

Amendment No.

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WITHDRAWN	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>	

Committee/Subcommittee hearing bill: Civil Justice Subcommittee
Representative Donalds offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

27.52 Determination of indigent status.—

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

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

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67 Section 3. Subsections (4) and (5) of section 28.246,
68 Florida Statutes, are amended, and new subsection (7) is added
69 to that section, 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) ~~The~~ Each clerk of the circuit court shall accept
74 ~~partial~~ scheduled partial payments for court-related fees,
75 service charges, costs, and fines electronically, by mail, or in
76 person, in accordance with the terms of an established payment
77 plan and enroll- an individual seeking to defer payment of fees,
78 service charges, costs, or fines imposed by operation of law or
79 order of the court under any provision of general law ~~shall~~
80 ~~apply to the clerk for enrollment in a payment plan~~ no later
81 than 30 calendar days from the date the court enters the order
82 assessing fines, fees, and costs. If the individual is
83 incarcerated, the individual shall apply to the clerk for
84 enrollment in a payment plan within 30 calendar days of release.
85 The clerk shall enroll individuals with a deposit or credit card
86 account, or with any other means of automatic withdrawal, in an
87 automatic plan payment arrangement to ensure timely payment
88 under the plan. Each clerk shall work with the court to develop
89 a process in which the individual will meet with the clerk upon
90 disposition or as soon thereafter as practical. If the clerk
91 enters ~~shall enter~~ into a payment plan with an individual who

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92 the court determines is indigent for costs, the ~~—~~A monthly
93 payment amount, calculated based upon all fees and all
94 anticipated finer, fees, costs, and service fees, is presumed to
95 correspond to the person's ability to pay if the amount does not
96 exceed 2 percent of the person's annual net income, as defined
97 in s. 27.52(1), divided by 12 or \$10, whichever is greater. The
98 court may review the reasonableness of the payment plan and may,
99 on its own motion or by petition, waive, modify or convert the
100 outstanding fees, service charges, costs or fines to community
101 service if the court determines that the individual is indigent
102 or due to compelling circumstances is unable to comply with the
103 terms of the payment plan.

104 (5) (a) The clerk shall transmit notice to the Department
105 of Highway Safety and Motor Vehicles if any payment due under a
106 payment plan is not received within 30 days of the due date
107 unless the individual brings the account current, makes
108 alternate payment arrangements, or enters into a revised payment
109 plan with the clerk before such date. The clerk may send
110 notices, electronically or by mail, to remind an individual of
111 an upcoming or missed payment.

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

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115 ~~1.(a)~~ That portion of fees, service charges, court costs,
116 and fines to be remitted to the state for deposit into the
117 General Revenue Fund.

118 ~~2.(b)~~ That portion of fees, service charges, court costs,
119 and fines required to be retained by the clerk of the court or
120 deposited into the Clerks of the Court Trust Fund within the
121 Department of Revenue.

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

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

133
134 To offset processing costs, clerks shall ~~may~~ impose ~~either a~~
135 ~~per-month service charge pursuant to s. 28.24(26)(b) or a one-~~
136 time administrative processing service charge at the inception
137 of the payment plan pursuant to s. 28.24(26)(b) ~~s. 28.24(26)(c)~~.

138 (7) Clerks may establish multi-county intergovernmental
139 authorities pursuant to chapter 163, F.S., for the

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140 administration of payment plans in the various participating
141 counties.

142 Section 4. Section 28.42, Florida Statutes, is amended to
143 read:

144 28.42 Manual of filing fees, charges, costs, and fines;
145 uniform payment plan forms.—

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

160 (2) By October 1, 2020, the clerks of court, through their
161 association, in consultation with the Florida Clerks of Court
162 Operations Corporation, shall develop a uniform payment plan
163 form for use by persons seeking to establish a payment plan in
164 accordance with s. 28.246. The form shall inform the person

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165 about the minimum payment due each month, the term of the plan,
166 acceptable payment methods, and the circumstances under which a
167 case may be sent to collections for nonpayment.

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

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

173 57.082 Determination of civil indigent status.—

174 (6) PROCESSING CHARGE; PAYMENT PLANS.—A person who the
175 clerk or the court determines is indigent for civil proceedings
176 under this section shall be enrolled in a payment plan under s.
177 28.246 and shall be charged a one-time administrative processing
178 charge under s. 28.24(26) (b) ~~(e)~~. A monthly payment amount,
179 calculated based upon all fees and all anticipated costs, is
180 presumed to correspond to the person's ability to pay if it does
181 not exceed 2 percent of the person's annual net income, as
182 defined in subsection (1), divided by 12. The person may seek
183 review of the clerk's decisions regarding a payment plan
184 established under s. 28.246 in the court having jurisdiction
185 over the matter. A case may not be impeded in any way, delayed
186 in filing, or delayed in its progress, including the final
187 hearing and order, due to nonpayment of any fees or costs by an
188 indigent person. Filing fees waived from payment under s. 57.081

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189 may not be included in the calculation related to a payment plan
190 established under this section.

191 Section 6. Paragraph (a) of subsection (1) of section
192 318.15, Florida Statutes, is amended to read:

193 318.15 Failure to comply with civil penalty or to appear;
194 penalty.—

195 (1)(a) If a person fails to comply with the civil penalties
196 provided in s. 318.18 within the time period specified in s.
197 318.14(4), fails to enter into or comply with the terms of a
198 penalty payment plan with the clerk of the court in accordance
199 with ss. 318.14 and 28.246, fails to attend driver improvement
200 school, or fails to appear at a scheduled hearing, the clerk of
201 the court shall notify the Department of Highway Safety and
202 Motor Vehicles of such failure within ~~10~~ 30 days after such
203 failure, except as provided herein. Upon receipt of such notice,
204 the department shall immediately issue an order suspending the
205 driver license and privilege to drive of such person effective
206 20 days after the date the order of suspension is mailed in
207 accordance with s. 322.251(1), (2), and (6). Any such suspension
208 of the driving privilege which has not been reinstated,
209 including a similar suspension imposed outside Florida, shall
210 remain on the records of the department for a period of 7 years
211 from the date imposed and shall be removed from the records
212 after the expiration of 7 years from the date it is imposed. The
213 department may not accept the resubmission of such suspension.

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214 Section 7. Section 318.20, Florida Statutes, is amended to
215 read:

216 318.20 Notification; duties of department.—The department
217 shall prepare a notification form to be appended to, or
218 incorporated as a part of, the Florida uniform traffic citation
219 issued in accordance with s. 316.650. The notification form
220 shall contain language informing persons charged with
221 infractions to which this chapter applies of the procedures
222 available to them under this chapter. Such notification shall
223 contain a statement that, if the official determines that no
224 infraction has been committed, no costs or penalties shall be
225 imposed and any costs or penalties which have been paid shall be
226 returned. A uniform traffic citation that is produced
227 electronically must also include the information required by
228 this section. The notification and the uniform traffic citation
229 shall include information on paying the civil penalty to the
230 clerk of the court and information that the person may contact
231 the clerk of the court to establish a payment plan pursuant to
232 s. 28.246(4) to make partial payments for court-related fees,
233 service charges, costs, and fines.

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

236 322.245 Suspension of license upon failure of person
237 charged with specified offense under chapter 316, chapter 320,
238 or this chapter to comply with directives ordered by traffic

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239 court or upon failure to pay child support in non-IV-D cases as
240 provided in chapter 61 or failure to pay any financial
241 obligation in any other criminal case.-

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

258 (5) (a) A person whose driver license was suspended before
259 July 1, 2020, pursuant to this section solely for the non-
260 payment of fines, fees, or costs in a criminal case not
261 involving operation of a motor vehicle, may, if otherwise
262 eligible, apply to have his or her license reinstated upon
263 payment of a reinstatement fee.

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

273 (c) ~~(b)~~ The department must reinstate the driving privilege
274 when the clerk of the court provides an affidavit to the
275 department stating that:

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

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

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

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

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

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

Remove everything before the enacting clause and insert:
An act relating to fines and fees; amending s. 27.52, F.S.;
conforming changes; amending s. 28.24, F.S.; providing for
procedures for payment plans; amending s. 28.246, F.S.; revising
the methods by which the clerk of the circuit court may accept
payments for certain fees, charges, costs, and fines; providing
requirements for a payment plan; authorizing a court to convert
certain fines and fees into community service under specified
circumstances; amending s. 28.42, F.S.; requiring the Office of
the State Courts Administrator to develop a uniform payment plan
form by a specified date; providing minimum criteria for the
form; amending s. 57.082, F.S.; conforming changes; amending s.
318.15, F.S.; extending the timeframe for issuing notices;
amending s. 318.20, F.S.; requiring certain notifications within
citations; amending s. 322.245, F.S.; authorizing certain
persons to apply for reinstatement of their suspended licenses
under certain circumstances; providing an effective date.