

By the Committees on Judiciary; and 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. 27.52,
3 F.S.; authorizing the clerk of court to review the
4 property records and motor vehicle records to
5 determine whether an applicant for the appointment of
6 a public defender is indigent; deleting a requirement
7 that the clerk conduct the review; amending s. 28.24,
8 F.S.; deleting a requirement for the clerks of the
9 circuit courts to participate in the Comprehensive
10 Case Information System; creating s. 28.2405, F.S.;
11 requiring clerks of the circuit courts to use the
12 Comprehensive Case Information System and to submit
13 data to the system based on case types designated by
14 the Supreme Court of Florida; amending s. 28.241,
15 F.S.; providing that filing fees and fees to reopen a
16 proceeding are due at the time a party files a
17 pleading to initiate or reopen a proceeding; requiring
18 the clerk of court to pursue the collection of fees
19 that are not timely paid; revising the circumstances
20 under which a fee to reopen a case applies; exempting
21 a person from paying a reopen fee for filing a motion
22 to enforce a stipulation or a motion for contempt;
23 authorizing the clerk of court to charge a fee to
24 issue an electronic certified copy of a summons;
25 amending s. 28.37, F.S.; providing that certain
26 penalties and fines are not deposited into the clerk's
27 Public Records Modernization Trust Fund; amending s.
28 34.041, F.S.; requiring the party filing a case in
29 county court to pay all filing and reopen fees at the

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30 time of filing; requiring the clerk to pursue
31 collection of the fees if the fees are not paid at the
32 time of filing; authorizing the clerk of court to
33 charge a fee for issuing an electronic certified copy
34 of a summons; revising the circumstances under which a
35 fee to reopen a case applies; exempting a party from
36 paying a reopen fee for filing motions to enforce
37 stipulations and motions for contempt; amending s.
38 40.011, F.S.; requiring that a clerk of court generate
39 a set of juror candidate lists; requiring that the
40 clerk of court add names of certain persons to the
41 juror candidate lists; authorizing the clerk of court
42 to generate juror candidate lists to ensure a valid
43 and consistent juror selection process; amending s.
44 40.02, F.S.; revising the process of selecting jury
45 lists; amending s. 40.022, F.S.; revising the process
46 of purging jury selection lists; amending s. 40.221,
47 F.S.; conforming provisions to changes made by the
48 act; amending s. 40.225, F.S.; requiring that the
49 clerk of court implement an automated electronic
50 system for drawing jury venire; providing
51 administrative responsibilities of the clerks of court
52 with regard to the jury venire; requiring that the
53 clerk of court or the chief judge submit for approval
54 a plan for the selection of juror candidates;
55 requiring that the Chief Justice of the Supreme Court
56 examine the proposed plan for compliance with
57 applicable statutory requirements and technical
58 standards and procedures; requiring that an

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59 administrative order be filed if the proposed plan is
60 approved; amending s. 57.081, F.S.; providing that a
61 person who receives a certification of indigence with
62 respect to a proceeding is not required to pay charges
63 to issue a summons; amending s. 95.11, F.S.; providing
64 that an action to collect any court costs, fees, or
65 fines owed to the state may be commenced at any time;
66 amending s. 112.3173, F.S.; providing for the duty of
67 a clerk of court to notify the Commission on Ethics of
68 certain proceedings involving public officers or
69 employees to arise after the clerk is advised by the
70 state attorney that the defendant is a public officer
71 or employee who is alleged to have committed a
72 specified offense; amending s. 318.18, F.S.; requiring
73 that the signature of the person designated to
74 represent a community service agency be notarized on
75 letterhead that indicates the number of hours of
76 community service completed and the date the community
77 service hours were completed by a person who is
78 ordered to perform community service as a penalty for
79 specified offenses; amending s. 668.50, F.S.; limiting
80 the exemption from the Uniform Electronic Transaction
81 Act for transactions governed by rules relating to
82 judicial procedure; amending s. 733.707, F.S.;
83 specifying the priority of payment of unpaid court
84 costs, fees, or fines by a decedent's estate; amending
85 s. 893.11, F.S.; providing that convictions of certain
86 types of criminal offenses which are reported to the
87 Comprehensive Case Information System of the Florida

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88 Association of Clerks and Comptroller, Inc., are an
89 immediate, serious danger to the public health,
90 safety, or welfare; providing that such convictions
91 are grounds for disciplinary action by a licensing
92 state agency; requiring that a state agency initiate
93 an emergency suspension of an individual professional
94 license upon the agency's finding of the licensee's
95 conviction of a certain type of criminal offense which
96 is reported to the Comprehensive Case Information
97 System; requiring that certain state agencies use the
98 Comprehensive Case Information System to obtain
99 information relating to a conviction involving certain
100 types of criminal offenses; requiring that the clerk
101 of court provide to each state agency electronic
102 access and provide certified copies of judgments to
103 licensing agencies upon request; defining the term
104 "business or professional license"; amending s.
105 938.27, F.S.; authorizing a court to require a
106 defendant to pay the costs of prosecution and
107 investigation pursuant to a payment plan under a
108 specified provision; amending s. 938.30, F.S.;
109 providing that criminal or civil judgment and related
110 costs are a civil lien against the judgment debtor's
111 presently owned or after-acquired real or personal
112 property if the judgment is recorded; providing an
113 exception to rerecording requirements; requiring that
114 the clerk of court enforce, satisfy, compromise,
115 settle, subordinate, release, or otherwise dispose of
116 any debts or lien imposed and collected in the same

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117 manner as for an indigent defendant-recipient;
118 amending s. 947.181, F.S.; providing that the Parole
119 Commission require as a condition of parole the
120 payment of fines, fees, or other court-ordered costs
121 under certain circumstances; providing that
122 restitution ordered as a condition of parole has first
123 priority over the payment of other costs ordered as a
124 condition of parole; requiring that the commission
125 state on record the reasons for not requiring the full
126 payment of the fines, fees, or other court-ordered
127 costs; providing an effective date.

128

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

130

131 Section 1. Paragraph (a) of subsection (2) of section
132 27.52, Florida Statutes, is amended to read:

133 27.52 Determination of indigent status.—

134 (2) DETERMINATION BY THE CLERK.—The clerk of the court
135 shall determine whether an applicant seeking appointment of a
136 public defender is indigent based upon the information provided
137 in the application and the criteria prescribed in this
138 subsection.

139 (a)1. An applicant, including an applicant who is a minor
140 or an adult tax-dependent person, is indigent if the applicant's
141 income is equal to or below 200 percent of the then-current
142 federal poverty guidelines prescribed for the size of the
143 household of the applicant by the United States Department of
144 Health and Human Services or if the person is receiving
145 Temporary Assistance for Needy Families-Cash Assistance,

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146 poverty-related veterans' benefits, or Supplemental Security
147 Income (SSI).

148 2.a. There is a presumption that the applicant is not
149 indigent if the applicant owns, or has equity in, any intangible
150 or tangible personal property or real property or the expectancy
151 of an interest in any such property having a net equity value of
152 \$2,500 or more, excluding the value of the person's homestead
153 and one vehicle having a net value not exceeding \$5,000.

154 b. Notwithstanding the information that the applicant
155 provides, the clerk may ~~shall~~ conduct a review of the property
156 records for the county in which the applicant resides and the
157 motor vehicle title records of the state to identify any
158 property interests of the applicant under this subparagraph. The
159 clerk may ~~shall~~ evaluate and consider the results of the review
160 in making a determination under this subsection. If the review
161 is completed by the clerk, the clerk shall maintain the results
162 of the review in a file with the application and provide the
163 file to the court if the applicant seeks review under subsection
164 (4) of the clerk's determination of indigent status.

165 Section 2. Paragraph (e) of subsection (12) of section
166 28.24, Florida Statutes, is amended to read:

167 28.24 Service charges by clerk of the circuit court.—The
168 clerk of the circuit court shall charge for services rendered by
169 the clerk's office in recording documents and instruments and in
170 performing the duties enumerated in amounts not to exceed those
171 specified in this section. Notwithstanding any other provision
172 of this section, the clerk of the circuit court shall provide
173 without charge to the state attorney, public defender, guardian
174 ad litem, public guardian, attorney ad litem, criminal conflict

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175 and civil regional counsel, and private court-appointed counsel
176 paid by the state, and to the authorized staff acting on behalf
177 of each, access to and a copy of any public record, if the
178 requesting party is entitled by law to view the exempt or
179 confidential record, as maintained by and in the custody of the
180 clerk of the circuit court as provided in general law and the
181 Florida Rules of Judicial Administration. The clerk of the
182 circuit court may provide the requested public record in an
183 electronic format in lieu of a paper format when capable of
184 being accessed by the requesting entity.

185
186 Charges

187
188 (12) For recording, indexing, and filing any instrument not
189 more than 14 inches by 8 1/2 inches, including required notice
190 to property appraiser where applicable:

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

196 1. If the counties maintain legal responsibility for the
197 costs of the court-related technology needs as defined in s.
198 29.008(1)(f)2. and (h), 10 cents shall be distributed to the
199 Florida Association of Court Clerks and Comptroller, Inc., for
200 the cost of development, implementation, operation, and
201 maintenance of the clerks' Comprehensive Case Information
202 System, ~~in which system all clerks shall participate on or~~
203 ~~before January 1, 2006;~~ \$1.90 shall be retained by the clerk to

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204 be deposited in the Public Records Modernization Trust Fund and
205 used exclusively for funding court-related technology needs of
206 the clerk as defined in s. 29.008(1)(f)2. and (h); and \$2 shall
207 be distributed to the board of county commissioners to be used
208 exclusively to fund court-related technology, and court
209 technology needs as defined in s. 29.008(1)(f)2. and (h) for the
210 state trial courts, state attorney, public defender, and
211 criminal conflict and civil regional counsel in that county. If
212 the counties maintain legal responsibility for the costs of the
213 court-related technology needs as defined in s. 29.008(1)(f)2.
214 and (h), notwithstanding any other provision of law, the county
215 is not required to provide additional funding beyond that
216 provided herein for the court-related technology needs of the
217 clerk as defined in s. 29.008(1)(f)2. and (h). All court records
218 and official records are the property of the State of Florida,
219 including any records generated as part of the Comprehensive
220 Case Information System funded pursuant to this paragraph and
221 the clerk of court is designated as the custodian of such
222 records, except in a county where the duty of maintaining
223 official records exists in a county office other than the clerk
224 of court or comptroller, such county office is designated the
225 custodian of all official records, and the clerk of court is
226 designated the custodian of all court records. The clerk of
227 court or any entity acting on behalf of the clerk of court,
228 including an association, shall not charge a fee to any agency
229 as defined in s. 119.011, the Legislature, or the State Court
230 System for copies of records generated by the Comprehensive Case
231 Information System or held by the clerk of court or any entity
232 acting on behalf of the clerk of court, including an

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233 association.

234 2. If the state becomes legally responsible for the costs
235 of court-related technology needs as defined in s.

236 29.008(1)(f)2. and (h), whether by operation of general law or
237 by court order, \$4 shall be remitted to the Department of
238 Revenue for deposit into the General Revenue Fund.

239 Section 3. Section 28.2405, Florida Statutes, is created to
240 read:

241 28.2405 Comprehensive Case Information System.—All clerks
242 of the circuit court shall participate in the Comprehensive Case
243 Information System of the Florida Association of Clerks and
244 Comptroller, Inc., and shall submit electronic case data to the
245 system based on the case types designated by the Supreme Court.

246 Section 4. Subsection (1) of section 28.241, Florida
247 Statutes, is amended to read:

248 28.241 Filing fees for trial and appellate proceedings.—

249 (1) Filing fees are due at the time a party files a
250 pleading to initiate a proceeding or files a pleading for
251 relief. Reopen fees are due at the time a party files a pleading
252 to reopen a proceeding if at least 90 days have elapsed since
253 the filing of a final order or final judgment with the clerk. If
254 a fee is not paid upon the filing of the pleading as required
255 under this section, the clerk shall pursue collection of the fee
256 pursuant to s. 28.246.

257 (a)1.a. Except as provided in sub-subparagraph b. and
258 subparagraph 2., the party instituting any civil action, suit,
259 or proceeding in the circuit court shall pay to the clerk of
260 that court a filing fee of up to \$395 in all cases in which
261 there are not more than five defendants and an additional filing

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262 fee of up to \$2.50 for each defendant in excess of five. Of the
263 first \$280 in filing fees, \$80 must be remitted by the clerk to
264 the Department of Revenue for deposit into the General Revenue
265 Fund, \$195 must be remitted to the Department of Revenue for
266 deposit into the State Courts Revenue Trust Fund, \$3.50 must be
267 remitted to the Department of Revenue for deposit into the
268 Clerks of the Court Trust Fund within the Justice Administrative
269 Commission and used to fund the Florida Clerks of Court
270 Operations Corporation created in s. 28.35, and \$1.50 shall be
271 remitted to the Department of Revenue for deposit into the
272 Administrative Trust Fund within the Department of Financial
273 Services to fund clerk budget reviews conducted by the
274 Department of Financial Services. One third of any filing fees
275 collected by the clerk of the circuit court in excess of \$100
276 shall be remitted to the Department of Revenue for deposit into
277 the Clerks of the Court Trust Fund within the Justice
278 Administrative Commission.

279 b. The party instituting any civil action, suit, or
280 proceeding in the circuit court under chapter 39, chapter 61,
281 chapter 741, chapter 742, chapter 747, chapter 752, or chapter
282 753 shall pay to the clerk of that court a filing fee of up to
283 \$295 in all cases in which there are not more than five
284 defendants and an additional filing fee of up to \$2.50 for each
285 defendant in excess of five. Of the first \$180 in filing fees,
286 \$80 must be remitted by the clerk to the Department of Revenue
287 for deposit into the General Revenue Fund, \$95 must be remitted
288 to the Department of Revenue for deposit into the State Courts
289 Revenue Trust Fund, \$3.50 must be remitted to the Department of
290 Revenue for deposit into the Clerks of the Court Trust Fund

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291 within the Justice Administrative Commission and used to fund
292 the Florida Clerks of Court Operations Corporation created in s.
293 28.35, and \$1.50 shall be remitted to the Department of Revenue
294 for deposit into the Administrative Trust Fund within the
295 Department of Financial Services to fund clerk budget reviews
296 conducted by the Department of Financial Services.

297 c. An additional filing fee of \$4 shall be paid to the
298 clerk. The clerk shall remit \$3.50 to the Department of Revenue
299 for deposit into the Court Education Trust Fund and shall remit
300 50 cents to the Department of Revenue for deposit into the
301 Clerks of the Court Trust Fund within the Justice Administrative
302 Commission to fund clerk education. An additional filing fee of
303 up to \$18 shall be paid by the party seeking each severance that
304 is granted. The clerk may impose an additional filing fee of up
305 to \$85 for all proceedings of garnishment, attachment, replevin,
306 and distress. Postal charges incurred by the clerk of the
307 circuit court in making service by certified or registered mail
308 on defendants or other parties shall be paid by the party at
309 whose instance service is made. ~~No~~ Additional fees, charges, or
310 costs may not ~~shall~~ be added to the filing fees imposed under
311 this section, except as authorized in this section or by general
312 law.

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

317 b. A party shall estimate in writing the amount in
318 controversy of the claim upon filing the action. For purposes of
319 this subparagraph, the value of a mortgage foreclosure action is

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320 based upon the principal due on the note secured by the
321 mortgage, plus interest owed on the note and any moneys advanced
322 by the lender for property taxes, insurance, and other advances
323 secured by the mortgage, at the time of filing the foreclosure.
324 The value shall also include the value of any tax certificates
325 related to the property. In stating the value of a mortgage
326 foreclosure claim, a party shall declare in writing the total
327 value of the claim, as well as the individual elements of the
328 value as prescribed in this sub-subparagraph.

329 c. In its order providing for the final disposition of the
330 matter, the court shall identify the actual value of the claim.
331 The clerk shall adjust the filing fee if there is a difference
332 between the estimated amount in controversy and the actual value
333 of the claim and collect any additional filing fee owed or
334 provide a refund of excess filing fee paid.

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

336 (I) Three hundred and ninety-five dollars in all cases in
337 which the value of the claim is \$50,000 or less and in which
338 there are not more than five defendants. The party shall pay an
339 additional filing fee of up to \$2.50 for each defendant in
340 excess of five. Of the first \$280 in filing fees, \$80 must be
341 remitted by the clerk to the Department of Revenue for deposit
342 into the General Revenue Fund, \$195 must be remitted to the
343 Department of Revenue for deposit into the State Courts Revenue
344 Trust Fund, \$3.50 must be remitted to the Department of Revenue
345 for deposit into the Clerks of the Court Trust Fund within the
346 Justice Administrative Commission and used to fund the Florida
347 Clerks of Court Operations Corporation created in s. 28.35, and
348 \$1.50 shall be remitted to the Department of Revenue for deposit

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349 into the Administrative Trust Fund within the Department of
350 Financial Services to fund clerk budget reviews conducted by the
351 Department of Financial Services;

352 (II) Nine hundred dollars in all cases in which the value
353 of the claim is more than \$50,000 but less than \$250,000 and in
354 which there are not more than five defendants. The party shall
355 pay an additional filing fee of up to \$2.50 for each defendant
356 in excess of five. Of the first \$785 in filing fees, \$80 must be
357 remitted by the clerk to the Department of Revenue for deposit
358 into the General Revenue Fund, \$700 must be remitted to the
359 Department of Revenue for deposit into the State Courts Revenue
360 Trust Fund, \$3.50 must be remitted to the Department of Revenue
361 for deposit into the Clerks of the Court Trust Fund within the
362 Justice Administrative Commission and used to fund the Florida
363 Clerks of Court Operations Corporation described in s. 28.35,
364 and \$1.50 shall be remitted to the Department of Revenue for
365 deposit into the Administrative Trust Fund within the Department
366 of Financial Services to fund clerk budget reviews conducted by
367 the Department of Financial Services; or

368 (III) One thousand nine hundred dollars in all cases in
369 which the value of the claim is \$250,000 or more and in which
370 there are not more than five defendants. The party shall pay an
371 additional filing fee of up to \$2.50 for each defendant in
372 excess of five. Of the first \$1,785 in filing fees, \$80 must be
373 remitted by the clerk to the Department of Revenue for deposit
374 into the General Revenue Fund, \$1,700 must be remitted to the
375 Department of Revenue for deposit into the State Courts Revenue
376 Trust Fund, \$3.50 must be remitted to the Department of Revenue
377 for deposit into the Clerks of the Court Trust Fund within the

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378 Justice Administrative Commission to fund the Florida Clerks of
379 Court Operations Corporation created in s. 28.35, and \$1.50
380 shall be remitted to the Department of Revenue for deposit into
381 the Administrative Trust Fund within the Department of Financial
382 Services to fund clerk budget reviews conducted by the
383 Department of Financial Services.

384 e. An additional filing fee of \$4 shall be paid to the
385 clerk. The clerk shall remit \$3.50 to the Department of Revenue
386 for deposit into the Court Education Trust Fund and shall remit
387 50 cents to the Department of Revenue for deposit into the
388 Clerks of the Court Trust Fund within the Justice Administrative
389 Commission to fund clerk education. An additional filing fee of
390 up to \$18 shall be paid by the party seeking each severance that
391 is granted. The clerk may impose an additional filing fee of up
392 to \$85 for all proceedings of garnishment, attachment, replevin,
393 and distress. Postal charges incurred by the clerk of the
394 circuit court in making service by certified or registered mail
395 on defendants or other parties shall be paid by the party at
396 whose instance service is made. ~~No~~ Additional fees, charges, or
397 costs may not shall be added to the filing fees imposed under
398 this section, except as authorized in this section or by general
399 law.

400 (b) A party reopening any civil action, suit, or proceeding
401 in the circuit court shall pay to the clerk of court a filing
402 fee set by the clerk in an amount not to exceed \$50. For
403 purposes of this section, a case is reopened after all appeals
404 have been exhausted or time to file an appeal from a final order
405 or final judgment has expired. A reopen fee may be assessed by
406 the clerk for any motion filed by any party at least 90 days

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407 after a final order or final judgment has been filed with the
408 clerk in the initial case. A reservation of jurisdiction by a
409 court does not cause a case to remain open for purposes of this
410 section or exempt a party from paying a reopen fee ~~when a case~~
411 ~~previously reported as disposed of is resubmitted to a court and~~
412 ~~includes petitions for modification of a final judgment of~~
413 ~~dissolution.~~ A party is exempt from paying the fee for any of
414 the following:

- 415 1. A writ of garnishment;
- 416 2. A writ of replevin;
- 417 3. A distress writ;
- 418 4. A writ of attachment;
- 419 5. A motion for rehearing filed within 10 days;
- 420 6. A motion for attorney's fees filed within 30 days after
421 entry of a judgment or final order;
- 422 7. A motion for dismissal filed after a mediation agreement
423 has been filed;
- 424 8. A disposition of personal property without
425 administration;
- 426 9. Any probate case prior to the discharge of a personal
427 representative;
- 428 10. Any guardianship pleading prior to discharge;
- 429 11. Any mental health pleading;
- 430 12. Motions to withdraw by attorneys;
- 431 13. Motions exclusively for the enforcement of child
432 support orders;
- 433 14. A petition for credit of child support;
- 434 15. A Notice of Intent to Relocate and any order issuing as
435 a result of an uncontested relocation;

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- 436 16. Stipulations and motions to enforce stipulations;
- 437 17. Responsive pleadings; ~~or~~
- 438 18. Cases in which there is no initial filing fee; or
- 439 19. Motions for contempt.

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

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

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

443 counterclaim, counterpetition, or third-party complaint shall

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

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

446 in an original civil action in circuit court for affirmative

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

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

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

450 deposit into the General Revenue Fund.

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

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

453 circuit court for affirmative relief by cross-claim,

454 counterclaim, counterpetition, or third-party complaint shall

455 pay the clerk of court a graduated fee of:

456 a. Three hundred and ninety-five dollars in all cases in

457 which the value of the pleading is \$50,000 or less;

458 b. Nine hundred dollars in all cases in which the value of

459 the pleading is more than \$50,000 but less than \$250,000; or

460 c. One thousand nine hundred dollars in all cases in which

461 the value of the pleading is \$250,000 or more.

462

463 The clerk shall remit the fees collected under this subparagraph

464 to the Department of Revenue for deposit into the General

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465 Revenue Fund, except that the clerk shall remit \$100 of the fee
466 collected under sub-subparagraph a., \$605 of the fee collected
467 under sub-subparagraph b., and \$1,605 of the fee collected under
468 sub-subparagraph c. to the Department of Revenue for deposit
469 into the State Courts Revenue Trust Fund.

470 (d) The clerk of court shall collect a service charge of
471 \$10 for issuing an original, a certified copy, or an electronic
472 certified copy of a summons. The clerk shall assess the fee
473 against the party seeking to have the summons issued.

474 Section 5. Subsection (2) of section 28.37, Florida
475 Statutes, is amended to read:

476 28.37 Fines, fees, service charges, and costs remitted to
477 the state.—

478 (2) Except as otherwise provided in ss. 28.241 and 34.041,
479 all court-related fines, fees, service charges, and costs are
480 considered state funds and shall be remitted by the clerk to the
481 Department of Revenue for deposit into the Clerks of the Court
482 Trust Fund within the Justice Administrative Commission.
483 However, 10 percent of all court-related fines collected by the
484 clerk, except for penalties or fines distributed to counties or
485 municipalities under s. 316.0083(1)(b)3. or s. 318.18(15)(a),
486 shall be deposited into the clerk's Public Records Modernization
487 Trust Fund to be used exclusively for additional clerk court-
488 related operational needs and program enhancements.

489 Section 6. Paragraphs (a) and (d) of subsection (1) and
490 subsection (2) of section 34.041, Florida Statutes, are amended
491 to read:

492 34.041 Filing fees.—

493 (1) (a) Filing fees are due at the time a party files a

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494 pleading to initiate a proceeding or files a pleading for
495 relief. Reopen fees are due at the time a party files a pleading
496 to reopen a proceeding if at least 90 days have elapsed since
497 the filing of a final order or final judgment with the clerk. If
498 a fee is not paid upon the filing of the pleading as required
499 under this section, the clerk shall pursue collection of the fee
500 pursuant to s. 28.246. Upon the institution of any civil action,
501 suit, or proceeding in county court, the party shall pay the
502 following filing fee, not to exceed:

- 503 1. For all claims less than \$100 \$50.
- 504 2. For all claims of \$100 or more but not more than \$500
505 \$75.
- 506 3. For all claims of more than \$500 but not more than
507 \$2,500 \$170.
- 508 4. For all claims of more than \$2,500 \$295.
- 509 5. In addition, for all proceedings of garnishment,
510 attachment, replevin, and distress \$85.
- 511 6. Notwithstanding subparagraphs 3. and 5., for all claims
512 of not more than \$1,000 filed simultaneously with an action for
513 replevin of property that is the subject of the claim \$125.
- 514 7. For removal of tenant action \$180.

515
516 The filing fee in subparagraph 6. is the total fee due under
517 this paragraph for that type of filing, and no other filing fee
518 under this paragraph may be assessed against such a filing.

519 (d) The clerk of court shall collect a service charge of
520 \$10 for issuing a summons or an electronic certified copy of a
521 summons. The clerk shall assess the fee against the party
522 seeking to have the summons issued.

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523 (2) A party reopening any civil action, suit, or proceeding
524 in the county court shall pay to the clerk of court a filing fee
525 set by the clerk in an amount not to exceed \$25 for all claims
526 of not more than \$500 and an amount not to exceed \$50 for all
527 claims of more than \$500. For purposes of this section, a case
528 is reopened after all appeals have been exhausted, or time to
529 file an appeal from a final order or final judgment has expired.
530 A reopen fee may be assessed by the clerk for any motion filed
531 by any party at least 90 days after a final order or final
532 judgment has been filed with the clerk in the initial case. A
533 reservation of jurisdiction by a court does not cause a case to
534 remain open for purposes of this section or exempt a party from
535 paying a reopen fee when a case previously reported as disposed
536 ~~of is resubmitted to a court.~~ A party is exempt from paying the
537 fee for any of the following:

- 538 (a) A writ of garnishment;
- 539 (b) A writ of replevin;
- 540 (c) A distress writ;
- 541 (d) A writ of attachment;
- 542 (e) A motion for rehearing filed within 10 days;
- 543 (f) A motion for attorney's fees filed within 30 days of
544 the entry of the judgment or final order;
- 545 (g) A motion for dismissal filed after a mediation
546 agreement has been filed;
- 547 (h) A motion to withdraw by attorneys;
- 548 (i) Stipulations and motions to enforce stipulations; ~~or~~
- 549 (j) Responsive pleadings; or
- 550 (k) Motions for contempt.

551 Section 7. Section 40.011, Florida Statutes, is amended to

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552 read:

553 40.011 Jury lists.—

554 (1) A clerk of the court shall generate a set of juror
555 candidate lists derived from the source lists described in s.
556 40.01. The source name lists and the juror candidate lists shall
557 be maintained as specified in this chapter and in accordance
558 with the juror selection plan approved in s. 40.225.

559 (2)~~(1)~~ Pursuant to s. 40.01, the Department of Highway
560 Safety and Motor Vehicles shall deliver quarterly to the clerk
561 of the circuit court in each county a list of names of persons
562 who reside in that county, who are citizens of the United
563 States, who are legal residents of Florida, who are 18 years of
564 age or older, and for whom the department has a driver's license
565 or identification card record.

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

573 (4)~~(2)~~ The affidavit executed pursuant to subsection (3)
574 ~~(1)~~ must be in substantially the following form:

575
576 State of Florida

577
578 I,, do solemnly swear (or affirm) that I am years of
579 age; that I am a citizen of the United States and a legal
580 resident of Florida and County; that I personally make

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581 application for jury duty; that I am eligible to serve as a
582 juror under the Constitution and laws of Florida; and that I
583 reside at(Address).....

584
585(Signature).....

586
587 Sworn to and subscribed before me this day of,
588 ...(year)..., at County, Florida.

589
590
591 (Signature and title of officer
592 administering oath)

593 (5) Using the source name lists described in subsections
594 (2) and (3), a clerk of court may generate juror candidate lists
595 as necessary to ensure a valid and consistent juror selection
596 process.

597 (a) The initial juror candidate list is derived from the
598 name sources and shall be the master list from which prospective
599 jurors are drawn for summons.

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

604 Section 8. Section 40.02, Florida Statutes, is amended to
605 read:

606 40.02 Selection of jury lists.-

607 ~~(1) The chief judge of each circuit, or a circuit judge in~~
608 ~~each county within the circuit who is designated by the chief~~
609 ~~judge, shall request the selection of a jury list in each county~~

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610 ~~within the circuit during the first week of January of each~~
611 ~~year, or as soon thereafter as practicable.~~ The chief judge or
612 the chief judge's designee shall direct the clerk of the court
613 to select, by lot and at random, a sufficient number of names,
614 with their addresses, from the initial juror candidate list of
615 persons who are qualified to serve as jurors under the
616 provisions of s. 40.01 and to generate a final juror candidate
617 list of not fewer than 250 persons to serve as jurors as
618 provided for in s. 40.221. The final juror candidate, ~~which~~ list
619 must shall be signed and verified by the clerk of the court as
620 having been selected as aforesaid. The final juror candidate
621 list may be created, updated, or supplemented as often as
622 necessary to prevent the selection list from becoming exhausted,
623 but in no case less than annually during the first week of
624 January of each year, or as soon thereafter as practicable. A
625 circuit judge in a county to which he or she has been assigned
626 may also request that the final juror candidate list be updated
627 or supplemented, or that a new list be created ~~additional jury~~
628 ~~lists as necessary to prevent the jury list from becoming~~
629 ~~exhausted.~~

630 (2) When the final juror candidate ~~annual jury~~ list is
631 prepared pursuant to the request of a chief judge or the chief
632 judge's designee, the previously prepared final juror candidate
633 ~~lists prepared the previous year~~ shall be withdrawn from further
634 use. If, notwithstanding this provision, some names are not
635 withdrawn, such error or irregularity shall not invalidate any
636 subsequent proceeding or jury. The fact that any person so
637 selected had been on a former jury list or had served as a juror
638 in any court at any time shall not be grounds for challenge of

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639 such person as a juror. If any person so selected shall be
640 ascertained to be disqualified or incompetent to serve as a
641 juror, such disqualification shall not affect the legality of
642 such list or be cause of challenge to the array of any jury
643 chosen from such list, but any person ascertained to be
644 disqualified to serve as a juror shall be subject to challenge
645 for cause, as defined by law. The set of juror candidate lists,
646 although they may be defective or irregular in form or other
647 formal requirement, or in the number or qualification of the
648 persons so named, shall be the lists from which the names of
649 persons for jury service are to be drawn as prescribed by law.

650 ~~(3)(2)~~ The clerk of the court shall be responsible for
651 preserving the security of the source and juror candidate ~~jury~~
652 lists.

653 ~~(4)(3)~~ The clerk of the court shall perform the duties set
654 forth in this section and in ss. 40.221, 40.23, and 40.231 in
655 counties having an approved, computerized jury selection system,
656 the provisions of any special law or general law of local
657 application to the contrary notwithstanding. However, the chief
658 judge may designate the court administrator to perform these
659 duties if the county provides funding to the court administrator
660 to provide the personnel and other costs associated with jury
661 services.

662 Section 9. Subsection (1) of section 40.022, Florida
663 Statutes, is amended to read:

664 40.022 Clerk to purge jury selection lists; restoration.—

665 (1) To ensure that the juror candidates summoned satisfy
666 the requirements of ss. 40.01 and 40.013, each clerk of the
667 circuit court shall, upon receipt of the list of persons in the

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668 department database from the Department of Highway Safety and
669 Motor Vehicles and at least once each month thereafter, purge
670 the final juror candidate ~~jury selection~~ lists of, at a minimum,
671 the names of those persons:

- 672 (a) Adjudicated mentally incompetent;
673 (b) Convicted of a felony; or
674 (c) Deceased.

675 Section 10. Section 40.221, Florida Statutes, is amended to
676 read:

677 40.221 Drawing jury venire.—A clerk of the court, under
678 supervision of a judge of any court of record, shall, in a
679 manner deemed to produce a result by lot and at random, ~~randomly~~
680 select from the final juror candidate ~~jury~~ list such number of
681 persons as he or she deems necessary or expedient for a jury
682 venire, to be returnable at such time as the judge shall
683 specify, from which such venire or venires any jury may be
684 organized, including a grand jury when drawn by or upon order of
685 a judge of the circuit court. The clerk of the court shall keep
686 the list in a secure place.

687 Section 11. Section 40.225, Florida Statutes, is amended to
688 read:

689 40.225 Jury selection plan ~~Drawing jury venire; alternative~~
690 ~~method.~~—

691 (1) Pursuant to s. 40.001, the chief judge of each circuit
692 shall review and consent to the process for selecting juror
693 candidates within his or her circuit. The clerk of court shall
694 implement an automated electronic system in which ~~Whenever a~~
695 ~~majority of the judges authorized to conduct jury trials in a~~
696 ~~county consents,~~ the names of prospective jurors and other data

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697 pertinent thereto shall be maintained for the purpose of the
698 drawing of juror candidates. This system shall be used as the
699 exclusive method ~~may be fed into a mechanical, electronic, or~~
700 ~~electrical device and drawn therefrom as an alternative to other~~
701 ~~methods~~ authorized by law for obtaining jury venires, if such
702 drawing is by lot and at random and is approved by the Supreme
703 Court as hereinafter provided. Subject to the provisions of ss.
704 40.001 and 40.02, the clerk of the circuit court in each county
705 shall have the administrative responsibility for developing the
706 automated system of jury venire selection, obtaining approval
707 for the juror candidate selection process, and operating and
708 updating the system in accordance with this chapter and
709 technical standards and procedures adopted by the Chief Justice.

710 (2) The clerk of the court, or the chief judge of the
711 circuit if performing the duties of juror candidate selection as
712 provided in s. 40.02, shall submit for approval a plan for the
713 selection of juror candidates as required in this section to the
714 Chief Justice. The plan must be reapproved whenever required by
715 a change in the law, a change in the technical standards and
716 procedures, or a change in the approved clerk-maintained
717 hardware or software used in the automated system of jury venire
718 selection. The proposed plan, if submitted by the clerk, must be
719 approved by the chief judge of the judicial circuit in which the
720 county is located, and must include a description of the
721 equipment, methods, and mode of operation to be used, in a
722 manner consistent with the technical standards and procedures
723 established by the Chief Justice. ~~When a majority of the trial~~
724 ~~judges authorizes the alternative method of drawing a jury~~
725 ~~venire as provided in subsection (1), the chief judge of the~~

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726 ~~judicial circuit in which the county is located shall make a~~
727 ~~certificate to that effect and transmit the same to the Chief~~
728 ~~Justice of the Supreme Court, together with a description of the~~
729 ~~equipment, methods, and mode of operation to be used.~~

730 (3) The Chief Justice shall examine the proposed plan for
731 compliance with applicable statutory requirements and with
732 established technical standards and procedures ~~cause the~~
733 ~~certificate and data accompanying it to be presented to the~~
734 ~~justices of the Supreme Court. If the Chief Justice court finds~~
735 ~~that the proposed plan method will produce venires selected by~~
736 ~~lot and at random, is in compliance with applicable statutory~~
737 requirements and established technical standards and procedures,
738 will produce venires selected by lot and at random ~~all~~
739 ~~constitutional requirements of jury selection, and is otherwise~~
740 ~~feasible and practicable, an administrative order of approval of~~
741 ~~same shall be made and filed. Thereafter, the alternative method~~
742 ~~so approved system for automated selection of jury venires shall~~
743 ~~may be used in the county so authorized.~~

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

748 (4) (5) This section does not require ~~Nothing herein shall~~
749 ~~be construed as requiring~~ uniform equipment or methods
750 throughout the state.

751 Section 12. Subsection (1) of section 57.081, Florida
752 Statutes, is amended to read:

753 57.081 Costs; right to proceed where prepayment of costs
754 and payment of filing fees waived.-

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755 (1) Any indigent person, except a prisoner as defined in s.
756 57.085, who is a party or intervenor in any judicial or
757 administrative agency proceeding or who initiates such
758 proceeding shall receive the services of the courts, sheriffs,
759 and clerks, with respect to such proceedings, despite his or her
760 present inability to pay for these services. Such services are
761 limited to filing fees; service of process; certified copies of
762 orders or final judgments; a single photocopy of any court
763 pleading, record, or instrument filed with the clerk; examining
764 fees; mediation services and fees; private court-appointed
765 counsel fees; subpoena fees and services; service charges for
766 collecting and disbursing funds; and any other cost or service
767 arising out of pending litigation. In any appeal from an
768 administrative agency decision, for which the clerk is
769 responsible for preparing the transcript, the clerk shall record
770 the cost of preparing the transcripts and the cost for copies of
771 any exhibits in the record. A party who has obtained a
772 certification of indigence pursuant to s. 27.52 or s. 57.082
773 with respect to a proceeding is not required to prepay costs to
774 a court, clerk, or sheriff and is not required to pay filing
775 fees or charges for issuance of a summons ~~Prepayment of costs to~~
776 ~~any court, clerk, or sheriff is not required and payment of~~
777 ~~filing fees is not required in any action if the party has~~
778 ~~obtained in each proceeding a certification of indigence in~~
779 ~~accordance with s. 27.52 or s. 57.082.~~

780 Section 13. Subsection (11) is added to section 95.11,
781 Florida Statutes, to read:

782 95.11 Limitations other than for the recovery of real
783 property.—Actions other than for recovery of real property shall

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784 be commenced as follows:

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

788 Section 14. Paragraph (a) of subsection (4) of section
789 112.3173, Florida Statutes, is amended to read:

790 112.3173 Felonies involving breach of public trust and
791 other specified offenses by public officers and employees;
792 forfeiture of retirement benefits.—

793 (4) NOTICE.—

794 (a) The clerk of a court in which a proceeding involving a
795 specified offense is being conducted against a public officer or
796 employee shall furnish notice of the proceeding to the
797 Commission on Ethics after the state attorney advises the clerk
798 that the defendant is a public officer or employee and that the
799 defendant is alleged to have committed a specified offense. Such
800 notice is sufficient if it is in the form of a copy of the
801 indictment, information, or other document containing the
802 charges. In addition, if a verdict of guilty is returned by a
803 jury or by the court trying the case without a jury, or a plea
804 of guilty or of nolo contendere is entered in the court by the
805 public officer or employee, the clerk shall furnish a copy
806 thereof to the Commission on Ethics.

807 Section 15. Paragraph (b) of subsection (8) of section
808 318.18, Florida Statutes, is amended to read:

809 318.18 Amount of penalties.—The penalties required for a
810 noncriminal disposition pursuant to s. 318.14 or a criminal
811 offense listed in s. 318.17 are as follows:

812 (8)

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813 (b)1.a. If a person has been ordered to pay a civil penalty
814 for a noncriminal traffic infraction and the person is unable to
815 comply with the court's order due to demonstrable financial
816 hardship, the court shall allow the person to satisfy the civil
817 penalty by participating in community service until the civil
818 penalty is paid.

819 b. If a court orders a person to perform community service,
820 the person shall receive credit for the civil penalty at the
821 specified hourly credit rate per hour of community service
822 performed, and each hour of community service performed shall
823 reduce the civil penalty by that amount.

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

830 b. However, if a person ordered to perform community
831 service has a trade or profession for which there is a community
832 service need, the specified hourly credit rate for each hour of
833 community service performed by that person shall be the average
834 prevailing wage rate for the trade or profession that the
835 community service agency needs.

836 3.a. The community service agency supervising the person
837 shall record the number of hours of community service completed
838 and the date the community service hours were completed. The
839 community service agency shall submit the data to the clerk of
840 court on the letterhead of the community service agency, which
841 must also bear the notarized signature of the person designated

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842 to represent the community service agency.

843 b. When the number of community service hours completed by
844 the person equals the amount of the civil penalty, the clerk of
845 court shall certify this fact to the court. Thereafter, the
846 clerk of court shall record in the case file that the civil
847 penalty has been paid in full.

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

849 a. "Community service" means uncompensated labor for a
850 community service agency.

851 b. "Community service agency" means a not-for-profit
852 corporation, community organization, charitable organization,
853 public officer, the state or any political subdivision of the
854 state, or any other body the purpose of which is to improve the
855 quality of life or social welfare of the community and which
856 agrees to accept community service from persons unable to pay
857 civil penalties for noncriminal traffic infractions.

858 Section 16. Subsection (3) of section 668.50, Florida
859 Statutes, is amended to read:

860 668.50 Uniform Electronic Transaction Act.—

861 (3) SCOPE.—

862 (a) Except as otherwise provided in paragraph (b), this
863 section applies to electronic records and electronic signatures
864 relating to a transaction.

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

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

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

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

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

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

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

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

882 Section 17. Paragraph (c) of subsection (1) of section
 883 733.707, Florida Statutes, is amended to read:

884 733.707 Order of payment of expenses and obligations.—

885 (1) The personal representative shall pay the expenses of
 886 the administration and obligations of the decedent's estate in
 887 the following order:

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

891 Section 18. Section 893.11, Florida Statutes, is amended to
 892 read:

893 893.11 Suspension, revocation, and reinstatement of
 894 business and professional licenses.—For the purposes of s.
 895 120.60(6), any conviction in any court reported to the
 896 Comprehensive Case Information System of the Florida Association
 897 of Clerks and Comptroller, Inc., for the sale of, or trafficking
 898 in, a controlled substance or for conspiracy to sell, or traffic
 899 in, a controlled substance constitutes an immediate serious

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900 danger to the public health, safety, or welfare, and is grounds
901 for disciplinary action by the licensing state agency. A state
902 agency shall initiate an immediate emergency suspension of an
903 individual professional license issued by the agency, in
904 compliance with the procedures for summary suspensions in s.
905 120.60(6), upon the agency's findings of the licensee's
906 conviction in any court reported to the Comprehensive Case
907 Information System of the Florida Association of Court Clerks
908 and Comptroller, Inc., ~~Upon the conviction in any court of~~
909 ~~competent jurisdiction of any person holding a license, permit,~~
910 ~~or certificate issued by a state agency, for the sale of, or~~
911 ~~trafficking in, a controlled substance, or for conspiracy to~~
912 ~~sell, or traffic in, a controlled substance. Before renewing any~~
913 ~~professional license, a state agency that issues a professional~~
914 ~~license must use the Comprehensive Case Information System of~~
915 ~~the Florida Association of Court Clerks and Comptroller, Inc.,~~
916 ~~to obtain information relating to any conviction for the sale~~
917 ~~of, or trafficking in, a controlled substance or for conspiracy~~
918 ~~to sell, or traffic in, a controlled substance. The clerk of~~
919 ~~court shall provide electronic access to each state agency at no~~
920 ~~cost and also provide certified copies of the judgment upon~~
921 ~~request to the agency., if such offense is a felony, the clerk~~
922 ~~of said court shall send a certified copy of the judgment of~~
923 ~~conviction with the person's license number, permit number, or~~
924 ~~certificate number on the face of such certified copy to the~~
925 ~~agency head by whom the convicted defendant has received a~~
926 ~~license, permit, or certificate to practice his or her~~
927 ~~profession or to carry on his or her business. Such agency head~~
928 ~~shall suspend or revoke the license, permit, or certificate of~~

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929 ~~the convicted defendant to practice his or her profession or to~~
930 ~~carry on his or her business.~~ Upon a showing by any such
931 convicted defendant whose professional license, ~~permit, or~~
932 ~~certificate~~ has been suspended or revoked pursuant to this
933 section that his or her civil rights have been restored or upon
934 a showing that the convicted defendant meets the following
935 criteria, the agency head may reinstate or reactivate such
936 license, ~~permit, or certificate~~ when:

937 (1) The person has complied with the conditions of
938 paragraphs (a) and (b) which shall be monitored by the
939 Department of Corrections while the person is under any
940 supervisory sanction. If the person fails to comply with
941 provisions of these paragraphs by either failing to maintain
942 treatment or by testing positive for drug use, the department
943 shall notify the licensing, ~~permitting, or certifying~~ agency,
944 which shall revoke the license, ~~permit, or certification~~. The
945 person under supervision may:

946 (a) Seek evaluation and enrollment in, and once enrolled
947 maintain enrollment in until completion, a drug treatment and
948 rehabilitation program which is approved or regulated by the
949 Department of Children and Family Services. The treatment and
950 rehabilitation program shall be specified by:

951 1. The court, in the case of court-ordered supervisory
952 sanctions;

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

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

957 (b) Submit to periodic urine drug testing pursuant to

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958 procedures prescribed by the Department of Corrections. If the
959 person is indigent, the costs shall be paid by the Department of
960 Corrections; or

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

963 (3) As used in this section, the term "professional
964 license" includes any license, permit, or certificate that
965 authorizes a person to practice his or her profession. However,
966 the term ~~This section~~ does not include ~~apply to~~ any of the
967 taxes, fees, or permits regulated, controlled, or administered
968 by the Department of Revenue in accordance with s. 213.05.

969 Section 19. Paragraphs (a) and (b) of subsection (2) of
970 section 938.27, Florida Statutes, are amended to read:

971 938.27 Judgment for costs on conviction.—

972 (2) (a) The court shall impose the costs of prosecution and
973 investigation notwithstanding the defendant's present ability to
974 pay. The court shall require the defendant to pay the costs
975 within a specified period or pursuant to a payment plan under s.
976 28.246(4) in ~~specified installments.~~

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

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

981 2. Five years after the end of the term of imprisonment
982 imposed, if the court does not order probation or community
983 control; or

984 3. Five years after the date of sentencing in any other
985 case.

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

990 Section 20. Present subsections (8) through (12) of section
991 938.30, Florida Statutes, are renumbered as subsections (10)
992 through (14), respectively, and new subsections (8) and (9) are
993 added to that section to read:

994 938.30 Financial obligations in criminal cases;
995 supplementary proceedings.-

996 (8) If a criminal or civil judgment has previously been
997 entered on a court-imposed financial obligation, the judgment
998 constitutes a civil lien against the judgment debtor's presently
999 owned or after-acquired real or personal property when recorded
1000 pursuant to s. 55.10, except that a judgment on a court-imposed
1001 financial obligation is not subject to the 10-year rerecording
1002 requirement of s. 55.10. The judgment must secure all unpaid
1003 court-imposed financial obligations that are due and may accrue
1004 subsequent to the recording of the judgment, as well as interest
1005 and reasonable costs for issuing a satisfaction and recording
1006 the satisfaction in the official records.

1007 (9) The clerk of the court shall enforce, satisfy,
1008 compromise, settle, subordinate, release, or otherwise dispose
1009 of any debts or liens imposed and collected under this section
1010 in the same manner as prescribed in s. 938.29(3).

1011 Section 21. Section 947.181, Florida Statutes, is amended
1012 to read:

1013 947.181 Fines, fees, restitution, or other costs ordered to
1014 be paid ~~Victim restitution~~ as conditions ~~condition~~ of parole.-

1015 (1)~~(a)~~ The ~~Parole~~ commission shall require the payment of

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1016 fines, fees, restitution, or other court-ordered costs as a
1017 condition of parole ~~reparation or restitution to the aggrieved~~
1018 ~~party for the damage or loss caused by the offense for which the~~
1019 ~~parolee was imprisoned~~ unless the commission finds reasons to
1020 the contrary. Restitution to the aggrieved party for injury,
1021 damage, or loss caused by the offense for which the parolee was
1022 imprisoned shall have first priority in the payment of amounts
1023 owed under this section. If the commission does not require the
1024 payment of fines, fees, restitution, or other court-ordered
1025 costs ~~order restitution~~ or requires ~~orders~~ only partial payment
1026 of the fines, fees, restitution, or other court-ordered costs
1027 ~~restitution,~~ the commission shall state on the record the
1028 reasons for its decision therefor. ~~The amount of such reparation~~
1029 ~~or restitution shall be determined by the Parole Commission.~~

1030 (2) ~~(b)~~ If the parolee fails to make the payments ~~reparation~~
1031 ~~or restitution to the aggrieved party~~ as required ~~authorized~~ in
1032 subsection (1) paragraph (a), it shall be considered by the
1033 commission as a violation of parole as specified in s. 947.21
1034 and may be cause for revocation of ~~her or his~~ parole.

1035 (3) ~~(2)~~ If a defendant is paroled, any restitution ordered
1036 under s. 775.089 shall be a condition of such parole. The Parole
1037 Commission may revoke parole if the defendant fails to comply
1038 with such order.

1039 (4) In determining whether to revoke parole, the ~~Parole~~
1040 commission shall consider the defendant's employment status,
1041 earning ability, and financial resources; the willfulness of the
1042 defendant's failure to pay; and any other special circumstances
1043 that may have a bearing on the defendant's ability to pay.

1044 Section 22. This act shall take effect July 1, 2012.