

By Senator Boyd

21-00565-21

2021838__

1 A bill to be entitled
2 An act relating to clerks of the circuit court;
3 amending s. 28.246, F.S.; clarifying the
4 responsibility of an individual released from
5 incarceration regarding enrolling in a payment plan
6 for any outstanding court obligations; modifying the
7 manner of calculating a monthly payment amount under a
8 payment plan; requiring the clerk to establish all
9 terms of a payment plan; amending s. 28.35, F.S.;
10 modifying duties of the Florida Clerks of Court
11 Operations Corporation with respect to the funding of
12 clerks' offices; conforming a cross-reference;
13 amending s. 28.36, F.S.; conforming a cross-reference;
14 requiring the corporation to establish and manage a
15 contingency reserve within the Clerks of the Court
16 Trust Fund for specified purposes; prescribing
17 reporting requirements; specifying circumstances under
18 which moneys held in reserve may be used; prescribing
19 procedures for the release of such funds; revising
20 circumstances under which the corporation can modify
21 previously authorized budgets for clerks; amending s.
22 28.37, F.S.; modifying a provision regarding state
23 court system funding; defining terms; revising
24 provisions governing the transfer of certain funds
25 from the Clerks of the Court Trust Fund to the General
26 Revenue Fund by the Department of Revenue; conforming
27 a cross-reference; amending s. 28.42, F.S.; requiring
28 the clerks to develop a uniform payment plan form by a
29 specified date; prescribing requirements for the form;

21-00565-21

2021838__

30 requiring the clerks to use such form by a specified
31 date; amending ss. 318.15, 318.20, and 322.245, F.S.;
32 requiring orders and notifications for certain traffic
33 citations and suspensions to include information
34 regarding payment plans; amending s. 775.083, F.S.;
35 designating the clerk as the entity responsible for
36 collecting payment of certain court obligations;
37 requiring a person ordered to pay such obligations to
38 contact the clerk in order to pay or establish a
39 payment plan, unless otherwise provided; providing an
40 effective date.

41
42 Be It Enacted by the Legislature of the State of Florida:

43
44 Section 1. Subsection (4) of section 28.246, Florida
45 Statutes, is amended to read:

46 28.246 Payment of court-related fines or other monetary
47 penalties, fees, charges, and costs; partial payments;
48 distribution of funds.—

49 (4) (a) Each ~~The~~ clerk of the circuit court shall accept
50 partial payments for each case type for court-related fees,
51 service charges, court costs, and fines in accordance with the
52 terms of an established payment plan developed by the clerk.

53 (b) An individual seeking to defer payment of fees, service
54 charges, court costs, or fines imposed by operation of law or
55 order of the court under any provision of general law shall
56 apply to the clerk for enrollment in a payment plan. The clerk
57 shall enter into a payment plan with an individual who the court
58 determines is indigent for costs. It is the responsibility of an

21-00565-21

2021838__

59 individual who is released from incarceration and has
60 outstanding court obligations to contact the clerk within 30
61 days after release to pay fees, service charges, court costs,
62 and fines in full, or to apply for enrollment in a payment plan.
63 A monthly payment amount, calculated based upon all fees and all
64 anticipated fees, service charges, court costs, and fines, is
65 presumed to correspond to the person's ability to pay if the
66 amount does not exceed 2 percent of the person's annual net
67 income, as defined in s. 27.52(1), divided by 12. The clerk
68 shall establish all terms of a payment plan and the court may
69 review the reasonableness of the payment plan.

70 Section 2. Paragraph (f) of subsection (2) and paragraph
71 (a) of subsection (3) of section 28.35, Florida Statutes, are
72 amended, and paragraphs (i) and (j) are added to subsection (2)
73 of that section, to read:

74 28.35 Florida Clerks of Court Operations Corporation.—

75 (2) The duties of the corporation shall include the
76 following:

77 (f) Approving the proposed budgets submitted by clerks of
78 the court pursuant to s. 28.36. The corporation must ensure that
79 the total combined budgets of the clerks of the court do not
80 exceed the total estimated revenues from fees, service charges,
81 court costs, and fines for court-related functions available for
82 court-related expenditures as determined by the most recent
83 Revenue Estimating Conference, plus the total of unspent
84 budgeted funds for court-related functions carried forward by
85 the clerks of the court from the previous county fiscal year,
86 ~~and~~ plus the balance of funds remaining in the Clerks of the
87 Court Trust Fund after the transfer of funds to the General

21-00565-21

2021838

88 Revenue Fund required pursuant to s. 28.37(4)(b), and plus any
89 appropriations for court-related functions ~~s. 28.37(3)(b)~~. The
90 corporation may amend any individual clerk of the court budget
91 to ensure compliance with this paragraph and must consider
92 performance measures, workload performance standards, workload
93 measures, and expense data before modifying the budget. As part
94 of this process, the corporation shall:

95 1. Calculate the minimum amount of revenue necessary for
96 each clerk of the court to efficiently perform the list of
97 court-related functions specified in paragraph (3)(a). The
98 corporation shall apply the workload measures appropriate for
99 determining the individual level of review required to fund the
100 clerk's budget.

101 2. Prepare a cost comparison of similarly situated clerks
102 of the court, based on county population and numbers of filings,
103 using the standard list of court-related functions specified in
104 paragraph (3)(a).

105 3. Conduct an annual base budget review and an annual
106 budget exercise examining the total budget of each clerk of the
107 court. The review shall examine revenues from all sources,
108 expenses of court-related functions, and expenses of noncourt-
109 related functions as necessary to determine that court-related
110 revenues are not being used for noncourt-related purposes. The
111 review and exercise shall identify potential targeted budget
112 reductions in the percentage amount provided in Schedule VIII-B
113 of the state's previous year's legislative budget instructions,
114 as referenced in s. 216.023(3), or an equivalent schedule or
115 instruction as may be adopted by the Legislature.

116 4. Identify those proposed budgets containing funding for

21-00565-21

2021838__

117 items not included on the standard list of court-related
118 functions specified in paragraph (3) (a).

119 5. Identify those clerks projected to have court-related
120 revenues insufficient to fund their anticipated court-related
121 expenditures.

122 6. Use revenue estimates based on the official estimate for
123 funds from fees, service charges, court costs, and fines for
124 court-related functions accruing to the clerks of the court made
125 by the Revenue Estimating Conference, as well as any unspent
126 budgeted funds for court-related functions carried forward by
127 the clerks of the court from the previous county fiscal year and
128 the balance of funds remaining in the Clerks of the Court Trust
129 Fund after the transfer of funds to the General Revenue Fund
130 required pursuant to s. 28.37(4)(b), plus any appropriations for
131 the purpose of funding court-related functions ~~s. 28.37(3)(b)~~.

132 7. Identify pay and benefit increases in any proposed clerk
133 budget, including, but not limited to, cost of living increases,
134 merit increases, and bonuses.

135 8. Identify increases in anticipated expenditures in any
136 clerk budget that exceeds the current year budget by more than 3
137 percent.

138 9. Identify the budget of any clerk which exceeds the
139 average budget of similarly situated clerks by more than 10
140 percent.

141 10. Request the Governor to order, pursuant to s.
142 215.18(1), a temporary transfer of moneys from unobligated funds
143 in the State Treasury to the Clerks of the Court Trust Fund in
144 the Department of Revenue to meet temporary deficiencies in that
145 fund.

21-00565-21

2021838__

146 11. Determine if the estimated revenue available for the
147 upcoming county fiscal year is adequate to fund court-related
148 functions, and certify and submit any aggregate difference to
149 the chairs of the legislative appropriations committees and the
150 Executive Office of the Governor for consideration, at least 30
151 days before the start of the next regular session of the
152 Legislature.

153
154 For the purposes of this paragraph, the term "unspent budgeted
155 funds for court-related functions" means undisbursed funds
156 included in the clerks of the courts budgets for court-related
157 functions established pursuant to this section and s. 28.36.

158 (i) If the corporation determines that the cumulative
159 budget for all clerks will vary by more than 5 percent from the
160 approved cumulative budget for the previous year, certify to the
161 Legislature the specific causes for the variance and how each
162 variance relates to the clerks' responsibilities in performing
163 their court-related functions.

164 (j) Prepare and submit legislative budget requests to the
165 Legislature, consistent with the requirements of s. 216.023.
166 Such requests must be submitted for any fiscal year for which
167 the corporation determines that new duties or financial
168 obligations under s. 28.36(4), beyond those funded in prior
169 fiscal years, have been imposed on the court-related functions
170 of clerks of the court; and for any fiscal year for which the
171 corporation determines that the total estimated revenues
172 available for court-related expenditures as determined by the
173 most recent Revenue Estimating Conference, unspent revenues
174 carried forward from the previous fiscal year, and budget

21-00565-21

2021838__

175 amendments and appropriations made by law for the purpose of
176 funding court-related functions will be inadequate to provide
177 funding for court-related functions of clerks of the court at
178 the current level of operations.

179 (3) (a) The list of court-related functions that clerks may
180 fund from filing fees, service charges, court costs, and fines
181 is limited to those functions expressly authorized by law or
182 court rule. Those functions include the following: case
183 maintenance; records management; court preparation and
184 attendance; processing the assignment, reopening, and
185 reassignment of cases; processing of appeals; collection and
186 distribution of fines, fees, service charges, and court costs;
187 processing of bond forfeiture payments; data collection and
188 reporting; determinations of indigent status; and paying
189 reasonable administrative support costs to enable the clerk of
190 the court to carry out these court-related functions.

191 Section 3. Present subsection (3) of section 28.36, Florida
192 Statutes, is redesignated as subsection (4), a new subsection
193 (3) is added to that section, and subsection (1), paragraph (b)
194 of subsection (2), and present subsection (4) of that section
195 are amended, to read:

196 28.36 Budget procedure.—There is established a budget
197 procedure for the court-related functions of the clerks of the
198 court.

199 (1) Only those functions listed in s. 28.35(3) (a) may be
200 funded from fees, service charges, court costs, and fines
201 retained by the clerks of the court.

202 (2) Each proposed budget shall further conform to the
203 following requirements:

21-00565-21

2021838__

204 (b) The proposed budget must be balanced such that the
205 total of the estimated revenues available equals or exceeds the
206 total of the anticipated expenditures. Such revenues include
207 revenue projected to be received from fees, service charges,
208 costs, and fines for court-related functions during the fiscal
209 period covered by the budget, plus the total of unspent budgeted
210 funds for court-related functions carried forward by the clerk
211 of the court from the previous county fiscal year and plus the
212 portion of the balance of funds remaining in the Clerks of the
213 Court Trust Fund after the transfer of funds to the General
214 Revenue Fund required pursuant to s. 28.37(4)(b) ~~s. 28.37(3)(b)~~
215 which has been allocated to each respective clerk of the court
216 by the Florida Clerks of Court Operations Corporation. For the
217 purposes of this paragraph, the term "unspent budgeted funds for
218 court-related functions" means undisbursed funds included in the
219 clerk of the courts' budget for court related functions
220 established pursuant to s. 28.35 and this section. The
221 anticipated expenditures must be itemized as required by the
222 corporation.

223 (3)(a) The Florida Clerks of Court Operations Corporation
224 shall establish and manage a reserve for contingencies within
225 the Clerks of the Court Trust Fund which must consist of an
226 amount not to exceed 16 percent of the total budget authority
227 for the clerks of court during the current county fiscal year,
228 to be carried forward at the end of the fiscal year. Funds to be
229 held in reserve include transfers of cumulative excess, as
230 provided in s. 28.37(4)(b), from the Clerks of the Court Trust
231 Fund and may also include revenues provided by law or moneys
232 appropriated by the Legislature.

21-00565-21

2021838__

233 (b) The corporation shall provide a reporting of the
234 balance and use of these funds during each county fiscal year as
235 part of the corporation's annual report submitted under s.
236 28.35(2)(h).

237 (c) The corporation may use these funds to ensure the
238 clerks of court can perform the court-related functions as
239 provided in s. 28.35(3)(a). Moneys in the Clerks of the Court
240 Trust Fund which are held in reserve may be used by the
241 corporation under the following circumstances:

242 1. To offset a deficit between the revenue available and
243 the original budget authority. A deficit is deemed to occur when
244 the revenue available to the clerks of court falls below the
245 original revenue projection for that county fiscal year.

246 2. To provide funding for an emergency, as defined in s.
247 252.34(4). The emergency must have been declared by the
248 Governor, pursuant to s. 252.36, or otherwise declared by law.

249 3. To provide funds in the development of the total
250 aggregate budget of the clerks of court to ensure that a minimum
251 continuation budget is met if, after the corporation has
252 notified the Legislature of a deficit under s. 28.35(2)(f)6.,
253 there remains a deficit between the total revenues available and
254 the total budget from the previous county fiscal year.

255 (d) The corporation shall request a budget amendment and
256 the Executive Office of the Governor may approve the release of
257 funds in accordance with the notice, review, and objection
258 procedures set forth in s. 216.177, and the office shall provide
259 notice to the Department of Revenue and the Chief Financial
260 Officer.

261 (5)-(4) The corporation may approve increases or decreases

21-00565-21

2021838__

262 to the previously authorized budgets approved for ~~individual~~
263 clerks of the court pursuant to s. 28.35 for court-related
264 functions, if:

265 (a) The additional budget authority is necessary to pay the
266 cost of performing new or additional functions required by
267 changes in law or court rule, by an impact resulting from
268 financial obligations imposed on court-related functions by a
269 county or by administrative order of a circuit court or the
270 Supreme Court, or by order of a federal or state court; or

271 (b) The additional budget authority is necessary to pay the
272 cost of supporting increases in the number of judges or
273 magistrates authorized by the Legislature, or for increases in
274 the use of hearing officers and senior judges assigned by the
275 courts.

276 Section 4. Section 28.37, Florida Statutes, is amended to
277 read:

278 28.37 Fines, fees, service charges, and costs remitted to
279 the state.—

280 (1) Pursuant to s. 14(b), Art. V of the State Constitution,
281 selected salaries, costs, and expenses of the state courts
282 system and court-related functions shall be funded from a
283 portion of the revenues derived from statutory fines, fees,
284 service charges, and court costs collected by the clerks of the
285 court, and from adequate and appropriate supplemental funding
286 from state revenues as appropriated by the Legislature.

287 (2) DEFINITIONS.—As used in this section, the term:

288 (a) "Cumulative excess" means revenues derived from
289 statutory fees, service charges, court costs, and fines
290 collected by the clerks of the court which are greater than the

21-00565-21

2021838__

291 original revenue projection.

292 (b) "Original revenue projection" means the official
293 estimate, as determined by the Revenue Estimating Conference, of
294 revenues from fines, fees, service charges, and court costs
295 available for court-related functions for the county fiscal year
296 covered by the projection.

297 (3) The Beginning November 1, 2013, that portion of all
298 fines, fees, service charges, and costs collected by the clerks
299 of the court for the previous month which is in excess of one-
300 twelfth of the clerks' total budget for the performance of
301 court-related functions must ~~shall~~ be remitted to the Department
302 of Revenue for deposit into the Clerks of the Court Trust Fund.
303 Such collections do not include funding received for the
304 operation of the Title IV-D child support collections and
305 disbursement program. The clerk of the court shall remit the
306 revenues collected during the previous month due to the state on
307 or before the 10th day of each month.

308 (4) (a) ~~(3) (a)~~ Each year, no later than January 25, for the
309 previous county fiscal year, the clerks of court, in
310 consultation with the Florida Clerks of Court Operations
311 Corporation, shall remit to the Department of Revenue for
312 deposit in the Clerks of the Court Trust Fund the cumulative
313 excess of all fines, fees, service charges, and court costs
314 retained by the clerks of the court, plus any funds received by
315 the clerks of the court from the Clerks of the Court Trust Fund
316 under s. 28.36(4) ~~s. 28.36(3)~~, which exceed the amount needed to
317 meet their authorized budget amounts established under s. 28.35.

318 (b) No later than February 1, 2022, and each February 1
319 thereafter, the Department of Revenue shall transfer 50 percent

21-00565-21

2021838__

320 of the cumulative excess of the original revenue projection from
321 the Clerks of the Court Trust Fund to the General Revenue Fund.
322 The remaining 50 percent in the Clerks of the Court Trust Fund
323 may be used in the development of the total combined budgets of
324 the clerks of the court as provided in s. 28.35(2)(f)6. However,
325 a minimum of 10 percent of the clerk-retained portion of the
326 cumulative excess amount must be held in reserve until such
327 funds reach an amount equal to at least 16 percent of the total
328 budget authority from the current county fiscal year, as
329 provided in s. 28.36(3)(a) 1. ~~No later than February 1, 2020,~~
330 ~~the Department of Revenue shall transfer from the Clerks of the~~
331 ~~Court Trust Fund to the General Revenue Fund the sum of the~~
332 ~~cumulative excess of all fines, fees, service charges, and costs~~
333 ~~submitted by the clerks of court pursuant to subsection (2) and~~
334 ~~the cumulative excess of all fines, fees, service charges, and~~
335 ~~costs remitted by the clerks of court pursuant to paragraph (a)~~
336 ~~in excess of \$10 million.~~

337 ~~2. No later than February 1, 2021, the Department of~~
338 ~~Revenue shall transfer from the Clerks of the Court Trust Fund~~
339 ~~to the General Revenue Fund not less than 50 percent of the sum~~
340 ~~of the cumulative excess of all fines, fees, service charges,~~
341 ~~and costs submitted by the clerks of court pursuant to~~
342 ~~subsection (2) and the cumulative excess of all fines, fees,~~
343 ~~service charges, and costs remitted by the clerks of court~~
344 ~~pursuant to paragraph (a); provided however, the balance~~
345 ~~remaining in the Clerks of Courts Trust Fund after such transfer~~
346 ~~may not be more than \$20 million.~~

347 ~~3. No later than February 1, 2022, the Department of~~
348 ~~Revenue shall transfer from the Clerks of the Court Trust Fund~~

21-00565-21

2021838__

349 ~~to the General Revenue Fund not less than 50 percent of the sum~~
350 ~~of the cumulative excess of all fines, fees, service charges,~~
351 ~~and costs submitted by the clerks of court pursuant to~~
352 ~~subsection (2) and the cumulative excess of all fines, fees,~~
353 ~~service charges, and costs remitted by the clerks of court~~
354 ~~pursuant to paragraph (a); provided however, the balance~~
355 ~~remaining in the Clerks of Courts Trust Fund after such transfer~~
356 ~~may not be more than \$20 million.~~

357 ~~4. No later than February 1, 2023, and each February 1~~
358 ~~thereafter, the Department of Revenue shall transfer from the~~
359 ~~Clerks of the Court Trust Fund to the General Revenue Fund the~~
360 ~~cumulative excess of all fines, fees, service charges, and costs~~
361 ~~submitted by the clerks of court pursuant to subsection (2) and~~
362 ~~the cumulative excess of all fines, fees, service charges, and~~
363 ~~costs remitted by the clerks of court pursuant to paragraph (a).~~

364 ~~(5)-(4)~~ The Department of Revenue shall collect any funds
365 that the Florida Clerks of Court Operations Corporation
366 determines upon investigation were due but not remitted to the
367 Department of Revenue. The corporation shall notify the clerk of
368 the court and the Department of Revenue of the amount due to the
369 Department of Revenue. The clerk of the court shall remit the
370 amount due no later than the 10th day of the month following the
371 month in which notice is provided by the corporation to the
372 clerk of the court.

373 ~~(6)-(5)~~ Ten percent of all court-related fines collected by
374 the clerk, except for penalties or fines distributed to counties
375 or municipalities under s. 316.0083(1)(b)3. or s. 318.18(15)(a),
376 must ~~shall~~ be deposited into the fine and forfeiture fund to be
377 used exclusively for clerk court-related functions, as provided

21-00565-21

2021838__

378 in s. 28.35(3) (a).

379 Section 5. Section 28.42, Florida Statutes, is amended to
380 read:

381 28.42 Manual of filing fees, charges, costs, and fines;
382 payment plan form.—

383 (1) The clerks of court, through their association and in
384 consultation with the Office of the State Courts Administrator,
385 shall prepare and disseminate a manual of filing fees, service
386 charges, costs, and fines imposed pursuant to state law, for
387 each type of action and offense, and classified as mandatory or
388 discretionary. The manual also shall classify the fee, charge,
389 cost, or fine as court-related revenue or noncourt-related
390 revenue. The clerks, through their association, shall
391 disseminate this manual to the chief judge, state attorney,
392 public defender, and court administrator in each circuit and to
393 the clerk of the court in each county. The clerks, through their
394 association and in consultation with the Office of the State
395 Courts Administrator, shall at a minimum update and disseminate
396 this manual on July 1 of each year.

397 (2) By October 1, 2021, the clerks of court, through the
398 Florida Clerks of Court Operations Corporation, shall develop a
399 uniform payment plan form for use by persons seeking to
400 establish a payment plan in accordance with s. 28.246(4). The
401 form must inform the person of the minimum payment due each
402 month, the term of the plan, acceptable payment methods, and the
403 circumstances under which a case may be sent to collections for
404 nonpayment.

405 (3) By January 1, 2022, each clerk of court shall use the
406 uniform payment plan form developed pursuant to subsection (2)

21-00565-21

2021838__

407 when establishing payment plans.

408 Section 6. Paragraph (a) of subsection (1) of section
409 318.15, Florida Statutes, is amended to read:

410 318.15 Failure to comply with civil penalty or to appear;
411 penalty.—

412 (1) (a) If a person fails to comply with the civil penalties
413 provided in s. 318.18 within the time period specified in s.
414 318.14(4), fails to enter into or comply with the terms of a
415 penalty payment plan with the clerk of the court in accordance
416 with ss. 318.14 and 28.246, fails to attend driver improvement
417 school, or fails to appear at a scheduled hearing, the clerk of
418 the court must ~~shall~~ notify the Department of Highway Safety and
419 Motor Vehicles of such failure within 10 days after such
420 failure. Upon receipt of such notice, the department must ~~shall~~
421 immediately issue an order suspending the driver license and
422 privilege to drive of such person effective 20 days after the
423 date the order of suspension is mailed in accordance with s.
424 322.251(1), (2), and (6). The order also must inform the person
425 that he or she may contact the clerk of the court to establish a
426 payment plan pursuant to s. 28.246(4) to make partial payments
427 for court-related fines, fees, service charges, and court costs.
428 Any such suspension of the driving privilege which has not been
429 reinstated, including a similar suspension imposed outside of
430 this state Florida, must ~~shall~~ remain on the records of the
431 department for a period of 7 years from the date imposed and
432 must ~~shall~~ be removed from the records after the expiration of 7
433 years from the date it is imposed. The department may not accept
434 the resubmission of such suspension.

435 Section 7. Section 318.20, Florida Statutes, is amended to

21-00565-21

2021838__

436 read:

437 318.20 Notification; duties of department.—The department
438 shall prepare a notification form to be appended to, or
439 incorporated as a part of, the Florida uniform traffic citation
440 issued in accordance with s. 316.650. The notification form must
441 ~~shall~~ contain language informing persons charged with
442 infractions to which this chapter applies of the procedures
443 available to them under this chapter. Such notification form
444 must ~~shall~~ contain a statement that, if the official determines
445 that no infraction has been committed, no costs or penalties may
446 ~~shall~~ be imposed and any costs or penalties that ~~which~~ have been
447 paid will ~~shall~~ be returned. Additionally, the notification form
448 must include information on paying the civil penalty to the
449 clerk of the court and the ability to establish a payment plan
450 pursuant to s. 28.246(4). A uniform traffic citation that is
451 produced electronically must also include the information
452 required by this section.

453 Section 8. Subsections (1) and (3) and paragraph (a) of
454 subsection (5) of section 322.245, Florida Statutes, are amended
455 to read:

456 322.245 Suspension of license upon failure of person
457 charged with specified offense under chapter 316, chapter 320,
458 or this chapter to comply with directives ordered by traffic
459 court or upon failure to pay child support in non-IV-D cases as
460 provided in chapter 61 or failure to pay any financial
461 obligation in any other criminal case.—

462 (1) If a person charged with a violation of any of the
463 criminal offenses enumerated in s. 318.17 or with the commission
464 of any offense constituting a misdemeanor under chapter 320 or

21-00565-21

2021838__

465 this chapter fails to comply with all of the directives of the
466 court within the time allotted by the court, the clerk of the
467 ~~traffic~~ court must provide ~~shall mail to~~ the person, either
468 electronically or by mail sent to ~~at~~ the address specified on
469 the uniform traffic citation, a notice of such failure,
470 notifying him or her that, if he or she does not comply with the
471 directives of the court within 30 days after the date of the
472 notice and pay a delinquency fee of up to \$25 to the clerk, from
473 which the clerk shall remit \$10 to the Department of Revenue for
474 deposit into the General Revenue Fund, his or her driver license
475 will be suspended. The notice must ~~shall~~ be sent ~~mailed~~ no later
476 than 5 days after such failure. The delinquency fee may be
477 retained by the office of the clerk to defray the operating
478 costs of the office.

479 (3) If the person fails to comply with the directives of
480 the court within the 30-day period, or, in non-IV-D cases, fails
481 to comply with the requirements of s. 61.13016 within the period
482 specified in that statute, the depository or the clerk of the
483 court must ~~shall~~ electronically notify the department of such
484 failure within 10 days. Upon electronic receipt of the notice,
485 the department shall immediately issue an order suspending the
486 person's driver license and privilege to drive effective 20 days
487 after the date the order of suspension is mailed in accordance
488 with s. 322.251(1), (2), and (6). The order of suspension must
489 also contain information specifying that the person may contact
490 the clerk of the court to establish a payment plan pursuant to
491 s. 28.246(4) to make partial payments for fines, fees, service
492 charges, and court costs.

493 (5) (a) When the department receives notice from a clerk of

21-00565-21

2021838__

494 the court that a person licensed to operate a motor vehicle in
495 this state under the provisions of this chapter has failed to
496 pay financial obligations for any criminal offense other than
497 those specified in subsection (1), in full or in part under a
498 payment plan pursuant to s. 28.246(4), the department must ~~shall~~
499 suspend the license of the person named in the notice. The
500 department shall mail an order of suspension in accordance with
501 s. 322.251(1), (2), and (6), which must also contain information
502 specifying that the person may contact the clerk of the court to
503 establish a payment plan pursuant to s. 28.246(4) to make
504 partial payments for fines, fees, service charges, and court
505 costs.

506 Section 9. Present subsection (3) of section 775.083,
507 Florida Statutes, is redesignated as subsection (4), and a new
508 subsection (3) is added to that section, to read:

509 775.083 Fines.—

510 (3) The clerk of the court of each county is the entity
511 responsible for collecting payment of fines, fees, service
512 charges, and court costs. Unless otherwise designated by the
513 court, a person who has been ordered to pay court obligations
514 under this section shall immediately contact the clerk to pay
515 fines, fees, service charges, and court costs in full, or to
516 apply for enrollment in a payment plan, pursuant to s.
517 28.246(4).

518 Section 10. This act shall take effect upon becoming a law.