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1
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

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29 county court to pay all filing and reopen fees at the
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 and maintain a set of juror candidate lists; requiring
40 that the clerk of court add names of certain persons
41 to the juror candidate lists; authorizing the clerk of
42 court to generate juror candidate lists as necessary
43 to ensure a valid and consistent juror selection
44 process; amending s. 40.02, F.S.; revising the process
45 of selecting jury lists; amending s. 40.022, F.S.;
46 revising the process of purging jury selection lists;
47 amending s. 40.221, F.S.; conforming provisions to
48 changes made by the act; amending s. 40.225, F.S.;
49 requiring that the clerk of court implement an
50 automated electronic system for drawing a jury venire;
51 providing administrative responsibilities of the
52 clerks of court with regard to the jury venire;
53 requiring that the clerk of court or the chief judge
54 submit for approval a plan for the selection of juror
55 candidates; requiring that the Chief Justice of the
56 Supreme Court examine the proposed plan for compliance

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57 with applicable statutory requirements and technical
58 standards and procedures; requiring that an
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

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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
88 Association of Court Clerks and Comptrollers, Inc.,
89 are an 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;
96 requiring that certain state agencies use the
97 Comprehensive Case Information System to obtain
98 information relating to a conviction involving certain
99 types of criminal offenses; requiring that the clerk
100 of court provide to each state agency electronic
101 access and provide certified copies of judgments to
102 licensing agencies upon request; defining the term
103 "professional license"; amending s. 938.27, F.S.;
104 authorizing a court to require a defendant to pay the
105 costs of prosecution and investigation pursuant to a
106 payment plan under a specified provision; amending s.
107 938.30, F.S.; providing that criminal or civil
108 judgment and related costs are a civil lien against
109 the judgment debtor's presently owned or after-
110 acquired real or personal property if the judgment is
111 recorded; providing an exception to rerecording
112 requirements; requiring that the clerk of court

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

127
128 Be It Enacted by the Legislature of the State of Florida:

129
130 Section 1. Paragraph (a) of subsection (2) of section
131 27.52, Florida Statutes, is amended to read:

132 27.52 Determination of indigent status.—

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

138 (a)1. An applicant, including an applicant who is a minor
139 or an adult tax-dependent person, is indigent if the applicant's
140 income is equal to or below 200 percent of the then-current

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141 federal poverty guidelines prescribed for the size of the
142 household of the applicant by the United States Department of
143 Health and Human Services or if the person is receiving
144 Temporary Assistance for Needy Families-Cash Assistance,
145 poverty-related veterans' benefits, or Supplemental Security
146 Income (SSI).

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

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

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

166 28.24 Service charges by clerk of the circuit court.—The
167 clerk of the circuit court shall charge for services rendered by
168 the clerk's office in recording documents and instruments and in

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performing the duties enumerated in amounts not to exceed those specified in this section. Notwithstanding any other provision of this section, the clerk of the circuit court shall provide without charge to the state attorney, public defender, guardian ad litem, public guardian, attorney ad litem, criminal conflict and civil regional counsel, and private court-appointed counsel paid by the state, and to the authorized staff acting on behalf of each, access to and a copy of any public record, if the requesting party is entitled by law to view the exempt or confidential record, as maintained by and in the custody of the clerk of the circuit court as provided in general law and the Florida Rules of Judicial Administration. The clerk of the circuit court may provide the requested public record in an electronic format in lieu of a paper format when capable of being accessed by the requesting entity.

Charges

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

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

1. If the counties maintain legal responsibility for the costs of the court-related technology needs as defined in s.

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197 29.008(1)(f)2. and (h), 10 cents shall be distributed to the
198 Florida Association of Court Clerks and Comptrollers
199 ~~Comptroller~~, Inc., for the cost of development, implementation,
200 operation, and maintenance of the clerks' Comprehensive Case
201 Information System, ~~in which system all clerks shall participate~~
202 ~~on or before January 1, 2006~~; \$1.90 shall be retained by the
203 clerk to be deposited in the Public Records Modernization Trust
204 Fund and used exclusively for funding court-related technology
205 needs of the clerk as defined in s. 29.008(1)(f)2. and (h); and
206 \$2 shall be distributed to the board of county commissioners to
207 be used exclusively to fund court-related technology, and court
208 technology needs as defined in s. 29.008(1)(f)2. and (h) for the
209 state trial courts, state attorney, public defender, and
210 criminal conflict and civil regional counsel in that county. If
211 the counties maintain legal responsibility for the costs of the
212 court-related technology needs as defined in s. 29.008(1)(f)2.
213 and (h), notwithstanding any other provision of law, the county
214 is not required to provide additional funding beyond that
215 provided herein for the court-related technology needs of the
216 clerk as defined in s. 29.008(1)(f)2. and (h). All court records
217 and official records are the property of the State of Florida,
218 including any records generated as part of the Comprehensive
219 Case Information System funded pursuant to this paragraph and
220 the clerk of court is designated as the custodian of such
221 records, except in a county where the duty of maintaining
222 official records exists in a county office other than the clerk
223 of court or comptroller, such county office is designated the
224 custodian of all official records, and the clerk of court is

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designated the custodian of all court records. The clerk of court or any entity acting on behalf of the clerk of court, including an association, shall not charge a fee to any agency as defined in s. 119.011, the Legislature, or the State Court System for copies of records generated by the Comprehensive Case Information System or held by the clerk of court or any entity acting on behalf of the clerk of court, including an association.

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

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

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

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

28.241 Filing fees for trial and appellate proceedings.—

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

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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
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,

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chapter 741, chapter 742, chapter 747, chapter 752, or chapter 753 shall pay to the clerk of that court a filing fee of up to \$295 in all cases in which there are not more than five defendants and an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first \$180 in filing fees, \$80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, \$95 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, \$3.50 must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission and used to fund the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1.50 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk budget reviews conducted by the Department of Financial Services.

c. An additional filing fee of \$4 shall be paid to the clerk. The clerk shall remit \$3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission to fund clerk education. An additional filing fee of up to \$18 shall be paid by the party seeking each severance that is granted. The clerk may impose an additional filing fee of up to \$85 for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at

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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
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

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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
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

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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
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,

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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
401 proceeding in the circuit court shall pay to the clerk of court
402 a filing fee set by the clerk in an amount not to exceed \$50.
403 For purposes of this section, a case is reopened after all
404 appeals have been exhausted or time to file an appeal from a
405 final order or final judgment has expired. A reopen fee may be
406 assessed by the clerk for any motion filed by any party at least
407 90 days after a final order or final judgment has been filed
408 with the clerk in the initial case. A reservation of
409 jurisdiction by a court does not cause a case to remain open for
410 purposes of this section or exempt a party from paying a reopen
411 fee ~~when a case previously reported as disposed of is~~
412 ~~resubmitted to a court and includes petitions for modification~~
413 ~~of a final judgment of dissolution.~~ A party is exempt from
414 paying the fee for any of 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

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entry of a judgment or final order;

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

8. A disposition of personal property without administration;

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

10. Any guardianship pleading prior to discharge;

11. Any mental health pleading;

12. Motions to withdraw by attorneys;

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

14. A petition for credit of child support;

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

16. Stipulations and motions to enforce stipulations;

17. Responsive pleadings; ~~or~~

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

19. Motions for contempt.

(c)1. A party in addition to a party described in sub-subparagraph (a)1.a. who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint shall pay the clerk of court a fee of \$395. A party in addition to a party described in sub-subparagraph (a)1.b. who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint shall pay the clerk of court a fee of \$295. The

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clerk shall remit the fee to the Department of Revenue for deposit into the General Revenue Fund.

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

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

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

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

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

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

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

28.37 Fines, fees, service charges, and costs remitted to

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the state.—

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

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

34.041 Filing fees.—

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

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

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

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\$75.

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

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

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

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

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

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

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

(2) A party reopening any civil action, suit, or proceeding in the county court shall pay to the clerk of court a filing fee set by the clerk in an amount not to exceed \$25 for all claims of not more than \$500 and an amount not to exceed \$50 for all claims of more than \$500. For purposes of this section, a case is reopened after all appeals have been exhausted, or time to file an appeal from a final order or final judgment has expired. A reopen fee may be assessed by the clerk for any motion filed by any party at least 90 days after a final order or final judgment has been filed with the clerk in the initial

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533 case. A reservation of jurisdiction by a court does not cause a
534 case to remain open for purposes of this section or exempt a
535 party from paying a reopen fee ~~when a case previously reported~~
536 ~~as disposed of is resubmitted to a court.~~ A party is exempt from
537 paying the 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
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

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of the circuit court in each county a list of names of persons who reside in that county, who are citizens of the United States, who are legal residents of Florida, who are 18 years of age or older, and for whom the department has a driver's license or identification card record.

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

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

State of Florida

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

...(Signature)...

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

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.....
(Signature and title of officer
administering oath)

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

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

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

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

40.02 Selection of jury lists.—

~~(1) The chief judge of each circuit, or a circuit judge in~~
~~each county within the circuit who is designated by the chief~~
~~judge, shall request the selection of a jury list in each county~~
~~within the circuit during the first week of January of each~~
~~year, or as soon thereafter as practicable.~~ The chief judge or
the chief judge's designee shall direct the clerk of the court
to select, by lot and at random, a sufficient number of names,
with their addresses, from the initial juror candidate list of
persons who are qualified to serve as jurors under ~~the~~

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617 ~~provisions of~~ s. 40.01 and to generate a final juror candidate
618 list of not fewer than 250 persons to serve as jurors as
619 provided for in s. 40.221. The final juror candidate, ~~which list~~
620 ~~must shall~~ be signed and verified by the clerk of the court as
621 having been selected as aforesaid. The final juror candidate
622 list may be created, updated, or supplemented as often as
623 necessary to prevent the selection list from becoming exhausted,
624 but in no case less than annually during the first week of
625 January of each year, or as soon thereafter as practicable. A
626 circuit judge in a county to which he or she has been assigned
627 may also request that the final juror candidate list be updated
628 or supplemented, or that a new list be created ~~additional jury~~
629 ~~lists as necessary to prevent the jury list from becoming~~
630 ~~exhausted.~~

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

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disqualified to serve as a juror shall be subject to challenge for cause, as defined by law. The set of juror candidate lists, although they may be defective or irregular in form or other formal requirement, or in the number or qualification of the persons so named, shall be the lists from which the names of persons for jury service are to be drawn as prescribed by law.

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

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

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

40.022 Clerk to purge jury selection lists; restoration.—

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

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

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

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

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

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

(1) Pursuant to s. 40.001, the chief judge of each circuit shall review and consent to the process for selecting juror candidates within his or her circuit. The clerk of court shall implement an automated electronic system in which ~~Whenever a majority of the judges authorized to conduct jury trials in a county consents,~~ the names of prospective jurors and other data pertinent thereto shall be maintained for the purpose of the drawing of juror candidates. This system shall be used as the exclusive method ~~may be fed into a mechanical, electronic, or~~

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701 ~~electrical device and drawn therefrom as an alternative to other~~
702 ~~methods~~ authorized by law for obtaining jury venires, if such
703 drawing is by lot and at random and is approved by the Supreme
704 Court as hereinafter provided. Subject to ss. 40.001 and 40.02,
705 the clerk of the circuit court in each county shall have the
706 administrative responsibility for developing the automated
707 system of jury venire selection, obtaining approval for the
708 juror candidate selection process, and operating and updating
709 the system in accordance with this chapter and technical
710 standards and procedures adopted by the Chief Justice.

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

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Justice of the Supreme Court, together with a description of the equipment, methods, and mode of operation to be used.

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

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

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

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

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

(1) Any indigent person, except a prisoner as defined in

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s. 57.085, who is a party or intervenor in any judicial or administrative agency proceeding or who initiates such proceeding shall receive the services of the courts, sheriffs, and clerks, with respect to such proceedings, despite his or her present inability to pay for these services. Such services are limited to filing fees; service of process; certified copies of orders or final judgments; a single photocopy of any court pleading, record, or instrument filed with the clerk; examining fees; mediation services and fees; private court-appointed counsel fees; subpoena fees and services; service charges for collecting and disbursing funds; and any other cost or service arising out of pending litigation. In any appeal from an administrative agency decision, for which the clerk is responsible for preparing the transcript, the clerk shall record the cost of preparing the transcripts and the cost for copies of any exhibits in the record. A party who has obtained a certification of indigence pursuant to s. 27.52 or s. 57.082 with respect to a proceeding is not required to prepay costs to a court, clerk, or sheriff and is not required to pay filing fees or charges for issuance of a summons ~~Prepayment of costs to any court, clerk, or sheriff is not required and payment of filing fees is not required in any action if the party has obtained in each proceeding a certification of indigence in accordance with s. 27.52 or s. 57.082.~~

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

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

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be commenced as follows:

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

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

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

(4) NOTICE.—

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

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

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

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(8)

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

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

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

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

3.a. The community service agency supervising the person shall record the number of hours of community service completed and the date the community service hours were completed. The community service agency shall submit the data to the clerk of

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841 court on the letterhead of the community service agency, which
842 must also bear the notarized signature of the person designated
843 to represent the community service agency.

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

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

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

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

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

861 668.50 Uniform Electronic Transaction Act.—

862 (3) SCOPE.—

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

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

868 1. A provision of law governing the creation and execution

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of wills, codicils, or testamentary trusts;

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

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

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

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

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

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

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

733.707 Order of payment of expenses and obligations.—

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

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

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

893.11 Suspension, revocation, and reinstatement of business and professional licenses.—For the purposes of s. 120.60(6), any conviction in any court reported to the

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

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~~permit number, or certificate number on the face of such~~
~~certified copy to the agency head by whom the convicted~~
~~defendant has received a license, permit, or certificate to~~
~~practice his or her profession or to carry on his or her~~
~~business. Such agency head shall suspend or revoke the license,~~
~~permit, or certificate of the convicted defendant to practice~~
~~his or her profession or to carry on his or her business. Upon a~~
showing by any such convicted defendant whose professional
~~license, permit, or certificate~~ has been suspended or revoked
pursuant to this section that his or her civil rights have been
restored or upon a showing that the convicted defendant meets
the following criteria, the agency head may reinstate or
reactivate such license, ~~permit, or certificate~~ when:

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

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

1. The court, in the case of court-ordered supervisory

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sanctions;

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

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

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

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

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

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

938.27 Judgment for costs on conviction.—

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

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

1. The end of the period of probation or community

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control, if probation or community control is ordered;

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

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

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

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

938.30 Financial obligations in criminal cases; supplementary proceedings.—

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

(9) The clerk of the court shall enforce, satisfy,

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1009 compromise, settle, subordinate, release, or otherwise dispose
1010 of any debts or liens imposed and collected under this section
1011 in the same manner as prescribed in s. 938.29(3).

1012 Section 21. Section 947.181, Florida Statutes, is amended
1013 to read:

1014 947.181 Fines, fees, restitution, or other costs ordered
1015 to be paid ~~Victim restitution~~ as conditions ~~condition~~ of
1016 parole.—

1017 (1)~~(a)~~ The ~~Parole~~ commission shall require the payment of
1018 finances, fees, restitution, or other court-ordered costs as a
1019 condition of parole ~~reparation or restitution to the aggrieved~~
1020 ~~party for the damage or loss caused by the offense for which the~~
1021 ~~parolee was imprisoned~~ unless the commission finds reasons to
1022 the contrary. Restitution to the aggrieved party for injury,
1023 damage, or loss caused by the offense for which the parolee was
1024 imprisoned shall have first priority in the payment of amounts
1025 owed under this section. If the commission does not require the
1026 payment of fines, fees, restitution, or other court-ordered
1027 costs ~~order restitution~~ or requires ~~orders~~ only partial payment
1028 of the fines, fees, restitution, or other court-ordered costs
1029 ~~restitution~~, the commission shall state on the record the
1030 reasons for its decision ~~therefor~~. ~~The amount of such reparation~~
1031 ~~or restitution shall be determined by the Parole Commission.~~

1032 (2)~~(b)~~ If the parolee fails to make the payments
1033 ~~reparation or restitution to the aggrieved party~~ as required
1034 ~~authorized in subsection (1) paragraph (a)~~, it shall be
1035 considered by the commission as a violation of parole as
1036 specified in s. 947.21 and may be cause for revocation of ~~her or~~

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1037 ~~his~~ parole.

1038 (3)~~(2)~~ If a defendant is paroled, any restitution ordered
1039 under s. 775.089 shall be a condition of such parole. The Parole
1040 Commission may revoke parole if the defendant fails to comply
1041 with such order.

1042 (4) In determining whether to revoke parole, the ~~Parole~~
1043 commission shall consider the defendant's employment status,
1044 earning ability, and financial resources; the willfulness of the
1045 defendant's failure to pay; and any other special circumstances
1046 that may have a bearing on the defendant's ability to pay.

1047 Section 22. This act shall take effect July 1, 2012.