

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Appropriations Committee
 2 Representative Donalds offered the following:

3

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraph (i) of subsection (5) of section
 7 27.52, Florida Statutes, is amended to read:

8 27.52 Determination of indigent status.—

9 (5) INDIGENT FOR COSTS.—A person who is eligible to be
 10 represented by a public defender under s. 27.51 but who is
 11 represented by private counsel not appointed by the court for a
 12 reasonable fee as approved by the court or on a pro bono basis,
 13 or who is proceeding pro se, may move the court for a
 14 determination that he or she is indigent for costs and eligible
 15 for the provision of due process services, as prescribed by ss.
 16 29.006 and 29.007, funded by the state.

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17 (i) A defendant who is found guilty of a criminal act by a
18 court or jury or enters a plea of guilty or nolo contendere and
19 who received due process services after being found indigent for
20 costs under this subsection is liable for payment of due process
21 costs expended by the state.

22 1. The attorney representing the defendant, or the
23 defendant if he or she is proceeding pro se, shall provide an
24 accounting to the court delineating all costs paid or to be paid
25 by the state within 90 days after disposition of the case
26 notwithstanding any appeals.

27 2. The court shall issue an order determining the amount
28 of all costs paid by the state and any costs for which
29 prepayment was waived under this section or s. 57.081. The clerk
30 shall cause a certified copy of the order to be recorded in the
31 official records of the county, at no cost. The recording
32 constitutes a lien against the person in favor of the state in
33 the county in which the order is recorded. The lien may be
34 enforced in the same manner prescribed in s. 938.29.

35 3. If the attorney or the pro se defendant fails to
36 provide a complete accounting of costs expended by the state and
37 consequently costs are omitted from the lien, the attorney or
38 pro se defendant may not receive reimbursement or any other form
39 of direct or indirect payment for those costs if the state has
40 not paid the costs. The attorney or pro se defendant shall repay
41 the state for those costs if the state has already paid the

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42 costs. The clerk of the court may establish a payment plan under
43 s. 28.246 and may charge the attorney or pro se defendant a one-
44 time administrative processing charge under s. 28.24(26)(b) ~~s.~~
45 ~~28.24(26)(e)~~.

46 Section 2. Subsection (26) of section 28.24, Florida
47 Statutes, is amended to read:

48 28.24 Service charges.—The clerk of the circuit court
49 shall charge for services rendered manually or electronically by
50 the clerk's office in recording documents and instruments and in
51 performing other specified duties. These charges may not exceed
52 those specified in this section, except as provided in s.
53 28.345.

54 (26) (a) For receiving and disbursing all restitution
55 payments, per payment: 3.50, from which the clerk shall remit
56 0.50 per payment to the Department of Revenue for deposit into
57 the General Revenue Fund.

58 ~~(b) For receiving and disbursing all partial payments,~~
59 ~~other than restitution payments, for which an administrative~~
60 ~~processing service charge is not imposed pursuant to s. 28.246,~~
61 ~~per month.....5.00~~

62 ~~(e) For setting up a payment plan, a one-time~~
63 ~~administrative processing charge of in lieu of a per month~~
64 ~~charge under paragraph (b).....25.00.~~

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65 (c) A person may pay the one-time administrative
66 processing charge in paragraph (b) in no more than five equal
67 monthly payments.

68 Section 3. Subsections (4) and (5) of section 28.246,
69 Florida Statutes, are amended to read:

70 28.246 Payment of court-related fines or other monetary
71 penalties, fees, charges, and costs; partial payments;
72 distribution of funds.-

73 (4) Each ~~The~~ clerk of the circuit court shall accept
74 scheduled partial payments for court-related fees, service
75 charges, costs, and fines electronically, by mail, or in person,
76 in accordance with the terms of an established payment plan and
77 enroll- an individual seeking to defer payment of fees, service
78 charges, costs, or fines imposed by operation of law or order of
79 the court under any provision of general law no later than 30
80 calendar days after the date the court enters the order
81 assessing fines, fees, and costs. If the individual is
82 incarcerated, the individual shall apply to the clerk for
83 enrollment in a payment plan within 30 calendar days after
84 release. The clerk of court may not refer a case to collection
85 or send notice to the department to suspend an individual's
86 driver license for nonpayment or failure to comply with the
87 terms of a payment plan if the individual is still incarcerated.
88 The clerk shall enroll individuals with a deposit or credit card
89 account, or with other means of automatic withdrawal, in an

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90 automatic payment plan arrangement to ensure timely payment
91 under the plan. Each clerk shall work with the court to develop
92 a process in which the individual will meet with the clerk upon
93 disposition or as soon thereafter as practicable. If the clerk
94 enters ~~shall enter~~ into a payment plan with an individual who
95 the court determines is indigent for costs, ~~the~~. A monthly
96 payment amount shall be calculated based upon all fees and all
97 anticipated finer, fees, costs, and service charges owed within
98 the county, and ~~is presumed to~~ correspond to the person's
99 ability to pay if the amount does not exceed 2 percent of the
100 person's annual net income, as defined in s. 27.52(1), divided
101 by 12 or \$10, whichever is greater. The court may review the
102 reasonableness of the payment plan and may, on its own motion or
103 by petition, waive, modify, or convert the outstanding fines,
104 fees, costs, or service charges to community service if the
105 court determines that the individual is indigent or, due to
106 compelling circumstances, is unable to comply with the terms of
107 the payment plan.

108 (5) (a) The clerk may transmit notice to the Department of
109 Highway Safety and Motor Vehicles if any payment due under a
110 payment plan is not received within 30 days after the due date
111 unless the individual is incarcerated, brings the account
112 current, makes alternate payment arrangements, or enters into a
113 revised payment plan with the clerk before the due date. The

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114 clerk may send notices, electronically or by mail, to remind an
115 individual of an upcoming or missed payment.

116 (b) When receiving partial payment of fees, service
117 charges, court costs, and fines, clerks shall distribute funds
118 according to the following order of priority:

119 1.(a) That portion of fees, service charges, court costs,
120 and fines to be remitted to the state for deposit into the
121 General Revenue Fund.

122 2.(b) That portion of fees, service charges, court costs,
123 and fines required to be retained by the clerk of the court or
124 deposited into the Clerks of the Court Trust Fund within the
125 Department of Revenue.

126 3.(e) That portion of fees, service charges, court costs,
127 and fines payable to state trust funds, allocated on a pro rata
128 basis among the various authorized funds if the total collection
129 amount is insufficient to fully fund all such funds as provided
130 by law.

131 4.(d) That portion of fees, service charges, court costs,
132 and fines payable to counties, municipalities, or other local
133 entities, allocated on a pro rata basis among the various
134 authorized recipients if the total collection amount is
135 insufficient to fully fund all such recipients as provided by
136 law.

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138 To offset processing costs, clerks may impose ~~either a per-month~~
139 ~~service charge pursuant to s. 28.24(26) (b) or a one-time~~
140 administrative processing service charge at the inception of the
141 payment plan pursuant to s. 28.24(26) (b) ~~s. 28.24(26) (c)~~. The
142 clerk of court may waive this fee for any individual who enrolls
143 in an automatic electronic debit payment plan.

144 Section 4. Section 28.42, Florida Statutes, is amended to
145 read:

146 28.42 Manual of filing fees, charges, costs, and fines;
147 uniform payment plan forms.-

148 (1) The clerks of court, through their association and in
149 consultation with the Office of the State Courts Administrator,
150 shall prepare and disseminate a manual of filing fees, service
151 charges, costs, and fines imposed pursuant to state law, for
152 each type of action and offense, and classified as mandatory or
153 discretionary. The manual also shall classify the fee, charge,
154 cost, or fine as court-related revenue or noncourt-related
155 revenue. The clerks, through their association, shall
156 disseminate this manual to the chief judge, state attorney,
157 public defender, and court administrator in each circuit and to
158 the clerk of the court in each county. The clerks, through their
159 association and in consultation with the Office of the State
160 Courts Administrator, shall at a minimum update and disseminate
161 this manual on July 1 of each year.

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162 (2) By October 1, 2020, the clerks of court, through their
163 association, in consultation with the Florida Clerks of Court
164 Operations Corporation, shall develop a uniform payment plan
165 form for use by individuals seeking to establish a payment plan
166 in accordance with s. 28.246. The form shall inform the
167 individual about the minimum payment due each month, the term of
168 the plan, acceptable payment methods, and the circumstances
169 under which a case may be sent to collections for nonpayment.

170 (3) By January 1, 2021, each clerk of the court shall use
171 the uniform payment plan form described in subsection (2) when
172 establishing payment plans.

173 Section 5. Subsection (6) of section 57.082, Florida
174 Statutes, is amended to read:

175 57.082 Determination of civil indigent status.—

176 (6) PROCESSING CHARGE; PAYMENT PLANS.—A person who the
177 clerk or the court determines is indigent for civil proceedings
178 under this section shall be enrolled in a payment plan under s.
179 28.246 and shall be charged a one-time administrative processing
180 charge under s. 28.24(26) (b) ~~s. 28.24(26) (c)~~. A monthly payment
181 amount ~~must be~~ calculated based upon all fines, fees, and all
182 anticipated costs owed within that county and, ~~is presumed to~~
183 correspond to the person's ability to pay. The monthly payment
184 plan amount shall be the greater of \$10 or ~~if it does not exceed~~
185 2 percent of the person's annual net income, as defined in
186 subsection (1), divided by 12. The person may seek review of the

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187 clerk's decisions regarding a payment plan established under s.
188 28.246 in the court having jurisdiction over the matter. A case
189 may not be impeded in any way, delayed in filing, or delayed in
190 its progress, including the final hearing and order, due to
191 nonpayment of any fees or costs by an indigent person. Filing
192 fees waived from payment under s. 57.081 may not be included in
193 the calculation related to a payment plan established under this
194 section.

195 Section 6. Paragraph (a) of subsection (1) of section
196 318.15, Florida Statutes, is amended to read:

197 318.15 Failure to comply with civil penalty or to appear;
198 penalty.—

199 (1)(a) If a person who is not incarcerated fails to comply
200 with the civil penalties provided in s. 318.18 within the time
201 period specified in s. 318.14(4), fails to enter into or comply
202 with the terms of a penalty payment plan with the clerk of the
203 court in accordance with ss. 318.14 and 28.246, fails to attend
204 driver improvement school, or fails to appear at a scheduled
205 hearing, the clerk of the court may ~~shall~~ notify the Department
206 of Highway Safety and Motor Vehicles of such failure within 30
207 ~~10~~ days after such failure, except as provided herein. Upon
208 receipt of such notice, the department shall immediately issue
209 an order suspending the driver license and privilege to drive of
210 such person effective 20 days after the date the order of
211 suspension is mailed in accordance with s. 322.251(1), (2), and

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212 (6). Any such suspension of the driving privilege which has not
213 been reinstated, including a similar suspension imposed outside
214 Florida, shall remain on the records of the department for a
215 period of 7 years from the date imposed and shall be removed
216 from the records after the expiration of 7 years from the date
217 it is imposed. The department may not accept the resubmission of
218 such suspension.

219 Section 7. Section 318.20, Florida Statutes, is amended to
220 read:

221 318.20 Notification; duties of department.—The department
222 shall prepare a notification form to be appended to, or
223 incorporated as a part of, the Florida uniform traffic citation
224 issued in accordance with s. 316.650. The notification form
225 shall contain language informing persons charged with
226 infractions to which this chapter applies of the procedures
227 available to them under this chapter. Such notification shall
228 contain a statement that, if the official determines that no
229 infraction has been committed, no costs or penalties shall be
230 imposed and any costs or penalties which have been paid shall be
231 returned. A uniform traffic citation that is produced
232 electronically must also include the information required by
233 this section. The notification and the uniform traffic citation
234 must include information on paying the civil penalty to the
235 clerk of the court and information that the person may contact
236 the clerk of the court to establish a payment plan pursuant to

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237 s. 28.246(4) to make partial payments for court-related fines,
238 fees, costs, and service charges.

239 Section 8. Subsections (1) and (5) of section 322.245,
240 Florida Statutes, are amended to read:

241 322.245 Suspension of license upon failure of person
242 charged with specified offense under chapter 316, chapter 320,
243 or this chapter to comply with directives ordered by traffic
244 court or upon failure to pay child support in non-IV-D cases as
245 provided in chapter 61 or failure to pay any financial
246 obligation in any other driving-related criminal case.—

247 (1) If a person charged with a violation of any driving-
248 related ~~of the~~ criminal offenses enumerated in s. 318.17 or with
249 the commission of any driving-related offense constituting a
250 misdemeanor under chapter 320 or this chapter fails to comply
251 with all of the directives of the court, within the time
252 allotted by the court, the clerk of the traffic court shall mail
253 to the person, at the address specified on the uniform traffic
254 citation, a notice of such failure, notifying him or her that,
255 if he or she does not comply with the directives of the court
256 within 30 days after the date of the notice and pay a
257 delinquency fee of up to \$25 to the clerk, from which the clerk
258 shall remit \$10 to the Department of Revenue for deposit into
259 the General Revenue Fund, his or her driver license will be
260 suspended. The notice shall be mailed no later than 5 days after

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261 such failure. The delinquency fee may be retained by the office
262 of the clerk to defray the operating costs of the office.

263 (5) (a) A person whose driver license was suspended before
264 July 1, 2020, pursuant to this section solely for the nonpayment
265 of fines, fees, or costs in a criminal case not involving
266 operation of a motor vehicle, if otherwise eligible, may apply
267 to have his or her license reinstated upon payment of a
268 reinstatement fee.

269 (b) When the department receives notice from a clerk of
270 the court that a person licensed to operate a motor vehicle in
271 this state under the provisions of this chapter has failed to
272 pay financial obligations, in full or in part under a payment
273 plan established pursuant to s. 28.246(4), for any criminal
274 offense involving operation of a motor vehicle by the person
275 licensed other than those specified in subsection (1), in full
276 or in part under a payment plan pursuant to s. 28.246(4), the
277 department shall suspend the license of the person named in the
278 notice.

279 (c) ~~(b)~~ The department must reinstate the driving privilege
280 when the clerk of the court provides an affidavit to the
281 department stating that:

282 1. The person has satisfied the financial obligation in
283 full or made all payments currently due under a payment plan;

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284 2. The person has entered into a written agreement for
285 payment of the financial obligation if not presently enrolled in
286 a payment plan; or

287 3. A court has entered an order granting relief to the
288 person ordering the reinstatement of the license.

289 (d)~~(e)~~ The department shall not be held liable for any
290 license suspension resulting from the discharge of its duties
291 under this section.

292 Section 9. This act shall take effect July 1, 2020.

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297 **T I T L E A M E N D M E N T**

298 Remove everything before the enacting clause and insert:

299 A bill to be entitled
300 An act relating to fines and fees; amending s. 27.52, F.S.;
301 conforming a cross-reference; amending s. 28.24, F.S.; providing
302 procedures for payment plans; amending s. 28.246, F.S.; revising
303 the methods by which clerks of the circuit court must accept
304 payments for certain fees, charges, costs, and fines; providing
305 requirements for entering into payment plans; authorizing a
306 court to waive, modify, and convert certain fines and fees into
307 community service under specified circumstances; authorizing
308 clerks of court to transmit and send specified notices relating

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309 to payment plans; amending s. 28.42, F.S.; requiring the clerks
310 of court, in consultation with the Florida Clerks of Court
311 Operations Corporation, to develop a uniform payment plan form
312 by a specified date; providing minimum criteria for the form;
313 requiring clerks of court to use such forms by a specified date;
314 amending s. 57.082, F.S.; conforming a cross-reference and
315 provisions to changes made by the act; amending s. 318.15, F.S.;
316 authorizing rather than requiring clerks of court to notify the
317 Department of Highway Safety and Motor Vehicles under certain
318 circumstances; extending the timeframe for issuing certain
319 notices; amending s. 318.20, F.S.; requiring that a notification
320 form and the uniform traffic citation include certain
321 information about paying a civil penalty; amending s. 322.245,
322 F.S.; authorizing certain persons to apply for reinstatement of
323 their suspended licenses under certain circumstances; providing
324 an effective date.