

By Senator Jones

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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 courts must accept payments for certain  
7       fees, charges, costs, and fines; providing  
8       requirements for entering into payment plans;  
9       authorizing a court to waive, modify, and convert  
10      certain fines and fees into community service under  
11      specified circumstances; authorizing clerks of court  
12      to transmit and send specified notices relating to  
13      payment plans; amending s. 28.42, F.S.; requiring the  
14      clerks of court, in consultation with the Florida  
15      Clerks of Court Operations Corporation, to develop a  
16      uniform payment plan form by a specified date;  
17      providing minimum criteria for the form; requiring  
18      clerks of court to use such forms by a specified date;  
19      amending s. 57.082, F.S.; conforming a cross-reference  
20      and provisions to changes made by the act; amending s.  
21      318.15, F.S.; authorizing, rather than requiring,  
22      clerks of court to notify the Department of Highway  
23      Safety and Motor Vehicles under certain circumstances;  
24      extending the timeframe for issuing certain notices;  
25      amending s. 318.20, F.S.; requiring that a  
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

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30 suspended driver 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 of  
57 all costs paid by the state and any costs for which prepayment  
58 was waived under this section or s. 57.081. The clerk shall

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59 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 provide  
65 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 shall  
78 charge for services rendered manually or electronically by the  
79 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,~~

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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 ~~(e) 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 processing  
95 charge in paragraph (b) in no more than five equal monthly  
96 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.

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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

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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.~~(c)~~ 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)(c)~~. 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:

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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, 2021, 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, 2022, 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:

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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



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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

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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. Section 322.245, Florida Statutes, is amended to  
269 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

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291 of the clerk to defray the operating costs of the office.

292 (2) In non-IV-D cases, if a person fails to pay child  
293 support under chapter 61 and the obligee so requests, the  
294 depository or the clerk of the court shall mail in accordance  
295 with s. 61.13016 the notice specified in that section, notifying  
296 him or her that if he or she does not comply with the  
297 requirements of that section and pay a delinquency fee of \$25 to  
298 the depository or the clerk, his or her driver license and motor  
299 vehicle registration will be suspended. The delinquency fee may  
300 be retained by the depository or the office of the clerk to  
301 defray the operating costs of the office after the clerk remits  
302 \$15 to the Department of Revenue for deposit into the General  
303 Revenue Fund.

304 (3) If the person fails to comply with the directives of  
305 the court within the 30-day period, or, in non-IV-D cases, fails  
306 to comply with the requirements of s. 61.13016 within the period  
307 specified in that statute, the depository or the clerk of the  
308 court shall electronically notify the department of such failure  
309 within 10 days. Upon electronic receipt of the notice, the  
310 department shall immediately issue an order suspending the  
311 person's driver license and privilege to drive effective 20 days  
312 after the date the order of suspension is mailed in accordance  
313 with s. 322.251(1), (2), and (6).

314 (4) After suspension of the driver license of a person  
315 pursuant to subsection (1), subsection (2), or subsection (3),  
316 the license may not be reinstated until the person complies with  
317 all court directives imposed upon him or her, including payment  
318 of the delinquency fee imposed by subsection (1), and presents  
319 certification of such compliance to a driver licensing office

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320 and complies with the requirements of this chapter or, in the  
321 case of a license suspended for nonpayment of child support in  
322 non-IV-D cases, until the person complies with the reinstatement  
323 provisions of s. 322.058 and makes payment of the delinquency  
324 fee imposed by subsection (2).

325 (5) (a) A person whose driver license was suspended before  
326 July 1, 2021, pursuant to this section solely for the nonpayment  
327 of fines, fees, or costs in a criminal case not involving  
328 operation of a motor vehicle, if otherwise eligible, may apply  
329 to have his or her license reinstated upon payment of a  
330 reinstatement fee.

331 (b) When the department receives notice from a clerk of the  
332 court that a person licensed to operate a motor vehicle in this  
333 state under ~~the provisions of~~ this chapter has failed to pay  
334 financial obligations, in full or in part under a payment plan  
335 established pursuant to s. 28.246(4), for any criminal offense  
336 involving operation of a motor vehicle by the person licensed  
337 ~~other than those specified in subsection (1), in full or in part~~  
338 ~~under a payment plan pursuant to s. 28.246(4),~~ the department  
339 shall suspend the license of the person named in the notice.

340 (c) ~~(b)~~ The department must reinstate the driving privilege  
341 when the clerk of the court provides an affidavit to the  
342 department stating that:

- 343 1. The person has satisfied the financial obligation in  
344 full or made all payments currently due under a payment plan;
- 345 2. The person has entered into a written agreement for  
346 payment of the financial obligation if not presently enrolled in  
347 a payment plan; or
- 348 3. A court has entered an order granting relief to the

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349 person ordering the reinstatement of the license.

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

353 Section 9. This act shall take effect July 1, 2021.