



268200

LEGISLATIVE ACTION

Senate

House

.
. .
. .
. .
. .
. .

Floor: WD/2R

02/23/2012 05:59 PM

Senator Siplin moved the following:

Senate Amendment (with title amendment)

Between lines 218 and 219

insert:

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

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

(6) A clerk of court shall pursue the collection of any fees, service charges, fines, court costs, and liens for the payment of attorney's fees and costs pursuant to s. 938.29 which remain unpaid after 90 days by referring the account to a private attorney who is a member in good standing of The Florida



268200

14 Bar or collection agent who is registered and in good standing
15 pursuant to chapter 559. In pursuing the collection of such
16 unpaid financial obligations through a private attorney or
17 collection agent, the clerk of the court must have attempted to
18 collect the unpaid amount through a collection court,
19 collections docket, or other collections process, if any,
20 established by the court, find this to be cost-effective and
21 follow any applicable procurement practices. The collection fee,
22 including any reasonable attorney's fee, paid to any attorney or
23 collection agent retained by the clerk may be added to the
24 balance owed in an amount not to exceed 25 ~~40~~ percent of the
25 amount owed at the time the account is referred to the attorney
26 or agent for collection. The clerk shall give the private
27 attorney or collection agent the application for the appointment
28 of court-appointed counsel regardless of whether the court file
29 is otherwise confidential from disclosure.

30 Section 5. For the purpose of incorporating the amendment
31 made by this act to section 28.246, Florida Statutes, in a
32 reference thereto, subsection (1) of section 34.191, Florida
33 Statutes, is reenacted to read:

34 34.191 Fines and forfeitures; dispositions.—

35 (1) All fines and forfeitures arising from offenses tried
36 in the county court shall be collected and accounted for by the
37 clerk of the court and, other than the charge provided in s.
38 318.1215, disbursed in accordance with ss. 28.2402, 34.045,
39 142.01, and 142.03 and subject to the provisions of s. 28.246(5)
40 and (6). Notwithstanding the provisions of this section, all
41 fines and forfeitures arising from operation of the provisions
42 of s. 318.1215 shall be disbursed in accordance with that



268200

43 section.

44

45 ===== T I T L E A M E N D M E N T =====

46 And the title is amended as follows:

47

48 Delete line 17

49 and insert:

50

51 payment in excess of the flat fee established by law;

52 amending s. 28.246, F.S.; providing that the

53 collection fee, including a reasonable attorney fee,

54 paid to an attorney or collection agent retained by

55 the clerk may not exceed 25 percent rather than 40

56 percent of the amount owed at the time the account is

57 referred to the attorney or agent for collection;

58 reenacting s. 34.191(1), F.S., relating to fines, to

59 incorporate the amendment made to s. 28.246, F.S., in

60 a reference thereto;