

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Justice Appropriations
 2 Subcommittee

3 Representative Clemons offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (b) of subsection (4) of section
 8 28.246, Florida Statutes, is amended to read:

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

12 (4)

13 (b) An individual seeking to defer payment of fees,
 14 service charges, court costs, or fines imposed by operation of
 15 law or order of the court under any provision of general law
 16 shall apply to the clerk for enrollment in a payment plan. The

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17 clerk shall enter into a payment plan with an individual who the
18 court determines is indigent for costs. It is the responsibility
19 of an individual who is released from incarceration and has
20 outstanding court obligations to contact the clerk within 30
21 days after release to pay fees, service charges, court costs,
22 and fines in full, or to apply for enrollment in a payment plan.

23 1. A monthly payment amount, calculated based upon all
24 fees and all anticipated fees, service charges, court costs,
25 and fines, is presumed to correspond to the person's ability
26 to pay if the amount does not exceed the greater of:

27 a. 2 percent of the person's annual net income, as
28 defined in s. 27.52(1), divided by 12; or

29 b. \$25.

30 2. Any amount required by the clerk as down payment to
31 initially establish a payment plan shall be the lesser of 10
32 percent of the total amount owed or \$100. The amount does not
33 include the imposition of a service charge pursuant to s.
34 28.24(27)(b) or (c). The clerk shall establish all terms of a
35 payment plan, and the court may review the reasonableness of
36 the payment plan.

37 Section 2. Paragraph (c) of subsection (2) of section
38 28.35, Florida Statutes, is amended, and paragraph (i) is
39 created to read:

40 28.35 Florida Clerks of Court Operations Corporation.—

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41 (2) The duties of the corporation shall include the
42 following:

43 (c) 1. Recommending to the Legislature changes in the
44 amounts and distribution of the various court-related fines,
45 fees, service charges, and costs established by law to ensure
46 reasonable and adequate funding of the clerks of the court in the
47 performance of their court-related functions.

48 2. If the number of judges under s. 26.031 or s. 34.022 is
49 increased, the corporation shall:

50 a. Develop a formula to be used to estimate the total cost
51 associated with clerk support for circuit and county judges
52 statewide.

53 b. Make a recommendation for consideration by the
54 Legislature on any need for additional funding using the formula
55 approved in sub-subparagraph a.

56 (i) Annually preparing a budget request which,
57 notwithstanding the provisions of chapter 216 and in accordance
58 with s. 216.351, provides the anticipated amount necessary for
59 reimbursement pursuant to s. 40.29(6). The request for the
60 anticipated reimbursement amount shall be submitted in the form
61 and manner prescribed by the Justice Administrative Commission.
62 Such request is not subject to change by the Justice
63 Administration Commission except for technical changes necessary
64 to conform to the legislative budget instructions, and shall be
65 submitted to the Governor for transmittal to the Legislature.

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66 Section 3. Subsection (6) is added to section 40.29,
67 Florida Statutes, to read:

68 40.29 Payment of due-process costs; reimbursement for
69 petitions and orders.—

70 (6) Subject to legislative appropriation, the clerk of the
71 circuit court may, on a quarterly basis, submit to the Justice
72 Administrative Commission a certified request for reimbursement
73 for petitions and orders filed under ss. 394.459, 394.463,
74 394.467, 394.917, and 397.6814, at the rate of \$40 per petition
75 or order. Such request for reimbursement shall be submitted in
76 the form and manner prescribed by the Justice Administrative
77 Commission pursuant to s. 28.35(i).

78 Section 4. Paragraphs (a) and (d) of subsection (2) of
79 section 57.082, Florida Statutes, are amended to read:

80 57.082 Determination of civil indigent status.—

81 (2) DETERMINATION BY THE CLERK.—The clerk of the court
82 shall determine whether an applicant seeking such designation is
83 indigent based upon the information provided in the application
84 and the criteria prescribed in this subsection.

85 (a)1. An applicant, including an applicant who is a minor
86 or an adult tax-dependent person, is indigent if the applicant's
87 income is equal to or below 200 percent of the then-current
88 federal poverty guidelines prescribed for the size of the
89 household of the applicant by the United States Department of
90 Health and Human Services.

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91 2. There is a presumption that the applicant is not
92 indigent if the applicant owns, or has equity in, any intangible
93 or tangible personal property or real property or the expectancy
94 of an interest in any such property having a net equity value of
95 \$2,500 or more, excluding the value of the person's homestead
96 and one vehicle having a net value not exceeding \$5,000.

97 3. Notwithstanding the information provided by the
98 applicant, the clerk may conduct a review of the property
99 records for the county in which the applicant resides and the
100 motor vehicle title records of this state to identify any
101 property interests of the applicant under this paragraph. The
102 clerk may evaluate and consider the results of the review in
103 making a determination under this subsection. If a review is
104 conducted, the clerk must maintain the results of the review in
105 a file with the application and provide the file to the court if
106 an applicant seeks review under subsection (4) of the clerk's
107 determination of indigent status.

108 (d) The duty of the clerk in determining whether an
109 applicant is indigent is limited to receiving the
110 application, conducting a review of records under
111 subparagraph (a)3., and comparing the information provided
112 in the application and identified in the review of records to
113 the criteria prescribed in this subsection. The determination
114 of indigent status is a ministerial act of the clerk and ~~may~~
115 not a decision ~~be~~ based on further investigation or the

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116 exercise of independent judgment by the clerk. The clerk may
117 contract with third parties to perform functions assigned to
118 the clerk under this section.

119 Section 5. Subsection (3) is added to section 322.29,
120 Florida Statutes, to read:

121 322.29 Surrender and return of license.—

122 (3) The department must work with the clerks of court,
123 through their association, to ensure the ability within their
124 technology systems for clerks of court to reinstate suspended
125 driver licenses for failure to pay court obligations.

126 Section 6. This act shall take effect July 1, 2022.

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129 **T I T L E A M E N D M E N T**

130 Remove everything before the enacting clause and insert:

131 An act relating to court fiscal administration;

132 amending s. 28.246, F.S.; revising the calculation

133 used to determine the presumed ability to pay certain

134 fees, charges, costs, and fines; providing a formula

135 for determining a specified down payment; providing

136 construction; amending s. 28.35, F.S.; requiring the

137 Florida Clerks of Court Operations Corporation to

138 provide a recommendation on the distribution of

139 specified fees, charges, costs, and fines; providing

140 that the corporation shall complete specified duties

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141 under certain circumstances; requiring the corporation
142 to annually prepare a specified budget request;
143 providing that such a request is not subject to change
144 by the Justice Administrative Commission; providing
145 that the Justice Administrative Commission shall
146 submit the request to the Governor for transmittal to
147 the Legislature; amending s. 40.29, F.S.; authorizing
148 the clerk of the circuit court to request
149 reimbursement for certain filings at a specified rate
150 and in a certain manner; amending s. 57.082, F.S.;
151 authorizing the clerk to conduct a review of specified
152 records; requiring the clerk to maintain the results
153 of such review in a specified manner and provide the
154 results in such manner to the court under specified
155 provisions; authorizing the clerk to use the results
156 of the review when making a determination of
157 indigence; s. 322.29, F.S.; requiring the Department
158 of Highway Safety and Motor Vehicles to work with a
159 specified association to implement certain technology;
160 providing an effective date.

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