



330018

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/14/2016	.	
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The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 192 - 244
and insert:
collection agent, the clerk of the court must first attempt ~~have~~
~~attempted~~ to collect the unpaid amount through a collection
court, collections docket, or other collections process, if any,
established by the court. If this attempt is unsuccessful, the
clerk may pursue the collection through a private attorney or
collection agent following ~~find this to be cost-effective and~~



330018

11 ~~follow~~ any applicable procurement practices- and the following
12 conditions:

13 (a) In retaining a collection agent or private attorney as
14 provided in this subsection, the clerk shall competitively bid a
15 contract with a collection agent or private attorney. Such
16 contract may be in effect for no longer than 3 years with a
17 maximum of two, one-year extensions.

18 (b) The clerk shall consider all pertinent criteria when
19 considering bids including, but not limited to, performance
20 quality, customer service, and collection fees. However, the ~~The~~
21 collection fee, including any reasonable ~~attorney~~ attorney's
22 fee, paid to any attorney or collection agent retained by the
23 clerk may be added to the balance owed in an amount not to
24 exceed 40 percent of the amount owed at the time the account is
25 referred to the attorney or agent for collection.

26 (c) The clerk may not assess any collections transfer
27 surcharge.

28 (d) The collection agent or private attorney may not impose
29 any additional fees or surcharges other than their contractually
30 agreed upon surcharge.

31 (e) The clerk shall give the private attorney or collection
32 agent the application for the appointment of court-appointed
33 counsel regardless of whether the court file is otherwise
34 confidential from disclosure.

35 Section 3. Present paragraphs (b), (c), and (d) of
36 subsection (1) of section 316.650, Florida Statutes, are
37 redesignated as paragraphs (c), (d), and (e), respectively, a
38 new paragraph (b) is added to that subsection, and present
39 paragraph (c) of that subsection is amended, to read:



330018

40 316.650 Traffic citations.-

41 (1)

42 (b) The traffic citation form must include language
43 indicating that a person may enter into a payment plan with the
44 clerk of court to pay a penalty. The form must also indicate
45 that a person ordered to pay a penalty for a noncriminal traffic
46 infraction who is unable to comply due to demonstrable financial
47 hardship will be allowed by the court to satisfy payment by
48 participating in community service pursuant to s. 318.18(8)(b).

49 (d)(e) Notwithstanding paragraphs (a) and (c) ~~(b)~~, a
50 traffic enforcement agency may produce uniform traffic citations
51 by electronic means. Such citations must be consistent with the
52 state traffic court rules and the procedures established by the
53 department and must be appropriately numbered and inventoried.
54 Affidavit-of-compliance forms may also be produced by electronic
55 means.

56 Section 4. Subsection (4) is added to section 318.15,
57 Florida Statutes, to read:

58 318.15 Failure to comply with civil penalty or to appear;
59 penalty.-

60 (4) Notwithstanding any other law, a person's driver
61 license may not be suspended solely for failure to pay a penalty
62 if the person demonstrates to the court, after receiving the
63 penalty and prior to the suspension taking place, that he or she
64 is unable

65
66 ===== T I T L E A M E N D M E N T =====

67 And the title is amended as follows:

68 Delete line 22



330018

69 and insert:

70 the person demonstrates to the court, when specified,

71 that he or she is