section 24.115, Florida
145 Statutes, is amended to read:

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146 24.115 Payment of prizes.—

147 (4) (a) It is the responsibility of the appropriate state
148 agency and of the judicial branch to identify to the department,
149 in the form and format prescribed by the department, persons
150 owing an outstanding debt to any state agency or owing child
151 support collected through a court, including spousal support or
152 alimony for the spouse or former spouse of the obligor if the
153 child support obligation is being enforced by the Department of
154 Revenue.

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

160 (c) Before ~~Prior to~~ the payment of a prize of \$600 or more
161 to any claimant having such an outstanding obligation, the
162 department shall transmit the amount of the debt to the agency
163 claiming the debt or owed the debt as shown on the Comprehensive
164 Case Information System and shall authorize payment of the
165 balance to the prize winner after deduction of the debt. If a
166 prize winner owes multiple debts subject to offset under this
167 subsection and the prize is insufficient to cover all such
168 debts, the amount of the prize shall be transmitted first to the
169 agency claiming that past due child support is owed. If a
170 balance of lottery prize remains after payment of past due child
171 support, the remaining lottery prize amount shall be transmitted
172 to other agencies owed ~~claiming~~ debts ~~owed to the state~~, pro
173 rata, based upon the ratio of the individual debt to the
174 remaining debt owed to the state.

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175 Section 2. Paragraph (a) of subsection (2) of section
176 27.52, Florida Statutes, is amended to read:

177 27.52 Determination of indigent status.—

178 (2) DETERMINATION BY THE CLERK.—The clerk of the court
179 shall determine whether an applicant seeking appointment of a
180 public defender is indigent based upon the information provided
181 in the application and the criteria prescribed in this
182 subsection.

183 (a)1. An applicant, including an applicant who is a minor
184 or an adult tax-dependent person, is indigent if the applicant's
185 income is equal to or below 200 percent of the then-current
186 federal poverty guidelines prescribed for the size of the
187 household of the applicant by the United States Department of
188 Health and Human Services or if the person is receiving
189 Temporary Assistance for Needy Families-Cash Assistance,
190 poverty-related veterans' benefits, or Supplemental Security
191 Income (SSI).

192 2.a. There is a presumption that the applicant is not
193 indigent if the applicant owns, or has equity in, any intangible
194 or tangible personal property or real property or the expectancy
195 of an interest in any such property having a net equity value of
196 \$2,500 or more, excluding the value of the person's homestead
197 and one vehicle having a net value not exceeding \$5,000.

198 b. Notwithstanding the information that the applicant
199 provides, the clerk may ~~shall~~ conduct a review of the property
200 records for the county in which the applicant resides and the
201 motor vehicle title records of the state to identify any
202 property interests of the applicant under this subparagraph. The
203 clerk may ~~shall~~ evaluate and consider the results of the review

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204 in making a determination under this subsection. If the review
205 is completed by the clerk, the clerk shall maintain the results
206 of the review in a file with the application and provide the
207 file to the court if the applicant seeks review under subsection
208 (4) of the clerk's determination of indigent status.

209 Section 3. Paragraph (e) of subsection (12) of section
210 28.24, Florida Statutes, is amended to read:

211 28.24 Service charges by clerk of the circuit court.—The
212 clerk of the circuit court shall charge for services rendered by
213 the clerk's office in recording documents and instruments and in
214 performing the duties enumerated in amounts not to exceed those
215 specified in this section. Notwithstanding any other provision
216 of this section, the clerk of the circuit court shall provide
217 without charge to the state attorney, public defender, guardian
218 ad litem, public guardian, attorney ad litem, criminal conflict
219 and civil regional counsel, and private court-appointed counsel
220 paid by the state, and to the authorized staff acting on behalf
221 of each, access to and a copy of any public record, if the
222 requesting party is entitled by law to view the exempt or
223 confidential record, as maintained by and in the custody of the
224 clerk of the circuit court as provided in general law and the
225 Florida Rules of Judicial Administration. The clerk of the
226 circuit court may provide the requested public record in an
227 electronic format in lieu of a paper format when capable of
228 being accessed by the requesting entity.

229
230 Charges

231
232 (12) For recording, indexing, and filing any instrument not

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233 more than 14 inches by 8 1/2 inches, including required notice
234 to property appraiser where applicable:

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

240 1. If the counties maintain legal responsibility for the
241 costs of the court-related technology needs as defined in s.
242 29.008(1)(f)2. and (h), 10 cents shall be distributed to the
243 Florida Association of Court Clerks and Comptroller, Inc., for
244 the cost of development, implementation, operation, and
245 maintenance of the clerks' Comprehensive Case Information
246 System, ~~in which system all clerks shall participate on or~~
247 ~~before January 1, 2006;~~ \$1.90 shall be retained by the clerk to
248 be deposited in the Public Records Modernization Trust Fund and
249 used exclusively for funding court-related technology needs of
250 the clerk as defined in s. 29.008(1)(f)2. and (h); and \$2 shall
251 be distributed to the board of county commissioners to be used
252 exclusively to fund court-related technology, and court
253 technology needs as defined in s. 29.008(1)(f)2. and (h) for the
254 state trial courts, state attorney, public defender, and
255 criminal conflict and civil regional counsel in that county. If
256 the counties maintain legal responsibility for the costs of the
257 court-related technology needs as defined in s. 29.008(1)(f)2.
258 and (h), notwithstanding any other provision of law, the county
259 is not required to provide additional funding beyond that
260 provided herein for the court-related technology needs of the
261 clerk as defined in s. 29.008(1)(f)2. and (h). All court records

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262 and official records are the property of the State of Florida,
263 including any records generated as part of the Comprehensive
264 Case Information System funded pursuant to this paragraph and
265 the clerk of court is designated as the custodian of such
266 records, except in a county where the duty of maintaining
267 official records exists in a county office other than the clerk
268 of court or comptroller, such county office is designated the
269 custodian of all official records, and the clerk of court is
270 designated the custodian of all court records. The clerk of
271 court or any entity acting on behalf of the clerk of court,
272 including an association, shall not charge a fee to any agency
273 as defined in s. 119.011, the Legislature, or the State Court
274 System for copies of records generated by the Comprehensive Case
275 Information System or held by the clerk of court or any entity
276 acting on behalf of the clerk of court, including an
277 association.

278 2. If the state becomes legally responsible for the costs
279 of court-related technology needs as defined in s.
280 29.008(1)(f)2. and (h), whether by operation of general law or
281 by court order, \$4 shall be remitted to the Department of
282 Revenue for deposit into the General Revenue Fund.

283 Section 4. Section 28.2405, Florida Statutes, is created to
284 read:

285 28.2405 Comprehensive Case Information System.—All clerks
286 of the circuit court shall participate in the Comprehensive Case
287 Information System of the Florida Association of Clerks and
288 Comptroller, Inc., and shall submit electronic case data to the
289 system based on the case types designated by the Supreme Court.

290 Section 5. Subsection (1) of section 28.241, Florida

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291 Statutes, is amended to read:

292 28.241 Filing fees for trial and appellate proceedings.—

293 (1) Filing fees are due at the time a party files a
294 pleading to initiate a proceeding or files a pleading for
295 relief. Reopen fees are due at the time a party files a pleading
296 to reopen a proceeding if at least 90 days have elapsed since
297 the filing of a final order or final judgment with the clerk. If
298 a fee is not paid upon the filing of the pleading as required
299 under this section, the clerk shall pursue collection of the fee
300 pursuant to s. 28.246.

301 (a)1.a. Except as provided in sub-subparagraph b. and
302 subparagraph 2., the party instituting any civil action, suit,
303 or proceeding in the circuit court shall pay to the clerk of
304 that court a filing fee of up to \$395 in all cases in which
305 there are not more than five defendants and an additional filing
306 fee of up to \$2.50 for each defendant in excess of five. Of the
307 first \$280 in filing fees, \$80 must be remitted by the clerk to
308 the Department of Revenue for deposit into the General Revenue
309 Fund, \$195 must be remitted to the Department of Revenue for
310 deposit into the State Courts Revenue Trust Fund, \$3.50 must be
311 remitted to the Department of Revenue for deposit into the
312 Clerks of the Court Trust Fund within the Justice Administrative
313 Commission and used to fund the Florida Clerks of Court
314 Operations Corporation created in s. 28.35, and \$1.50 shall be
315 remitted to the Department of Revenue for deposit into the
316 Administrative Trust Fund within the Department of Financial
317 Services to fund clerk budget reviews conducted by the
318 Department of Financial Services. One third of any filing fees
319 collected by the clerk of the circuit court in excess of \$100

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320 shall be remitted to the Department of Revenue for deposit into
321 the Clerks of the Court Trust Fund within the Justice
322 Administrative Commission.

323 b. The party instituting any civil action, suit, or
324 proceeding in the circuit court under chapter 39, chapter 61,
325 chapter 741, chapter 742, chapter 747, chapter 752, or chapter
326 753 shall pay to the clerk of that court a filing fee of up to
327 \$295 in all cases in which there are not more than five
328 defendants and an additional filing fee of up to \$2.50 for each
329 defendant in excess of five. Of the first \$180 in filing fees,
330 \$80 must be remitted by the clerk to the Department of Revenue
331 for deposit into the General Revenue Fund, \$95 must be remitted
332 to the Department of Revenue for deposit into the State Courts
333 Revenue Trust Fund, \$3.50 must be remitted to the Department of
334 Revenue for deposit into the Clerks of the Court Trust Fund
335 within the Justice Administrative Commission and used to fund
336 the Florida Clerks of Court Operations Corporation created in s.
337 28.35, and \$1.50 shall be remitted to the Department of Revenue
338 for deposit into the Administrative Trust Fund within the
339 Department of Financial Services to fund clerk budget reviews
340 conducted by the Department of Financial Services.

341 c. An additional filing fee of \$4 shall be paid to the
342 clerk. The clerk shall remit \$3.50 to the Department of Revenue
343 for deposit into the Court Education Trust Fund and shall remit
344 50 cents to the Department of Revenue for deposit into the
345 Clerks of the Court Trust Fund within the Justice Administrative
346 Commission to fund clerk education. An additional filing fee of
347 up to \$18 shall be paid by the party seeking each severance that
348 is granted. The clerk may impose an additional filing fee of up

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349 to \$85 for all proceedings of garnishment, attachment, replevin,
350 and distress. Postal charges incurred by the clerk of the
351 circuit court in making service by certified or registered mail
352 on defendants or other parties shall be paid by the party at
353 whose instance service is made. ~~No~~ Additional fees, charges, or
354 costs may not ~~shall~~ be added to the filing fees imposed under
355 this section, except as authorized in this section or by general
356 law.

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

361 b. A party shall estimate in writing the amount in
362 controversy of the claim upon filing the action. For purposes of
363 this subparagraph, the value of a mortgage foreclosure action is
364 based upon the principal due on the note secured by the
365 mortgage, plus interest owed on the note and any moneys advanced
366 by the lender for property taxes, insurance, and other advances
367 secured by the mortgage, at the time of filing the foreclosure.
368 The value shall also include the value of any tax certificates
369 related to the property. In stating the value of a mortgage
370 foreclosure claim, a party shall declare in writing the total
371 value of the claim, as well as the individual elements of the
372 value as prescribed in this sub-subparagraph.

373 c. In its order providing for the final disposition of the
374 matter, the court shall identify the actual value of the claim.
375 The clerk shall adjust the filing fee if there is a difference
376 between the estimated amount in controversy and the actual value
377 of the claim and collect any additional filing fee owed or

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378 provide a refund of excess filing fee paid.

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

380 (I) Three hundred and ninety-five dollars in all cases in
381 which the value of the claim is \$50,000 or less and in which
382 there are not more than five defendants. The party shall pay an
383 additional filing fee of up to \$2.50 for each defendant in
384 excess of five. Of the first \$280 in filing fees, \$80 must be
385 remitted by the clerk to the Department of Revenue for deposit
386 into the General Revenue Fund, \$195 must be remitted to the
387 Department of Revenue for deposit into the State Courts Revenue
388 Trust Fund, \$3.50 must be remitted to the Department of Revenue
389 for deposit into the Clerks of the Court Trust Fund within the
390 Justice Administrative Commission and used to fund the Florida
391 Clerks of Court Operations Corporation created in s. 28.35, and
392 \$1.50 shall be remitted to the Department of Revenue for deposit
393 into the Administrative Trust Fund within the Department of
394 Financial Services to fund clerk budget reviews conducted by the
395 Department of Financial Services;

396 (II) Nine hundred dollars in all cases in which the value
397 of the claim is more than \$50,000 but less than \$250,000 and in
398 which there are not more than five defendants. The party shall
399 pay an additional filing fee of up to \$2.50 for each defendant
400 in excess of five. Of the first \$785 in filing fees, \$80 must be
401 remitted by the clerk to the Department of Revenue for deposit
402 into the General Revenue Fund, \$700 must be remitted to the
403 Department of Revenue for deposit into the State Courts Revenue
404 Trust Fund, \$3.50 must be remitted to the Department of Revenue
405 for deposit into the Clerks of the Court Trust Fund within the
406 Justice Administrative Commission and used to fund the Florida

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

412 (III) One thousand nine hundred dollars in all cases in
413 which the value of the claim is \$250,000 or more and in which
414 there are not more than five defendants. The party shall pay an
415 additional filing fee of up to \$2.50 for each defendant in
416 excess of five. Of the first \$1,785 in filing fees, \$80 must be
417 remitted by the clerk to the Department of Revenue for deposit
418 into the General Revenue Fund, \$1,700 must be remitted to the
419 Department of Revenue for deposit into the State Courts Revenue
420 Trust Fund, \$3.50 must be remitted to the Department of Revenue
421 for deposit into the Clerks of the Court Trust Fund within the
422 Justice Administrative Commission to fund the Florida Clerks of
423 Court Operations Corporation created in s. 28.35, and \$1.50
424 shall be remitted to the Department of Revenue for deposit into
425 the Administrative Trust Fund within the Department of Financial
426 Services to fund clerk budget reviews conducted by the
427 Department of Financial Services.

428 e. An additional filing fee of \$4 shall be paid to the
429 clerk. The clerk shall remit \$3.50 to the Department of Revenue
430 for deposit into the Court Education Trust Fund and shall remit
431 50 cents to the Department of Revenue for deposit into the
432 Clerks of the Court Trust Fund within the Justice Administrative
433 Commission to fund clerk education. An additional filing fee of
434 up to \$18 shall be paid by the party seeking each severance that
435 is granted. The clerk may impose an additional filing fee of up

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436 to \$85 for all proceedings of garnishment, attachment, replevin,
437 and distress. Postal charges incurred by the clerk of the
438 circuit court in making service by certified or registered mail
439 on defendants or other parties shall be paid by the party at
440 whose instance service is made. ~~No~~ Additional fees, charges, or
441 costs may not ~~shall~~ be added to the filing fees imposed under
442 this section, except as authorized in this section or by general
443 law.

444 (b) A party reopening any civil action, suit, or proceeding
445 in the circuit court shall pay to the clerk of court a filing
446 fee set by the clerk in an amount not to exceed \$50. For
447 purposes of this section, a case is reopened after all appeals
448 have been exhausted or time to file an appeal from a final order
449 or final judgment has expired. A reopen fee may be assessed by
450 the clerk for any motion filed by any party at least 90 days
451 after a final order or final judgment has been filed with the
452 clerk in the initial case. A reservation of jurisdiction by a
453 court does not cause a case to remain open for purposes of this
454 section or exempt a party from paying a reopen fee ~~when a case~~
455 ~~previously reported as disposed of is resubmitted to a court and~~
456 ~~includes petitions for modification of a final judgment of~~
457 ~~dissolution.~~ A party is exempt from paying the fee for any of
458 the following:

- 459 1. A writ of garnishment;
- 460 2. A writ of replevin;
- 461 3. A distress writ;
- 462 4. A writ of attachment;
- 463 5. A motion for rehearing filed within 10 days;
- 464 6. A motion for attorney's fees filed within 30 days after

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465 entry of a judgment or final order;

466 7. A motion for dismissal filed after a mediation agreement
467 has been filed;

468 8. A disposition of personal property without
469 administration;

470 9. Any probate case prior to the discharge of a personal
471 representative;

472 10. Any guardianship pleading prior to discharge;

473 11. Any mental health pleading;

474 12. Motions to withdraw by attorneys;

475 13. Motions exclusively for the enforcement of child
476 support orders;

477 14. A petition for credit of child support;

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

480 16. Stipulations and motions to enforce stipulations;

481 17. Responsive pleadings; ~~or~~

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

483 19. Motions for contempt.

484 (c)1. A party in addition to a party described in sub-
485 subparagraph (a)1.a. who files a pleading in an original civil
486 action in circuit court for affirmative relief by cross-claim,
487 counterclaim, counterpetition, or third-party complaint shall
488 pay the clerk of court a fee of \$395. A party in addition to a
489 party described in sub-subparagraph (a)1.b. who files a pleading
490 in an original civil action in circuit court for affirmative
491 relief by cross-claim, counterclaim, counterpetition, or third-
492 party complaint shall pay the clerk of court a fee of \$295. The
493 clerk shall remit the fee to the Department of Revenue for

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494 deposit into the General Revenue Fund.

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

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

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

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

506

507 The clerk shall remit the fees collected under this subparagraph
508 to the Department of Revenue for deposit into the General
509 Revenue Fund, except that the clerk shall remit \$100 of the fee
510 collected under sub-subparagraph a., \$605 of the fee collected
511 under sub-subparagraph b., and \$1,605 of the fee collected under
512 sub-subparagraph c. to the Department of Revenue for deposit
513 into the State Courts Revenue Trust Fund.

514 (d) The clerk of court shall collect a service charge of
515 \$10 for issuing an original, a certified copy, or an electronic
516 certified copy of a summons. The clerk shall assess the fee
517 against the party seeking to have the summons issued.

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

520 28.37 Fines, fees, service charges, and costs remitted to
521 the state.—

522 (2) Except as otherwise provided in ss. 28.241 and 34.041,

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523 all court-related fines, fees, service charges, and costs are
524 considered state funds and shall be remitted by the clerk to the
525 Department of Revenue for deposit into the Clerks of the Court
526 Trust Fund within the Justice Administrative Commission.
527 However, 10 percent of all court-related fines collected by the
528 clerk, except for penalties or fines distributed to counties or
529 municipalities under s. 316.0083(1)(b)3. or s. 318.18(15)(a),
530 shall be deposited into the clerk's Public Records Modernization
531 Trust Fund to be used exclusively for additional clerk court-
532 related operational needs and program enhancements.

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

536 34.041 Filing fees.—

537 (1) (a) Filing fees are due at the time a party files a
538 pleading to initiate a proceeding or files a pleading for
539 relief. Reopen fees are due at the time a party files a pleading
540 to reopen a proceeding if at least 90 days have elapsed since
541 the filing of a final order or final judgment with the clerk. If
542 a fee is not paid upon the filing of the pleading as required
543 under this section, the clerk shall pursue collection of the fee
544 pursuant to s. 28.246. Upon the institution of any civil action,
545 suit, or proceeding in county court, the party shall pay the
546 following filing fee, not to exceed:

- 547 1. For all claims less than \$100 \$50.
- 548 2. For all claims of \$100 or more but not more than \$500
549 \$75.
- 550 3. For all claims of more than \$500 but not more than
551 \$2,500 \$170.

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

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

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

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

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

563 (d) The clerk of court shall collect a service charge of
564 \$10 for issuing a summons or an electronic certified copy of a
565 summons. The clerk shall assess the fee against the party
566 seeking to have the summons issued.

567 (2) A party reopening any civil action, suit, or proceeding
568 in the county court shall pay to the clerk of court a filing fee
569 set by the clerk in an amount not to exceed \$25 for all claims
570 of not more than \$500 and an amount not to exceed \$50 for all
571 claims of more than \$500. For purposes of this section, a case
572 is reopened after all appeals have been exhausted, or time to
573 file an appeal from a final order or final judgment has expired.
574 A reopen fee may be assessed by the clerk for any motion filed
575 by any party at least 90 days after a final order or final
576 judgment has been filed with the clerk in the initial case. A
577 reservation of jurisdiction by a court does not cause a case to
578 remain open for purposes of this section or exempt a party from
579 paying a reopen fee when a case previously reported as disposed
580 of is resubmitted to a court. A party is exempt from paying the

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581 fee for any of the following:

582 (a) A writ of garnishment;

583 (b) A writ of replevin;

584 (c) A distress writ;

585 (d) A writ of attachment;

586 (e) A motion for rehearing filed within 10 days;

587 (f) A motion for attorney's fees filed within 30 days of
588 the entry of the judgment or final order;

589 (g) A motion for dismissal filed after a mediation
590 agreement has been filed;

591 (h) A motion to withdraw by attorneys;

592 (i) Stipulations and motions to enforce stipulations; ~~or~~

593 (j) Responsive pleadings; or

594 (k) Motions for contempt.

595 Section 8. Section 40.011, Florida Statutes, is amended to
596 read:

597 40.011 Jury lists.—

598 (1) A clerk of the court shall generate a set of juror
599 candidate lists derived from the source lists described in s.
600 40.01. The source name lists and the juror candidate lists shall
601 be maintained as specified in this chapter and in accordance
602 with the juror selection plan approved in s. 40.225.

603 (2) ~~(1)~~ Pursuant to s. 40.01, the Department of Highway
604 Safety and Motor Vehicles shall deliver quarterly to the clerk
605 of the circuit court in each county a list of names of persons
606 who reside in that county, who are citizens of the United
607 States, who are legal residents of Florida, who are 18 years of
608 age or older, and for whom the department has a driver's license
609 or identification card record.

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610 (3) The clerk of the circuit court shall add to the list of
611 licensed drivers and identification cardholders the name of any
612 person who is 18 years of age or older and who is a citizen of
613 the United States and a legal resident of this state ~~Florida~~ and
614 who indicates a desire to serve as a juror, but whose name does
615 not appear on the department list, by requiring such person to
616 execute an affidavit at the office of the clerk.

617 (4)-(2) The affidavit executed pursuant to subsection (3)
618 ~~(1)~~ must be in substantially the following form:

619 State of Florida

620
621
622 I,, do solemnly swear (or affirm) that I am
623 years of age; that I am a citizen of the United States and a
624 legal resident of Florida and County; that I personally
625 make application for jury duty; that I am eligible to serve as a
626 juror under the Constitution and laws of Florida; and that I
627 reside at ...(Address)...

628
629(Signature)...

630
631 Sworn to and subscribed before me this day of,
632 ...(year)...., at County, Florida.

633
634
635 (Signature and title of officer
636 administering oath)

637 (5) Using the source name lists described in subsection
638 (1), a clerk of court may generate juror candidate lists as

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639 necessary to ensure a valid and consistent juror selection
640 process.

641 (a) The initial juror candidate list is derived from the
642 name sources, described in subsections (1) and (2), and shall be
643 the master list from which prospective jurors are drawn for
644 summons.

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

649 Section 9. Section 40.02, Florida Statutes, is amended to
650 read:

651 40.02 Selection of jury lists.—

652 ~~(1) The chief judge of each circuit, or a circuit judge in~~
653 ~~each county within the circuit who is designated by the chief~~
654 ~~judge, shall request the selection of a jury list in each county~~
655 ~~within the circuit during the first week of January of each~~
656 ~~year, or as soon thereafter as practicable. The chief judge or~~
657 ~~the chief judge's designee shall direct the clerk of the court~~
658 ~~to select, by lot and at random, a sufficient number of names,~~
659 ~~with their addresses, from the initial juror candidate list of~~
660 ~~persons who are qualified to serve as jurors under the~~
661 ~~provisions of s. 40.01 and to generate a final juror candidate~~
662 ~~list of not fewer than 250 persons to serve as jurors as~~
663 ~~provided for in s. 40.221. The final juror candidate, which list~~
664 ~~must shall be signed and verified by the clerk of the court as~~
665 ~~having been selected as aforesaid. The final juror candidate~~
666 ~~list may be created, updated, or supplemented as often as~~
667 ~~necessary to prevent the selection list from becoming exhausted,~~

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668 but in no case less than annually during the first week of
669 January of each year, or as soon thereafter as practicable. A
670 circuit judge in a county to which he or she has been assigned
671 may also request that the final juror candidate list be updated
672 or supplemented, or that a new list be created ~~additional jury~~
673 ~~lists as necessary to prevent the jury list from becoming~~
674 ~~exhausted.~~

675 (2) When the final juror candidate ~~annual jury~~ list is
676 prepared pursuant to the request of a chief judge or the chief
677 judge's designee, the previously prepared final juror candidate
678 ~~lists prepared the previous year~~ shall be withdrawn from further
679 use. If, notwithstanding this provision, some names are not
680 withdrawn, such error or irregularity shall not invalidate any
681 subsequent proceeding or jury. The fact that any person so
682 selected had been on a former jury list or had served as a juror
683 in any court at any time shall not be grounds for challenge of
684 such person as a juror. If any person so selected shall be
685 ascertained to be disqualified or incompetent to serve as a
686 juror, such disqualification shall not affect the legality of
687 such list or be cause of challenge to the array of any jury
688 chosen from such list, but any person ascertained to be
689 disqualified to serve as a juror shall be subject to challenge
690 for cause, as defined by law. The set of juror candidate lists,
691 although they may be defective or irregular in form or other
692 formal requirement, or in the number or qualification of the
693 persons so named, shall be the lists from which the names of
694 persons for jury service are to be drawn as prescribed by law.

695 (3) ~~(2)~~ The clerk of the court shall be responsible for
696 preserving the security of the source and juror candidate ~~jury~~

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697 lists.

698 ~~(4)-(3)~~ The clerk of the court shall perform the duties set
699 forth in this section and in ss. 40.221, 40.23, and 40.231 in
700 counties having an approved, computerized jury selection system,
701 the provisions of any special law or general law of local
702 application to the contrary notwithstanding. However, the chief
703 judge may designate the court administrator to perform these
704 duties if the county provides funding to the court administrator
705 to provide the personnel and other costs associated with jury
706 services.

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

709 40.022 Clerk to purge jury selection lists; restoration.—

710 (1) To ensure that the juror candidates summoned satisfy
711 the requirements of ss. 40.01 and 40.013, each clerk of the
712 circuit court shall, upon receipt of the list of persons in the
713 department database from the Department of Highway Safety and
714 Motor Vehicles and at least once each month thereafter, purge
715 the final juror candidate jury selection lists of, at a minimum,
716 the names of those persons:

- 717 (a) Adjudicated mentally incompetent;
718 (b) Convicted of a felony; or
719 (c) Deceased.

720 Section 11. Section 40.221, Florida Statutes, is amended to
721 read:

722 40.221 Drawing jury venire.—A clerk of the court, under
723 supervision of a judge of any court of record, shall, in a
724 manner deemed to produce a result by lot and at random, ~~randomly~~
725 select from the final juror candidate jury list such number of

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726 persons as he or she deems necessary or expedient for a jury
727 venire, to be returnable at such time as the judge shall
728 specify, from which such venire or venires any jury may be
729 organized, including a grand jury when drawn by or upon order of
730 a judge of the circuit court. The clerk of the court shall keep
731 the list in a secure place.

732 Section 12. Section 40.225, Florida Statutes, is amended to
733 read:

734 40.225 Drawing jury venire; ~~alternative method.~~

735 (1) Pursuant to s. 40.001, the chief judge of each circuit
736 shall review and consent to the process for selecting juror
737 candidates within his or her circuit. The clerk of court shall
738 implement an automated electronic system in which ~~Whenever a~~
739 ~~majority of the judges authorized to conduct jury trials in a~~
740 ~~county consents,~~ the names of prospective jurors and other data
741 pertinent thereto shall be maintained for the purpose of the
742 drawing of juror candidates. This system shall be used as the
743 exclusive method ~~may be fed into a mechanical, electronic, or~~
744 ~~electrical device and drawn therefrom as an alternative to other~~
745 ~~methods~~ authorized by law for obtaining jury venires, if such
746 drawing is by lot and at random and is approved by the Supreme
747 Court as hereinafter provided. Subject to the provisions of ss.
748 40.001 and 40.02, the clerk of the circuit court in each county
749 shall have the administrative responsibility for developing the
750 automated system of jury venire selection, obtaining approval
751 for the juror candidate selection process, and operating and
752 updating the system in accordance with this chapter and
753 technical standards and procedures adopted by the Chief Justice.

754 (2) The clerk of the court, or the chief judge of the

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755 circuit if performing the duties of juror candidate selection as
756 provided in s. 40.02, shall submit for approval a plan for the
757 selection of juror candidates as required in this section to the
758 Chief Justice. The plan must be reapproved whenever required by
759 a change in the law, a change in the technical standards and
760 procedures, or a change in the approved clerk-maintained
761 hardware or software used in the automated system of jury venire
762 selection. The proposed plan, if submitted by the clerk, must be
763 approved by the chief judge of the judicial circuit in which the
764 county is located, and must include a description of the
765 equipment, methods, and mode of operation to be used, in a
766 manner consistent with the technical standards and procedures
767 established by the Chief Justice. When a majority of the trial
768 ~~judges authorizes the alternative method of drawing a jury~~
769 ~~venire as provided in subsection (1), the chief judge of the~~
770 ~~judicial circuit in which the county is located shall make a~~
771 ~~certificate to that effect and transmit the same to the Chief~~
772 ~~Justice of the Supreme Court, together with a description of the~~
773 ~~equipment, methods, and mode of operation to be used.~~

774 (3) The Chief Justice shall examine the proposed plan for
775 compliance with applicable statutory requirements and with
776 established technical standards and procedures ~~cause the~~
777 ~~certificate and data accompanying it to be presented to the~~
778 ~~justices of the Supreme Court. If the Chief Justice court finds~~
779 ~~that the proposed plan method will produce venires selected by~~
780 ~~lot and at random,~~ is in compliance with applicable statutory
781 requirements and established technical standards and procedures,
782 will produce venires selected by lot and at random ~~all~~
783 ~~constitutional requirements of jury selection, and is otherwise~~

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784 feasible and practicable, an administrative order of approval of
785 same shall be made and filed. Thereafter, the ~~alternative method~~
786 ~~se~~ approved system for automated selection of jury venires shall
787 ~~may~~ be used in the county so authorized.

788 ~~(4) The chief judge of the judicial circuit in which the~~
789 ~~county is located shall supervise the use of such alternative~~
790 ~~method whenever approval of same has been made by order of the~~
791 ~~Supreme Court.~~

792 ~~(4) (5) This section does not require~~ Nothing herein shall
793 ~~be construed as requiring~~ uniform equipment or methods
794 throughout the state.

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

797 45.035 Clerk's fees.—In addition to other fees or service
798 charges authorized by law, the clerk shall receive service
799 charges related to the judicial sales procedure set forth in ss.
800 45.031-45.034 and this section:

801 (4) If the sale is rescheduled for any reason, the
802 plaintiff shall pay a rescheduling fee of \$70 to the clerk on
803 each occasion the sale is rescheduled. The rescheduling fee must
804 be assessed as costs, and the plaintiff shall pay the fee to the
805 clerk before the sale.

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

808 57.081 Costs; right to proceed where prepayment of costs
809 and payment of filing fees waived.—

810 (1) Any indigent person, except a prisoner as defined in s.
811 57.085, who is a party or intervenor in any judicial or
812 administrative agency proceeding or who initiates such

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813 proceeding shall receive the services of the courts, sheriffs,
814 and clerks, with respect to such proceedings, despite his or her
815 present inability to pay for these services. Such services are
816 limited to filing fees; service of process; certified copies of
817 orders or final judgments; a single photocopy of any court
818 pleading, record, or instrument filed with the clerk; examining
819 fees; mediation services and fees; private court-appointed
820 counsel fees; subpoena fees and services; service charges for
821 collecting and disbursing funds; and any other cost or service
822 arising out of pending litigation. In any appeal from an
823 administrative agency decision, for which the clerk is
824 responsible for preparing the transcript, the clerk shall record
825 the cost of preparing the transcripts and the cost for copies of
826 any exhibits in the record. A party who has obtained a
827 certification of indigence pursuant to s. 27.52 or s. 57.082
828 with respect to a proceeding is not required to prepay costs to
829 a court, clerk, or sheriff and is not required to pay filing
830 fees or charges for issuance of a summons ~~Prepayment of costs to~~
831 ~~any court, clerk, or sheriff is not required and payment of~~
832 ~~filing fees is not required in any action if the party has~~
833 ~~obtained in each proceeding a certification of indigence in~~
834 ~~accordance with s. 27.52 or s. 57.082.~~

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

837 95.11 Limitations other than for the recovery of real
838 property.—Actions other than for recovery of real property shall
839 be commenced as follows:

840 (11) COURT COSTS AND FINES.—Notwithstanding subsection (1),
841 an action to collect court costs, fees, or fines owed to the

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842 state may be commenced at any time.

843 Section 16. Paragraph (a) of subsection (4) of section
844 112.3173, Florida Statutes, is amended to read:

845 112.3173 Felonies involving breach of public trust and
846 other specified offenses by public officers and employees;
847 forfeiture of retirement benefits.—

848 (4) NOTICE.—

849 (a) The clerk of a court in which a proceeding involving a
850 specified offense is being conducted against a public officer or
851 employee shall furnish notice of the proceeding to the
852 Commission on Ethics after the state attorney advises the clerk
853 that the defendant is a public officer or employee and that the
854 defendant is alleged to have committed a specified offense. Such
855 notice is sufficient if it is in the form of a copy of the
856 indictment, information, or other document containing the
857 charges. In addition, if a verdict of guilty is returned by a
858 jury or by the court trying the case without a jury, or a plea
859 of guilty or of nolo contendere is entered in the court by the
860 public officer or employee, the clerk shall furnish a copy
861 thereof to the Commission on Ethics.

862 Section 17. Paragraph (b) of subsection (8) of section
863 318.18, Florida Statutes, is amended to read:

864 318.18 Amount of penalties.—The penalties required for a
865 noncriminal disposition pursuant to s. 318.14 or a criminal
866 offense listed in s. 318.17 are as follows:

867 (8)

868 (b)1.a. If a person has been ordered to pay a civil penalty
869 for a noncriminal traffic infraction and the person is unable to
870 comply with the court's order due to demonstrable financial

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871 hardship, the court shall allow the person to satisfy the civil
872 penalty by participating in community service until the civil
873 penalty is paid.

874 b. If a court orders a person to perform community service,
875 the person shall receive credit for the civil penalty at the
876 specified hourly credit rate per hour of community service
877 performed, and each hour of community service performed shall
878 reduce the civil penalty by that amount.

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

885 b. However, if a person ordered to perform community
886 service has a trade or profession for which there is a community
887 service need, the specified hourly credit rate for each hour of
888 community service performed by that person shall be the average
889 prevailing wage rate for the trade or profession that the
890 community service agency needs.

891 3.a. The community service agency supervising the person
892 shall record the number of hours of community service completed
893 and the date the community service hours were completed. The
894 community service agency shall submit the data to the clerk of
895 court on the letterhead of the community service agency, which
896 must also bear the notarized signature of the person designated
897 to represent the community service agency.

898 b. When the number of community service hours completed by
899 the person equals the amount of the civil penalty, the clerk of

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900 court shall certify this fact to the court. Thereafter, the
901 clerk of court shall record in the case file that the civil
902 penalty has been paid in full.

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

904 a. "Community service" means uncompensated labor for a
905 community service agency.

906 b. "Community service agency" means a not-for-profit
907 corporation, community organization, charitable organization,
908 public officer, the state or any political subdivision of the
909 state, or any other body the purpose of which is to improve the
910 quality of life or social welfare of the community and which
911 agrees to accept community service from persons unable to pay
912 civil penalties for noncriminal traffic infractions.

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

915 668.50 Uniform Electronic Transaction Act.—

916 (3) SCOPE.—

917 (a) Except as otherwise provided in paragraph (b), this
918 section applies to electronic records and electronic signatures
919 relating to a transaction.

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

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

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

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

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

928 (c) Except with respect to subsections (2), (9), and (11),

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929 this section does not apply to a transaction to the extent the
930 transaction is governed by rules relating to judicial procedure.

931 (d)~~(e)~~ This section applies to an electronic record or
932 electronic signature otherwise excluded under paragraph (b) to
933 the extent such record or signature is governed by a provision
934 of law other than those specified in paragraph (b).

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

937 Section 19. Paragraph (c) of subsection (1) of section
938 733.707, Florida Statutes, is amended to read:

939 733.707 Order of payment of expenses and obligations.—

940 (1) The personal representative shall pay the expenses of
941 the administration and obligations of the decedent's estate in
942 the following order:

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

946 Section 20. Section 893.11, Florida Statutes, is amended to
947 read:

948 893.11 Suspension, revocation, and reinstatement of
949 business and professional licenses.—For the purposes of s.
950 120.60(6), any conviction in any court reported to the
951 Comprehensive Case Information System of the Florida Association
952 of Clerks and Comptroller, Inc., for the sale of, or trafficking
953 in, a controlled substance or for conspiracy to sell, or traffic
954 in, a controlled substance constitutes an immediate serious
955 danger to the public health, safety, or welfare, and is grounds
956 for disciplinary action by the licensing state agency. A state
957 agency shall initiate an immediate emergency suspension of an

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958 individual professional license issued by the agency, in
959 compliance with the procedures for summary suspensions in s.
960 120.60(6), upon the agency's findings of the licensee's
961 conviction in any court reported to the Comprehensive Case
962 Information System of the Florida Association of Court Clerks
963 and Comptroller, Inc., ~~Upon the conviction in any court of~~
964 ~~competent jurisdiction of any person holding a license, permit,~~
965 ~~or certificate issued by a state agency,~~ for the sale of, or
966 trafficking in, a controlled substance, or for conspiracy to
967 sell, or traffic in, a controlled substance. Before renewing any
968 professional license, a state agency that issues a professional
969 license must use the Comprehensive Case Information System of
970 the Florida Association of Court Clerks and Comptroller, Inc.,
971 to obtain information relating to any conviction for the sale
972 of, or trafficking in, a controlled substance or for conspiracy
973 to sell, or traffic in, a controlled substance. The clerk of
974 court shall provide electronic access to each state agency at no
975 cost and also provide certified copies of the judgment upon
976 request to the agency. ~~, if such offense is a felony, the clerk~~
977 ~~of said court shall send a certified copy of the judgment of~~
978 ~~conviction with the person's license number, permit number, or~~
979 ~~certificate number on the face of such certified copy to the~~
980 ~~agency head by whom the convicted defendant has received a~~
981 ~~license, permit, or certificate to practice his or her~~
982 ~~profession or to carry on his or her business. Such agency head~~
983 ~~shall suspend or revoke the license, permit, or certificate of~~
984 ~~the convicted defendant to practice his or her profession or to~~
985 ~~carry on his or her business. Upon a showing by any such~~
986 ~~convicted defendant whose~~ professional license, permit, or

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987 ~~ertificate~~ has been suspended or revoked pursuant to this
988 section that his or her civil rights have been restored or upon
989 a showing that the convicted defendant meets the following
990 criteria, the agency head may reinstate or reactivate such
991 license, ~~permit, or certificate~~ when:

992 (1) The person has complied with the conditions of
993 paragraphs (a) and (b) which shall be monitored by the
994 Department of Corrections while the person is under any
995 supervisory sanction. If the person fails to comply with
996 provisions of these paragraphs by either failing to maintain
997 treatment or by testing positive for drug use, the department
998 shall notify the licensing, ~~permitting, or certifying~~ agency,
999 which shall revoke the license, ~~permit, or certification~~. The
1000 person under supervision may:

1001 (a) Seek evaluation and enrollment in, and once enrolled
1002 maintain enrollment in until completion, a drug treatment and
1003 rehabilitation program which is approved or regulated by the
1004 Department of Children and Family Services. The treatment and
1005 rehabilitation program shall be specified by:

1006 1. The court, in the case of court-ordered supervisory
1007 sanctions;

1008 2. The Parole Commission, in the case of parole, control
1009 release, or conditional release; or

1010 3. The Department of Corrections, in the case of
1011 imprisonment or any other supervision required by law.

1012 (b) Submit to periodic urine drug testing pursuant to
1013 procedures prescribed by the Department of Corrections. If the
1014 person is indigent, the costs shall be paid by the Department of
1015 Corrections; or

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1016 (2) The person has successfully completed an appropriate
1017 program under the Correctional Education Program.

1018 (3) As used in this section, the term "business or
1019 professional license" includes any license, permit, or
1020 certificate that authorizes a person to practice his or her
1021 profession or to carry on his or her business. However, the term
1022 ~~This section~~ does not include ~~apply to~~ any of the taxes, fees,
1023 or permits regulated, controlled, or administered by the
1024 Department of Revenue in accordance with s. 213.05.

1025 Section 21. Paragraphs (a) and (b) of subsection (2) of
1026 section 938.27, Florida Statutes, are amended to read:

1027 938.27 Judgment for costs on conviction.—

1028 (2) (a) The court shall impose the costs of prosecution and
1029 investigation notwithstanding the defendant's present ability to
1030 pay. The court shall require the defendant to pay the costs
1031 within a specified period or pursuant to a payment plan under s.
1032 28.246(4) in specified installments.

1033 (b) The end of such period or the last such installment
1034 must ~~shall~~ not be later than:

1035 1. The end of the period of probation or community control,
1036 if probation or community control is ordered;

1037 2. Five years after the end of the term of imprisonment
1038 imposed, if the court does not order probation or community
1039 control; or

1040 3. Five years after the date of sentencing in any other
1041 case.

1042
1043 However, ~~in no event shall~~ the obligation to pay any unpaid
1044 amounts does not expire if not paid in full within the period

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1045 specified in this paragraph.

1046 Section 22. Present subsections (8) through (12) of section
1047 938.30, Florida Statutes, are renumbered as subsections (10)
1048 through (14), respectively, and new subsections (8) and (9) are
1049 added to that section to read:

1050 938.30 Financial obligations in criminal cases;
1051 supplementary proceedings.—

1052 (8) If a criminal or civil judgment has previously been
1053 entered on a court-imposed financial obligation, the judgment
1054 constitutes a civil lien against the judgment debtor's presently
1055 owned or after-acquired real or personal property when recorded
1056 pursuant to s. 55.10, except that a judgment on a court-imposed
1057 financial obligation is not subject to the 10-year rerecording
1058 requirement of s. 55.10. The judgment must secure all unpaid
1059 court-imposed financial obligations that are due and may accrue
1060 subsequent to the recording of the judgment, as well as interest
1061 and reasonable costs for issuing a satisfaction and recording
1062 the satisfaction in the official records.

1063 (9) The clerk of the court shall enforce, satisfy,
1064 compromise, settle, subordinate, release, or otherwise dispose
1065 of any debts or liens imposed and collected under this section
1066 in the same manner as prescribed in s. 938.29(3).

1067 Section 23. Section 947.181, Florida Statutes, is amended
1068 to read:

1069 947.181 Fines, fees, restitution, or other costs ordered to
1070 be paid ~~Victim restitution~~ as conditions ~~condition~~ of parole.—

1071 (1) ~~(a)~~ ~~The Parole~~ commission shall require the payment of
1072 fines, fees, restitution, or other court-ordered costs as a
1073 condition of parole ~~reparation or restitution to the aggrieved~~

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1074 ~~party for the damage or loss caused by the offense for which the~~
1075 ~~parolee was imprisoned~~ unless the commission finds reasons to
1076 the contrary. Restitution to the aggrieved party for injury,
1077 damage, or loss caused by the offense for which the parolee was
1078 imprisoned shall have first priority in the payment of amounts
1079 owed under this section. If the commission does not require the
1080 payment of fines, fees, restitution, or other court-ordered
1081 costs ~~order restitution~~ or requires orders only partial payment
1082 of the fines, fees, restitution, or other court-ordered costs
1083 ~~restitution,~~ the commission shall state on the record the
1084 reasons for its decision therefor. ~~The amount of such reparation~~
1085 ~~or restitution shall be determined by the Parole Commission.~~

1086 (2)(b) If the parolee fails to make the payments ~~reparation~~
1087 ~~or restitution to the aggrieved party as required~~ authorized in
1088 subsection (1) paragraph (a), it shall be considered by the
1089 commission as a violation of parole as specified in s. 947.21
1090 and may be cause for revocation of ~~her or his~~ parole.

1091 (3)(2) If a defendant is paroled, any restitution ordered
1092 under s. 775.089 shall be a condition of such parole. The Parole
1093 Commission may revoke parole if the defendant fails to comply
1094 with such order.

1095 (4) In determining whether to revoke parole, the ~~Parole~~
1096 commission shall consider the defendant's employment status,
1097 earning ability, and financial resources; the willfulness of the
1098 defendant's failure to pay; and any other special circumstances
1099 that may have a bearing on the defendant's ability to pay.

1100 Section 24. This act shall take effect July 1, 2012.