



26 notification form and the uniform traffic citation  
 27 include certain information about paying a civil  
 28 penalty; amending s. 322.245, F.S.; authorizing  
 29 certain persons to apply for reinstatement of their  
 30 suspended licenses under certain circumstances;  
 31 providing an effective date.

32

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

34

35 Section 1. Paragraph (i) of subsection (5) of section  
 36 27.52, Florida Statutes, is amended to read:

37 27.52 Determination of indigent status.—

38 (5) INDIGENT FOR COSTS.—A person who is eligible to be  
 39 represented by a public defender under s. 27.51 but who is  
 40 represented by private counsel not appointed by the court for a  
 41 reasonable fee as approved by the court or on a pro bono basis,  
 42 or who is proceeding pro se, may move the court for a  
 43 determination that he or she is indigent for costs and eligible  
 44 for the provision of due process services, as prescribed by ss.  
 45 29.006 and 29.007, funded by the state.

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

51           1. The attorney representing the defendant, or the  
52 defendant if he or she is proceeding pro se, shall provide an  
53 accounting to the court delineating all costs paid or to be paid  
54 by the state within 90 days after disposition of the case  
55 notwithstanding any appeals.

56           2. The court shall issue an order determining the amount  
57 of all costs paid by the state and any costs for which  
58 prepayment was waived under this section or s. 57.081. The clerk  
59 shall cause a certified copy of the order to be recorded in the  
60 official records of the county, at no cost. The recording  
61 constitutes a lien against the person in favor of the state in  
62 the county in which the order is recorded. The lien may be  
63 enforced in the same manner prescribed in s. 938.29.

64           3. If the attorney or the pro se defendant fails to  
65 provide a complete accounting of costs expended by the state and  
66 consequently costs are omitted from the lien, the attorney or  
67 pro se defendant may not receive reimbursement or any other form  
68 of direct or indirect payment for those costs if the state has  
69 not paid the costs. The attorney or pro se defendant shall repay  
70 the state for those costs if the state has already paid the  
71 costs. The clerk of the court may establish a payment plan under  
72 s. 28.246 and may charge the attorney or pro se defendant a one-  
73 time administrative processing charge under s. 28.24(26)(b) ~~s.~~  
74 ~~28.24(26)(c)~~.

75           Section 2. Subsection (26) of section 28.24, Florida

76 Statutes, is amended to read:

77 28.24 Service charges.—The clerk of the circuit court  
78 shall charge for services rendered manually or electronically by  
79 the clerk's office in recording documents and instruments and in  
80 performing other specified duties. These charges may not exceed  
81 those specified in this section, except as provided in s.  
82 28.345.

83 (26) (a) For receiving and disbursing all restitution  
84 payments, per payment: 3.50, from which the clerk shall remit  
85 0.50 per payment to the Department of Revenue for deposit into  
86 the General Revenue Fund.

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

91 ~~(c) For setting up a payment plan, a one-time~~  
92 ~~administrative processing charge of in lieu of a per month~~  
93 ~~charge under paragraph (b).....25.00.~~

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

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

99 28.246 Payment of court-related fines or other monetary  
100 penalties, fees, charges, and costs; partial payments;

101 distribution of funds.-

102 (4) Each ~~The~~ clerk of the circuit court shall accept  
103 scheduled partial payments for court-related fees, service  
104 charges, costs, and fines electronically, by mail, or in person,  
105 in accordance with the terms of an established payment plan and  
106 enroll- an individual seeking to defer payment of fees, service  
107 charges, costs, or fines imposed by operation of law or order of  
108 the court under any provision of general law no later than 30  
109 calendar days after the date the court enters the order  
110 assessing fines, fees, and costs. If the individual is  
111 incarcerated, the individual shall apply to the clerk for  
112 enrollment in a payment plan within 30 calendar days after  
113 release. The clerk of court may not refer a case to collection  
114 or send notice to the department to suspend an individual's  
115 driver license for nonpayment or failure to comply with the  
116 terms of a payment plan if the individual is still incarcerated.  
117 The clerk shall enroll individuals with a deposit or credit card  
118 account, or with other means of automatic withdrawal, in an  
119 automatic payment plan arrangement to ensure timely payment  
120 under the plan. Each clerk shall work with the court to develop  
121 a process in which the individual will meet with the clerk upon  
122 disposition or as soon thereafter as practicable. If the clerk  
123 enters ~~shall enter~~ into a payment plan with an individual who  
124 the court determines is indigent for costs, ~~the.~~ ~~A~~ monthly  
125 payment amount shall be, calculated based upon all fees and all

126 | anticipated fines, fees, costs, and service charges owed within  
127 | the county, and is presumed to correspond to the person's  
128 | ability to pay if the amount does not exceed 2 percent of the  
129 | person's annual net income, as defined in s. 27.52(1), divided  
130 | by 12 or \$10, whichever is greater. The court may review the  
131 | reasonableness of the payment plan and may, on its own motion or  
132 | by petition, waive, modify, or convert the outstanding fines,  
133 | fees, costs, or service charges to community service if the  
134 | court determines that the individual is indigent or, due to  
135 | compelling circumstances, is unable to comply with the terms of  
136 | the payment plan.

137 |       (5) (a) The clerk may transmit notice to the Department of  
138 | Highway Safety and Motor Vehicles if any payment due under a  
139 | payment plan is not received within 30 days after the due date  
140 | unless the individual is incarcerated, brings the account  
141 | current, makes alternate payment arrangements, or enters into a  
142 | revised payment plan with the clerk before the due date. The  
143 | clerk may send notices, electronically or by mail, to remind an  
144 | individual of an upcoming or missed payment.

145 |       (b) When receiving partial payment of fees, service  
146 | charges, court costs, and fines, clerks shall distribute funds  
147 | according to the following order of priority:

148 |       1.(a) That portion of fees, service charges, court costs,  
149 | and fines to be remitted to the state for deposit into the  
150 | General Revenue Fund.

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

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

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

166  
 167 To offset processing costs, clerks may impose ~~either a per-month~~  
 168 ~~service charge pursuant to s. 28.24(26) (b) or~~ a one-time  
 169 administrative processing service charge at the inception of the  
 170 payment plan pursuant to s. 28.24(26) (b) ~~s. 28.24(26) (e)~~. The  
 171 clerk of court may waive this fee for any individual who enrolls  
 172 in an automatic electronic debit payment plan.

173        Section 4. Section 28.42, Florida Statutes, is amended to  
 174 read:

175        28.42 Manual of filing fees, charges, costs, and fines;

176 uniform payment plan forms.—

177       (1) The clerks of court, through their association and in  
178 consultation with the Office of the State Courts Administrator,  
179 shall prepare and disseminate a manual of filing fees, service  
180 charges, costs, and fines imposed pursuant to state law, for  
181 each type of action and offense, and classified as mandatory or  
182 discretionary. The manual also shall classify the fee, charge,  
183 cost, or fine as court-related revenue or noncourt-related  
184 revenue. The clerks, through their association, shall  
185 disseminate this manual to the chief judge, state attorney,  
186 public defender, and court administrator in each circuit and to  
187 the clerk of the court in each county. The clerks, through their  
188 association and in consultation with the Office of the State  
189 Courts Administrator, shall at a minimum update and disseminate  
190 this manual on July 1 of each year.

191       (2) By October 1, 2020, the clerks of court, through their  
192 association, in consultation with the Florida Clerks of Court  
193 Operations Corporation, shall develop a uniform payment plan  
194 form for use by individuals seeking to establish a payment plan  
195 in accordance with s. 28.246. The form shall inform the  
196 individual about the minimum payment due each month, the term of  
197 the plan, acceptable payment methods, and the circumstances  
198 under which a case may be sent to collections for nonpayment.

199       (3) By January 1, 2021, each clerk of the court shall use  
200 the uniform payment plan form described in subsection (2) when



201 establishing payment plans.

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

204 57.082 Determination of civil indigent status.—

205 (6) PROCESSING CHARGE; PAYMENT PLANS.—A person who the  
206 clerk or the court determines is indigent for civil proceedings  
207 under this section shall be enrolled in a payment plan under s.  
208 28.246 and shall be charged a one-time administrative processing  
209 charge under s. 28.24(26) (b) ~~s. 28.24(26) (c)~~. A monthly payment  
210 amount must be calculated based upon all fines, fees, and all  
211 anticipated costs owed within that county and, ~~is presumed to~~  
212 correspond to the person's ability to pay. The monthly payment  
213 plan amount shall be the greater of \$10 or ~~if it does not exceed~~  
214 2 percent of the person's annual net income, as defined in  
215 subsection (1), divided by 12. The person may seek review of the  
216 clerk's decisions regarding a payment plan established under s.  
217 28.246 in the court having jurisdiction over the matter. A case  
218 may not be impeded in any way, delayed in filing, or delayed in  
219 its progress, including the final hearing and order, due to  
220 nonpayment of any fees or costs by an indigent person. Filing  
221 fees waived from payment under s. 57.081 may not be included in  
222 the calculation related to a payment plan established under this  
223 section.

224 Section 6. Paragraph (a) of subsection (1) of section  
225 318.15, Florida Statutes, is amended to read:

226           318.15 Failure to comply with civil penalty or to appear;  
 227 penalty.—

228           (1) (a) If a person who is not incarcerated fails to comply  
 229 with the civil penalties provided in s. 318.18 within the time  
 230 period specified in s. 318.14(4), fails to enter into or comply  
 231 with the terms of a penalty payment plan with the clerk of the  
 232 court in accordance with ss. 318.14 and 28.246, fails to attend  
 233 driver improvement school, or fails to appear at a scheduled  
 234 hearing, the clerk of the court may ~~shall~~ notify the Department  
 235 of Highway Safety and Motor Vehicles of such failure within 30  
 236 ~~10~~ days after such failure, except as provided herein. Upon  
 237 receipt of such notice, the department shall immediately issue  
 238 an order suspending the driver license and privilege to drive of  
 239 such person effective 20 days after the date the order of  
 240 suspension is mailed in accordance with s. 322.251(1), (2), and  
 241 (6). Any such suspension of the driving privilege which has not  
 242 been reinstated, including a similar suspension imposed outside  
 243 Florida, shall remain on the records of the department for a  
 244 period of 7 years from the date imposed and shall be removed  
 245 from the records after the expiration of 7 years from the date  
 246 it is imposed. The department may not accept the resubmission of  
 247 such suspension.

248           Section 7. Section 318.20, Florida Statutes, is amended to  
 249 read:

250           318.20 Notification; duties of department.—The department

251 shall prepare a notification form to be appended to, or  
252 incorporated as a part of, the Florida uniform traffic citation  
253 issued in accordance with s. 316.650. The notification form  
254 shall contain language informing persons charged with  
255 infractions to which this chapter applies of the procedures  
256 available to them under this chapter. Such notification shall  
257 contain a statement that, if the official determines that no  
258 infraction has been committed, no costs or penalties shall be  
259 imposed and any costs or penalties which have been paid shall be  
260 returned. A uniform traffic citation that is produced  
261 electronically must also include the information required by  
262 this section. The notification and the uniform traffic citation  
263 must include information on paying the civil penalty to the  
264 clerk of the court and information that the person may contact  
265 the clerk of the court to establish a payment plan pursuant to  
266 s. 28.246(4) to make partial payments for court-related fines,  
267 fees, costs, and service charges.

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

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

276 (1) If a person charged with a violation of any driving-  
277 related ~~of the~~ criminal offenses enumerated in s. 318.17 or with  
278 the commission of any driving-related offense constituting a  
279 misdemeanor under chapter 320 or this chapter fails to comply  
280 with all of the directives of the court,  within the time  
281 allotted by the court, the clerk of the traffic court shall mail  
282 to the person, at the address specified on the uniform traffic  
283 citation, a notice of such failure, notifying him or her that,  
284 if he or she does not comply with the directives of the court  
285 within 30 days after the date of the notice and pay a  
286 delinquency fee of up to \$25 to the clerk, from which the clerk  
287 shall remit \$10 to the Department of Revenue for deposit into  
288 the General Revenue Fund, his or her driver license will be  
289 suspended. The notice shall be mailed no later than 5 days after  
290 such failure. The delinquency fee may be retained by the office  
291 of the clerk to defray the operating costs of the office.

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

298 (b) When the department receives notice from a clerk of  
299 the court that a person licensed to operate a motor vehicle in  
300 this state under the provisions of this chapter has failed to

301 pay financial obligations, in full or in part under a payment  
302 plan established pursuant to s. 28.246(4), for any criminal  
303 offense involving operation of a motor vehicle by the person  
304 licensed ~~other than those specified in subsection (1), in full~~  
305 ~~or in part under a payment plan pursuant to s. 28.246(4),~~ the  
306 department shall suspend the license of the person named in the  
307 notice.

308 (c) ~~(b)~~ The department must reinstate the driving privilege  
309 when the clerk of the court provides an affidavit to the  
310 department stating that:

- 311 1. The person has satisfied the financial obligation in  
312 full or made all payments currently due under a payment plan;
- 313 2. The person has entered into a written agreement for  
314 payment of the financial obligation if not presently enrolled in  
315 a payment plan; or
- 316 3. A court has entered an order granting relief to the  
317 person ordering the reinstatement of the license.

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

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