

1 A bill to be entitled
2 An act relating to fines and fees; amending s. 27.52,
3 F.S.; conforming a cross-reference; amending s. 28.24,
4 F.S.; providing procedures for payment plans; amending
5 s. 28.246, F.S.; revising the methods by which clerks
6 of the circuit court must accept payments for certain
7 fees, charges, costs, and fines; providing
8 requirements for entering into payment plans;
9 authorizing a court to convert certain fines and fees
10 into community service under specified circumstances;
11 amending s. 28.42, F.S.; requiring the Office of the
12 State Courts Administrator to develop a uniform
13 payment plan form by a specified date; providing
14 minimum criteria for the form; amending s. 57.082,
15 F.S.; conforming a cross-reference; amending s.
16 318.15, F.S.; extending the timeframe for issuing
17 certain notices; amending s. 318.20, F.S.; requiring
18 certain notifications within the uniform traffic
19 citations; amending s. 322.245, F.S.; authorizing
20 certain persons to apply for reinstatement of their
21 suspended licenses under certain circumstances;
22 providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
25

26 Section 1. Paragraph (i) of subsection (5) of section
 27 27.52, Florida Statutes, is amended to read:

28 27.52 Determination of indigent status.—

29 (5) INDIGENT FOR COSTS.—A person who is eligible to be
 30 represented by a public defender under s. 27.51 but who is
 31 represented by private counsel not appointed by the court for a
 32 reasonable fee as approved by the court or on a pro bono basis,
 33 or who is proceeding pro se, may move the court for a
 34 determination that he or she is indigent for costs and eligible
 35 for the provision of due process services, as prescribed by ss.
 36 29.006 and 29.007, funded by the state.

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

42 1. The attorney representing the defendant, or the
 43 defendant if he or she is proceeding pro se, shall provide an
 44 accounting to the court delineating all costs paid or to be paid
 45 by the state within 90 days after disposition of the case
 46 notwithstanding any appeals.

47 2. The court shall issue an order determining the amount
 48 of all costs paid by the state and any costs for which
 49 prepayment was waived under this section or s. 57.081. The clerk
 50 shall cause a certified copy of the order to be recorded in the

51 | official records of the county, at no cost. The recording
 52 | constitutes a lien against the person in favor of the state in
 53 | the county in which the order is recorded. The lien may be
 54 | enforced in the same manner prescribed in s. 938.29.

55 | 3. If the attorney or the pro se defendant fails to
 56 | provide a complete accounting of costs expended by the state and
 57 | consequently costs are omitted from the lien, the attorney or
 58 | pro se defendant may not receive reimbursement or any other form
 59 | of direct or indirect payment for those costs if the state has
 60 | not paid the costs. The attorney or pro se defendant shall repay
 61 | the state for those costs if the state has already paid the
 62 | costs. The clerk of the court may establish a payment plan under
 63 | s. 28.246 and may charge the attorney or pro se defendant a one-
 64 | time administrative processing charge under s. 28.24(26)(b) ~~s.~~
 65 | ~~28.24(26)(c)~~.

66 | Section 2. Subsection (26) of section 28.24, Florida
 67 | Statutes, is amended to read:

68 | 28.24 Service charges.—The clerk of the circuit court
 69 | shall charge for services rendered manually or electronically by
 70 | the clerk's office in recording documents and instruments and in
 71 | performing other specified duties. These charges may not exceed
 72 | those specified in this section, except as provided in s.
 73 | 28.345.

74 | (26) (a) For receiving and disbursing all restitution
 75 | payments, per payment: 3.50, from which the clerk shall remit

76 | 0.50 per payment to the Department of Revenue for deposit into
 77 | the General Revenue Fund.

78 | ~~(b) For receiving and disbursing all partial payments,~~
 79 | ~~other than restitution payments, for which an administrative~~
 80 | ~~processing service charge is not imposed pursuant to s. 28.246,~~
 81 | ~~per month~~~~5.00~~

82 | ~~(e) For setting up a payment plan, a one-time~~
 83 | ~~administrative processing charge of in lieu of a per month~~
 84 | ~~charge under paragraph (b)~~~~25.00~~

85 | (c) A person may pay the one-time administrative
 86 | processing charge in paragraph (b) in no more than five equal
 87 | monthly payments.

88 | Section 3. Subsections (4) and (5) of section 28.246,
 89 | Florida Statutes, are amended, and subsection (7) is added to
 90 | that section, to read:

91 | 28.246 Payment of court-related fines or other monetary
 92 | penalties, fees, charges, and costs; partial payments;
 93 | distribution of funds.—

94 | (4) Each ~~The~~ clerk of the circuit court shall accept
 95 | scheduled partial payments for court-related fees, service
 96 | charges, costs, and fines electronically, by mail, or in person,
 97 | in accordance with the terms of an established payment plan and
 98 | enroll an individual seeking to defer payment of fees, service
 99 | charges, costs, or fines imposed by operation of law or order of
 100 | the court under any provision of general law no later than 30

101 calendar days after the date the court enters the order
102 assessing fines, fees, and costs. If the individual is
103 incarcerated, the individual shall apply to the clerk for
104 enrollment in a payment plan within 30 calendar days after
105 release. The clerk shall enroll individuals with a deposit or
106 credit card account, or with other means of automatic
107 withdrawal, in an automatic payment plan arrangement to ensure
108 timely payment under the plan. Each clerk shall work with the
109 court to develop a process in which the individual will meet
110 with the clerk upon disposition or as soon thereafter as
111 practicable. If the clerk enters ~~shall enter~~ into a payment plan
112 with an individual who the court determines is indigent for
113 costs, the ~~—~~A monthly payment amount, calculated based upon all
114 fees and all anticipated fines, fees, costs, and service
115 charges, is presumed to correspond to the person's ability to
116 pay if the amount does not exceed 2 percent of the person's
117 annual net income, as defined in s. 27.52(1), divided by 12 or
118 \$10, whichever is greater. The court may review the
119 reasonableness of the payment plan and may, on its own motion or
120 by petition, waive, modify, or convert the outstanding fines,
121 fees, costs, or service charges to community service if the
122 court determines that the individual is indigent or due to
123 compelling circumstances, is unable to comply with the terms of
124 the payment plan.

125 (5) (a) The clerk shall transmit notice to the Department

126 of Highway Safety and Motor Vehicles if any payment due under a
127 payment plan is not received within 30 days after the due date
128 unless the individual brings the account current, makes
129 alternate payment arrangements, or enters into a revised payment
130 plan with the clerk before the due date. The clerk may send
131 notices, electronically or by mail, to remind an individual of
132 an upcoming or missed payment.

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

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

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

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

148 4.(d) That portion of fees, service charges, court costs,
149 and fines payable to counties, municipalities, or other local
150 entities, allocated on a pro rata basis among the various

151 authorized recipients if the total collection amount is
152 insufficient to fully fund all such recipients as provided by
153 law.

154
155 To offset processing costs, clerks shall ~~may~~ impose ~~either a~~
156 ~~per-month service charge pursuant to s. 28.24(26)(b) or a one-~~
157 time administrative processing service charge at the inception
158 of the payment plan pursuant to s. 28.24(26)(b) ~~s. 28.24(26)(c)~~.

159 (7) Clerks may establish multi-county intergovernmental
160 authorities pursuant to chapter 163 to administer payment plans
161 in the participating counties.

162 Section 4. Section 28.42, Florida Statutes, is amended to
163 read:

164 28.42 Manual of filing fees, charges, costs, and fines;
165 uniform payment plan forms.-

166 (1) The clerks of court, through their association and in
167 consultation with the Office of the State Courts Administrator,
168 shall prepare and disseminate a manual of filing fees, service
169 charges, costs, and fines imposed pursuant to state law, for
170 each type of action and offense, and classified as mandatory or
171 discretionary. The manual also shall classify the fee, charge,
172 cost, or fine as court-related revenue or noncourt-related
173 revenue. The clerks, through their association, shall
174 disseminate this manual to the chief judge, state attorney,
175 public defender, and court administrator in each circuit and to

176 the clerk of the court in each county. The clerks, through their
 177 association and in consultation with the Office of the State
 178 Courts Administrator, shall at a minimum update and disseminate
 179 this manual on July 1 of each year.

180 (2) By October 1, 2020, the clerks of court, through their
 181 association, in consultation with the Florida Clerks of Court
 182 Operations Corporation, shall develop a uniform payment plan
 183 form for use by individuals seeking to establish a payment plan
 184 in accordance with s. 28.246. The form shall inform the
 185 individual about the minimum payment due each month, the term of
 186 the plan, acceptable payment methods, and the circumstances
 187 under which a case may be sent to collections for nonpayment.

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

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

193 57.082 Determination of civil indigent status.—

194 (6) PROCESSING CHARGE; PAYMENT PLANS.—A person who the
 195 clerk or the court determines is indigent for civil proceedings
 196 under this section shall be enrolled in a payment plan under s.
 197 28.246 and shall be charged a one-time administrative processing
 198 charge under s. 28.24(26) (b) ~~s. 28.24(26) (e)~~. A monthly payment
 199 amount, calculated based upon all fees and all anticipated
 200 costs, is presumed to correspond to the person's ability to pay

201 if it does not exceed 2 percent of the person's annual net
202 income, as defined in subsection (1), divided by 12. The person
203 may seek review of the clerk's decisions regarding a payment
204 plan established under s. 28.246 in the court having
205 jurisdiction over the matter. A case may not be impeded in any
206 way, delayed in filing, or delayed in its progress, including
207 the final hearing and order, due to nonpayment of any fees or
208 costs by an indigent person. Filing fees waived from payment
209 under s. 57.081 may not be included in the calculation related
210 to a payment plan established under this section.

211 Section 6. Paragraph (a) of subsection (1) of section
212 318.15, Florida Statutes, is amended to read:

213 318.15 Failure to comply with civil penalty or to appear;
214 penalty.—

215 (1) (a) If a person fails to comply with the civil
216 penalties provided in s. 318.18 within the time period specified
217 in s. 318.14(4), fails to enter into or comply with the terms of
218 a penalty payment plan with the clerk of the court in accordance
219 with ss. 318.14 and 28.246, fails to attend driver improvement
220 school, or fails to appear at a scheduled hearing, the clerk of
221 the court shall notify the Department of Highway Safety and
222 Motor Vehicles of such failure within 30 ~~10~~ days after such
223 failure, except as provided herein. Upon receipt of such notice,
224 the department shall immediately issue an order suspending the
225 driver license and privilege to drive of such person effective

226 20 days after the date the order of suspension is mailed in
227 accordance with s. 322.251(1), (2), and (6). Any such suspension
228 of the driving privilege which has not been reinstated,
229 including a similar suspension imposed outside Florida, shall
230 remain on the records of the department for a period of 7 years
231 from the date imposed and shall be removed from the records
232 after the expiration of 7 years from the date it is imposed. The
233 department may not accept the resubmission of such suspension.

234 Section 7. Section 318.20, Florida Statutes, is amended to
235 read:

236 318.20 Notification; duties of department.—The department
237 shall prepare a notification form to be appended to, or
238 incorporated as a part of, the Florida uniform traffic citation
239 issued in accordance with s. 316.650. The notification form
240 shall contain language informing persons charged with
241 infractions to which this chapter applies of the procedures
242 available to them under this chapter. Such notification shall
243 contain a statement that, if the official determines that no
244 infraction has been committed, no costs or penalties shall be
245 imposed and any costs or penalties which have been paid shall be
246 returned. A uniform traffic citation that is produced
247 electronically must also include the information required by
248 this section. The notification and the uniform traffic citation
249 shall include information on paying the civil penalty to the
250 clerk of the court and information that the person may contact

251 the clerk of the court to establish a payment plan pursuant to
252 s. 28.246(4) to make partial payments for court-related fines,
253 fees, costs, and service charges.

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

256 322.245 Suspension of license upon failure of person
257 charged with specified offense under chapter 316, chapter 320,
258 or this chapter to comply with directives ordered by traffic
259 court or upon failure to pay child support in non-IV-D cases as
260 provided in chapter 61 or failure to pay any financial
261 obligation in any other criminal case.-

262 (1) If a person charged with a violation of any driving-
263 related ~~of the~~ criminal offenses enumerated in s. 318.17 or
264 with the commission of any driving-related offense constituting
265 a misdemeanor under chapter 320 or this chapter fails to comply
266 with all of the directives of the court, within the time
267 allotted by the court, the clerk of the traffic court shall mail
268 to the person, at the address specified on the uniform traffic
269 citation, a notice of such failure, notifying him or her that,
270 if he or she does not comply with the directives of the court
271 within 30 days after the date of the notice and pay a
272 delinquency fee of up to \$25 to the clerk, from which the clerk
273 shall remit \$10 to the Department of Revenue for deposit into
274 the General Revenue Fund, his or her driver license will be
275 suspended. The notice shall be mailed no later than 5 days after

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

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

284 (b) When the department receives notice from a clerk of
285 the court that a person licensed to operate a motor vehicle in
286 this state under the provisions of this chapter has failed to
287 pay financial obligations, in full or in part under a payment
288 plan pursuant to s. 28.246(4), for any criminal offense
289 involving operation of a motor vehicle by the person licensed
290 ~~other than those specified in subsection (1), in full or in part~~
291 ~~under a payment plan pursuant to s. 28.246(4),~~ the department
292 shall suspend the license of the person named in the notice.

293 (c) ~~(b)~~ The department must reinstate the driving privilege
294 when the clerk of the court provides an affidavit to the
295 department stating that:

- 296 1. The person has satisfied the financial obligation in
297 full or made all payments currently due under a payment plan;
298 2. The person has entered into a written agreement for
299 payment of the financial obligation if not presently enrolled in
300 a payment plan; or

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

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

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