

By Senator Wright

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1 A bill to be entitled
2 An act relating to court-related payment plans;
3 amending s. 28.246, F.S.; authorizing a court to
4 waive, modify, or convert outstanding fees, service
5 charges, court costs, or fines to community service
6 under certain circumstances; providing an effective
7 date.

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9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Paragraph (b) of subsection (4) of section
12 28.246, Florida Statutes, is amended to read:

13 28.246 Payment of court-related fines or other monetary
14 penalties, fees, charges, and costs; partial payments;
15 distribution of funds.—

16 (4)

17 (b) An individual seeking to defer payment of fees, service
18 charges, court costs, or fines imposed by operation of law or
19 order of the court under any provision of general law shall
20 apply to the clerk for enrollment in a payment plan. The clerk
21 shall enter into a payment plan with an individual who the court
22 determines is indigent for costs. It is the responsibility of an
23 individual who is released from incarceration and has
24 outstanding court obligations to contact the clerk within 30
25 days after release to pay fees, service charges, court costs,
26 and fines in full, or to apply for enrollment in a payment plan.

27 1. A monthly payment amount, calculated based upon all fees
28 and all anticipated fees, service charges, court costs, and
29 fines, is presumed to correspond to the person's ability to pay

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30 if the amount does not exceed the greater of:

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

33 b. Twenty-five dollars.

34 2. Any amount required by the clerk as down payment to
35 initially establish a payment plan shall be the lesser of 10
36 percent of the total amount owed or \$100. The amount does not
37 include the imposition of a service charge pursuant to s.
38 28.24(27)(b) or (c). The clerk shall establish all terms of a
39 payment plan, and the court may review the reasonableness of the
40 payment plan and, on its own motion or by petition, may waive,
41 modify, or convert the outstanding fees, service charges, court
42 costs, or fines to community service if it determines that the
43 individual is indigent or, due to compelling circumstances, is
44 unable to comply with the terms of the payment plan.

45 Section 2. This act shall take effect July 1, 2023.