

1                   A bill to be entitled  
2           An act relating to fines and fees; amending s. 28.24,  
3           F.S.; revising specified service charges for recording  
4           documents with the clerk of the circuit court;  
5           amending s. 28.246, F.S.; revising the methods by  
6           which the clerk of the circuit court may accept  
7           payments for certain fees, charges, costs, and fines;  
8           requiring the court to enroll certain persons in a  
9           monthly payment plan under certain circumstances;  
10          providing requirements for the payment plan;  
11          authorizing a court to convert certain fines and fees  
12          into community service under specified circumstances;  
13          authorizing certain persons to have their payment  
14          plans terminated if certain requirements are met;  
15          conforming a cross-reference; amending s. 28.42, F.S.;  
16          requiring the Office of the State Courts Administrator  
17          to develop a uniform payment plan form by a specified  
18          date; providing minimum criteria for the form;  
19          amending s. 318.15, F.S.; deleting provisions  
20          specifying procedures to be used if a person fails to  
21          comply with certain court-ordered requirements;  
22          authorizing certain persons to reinstate their  
23          suspended driver licenses under certain circumstances;  
24          amending s. 322.245, F.S.; deleting provisions  
25          requiring the court to suspend the driver licenses of

26 certain persons who have failed to pay financial  
 27 obligations for certain criminal offenses; deleting  
 28 provisions addressing the reinstatement of such  
 29 suspended licenses; authorizing certain persons to  
 30 apply for reinstatement of their suspended licenses  
 31 under certain circumstances; amending ss. 34.191 and  
 32 320.03, F.S.; conforming cross-references; reenacting  
 33 ss. 27.52(5)(i) and 57.082(6), F.S., relating to  
 34 determination of indigent status, to incorporate the  
 35 amendment made to s. 28.24, F.S., in references  
 36 thereto; providing an effective date.

37

38 Be It Enacted by the Legislature of the State of Florida:

39

40 Section 1. Subsection (26) of section 28.24, Florida  
 41 Statutes, is amended to read:

42 28.24 Service charges.—The clerk of the circuit court  
 43 shall charge for services rendered manually or electronically by  
 44 the clerk's office in recording documents and instruments and in  
 45 performing other specified duties. These charges may not exceed  
 46 those specified in this section, except as provided in s.  
 47 28.345.

48 (26) (a) For receiving and disbursing all restitution  
 49 payments, per payment: 3.50, from which the clerk shall remit  
 50 0.50 per payment to the Department of Revenue for deposit into

51 the General Revenue Fund.

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

56 (b)(e) For setting up a payment plan, a one-time  
57 administrative processing charge; in lieu of a per month charge  
58 under paragraph (b)..... 25.00

59 (c) In lieu of the administrative processing charge in  
60 paragraph (b), a one-time administrative processing charge that  
61 covers all payment plans within a particular county for a person  
62 who is indigent as described in s. 27.52(2)(a), a person who  
63 receives public assistance as defined in s. 409.2554, or a  
64 person whose household income is below 200 percent of the  
65 federal poverty level based on the current year's federal  
66 poverty guidelines: \$5.00.

67 Section 2. Subsection (6) of section 28.246, Florida  
68 Statutes, is renumbered as subsection (7), subsection (4) and  
69 present subsection (5) are amended, and a new subsection (5) is  
70 added to that section, to read:

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

74 (4) The clerk of the circuit court shall accept monthly  
75 ~~partial~~ payments for court-related fees, service charges, costs,

76 | and fines electronically, by mail, in person, or by a community-  
77 | based organization authorized by the clerk to collect such  
78 | payments in accordance with the terms of an established payment  
79 | plan and shall enroll a person. ~~An individual~~ seeking to defer  
80 | payment of fees, service charges, costs, or fines imposed by  
81 | operation of law or order of the court under any provision of  
82 | general law in a monthly ~~shall apply to the clerk for enrollment~~  
83 | ~~in a~~ payment plan. The ~~clerk shall enter into a payment plan~~  
84 | ~~with an individual who the court determines is indigent for~~  
85 | ~~costs.~~ A monthly payment amount shall be, calculated based upon  
86 | all fines, fees, service charges, and ~~all~~ anticipated costs and  
87 | must, ~~is presumed to~~ correspond to the person's ability to pay.  
88 | The monthly payment shall be the greater of \$10 per month, per  
89 | county or ~~if the amount does not exceed~~ 2 percent of the  
90 | person's annual net income, as defined in s. 27.52(1), divided  
91 | by 12. If a county has more than one case open for a person  
92 | against whom fines, service charges, fees, and costs have been  
93 | assessed, the monthly payment plan must include the amounts  
94 | assessed for all of the cases. If a person is not in custody,  
95 | the plan must provide a 30-day grace period for the person to  
96 | make the first payment. If a person is incarcerated, the first  
97 | payment is due 90 days after the date the person is released  
98 | from custody. The court may, on its own motion or by petition,  
99 | review and modify the ~~reasonableness of the~~ payment plan or  
100 | convert the outstanding fees, service charges, costs, or fines

101 to community service if the court determines that the person is  
102 otherwise unable to comply with the terms of the payment plan.

103 (5) A person who is indigent as described in s. 27.52(2),  
104 a person who receives public assistance as defined in s.  
105 409.2554, or a person whose household income is below 200  
106 percent of the federal poverty level based on the current year's  
107 federal poverty guidelines may petition the court to declare  
108 that the financial obligations under the payment plan have been  
109 met and to terminate the payment plan if, up to the date of the  
110 petition, the person made timely payments for:

111 (a) Twelve consecutive months for any financial obligation  
112 that was \$500 or less;

113 (b) Twenty-four consecutive months for any financial  
114 obligation that was greater than \$500 but \$1000 or less; or

115 (c) Thirty-six consecutive months for any financial  
116 obligation that was greater than \$1000.

117 (6) ~~(5)~~ When receiving partial payment of fees, service  
118 charges, court costs, and fines, clerks shall distribute funds  
119 according to the following order of priority:

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

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

126 Department of Revenue.

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

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

138  
139 To offset processing costs, clerks may impose ~~either a per-month~~  
140 ~~service charge pursuant to s. 28.24(26)(b) or~~ a one-time  
141 administrative processing service charge at the inception of the  
142 payment plan pursuant to s. 28.24(26)(b) or (c) ~~s. 28.24(26)(c)~~.

143 Section 3. Section 28.42, Florida Statutes, is amended to  
144 read:

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

147 (1) The clerks of court, through their association and in  
148 consultation with the Office of the State Courts Administrator,  
149 shall prepare and disseminate a manual of filing fees, service  
150 charges, costs, and fines imposed pursuant to state law, for

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

161 (2) By October 1, 2021, the Office of the State Courts  
162 Administrator, in consultation with the clerks of court and the  
163 Florida Clerks of Court Operations Corporation, shall develop a  
164 uniform payment plan form for use by persons seeking to  
165 establish a payment plan in accordance with s. 28.246. The form  
166 shall inform the person about the minimum payment due each  
167 month, the term of the plan, acceptable payment methods, and the  
168 circumstances under which a case may be sent to collections for  
169 nonpayment.

170 Section 4. Section 318.15, Florida Statutes, is amended to  
171 read:

172 318.15 Failure to comply with civil penalty or to appear;  
173 penalty.—

174 ~~(1)(a) If a person fails to comply with the civil~~  
175 ~~penalties provided in s. 318.18 within the time period specified~~

176 | ~~in s. 318.14(4), fails to enter into or comply with the terms of~~  
177 | ~~a penalty payment plan with the clerk of the court in accordance~~  
178 | ~~with ss. 318.14 and 28.246, fails to attend driver improvement~~  
179 | ~~school, or fails to appear at a scheduled hearing, the clerk of~~  
180 | ~~the court shall notify the Department of Highway Safety and~~  
181 | ~~Motor Vehicles of such failure within 10 days after such~~  
182 | ~~failure. Upon receipt of such notice, the department shall~~  
183 | ~~immediately issue an order suspending the driver license and~~  
184 | ~~privilege to drive of such person effective 20 days after the~~  
185 | ~~date the order of suspension is mailed in accordance with s.~~  
186 | ~~322.251(1), (2), and (6). Any such suspension of the driving~~  
187 | ~~privilege which has not been reinstated, including a similar~~  
188 | ~~suspension imposed outside Florida, shall remain on the records~~  
189 | ~~of the department for a period of 7 years from the date imposed~~  
190 | ~~and shall be removed from the records after the expiration of 7~~  
191 | ~~years from the date it is imposed. The department may not accept~~  
192 | ~~the resubmission of such suspension.~~

193 |       ~~(b) However,~~ A person who elects to attend driver  
194 | improvement school and has paid the civil penalty as provided in  
195 | s. 318.14(9) but who subsequently fails to attend the driver  
196 | improvement school within the time specified by the court is  
197 | deemed to have admitted the infraction and shall be adjudicated  
198 | guilty. If the person received an 18-percent reduction pursuant  
199 | to s. 318.14(9), the person must pay the clerk of the court that  
200 | amount and a processing fee of up to \$18, from which the clerk



201 shall remit \$3 to the Department of Revenue for deposit into the  
202 General Revenue Fund, after which additional penalties, court  
203 costs, or surcharges may not be imposed for the violation. In  
204 all other such cases, the person must pay the clerk a processing  
205 fee of up to \$18, from which the clerk shall remit \$3 to the  
206 Department of Revenue for deposit into the General Revenue Fund,  
207 after which additional penalties, court costs, or surcharges may  
208 not be imposed for the violation. The clerk of the court shall  
209 notify the department of the person's failure to attend driver  
210 improvement school and points shall be assessed pursuant to s.  
211 322.27.

212 (2)(e) A person who is charged with a traffic infraction  
213 may request a hearing within 180 days after the date upon which  
214 the violation occurred, ~~regardless of any action taken by the~~  
215 ~~court or the department to suspend the person's driving~~  
216 ~~privilege,~~ and, upon request, the clerk must set the case for  
217 hearing. ~~The person shall be given a form for requesting that~~  
218 ~~his or her driving privilege be reinstated.~~ If the 180th day  
219 after the date upon which the violation occurred is a Saturday,  
220 Sunday, or legal holiday, the person who is charged must request  
221 a hearing within 177 days after the date upon which the  
222 violation occurred; however, the court may grant a request for a  
223 hearing made more than 180 days after the date upon which the  
224 violation occurred. This paragraph does not affect the  
225 assessment of late fees as otherwise provided in this chapter.

226 ~~(2) After the suspension of a person's driver license and~~  
227 ~~privilege to drive under subsection (1), the license and~~  
228 ~~privilege may not be reinstated until the person complies with~~  
229 ~~the terms of a periodic payment plan or a revised payment plan~~  
230 ~~with the clerk of the court pursuant to ss. 318.14 and 28.246 or~~  
231 ~~with all obligations and penalties imposed under s. 318.18 and~~  
232 ~~presents to a driver license office a certificate of compliance~~  
233 ~~issued by the court, together with a nonrefundable service~~  
234 ~~charge of \$60 imposed under s. 322.29, or presents a certificate~~  
235 ~~of compliance and pays the service charge to the clerk of the~~  
236 ~~court or a driver licensing agent authorized under s. 322.135~~  
237 ~~clearing such suspension. Of the charge collected, \$22.50 shall~~  
238 ~~be remitted to the Department of Revenue to be deposited into~~  
239 ~~the Highway Safety Operating Trust Fund. Such person must also~~  
240 ~~be in compliance with requirements of chapter 322 before~~  
241 ~~reinstatement.~~

242 (3) A person whose driver license was suspended solely for  
243 nonpayment pursuant to this section before July 1, 2020, and who  
244 is otherwise eligible to drive may reinstate his or her driver  
245 license upon payment of a reinstatement fee. ~~The clerk shall~~  
246 ~~notify the department of persons who were mailed a notice of~~  
247 ~~violation of s. 316.074(1) or s. 316.075(1)(c)1. pursuant to s.~~  
248 ~~316.0083 and who failed to enter into, or comply with the terms~~  
249 ~~of, a penalty payment plan, or order with the clerk to the local~~  
250 ~~hearing officer or failed to appear at a scheduled hearing~~

251 ~~within 10 days after such failure, and shall reference the~~  
252 ~~person's driver license number, or in the case of a business~~  
253 ~~entity, vehicle registration number.~~

254 ~~(a) Upon receipt of such notice, the department, or~~  
255 ~~authorized agent thereof, may not issue a license plate or~~  
256 ~~revalidation sticker for any motor vehicle owned or co-owned by~~  
257 ~~that person pursuant to s. 320.03(8) until the amounts assessed~~  
258 ~~have been fully paid.~~

259 ~~(b) After the issuance of the person's license plate or~~  
260 ~~revalidation sticker is withheld pursuant to paragraph (a), the~~  
261 ~~person may challenge the withholding of the license plate or~~  
262 ~~revalidation sticker only on the basis that the outstanding~~  
263 ~~finances and civil penalties have been paid pursuant to s.~~  
264 ~~320.03(8).~~

265 Section 5. Subsections (1) and (5) of section 322.245,  
266 Florida Statutes, are amended to read:

267 322.245 Suspension of license upon failure of person  
268 charged with specified offense under chapter 316, chapter 320,  
269 or this chapter to comply with directives ordered by traffic  
270 court or upon failure to pay child support in non-IV-D cases as  
271 provided in chapter 61 or failure to pay any financial  
272 obligation in any other criminal case.—

273 (1) If a person charged with a violation of any of the  
274 criminal offenses enumerated in s. 318.17 or with the commission  
275 of any offense constituting a misdemeanor under chapter 320 or

276 | this chapter fails to comply with all of the directives of the  
277 | court within the time allotted by the court, other than the  
278 | payment of fines, service charges, fees, or costs, the clerk of  
279 | the traffic court shall mail to the person, at the address  
280 | specified on the uniform traffic citation, a notice of such  
281 | failure, notifying him or her that, if he or she does not comply  
282 | with the directives of the court within 30 days after the date  
283 | of the notice and pay a delinquency fee of up to \$25 to the  
284 | clerk, from which the clerk shall remit \$10 to the Department of  
285 | Revenue for deposit into the General Revenue Fund, his or her  
286 | driver license will be suspended. The notice shall be mailed no  
287 | later than 5 days after such failure. The delinquency fee may be  
288 | retained by the office of the clerk to defray the operating  
289 | costs of the office.

290 |       (5)~~(a)~~ A person whose driver license was suspended before  
291 | July 1, 2020, pursuant to this section solely for nonpayment of  
292 | a financial obligation in a criminal case, other than a court-  
293 | ordered directive to repay such financial obligation, may apply  
294 | to have his or her driver license reinstated, provided that upon  
295 | payment of the reinstatement fee the person is otherwise  
296 | eligible to have his or her driver license reinstated ~~When the~~  
297 | ~~department receives notice from a clerk of the court that a~~  
298 | ~~person licensed to operate a motor vehicle in this state under~~  
299 | ~~the provisions of this chapter has failed to pay financial~~  
300 | ~~obligations for any criminal offense other than those specified~~

301 ~~in subsection (1), in full or in part under a payment plan~~  
302 ~~pursuant to s. 28.246(4), the department shall suspend the~~  
303 ~~license of the person named in the notice.~~

304 ~~(b) The department must reinstate the driving privilege~~  
305 ~~when the clerk of the court provides an affidavit to the~~  
306 ~~department stating that:~~

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

309 ~~2. The person has entered into a written agreement for~~  
310 ~~payment of the financial obligation if not presently enrolled in~~  
311 ~~a payment plan; or~~

312 ~~3. A court has entered an order granting relief to the~~  
313 ~~person ordering the reinstatement of the license.~~

314 ~~(c) The department shall not be held liable for any~~  
315 ~~license suspension resulting from the discharge of its duties~~  
316 ~~under this section.~~

317 Section 6. Subsection (1) of section 34.191, Florida  
318 Statutes, is amended to read:

319 34.191 Fines and forfeitures; dispositions.—

320 (1) All fines and forfeitures arising from offenses tried  
321 in the county court shall be collected and accounted for by the  
322 clerk of the court and, other than the charge provided in s.  
323 318.1215, disbursed in accordance with ss. 28.2402, 34.045,  
324 142.01, and 142.03 and subject to s. 28.246(6) and (7) the  
325 ~~provisions of s. 28.246(5) and (6)~~. Notwithstanding the

326 provisions of this section, all fines and forfeitures arising  
327 from operation of the provisions of s. 318.1215 shall be  
328 disbursed in accordance with that section.

329 Section 7. Subsection (8) of section 320.03, Florida  
330 Statutes, is amended to read:

331 320.03 Registration; duties of tax collectors;  
332 International Registration Plan.—

333 (8) If the applicant's name appears on the list referred  
334 to in s. 316.1001(4), s. 316.1967(6), ~~s. 318.15(3)~~, or s.  
335 713.78(13), a license plate or revalidation sticker may not be  
336 issued until that person's name no longer appears on the list or  
337 until the person presents a receipt from the governmental entity  
338 or the clerk of court that provided the data showing that the  
339 fines outstanding have been paid. This subsection does not apply  
340 to the owner of a leased vehicle if the vehicle is registered in  
341 the name of the lessee of the vehicle. The tax collector and the  
342 clerk of the court are each entitled to receive monthly, as  
343 costs for implementing and administering this subsection, 10  
344 percent of the civil penalties and fines recovered from such  
345 persons. As used in this subsection, the term "civil penalties  
346 and fines" does not include a wrecker operator's lien as  
347 described in s. 713.78(13). If the tax collector has private tag  
348 agents, such tag agents are entitled to receive a pro rata share  
349 of the amount paid to the tax collector, based upon the  
350 percentage of license plates and revalidation stickers issued by

351 the tag agent compared to the total issued within the county.  
352 The authority of any private agent to issue license plates shall  
353 be revoked, after notice and a hearing as provided in chapter  
354 120, if he or she issues any license plate or revalidation  
355 sticker contrary to the provisions of this subsection. This  
356 section applies only to the annual renewal in the owner's birth  
357 month of a motor vehicle registration and does not apply to the  
358 transfer of a registration of a motor vehicle sold by a motor  
359 vehicle dealer licensed under this chapter, except for the  
360 transfer of registrations which includes the annual renewals.  
361 This section does not affect the issuance of the title to a  
362 motor vehicle, notwithstanding s. 319.23(8)(b).

363 Section 8. For the purpose of incorporating the amendment  
364 made by this act to section 28.24, Florida Statutes, in a  
365 reference thereto, paragraph (i) of subsection (5) of section  
366 27.52, Florida Statutes, is reenacted to read:

367 27.52 Determination of indigent status.—

368 (5) INDIGENT FOR COSTS.—A person who is eligible to be  
369 represented by a public defender under s. 27.51 but who is  
370 represented by private counsel not appointed by the court for a  
371 reasonable fee as approved by the court or on a pro bono basis,  
372 or who is proceeding pro se, may move the court for a  
373 determination that he or she is indigent for costs and eligible  
374 for the provision of due process services, as prescribed by ss.  
375 29.006 and 29.007, funded by the state.

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

381 1. The attorney representing the defendant, or the  
382 defendant if he or she is proceeding pro se, shall provide an  
383 accounting to the court delineating all costs paid or to be paid  
384 by the state within 90 days after disposition of the case  
385 notwithstanding any appeals.

386 2. The court shall issue an order determining the amount  
387 of all costs paid by the state and any costs for which  
388 prepayment was waived under this section or s. 57.081. The clerk  
389 shall cause a certified copy of the order to be recorded in the  
390 official records of the county, at no cost. The recording  
391 constitutes a lien against the person in favor of the state in  
392 the county in which the order is recorded. The lien may be  
393 enforced in the same manner prescribed in s. 938.29.

394 3. If the attorney or the pro se defendant fails to  
395 provide a complete accounting of costs expended by the state and  
396 consequently costs are omitted from the lien, the attorney or  
397 pro se defendant may not receive reimbursement or any other form  
398 of direct or indirect payment for those costs if the state has  
399 not paid the costs. The attorney or pro se defendant shall repay  
400 the state for those costs if the state has already paid the



401 costs. The clerk of the court may establish a payment plan under  
402 s. 28.246 and may charge the attorney or pro se defendant a one-  
403 time administrative processing charge under s. 28.24(26)(c).

404 Section 9. For the purpose of incorporating the amendment  
405 made by this act to section 28.24, Florida Statutes, in a  
406 reference thereto, subsection (6) of section 57.082, Florida  
407 Statutes, is reenacted to read:

408 57.082 Determination of civil indigent status.—

409 (6) PROCESSING CHARGE; PAYMENT PLANS.—A person who the  
410 clerk or the court determines is indigent for civil proceedings  
411 under this section shall be enrolled in a payment plan under s.  
412 28.246 and shall be charged a one-time administrative processing  
413 charge under s. 28.24(26)(c). A monthly payment amount,  
414 calculated based upon all fees and all anticipated costs, is  
415 presumed to correspond to the person's ability to pay if it does  
416 not exceed 2 percent of the person's annual net income, as  
417 defined in subsection (1), divided by 12. The person may seek  
418 review of the clerk's decisions regarding a payment plan  
419 established under s. 28.246 in the court having jurisdiction  
420 over the matter. A case may not be impeded in any way, delayed  
421 in filing, or delayed in its progress, including the final  
422 hearing and order, due to nonpayment of any fees or costs by an  
423 indigent person. Filing fees waived from payment under s. 57.081  
424 may not be included in the calculation related to a payment plan  
425 established under this section.

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426 | Section 10. This act shall take effect July 1, 2020. |