

1 A bill to be entitled

2 An act relating to payments to clerks of the circuit  
3 courts; amending s. 27.52, F.S.; conforming a cross-  
4 reference; amending s. 28.24, F.S.; providing  
5 procedures for payment plans; amending s. 28.246,  
6 F.S.; revising the methods by which clerks of the  
7 circuit courts must accept payments for certain fees,  
8 charges, costs, and fines; providing requirements for  
9 entering into payment plans; authorizing a court to  
10 waive, modify, and convert certain fines and fees into  
11 community service under specified circumstances;  
12 authorizing the clerks of court to send specified  
13 notices relating to payment plans; authorizing the  
14 clerks of court to waive certain fees for individuals  
15 who enroll in automatic electronic debit payment  
16 plans; amending s. 28.42, F.S.; requiring the clerks  
17 of court, in consultation with the Florida Clerks of  
18 Court Operations Corporation, to develop a uniform  
19 payment plan form by a specified date; providing  
20 criteria for the form; requiring clerks of court to  
21 use such forms by a specified date; amending s.  
22 57.082, F.S.; conforming a cross-reference and  
23 provisions to changes made by the act; amending s.  
24 318.15, F.S.; specifying application of certain  
25 provisions to a person who is not incarcerated;

26 authorizing, rather than requiring, clerks of court to  
27 notify the Department of Highway Safety and Motor  
28 Vehicles if such a person fails to perform certain  
29 actions; extending the timeframe for issuing such  
30 notice; amending s. 318.20, F.S.; requiring that a  
31 notification form and the uniform traffic citation  
32 include certain information about paying a civil  
33 penalty; amending s. 322.245, F.S.; specifying  
34 application of certain provisions to a person charged  
35 with a driving-related offense; authorizing certain  
36 persons to apply for reinstatement of their suspended  
37 licenses under certain circumstances; providing an  
38 effective date.

39  
40 Be It Enacted by the Legislature of the State of Florida:

41  
42 Section 1. Paragraph (i) of subsection (5) of section  
43 27.52, Florida Statutes, is amended to read:

44 27.52 Determination of indigent status.—

45 (5) INDIGENT FOR COSTS.—A person who is eligible to be  
46 represented by a public defender under s. 27.51 but who is  
47 represented by private counsel not appointed by the court for a  
48 reasonable fee as approved by the court or on a pro bono basis,  
49 or who is proceeding pro se, may move the court for a  
50 determination that he or she is indigent for costs and eligible

51 for the provision of due process services, as prescribed by ss.  
52 29.006 and 29.007, funded by the state.

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

58 1. The attorney representing the defendant, or the  
59 defendant if he or she is proceeding pro se, shall provide an  
60 accounting to the court delineating all costs paid or to be paid  
61 by the state within 90 days after disposition of the case  
62 notwithstanding any appeals.

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

71 3. If the attorney or the pro se defendant fails to  
72 provide a complete accounting of costs expended by the state and  
73 consequently costs are omitted from the lien, the attorney or  
74 pro se defendant may not receive reimbursement or any other form  
75 of direct or indirect payment for those costs if the state has

76 | not paid the costs. The attorney or pro se defendant shall repay  
 77 | the state for those costs if the state has already paid the  
 78 | costs. The clerk of the court may establish a payment plan under  
 79 | s. 28.246 and may charge the attorney or pro se defendant a one-  
 80 | time administrative processing charge under s. 28.24(26)(b) ~~s.~~  
 81 | ~~28.24(26)(c)~~.

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

84 | 28.24 Service charges.—The clerk of the circuit court  
 85 | shall charge for services rendered manually or electronically by  
 86 | the clerk's office in recording documents and instruments and in  
 87 | performing other specified duties. These charges may not exceed  
 88 | those specified in this section, except as provided in s.  
 89 | 28.345.

90 | (26) (a) For receiving and disbursing all restitution  
 91 | payments, per payment: 3.50, from which the clerk shall remit  
 92 | 0.50 per payment to the Department of Revenue for deposit into  
 93 | the General Revenue Fund.

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

98 | ~~(c) For setting up a payment plan, a one-time~~  
 99 | ~~administrative processing charge of in lieu of a per month~~  
 100 | ~~charge under paragraph (b).....25.00.~~

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

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

106        28.246 Payment of court-related fines or other monetary  
107 penalties, fees, charges, and costs; partial payments;  
108 distribution of funds.—

109        (4) Each ~~The~~ clerk of the circuit court shall accept  
110 scheduled partial payments for court-related fees, service  
111 charges, costs, and fines electronically, by mail, or in person,  
112 in accordance with the terms of an established payment plan and  
113 enroll— an individual seeking to defer payment of fees, service  
114 charges, costs, or fines imposed by operation of law or order of  
115 the court under any provision of general law no later than 30  
116 calendar days after the date the court enters the order  
117 assessing any such fees, service charges, costs, or fines. If  
118 the individual is incarcerated, the individual shall apply to  
119 the clerk for enrollment in a payment plan within 30 calendar  
120 days after release. The clerk of court may not refer a case to  
121 collection or send notice to the department to suspend an  
122 individual's driver license for nonpayment or failure to comply  
123 with the terms of a payment plan if the individual is still  
124 incarcerated. The clerk shall enroll individuals with a deposit  
125 or credit card account, or with other means of automatic

126 withdrawal, in an automatic payment plan arrangement to ensure  
 127 timely payment under the plan. Each clerk shall work with the  
 128 court to develop a process in which the individual will meet  
 129 with the clerk upon disposition or as soon thereafter as  
 130 practicable. If the clerk enters ~~shall enter~~ into a payment plan  
 131 with an individual who the court determines is indigent for  
 132 costs, ~~the~~. A monthly payment amount shall be, calculated based  
 133 upon all fees and all anticipated fees, service charges, costs,  
 134 and fines owed within the county, and ~~is presumed to~~ correspond  
 135 to the person's ability to pay if the amount does not exceed 2  
 136 percent of the person's annual net income, as defined in s.  
 137 27.52(1), divided by 12 or \$10, whichever is greater. The court  
 138 may review the reasonableness of the payment plan and may, on  
 139 its own motion or by petition, waive, modify, or convert the  
 140 outstanding fines, fees, costs, or service charges to community  
 141 service if the court determines that the individual is indigent  
 142 or, due to compelling circumstances, is unable to comply with  
 143 the terms of the payment plan.

144 (5) (a) The clerk may send notices, electronically or by  
 145 mail, to remind an individual of an upcoming or missed payment.

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

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

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151 General Revenue Fund.

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

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

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

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

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

176           28.42 Manual of filing fees, charges, costs, and fines;  
177 uniform payment plan forms.—

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

192           (2) By October 1, 2021, the clerks of court, through their  
193 association, in consultation with the Florida Clerks of Court  
194 Operations Corporation, shall develop a uniform payment plan  
195 form for use by individuals seeking to establish a payment plan  
196 in accordance with s. 28.246. The form shall inform the  
197 individual about the minimum payment due each month, the term of  
198 the plan, acceptable payment methods, and the circumstances  
199 under which a case may be sent to collections for nonpayment.

200           (3) By January 1, 2022, each clerk of the court shall use



201 the uniform payment plan form described in subsection (2) when  
 202 establishing payment plans.

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

205 57.082 Determination of civil indigent status.—

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

225 Section 6. Paragraph (a) of subsection (1) of section

226 318.15, Florida Statutes, is amended to read:

227 318.15 Failure to comply with civil penalty or to appear;  
 228 penalty.-

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

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

251           318.20 Notification; duties of department.—The department  
252 shall prepare a notification form to be appended to, or  
253 incorporated as a part of, the Florida uniform traffic citation  
254 issued in accordance with s. 316.650. The notification form  
255 shall contain language informing persons charged with  
256 infractions to which this chapter applies of the procedures  
257 available to them under this chapter. Such notification shall  
258 contain a statement that, if the official determines that no  
259 infraction has been committed, no costs or penalties shall be  
260 imposed and any costs or penalties which have been paid shall be  
261 returned. A uniform traffic citation that is produced  
262 electronically must also include the information required by  
263 this section. The notification and the uniform traffic citation  
264 must include information on paying the civil penalty to the  
265 clerk of the court and information that the person may contact  
266 the clerk of the court to establish a payment plan pursuant to  
267 s. 28.246(4) to make partial payments for court-related fines,  
268 fees, costs, and service charges.

269           Section 8. Section 322.245, Florida Statutes, is amended  
270 to read:

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

276 obligation in any other driving-related criminal case.—

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

293 (2) In non-IV-D cases, if a person fails to pay child  
294 support under chapter 61 and the obligee so requests, the  
295 depository or the clerk of the court shall mail in accordance  
296 with s. 61.13016 the notice specified in that section, notifying  
297 him or her that if he or she does not comply with the  
298 requirements of that section and pay a delinquency fee of \$25 to  
299 the depository or the clerk, his or her driver license and motor  
300 vehicle registration will be suspended. The delinquency fee may

301 be retained by the depository or the office of the clerk to  
302 defray the operating costs of the office after the clerk remits  
303 \$15 to the Department of Revenue for deposit into the General  
304 Revenue Fund.

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

315 (4) After suspension of the driver license of a person  
316 pursuant to subsection (1), subsection (2), or subsection (3),  
317 the license may not be reinstated until the person complies with  
318 all court directives imposed upon him or her, including payment  
319 of the delinquency fee imposed by subsection (1), and presents  
320 certification of such compliance to a driver licensing office  
321 and complies with the requirements of this chapter or, in the  
322 case of a license suspended for nonpayment of child support in  
323 non-IV-D cases, until the person complies with the reinstatement  
324 provisions of s. 322.058 and makes payment of the delinquency  
325 fee imposed by subsection (2).

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

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

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

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

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351 | person ordering the reinstatement of the license.

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

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