

By the Committee on Judiciary; and Senator Boyd

590-02600-21

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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; amending s.
20 28.37, F.S.; modifying a provision regarding state
21 court system funding; defining terms; conforming a
22 cross-reference; revising provisions governing the
23 transfer of certain funds from the Clerks of the Court
24 Trust Fund to the General Revenue Fund by the
25 Department of Revenue; amending s. 28.42, F.S.;
26 requiring the clerks to develop a uniform payment plan
27 form by a specified date; prescribing requirements for
28 the form; requiring the clerks to use such form by a
29 specified date; amending ss. 318.15, 318.20, and

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

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

41
42 Section 1. Subsection (4) of section 28.246, Florida
43 Statutes, is amended to read:

44 28.246 Payment of court-related fines or other monetary
45 penalties, fees, charges, and costs; partial payments;
46 distribution of funds.-

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

51 (b) An individual seeking to defer payment of fees, service
52 charges, court costs, or fines imposed by operation of law or
53 order of the court under any provision of general law shall
54 apply to the clerk for enrollment in a payment plan. The clerk
55 shall enter into a payment plan with an individual who the court
56 determines is indigent for costs. It is the responsibility of an
57 individual who is released from incarceration and has
58 outstanding court obligations to contact the clerk within 30

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

68 Section 2. Effective upon this act becoming a law,
69 paragraph (f) of subsection (2) and paragraph (a) of subsection
70 (3) of section 28.35, Florida Statutes, are amended, and
71 paragraphs (i) and (j) are added to subsection (2) of that
72 section, to read:

73 28.35 Florida Clerks of Court Operations Corporation.—

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

76 (f) Approving the proposed budgets submitted by clerks of
77 the court pursuant to s. 28.36. The corporation must ensure that
78 the total combined budgets of the clerks of the court do not
79 exceed the total estimated revenues from fees, service charges,
80 court costs, and fines for court-related functions available for
81 court-related expenditures as determined by the most recent
82 Revenue Estimating Conference, plus the total of unspent
83 budgeted funds for court-related functions carried forward by
84 the clerks of the court from the previous county fiscal year,
85 and plus the balance of funds remaining in the Clerks of the
86 Court Trust Fund after the transfer of funds to the General
87 Revenue Fund required pursuant to s. 28.37(4)(b), and plus any

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

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

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

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

115 4. Identify those proposed budgets containing funding for
116 items not included on the standard list of court-related

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117 functions specified in paragraph (3) (a).

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

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

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

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

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

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

145 11. Determine if the estimated revenue available for the

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

152

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

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

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

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175 funding court-related functions will be inadequate to provide
176 funding for court-related functions of clerks of the court at
177 the current level of operations.

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

190 Section 3. Effective upon this act becoming a law, present
191 subsections (3) and (4) of section 28.36, Florida Statutes, are
192 redesignated as subsections (4) and (5), a new subsection (3) is
193 added to that section, and subsection (1), paragraph (b) of
194 subsection (2), and present subsection (4) of that section are
195 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:

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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 court costs, and fines for court-related functions during the
209 fiscal period covered by the budget, plus the total of unspent
210 budgeted funds for court-related functions carried forward by
211 the clerk of the court from the previous county fiscal year and
212 plus the portion of the balance of funds remaining in the Clerks
213 of the Court Trust Fund after the transfer of funds to the
214 General Revenue Fund required pursuant to s. 28.37(4)(b) ~~s.~~
215 ~~28.37(3)(b)~~ which has been allocated to each respective clerk of
216 the court by the Florida Clerks of Court Operations Corporation.
217 For the purposes of this paragraph, the term "unspent budgeted
218 funds for court-related functions" means undisbursed funds
219 included in the clerk of the courts' budget for court related
220 functions 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.

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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 the reserve 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 current deficit between the revenue
243 available and the original budget authority. A deficit is deemed
244 to occur when the revenue available to the clerks of court falls
245 below the original revenue projection for that county fiscal
246 year.

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

250 3. If, after the corporation has notified the Legislature
251 of a deficit under s. 28.35(2)(f)11., there remains a deficit
252 between the total revenues available and the total budget from
253 the current county fiscal year, to provide funds in the
254 development of the total aggregate budget of the clerks of court
255 to ensure that a minimum continuation budget is met. For
256 purposes of this subparagraph, a minimum continuation budget is
257 the budget approved for the current county fiscal year or some
258 lesser amount adopted by the corporation.

259 (d) To use the reserve, the corporation must request a
260 budget amendment pursuant to s. 216.292.

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

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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; or

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

273 Section 4. Effective upon this act becoming a law, section
274 28.37, Florida Statutes, is amended to read:

275 28.37 Fines, fees, service charges, and costs remitted to
276 the state.—

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

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

285 (a) "Cumulative excess" means revenues derived from fines,
286 fees, service charges, and court costs collected by the clerks
287 of the court which are greater than the original revenue
288 projection.

289 (b) "Original revenue projection" means the official
290 estimate, as determined by the Revenue Estimating Conference, of

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291 revenues from fines, fees, service charges, and court costs
292 available for court-related functions for the county fiscal year
293 covered by the projection.

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

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

315 (b) No later than February 1, 2022, and each February 1
316 thereafter, the Department of Revenue shall transfer 50 percent
317 of the cumulative excess of the original revenue projection from
318 the Clerks of the Court Trust Fund to the General Revenue Fund.
319 The remaining 50 percent in the Clerks of the Court Trust Fund

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320 may be used in the development of the total combined budgets of
321 the clerks of the court as provided in s. 28.35(2)(f)6. However,
322 a minimum of 10 percent of the clerk-retained portion of the
323 cumulative excess amount must be held in reserve until such
324 funds reach an amount equal to at least 16 percent of the total
325 budget authority from the current county fiscal year, as
326 provided in s. 28.36(3)(a)

327 ~~1. No later than February 1, 2020, the Department of~~
328 ~~Revenue shall transfer from the Clerks of the Court Trust Fund~~
329 ~~to the General Revenue Fund the sum of the cumulative excess of~~
330 ~~all fines, fees, service charges, and costs submitted by the~~
331 ~~clerks of court pursuant to subsection (2) and the cumulative~~
332 ~~excess of all fines, fees, service charges, and costs remitted~~
333 ~~by the clerks of court pursuant to paragraph (a) in excess of~~
334 ~~\$10 million.~~

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

345 ~~3. No later than February 1, 2022, the Department of~~
346 ~~Revenue shall transfer from the Clerks of the Court Trust Fund~~
347 ~~to the General Revenue Fund not less than 50 percent of the sum~~
348 ~~of the cumulative excess of all fines, fees, service charges,~~

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

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

362 ~~(5)~~(4) The Department of Revenue shall collect any funds
363 that the Florida Clerks of Court Operations Corporation
364 determines upon investigation were due but not remitted to the
365 Department of Revenue. The corporation shall notify the clerk of
366 the court and the Department of Revenue of the amount due to the
367 Department of Revenue. The clerk of the court shall remit the
368 amount due no later than the 10th day of the month following the
369 month in which notice is provided by the corporation to the
370 clerk of the court.

371 ~~(6)~~(5) Ten percent of all court-related fines collected by
372 the clerk, except for penalties or fines distributed to counties
373 or municipalities under s. 316.0083(1)(b)3. or s. 318.18(15)(a),
374 must ~~shall~~ be deposited into the fine and forfeiture fund to be
375 used exclusively for clerk court-related functions, as provided
376 in s. 28.35(3)(a).

377 Section 5. Section 28.42, Florida Statutes, is amended to

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378 read:

379 28.42 Manual of filing fees, charges, costs, and fines;
380 payment plan form.—

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

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

403 (3) By January 1, 2022, each clerk of court shall use the
404 uniform payment plan form developed pursuant to subsection (2)
405 when establishing payment plans.

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

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407 318.15, Florida Statutes, is amended to read:

408 318.15 Failure to comply with civil penalty or to appear;
409 penalty.—

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

433 Section 7. Section 318.20, Florida Statutes, is amended to
434 read:

435 318.20 Notification; duties of department.—The department

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

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

454 322.245 Suspension of license upon failure of person
455 charged with specified offense under chapter 316, chapter 320,
456 or this chapter to comply with directives ordered by traffic
457 court or upon failure to pay child support in non-IV-D cases as
458 provided in chapter 61 or failure to pay any financial
459 obligation in any other criminal case.—

460 (1) If a person charged with a violation of any of the
461 criminal offenses enumerated in s. 318.17 or with the commission
462 of any offense constituting a misdemeanor under chapter 320 or
463 this chapter fails to comply with all of the directives of the
464 court within the time allotted by the court, the clerk of the

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

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

491 (5) (a) When the department receives notice from a clerk of
492 the court that a person licensed to operate a motor vehicle in
493 this state under the provisions of this chapter has failed to

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

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

507 775.083 Fines.—

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

516 Section 10. Except as otherwise expressly provided in this
517 act, and except for this section, which shall take effect upon
518 this act becoming a law, this act shall take effect October 1,
519 2021.