



547058

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/30/2021	.	
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The Committee on Judiciary (Brandes) recommended the following:

1           **Senate Substitute for Amendment (407108) (with title**  
2 **amendment)**

3  
4           Delete everything after the enacting clause  
5 and insert:

6           Section 1. Subsection (4) of section 28.246, Florida  
7 Statutes, is amended to read:

8           28.246 Payment of court-related fines or other monetary  
9 penalties, fees, charges, and costs; partial payments;  
10 distribution of funds.—

11           (4) The clerk of the circuit court shall accept partial



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12 payments for court-related fees, service charges, costs, and  
13 fines in accordance with the terms of an established payment  
14 plan. An individual seeking to defer payment of fees, service  
15 charges, costs, or fines imposed by operation of law or order of  
16 the court under any provision of general law shall apply to the  
17 clerk for enrollment in a payment plan. The clerk shall enter  
18 into a payment plan with an individual who the court determines  
19 is indigent for costs. A monthly payment amount, calculated  
20 based upon all fees and all anticipated costs, is presumed to  
21 correspond to the person's ability to pay if the amount does not  
22 exceed 2 percent of the person's annual net income, as defined  
23 in s. 27.52(1), divided by 12 or \$10, whichever is greater. The  
24 court may review the reasonableness of the payment plan and may,  
25 on its own motion or by petition, waive, modify, or convert the  
26 outstanding fees, costs, or service charges to community service  
27 if the court determines that the individual is indigent or, due  
28 to compelling circumstances, is unable to comply with the terms  
29 of the payment plan.

30 Section 2. Paragraph (g) of subsection (2) of section  
31 318.21, Florida Statutes, is amended, and subsection (1) of that  
32 section is republished, to read:

33 318.21 Disposition of civil penalties by county courts.—All  
34 civil penalties received by a county court pursuant to the  
35 provisions of this chapter shall be distributed and paid monthly  
36 as follows:

37 (1) One dollar from every civil penalty shall be remitted  
38 to the Department of Revenue for deposit into the Child Welfare  
39 Training Trust Fund for child welfare training purposes pursuant  
40 to s. 402.40. One dollar from every civil penalty shall be



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41 remitted to the Department of Revenue for deposit into the  
42 Juvenile Justice Training Trust Fund for juvenile justice  
43 purposes pursuant to s. 985.66.

44 (2) Of the remainder:

45 (g)1. If the violation occurred within a special  
46 improvement district of the Seminole Indian Tribe or Miccosukee  
47 Indian Tribe, 56.4 percent shall be paid to that special  
48 improvement district.

49 ~~2. If the violation occurred within a municipality, 50.8~~  
50 ~~percent shall be paid to that municipality and 5.6 percent shall~~  
51 ~~be deposited into the fine and forfeiture trust fund established~~  
52 ~~pursuant to s. 142.01.~~

53 ~~3.~~ If the violation occurred within a municipality or  
54 within the unincorporated area of a county, including the  
55 unincorporated areas, if any, of a government created pursuant  
56 to s. 6(e), Art. VIII of the State Constitution, that is not  
57 within a special improvement district of the Seminole Indian  
58 Tribe or Miccosukee Indian Tribe, 56.4 percent shall be  
59 deposited into the fine and forfeiture fund established pursuant  
60 to s. 142.01.

61 Section 3. This act shall take effect July 1, 2021.

62  
63 ===== T I T L E A M E N D M E N T =====

64 And the title is amended as follows:

65 Delete everything before the enacting clause  
66 and insert:

67 A bill to be entitled  
68 An act relating to courts; amending s. 28.246, F.S.;  
69 revising a presumption regarding a monthly payment



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70 amount; authorizing a court to waive, modify, and  
71 convert certain fees, costs, and service charges into  
72 community service under specified circumstances;  
73 amending s. 318.21, F.S.; revising the disposition of  
74 civil penalties received by a county court; providing  
75 an effective date.