

By Senator Burgess

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1                   A bill to be entitled  
2       An act relating to fines and fees; amending s. 28.24,  
3       F.S.; authorizing the clerk of the circuit court to  
4       accept monthly installment payments for a certain  
5       administrative processing charge; conforming  
6       provisions to changes made by the act; amending s.  
7       28.246, F.S.; revising the methods by which the clerk  
8       of the circuit court may accept payments for certain  
9       fees, charges, costs, and fines; providing  
10      requirements for the payment plan; authorizing the  
11      court to modify the payment plan or reduce, waive, or  
12      convert to community service the outstanding fees,  
13      service charges, costs, or fines; providing  
14      construction; requiring payment plans to reflect all  
15      fines, fees, and court costs incurred by an  
16      individual; prohibiting the clerk from sending an  
17      incarcerated individual's account to a collection  
18      agency for collection or suspending an incarcerated  
19      individual's driver license; authorizing the clerk to  
20      enroll an individual in an automatic payment plan if  
21      certain conditions exist; requiring the clerk to work  
22      with the court to develop a process to meet with the  
23      individual upon disposition; authorizing the clerk to  
24      waive certain fees for an individual who enrolls in an  
25      automatic payment plan; providing for the early  
26      termination of a payment plan for certain individuals  
27      if certain conditions exist; authorizing the clerk to  
28      send certain notices; conforming a cross-reference;  
29      conforming provisions to changes made by the act;

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30 amending s. 318.15, F.S.; deleting provisions  
31 specifying procedures to be used if a person fails to  
32 comply with certain court-ordered requirements;  
33 requiring a person's driver license to be reinstated  
34 if certain conditions are met; authorizing such person  
35 to have his or her driver license reinstated under  
36 specified conditions; requiring the clerk to submit a  
37 specified list to the Department of Highway Safety and  
38 Motor Vehicles by a specified date; conforming  
39 provisions to changes made by the act; amending s.  
40 322.245, F.S.; revising the specified offenses that  
41 would lead to the suspension of a person's driver  
42 license upon the failure to comply with court  
43 directives; authorizing a person to apply for  
44 reinstatement of his or her driver license if certain  
45 conditions exist; requiring the clerk to submit a  
46 certain list to the department by a specified date;  
47 conforming provisions to changes made by the act;  
48 amending s. 322.29, F.S.; specifying that a single  
49 service fee should be collected when a license is  
50 reinstated after certain conditions are met; making  
51 technical changes; amending ss. 27.52, 34.191, 57.082,  
52 and 320.03, F.S.; conforming cross-references; making  
53 technical changes; reenacting ss. 318.20, 775.083(3),  
54 and 938.27(2)(a), F.S., relating to notification,  
55 fines, and judgments for costs of prosecution and  
56 investigation, respectively, to incorporate the  
57 amendments made to s. 28.246(4), F.S., in references  
58 thereto; providing an effective date.

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

Section 1. Subsection (27) of section 28.24, Florida Statutes, is amended to read:

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

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

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

~~(c) For setting up a payment plan, a one-time administrative processing charge of in lieu of a per month charge under paragraph (b): 25.00. The charge may be paid in five equal monthly payments of 5.00.~~

Section 2. Section 28.246, Florida Statutes, is amended to read:

28.246 Payment of court-related fines or other monetary penalties, fees, charges, and costs; monthly ~~partial~~ payments; community service; distribution of funds.—

(1) The clerk of the circuit court shall report the

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88 following information to the Legislature and the Florida Clerks  
89 of Court Operations Corporation on a form, and using guidelines  
90 developed by the clerks of court, through their association and  
91 in consultation with the Office of the State Courts  
92 Administrator:

93 (a) The total amount of mandatory fees, service charges,  
94 and costs assessed; the total amount underassessed, if any,  
95 which is the amount less than the minimum amount required by law  
96 to be assessed; and the total amount collected.

97 (b) The total amount of discretionary fees, service  
98 charges, and costs assessed and the total amount collected.

99 (c) The total amount of mandatory fines and other monetary  
100 penalties assessed; the total amount underassessed, if any,  
101 which is the amount less than the minimum amount required by law  
102 to be assessed; and the total amount collected.

103 (d) The total amount of discretionary fines and other  
104 monetary penalties assessed and the total amount collected.

105

106 The clerk, in reporting to the Legislature and corporation,  
107 shall separately identify the monetary amount assessed and  
108 subsequently discharged or converted to community service, to a  
109 judgment or lien, or to time served. The form developed by the  
110 clerks must ~~shall~~ include separate entries for recording the  
111 amount discharged and the amount converted. If a court waives,  
112 suspends, or reduces an assessment as authorized by law, the  
113 portion waived, suspended, or reduced may not be deemed assessed  
114 or underassessed for purposes of the reporting requirements of  
115 this section. The clerk also shall report a collection rate for  
116 mandatory and discretionary assessments. In calculating the

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117 rate, the clerk shall deduct amounts discharged or converted  
118 from the amount assessed. The clerk shall submit the report on  
119 an annual basis 90 days after the end of the county fiscal year.  
120 The clerks and the courts shall develop by October 1, 2012, the  
121 form and guidelines to govern the accurate and consistent  
122 reporting statewide of assessments as provided in this section.  
123 The clerk shall use the new reporting form and guidelines in  
124 submitting the report for the county fiscal year ending  
125 September 30, 2013, and for each year thereafter.

126 (2) The clerk of the circuit court shall establish and  
127 maintain a system of accounts receivable for court-related fees,  
128 charges, and costs.

129 (3) Court costs, fines, and other dispositional assessments  
130 shall be enforced by order of the courts, collected by the  
131 clerks of the circuit and county courts, and disbursed in  
132 accordance with authorizations and procedures as established by  
133 general law.

134 (4) (a) Each clerk of the circuit court shall accept monthly  
135 ~~partial~~ payments for each case type for court-related fees,  
136 service charges, court costs, and fines electronically, by mail,  
137 or in person in accordance with the terms of the ~~an~~ established  
138 uniform payment plan form developed by the clerk.

139 (b) An individual seeking to defer payment of fees, service  
140 charges, court costs, or fines imposed by operation of law or  
141 order of the court under any provision of general law must ~~shall~~  
142 apply to the clerk for enrollment in a payment plan. The clerk  
143 must ~~shall~~ enter into a payment plan with an individual who the  
144 court determines is indigent for costs. If an individual is not  
145 in custody, the plan must provide a 30-day grace period for the

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146 person to make the first payment. It is the responsibility of an  
147 individual who is released from incarceration and has  
148 outstanding court obligations to contact the clerk within 30  
149 days after release to pay fees, service charges, court costs,  
150 and fines in full, or to apply for enrollment in a payment plan.  
151 If an individual is released from incarceration, the plan must  
152 provide a 90-day grace period from the day of release for the  
153 person to make the first payment.

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

- 158 a. Two percent of the person's annual net income, as  
159 defined in s. 27.52(1), divided by 12; or  
160 b. Twenty-five dollars.

161 2. Any amount required by the clerk as down payment to  
162 initially establish a payment plan shall be the lesser of 10  
163 percent of the total amount owed or \$100. The amount does not  
164 include the imposition of a service charge pursuant to s.  
165 28.24(27)(b), and both the service charge and down payment may  
166 be paid monthly as provided in s. 28.24(27)(b) ~~or (c)~~. The clerk  
167 shall establish all terms of a payment plan, and the court may,  
168 on its own motion or by petition, review and modify the  
169 reasonableness of the payment plan or reduce, waive, or convert  
170 to community service the outstanding fees, service charges,  
171 costs, or fines. This subparagraph may not be construed to allow  
172 or waive restitution or child support.

173 3. If a county has more than one case open for an  
174 individual against whom fines, service charges, fees, or court

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175 costs have been assessed, the monthly payment plan must include  
176 the amounts assessed for all of the cases.

177 (c) If an individual is incarcerated, the clerk may not  
178 refer the individual's account to collections as provided in  
179 subsection (7) or send a notice to the Department of Highway  
180 Safety and Motor Vehicles to suspend the individual's driver  
181 license for nonpayment or failure to comply with the terms of a  
182 payment plan.

183 (d) The clerk may enroll an individual with a deposit or  
184 credit card account, or with other means of automatic  
185 withdrawal, in an automatic payment plan arrangement to ensure  
186 timely payment under the plan. Each clerk shall work with the  
187 court to develop a process in which the individual will meet  
188 with the clerk upon disposition or as soon thereafter as  
189 practicable. The clerk of the court may waive the fees  
190 referenced in s. 28.24(27)(b) for an individual who enrolls in  
191 an automatic electronic debit payment plan.

192 (5) An individual who is indigent as described in s.  
193 27.52(2), an individual who receives public assistance as  
194 defined in s. 409.2554, or an individual whose income is below  
195 200 percent of the federal poverty level based on the current  
196 year's federal poverty guidelines may petition the court to  
197 declare that the financial obligations under the payment plan  
198 have been met and to terminate the payment plan if, up to the  
199 date of the petition, the individual made timely payments for:

200 (a) Twelve consecutive months for any financial obligation  
201 that was \$500 or less;

202 (b) Twenty-four consecutive months for any financial  
203 obligation that was more than \$500, but less than or equal to

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204 \$1,000; or

205 (c) Thirty-six consecutive months for any financial  
206 obligation that was greater than \$1,000.

207 (6) (a) The clerk may send notices electronically or by mail  
208 to remind an individual of an upcoming or missed payment.

209 (b) When receiving monthly ~~partial~~ payment of fees, service  
210 charges, court costs, and fines, clerks shall distribute funds  
211 according to the following order of priority:

212 1. ~~(a)~~ That portion of fees, service charges, court costs,  
213 and fines to be remitted to the state for deposit into the  
214 General Revenue Fund.

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

219 3. ~~(c)~~ That portion of fees, service charges, court costs,  
220 and fines payable to state trust funds, allocated on a pro rata  
221 basis among the various authorized funds if the total collection  
222 amount is insufficient to fully fund all such funds as provided  
223 by law.

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

230  
231 To offset processing costs, clerks may impose ~~either a per-month~~  
232 ~~service charge pursuant to s. 28.24(27) (b) or~~ a one-time

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233 administrative processing service charge at the inception of the  
234 payment plan pursuant to s. 28.24(27)(b) ~~s. 28.24(27)(e)~~.

235 (7)~~(6)~~ A clerk of court shall pursue the collection of any  
236 fees, service charges, fines, court costs, and liens for the  
237 payment of attorney fees and costs pursuant to s. 938.29 which  
238 remain unpaid after 90 days, except for an individual who is  
239 incarcerated, by referring the account to a private attorney who  
240 is a member in good standing of The Florida Bar or collection  
241 agent who is registered and in good standing pursuant to chapter  
242 559. In pursuing the collection of such unpaid financial  
243 obligations through a private attorney or collection agent, the  
244 clerk of the court must have attempted to collect the unpaid  
245 amount through a collection court, collections docket, or other  
246 collections process, if any, established by the court, find this  
247 to be cost-effective and follow any applicable procurement  
248 practices. The collection fee, including any reasonable attorney  
249 attorney's fee, paid to any attorney or collection agent  
250 retained by the clerk may be added to the balance owed in an  
251 amount not to exceed 40 percent of the amount owed at the time  
252 the account is referred to the attorney or agent for collection.  
253 The clerk shall give the private attorney or collection agent  
254 the application for the appointment of court-appointed counsel  
255 regardless of whether the court file is otherwise confidential  
256 from disclosure.

257 Section 3. Section 318.15, Florida Statutes, is amended to  
258 read:

259 318.15 Failure to comply ~~with civil penalty or to appear;~~  
260 penalty.—

261 (1) (a) If a person fails to ~~comply with the civil penalties~~

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262 ~~provided in s. 318.18 within the time period specified in s.~~  
263 ~~318.14(4), fails to enter into or comply with the terms of a~~  
264 ~~penalty payment plan with the clerk of the court in accordance~~  
265 ~~with ss. 318.14 and 28.246, fails to attend driver improvement~~  
266 ~~school, or fails to appear at a scheduled hearing,~~ the clerk of  
267 the court must notify the Department of Highway Safety and Motor  
268 Vehicles of such failure within 10 days after such failure. Upon  
269 receipt of such notice, the department must immediately issue an  
270 order suspending the driver license and privilege to drive of  
271 such person effective 20 days after the date the order of  
272 suspension is mailed in accordance with s. 322.251(1), (2), and  
273 (6). The order also must inform the person that he or she may  
274 contact the clerk of the court to establish a payment plan  
275 pursuant to s. 28.246(4) to make monthly ~~partial~~ payments for  
276 court-related fines, fees, service charges, and court costs. Any  
277 such suspension of the driving privilege which has not been  
278 reinstated, including a similar suspension imposed outside of  
279 this state, must remain on the records of the department for a  
280 period of 7 years from the date imposed and must be removed from  
281 the records after the expiration of 7 years from the date it is  
282 imposed. The department may not accept the resubmission of such  
283 suspension.

284 (b) However, a person who elects to attend driver  
285 improvement school and has paid the civil penalty as provided in  
286 s. 318.14(9) but who subsequently fails to attend the driver  
287 improvement school within the time specified by the court is  
288 deemed to have admitted the infraction and shall be adjudicated  
289 guilty. If the person received an 18-percent reduction pursuant  
290 to s. 318.14(9), the person must pay the clerk of the court that

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291 amount and a processing fee of up to \$18, from which the clerk  
292 shall remit \$3 to the Department of Revenue for deposit into the  
293 General Revenue Fund, after which additional penalties, court  
294 costs, or surcharges may not be imposed for the violation. In  
295 all other such cases, the person must pay the clerk a processing  
296 fee of up to \$18, from which the clerk shall remit \$3 to the  
297 Department of Revenue for deposit into the General Revenue Fund,  
298 after which additional penalties, court costs, or surcharges may  
299 not be imposed for the violation. The clerk of the court shall  
300 notify the department of the person's failure to attend driver  
301 improvement school and points shall be assessed pursuant to s.  
302 322.27.

303 (c) A person ~~who is~~ charged with a traffic infraction may  
304 request a hearing within 180 days after the date upon which the  
305 violation occurred, ~~regardless of any action taken by the court~~  
306 ~~or the department to suspend the person's driving privilege,~~  
307 and, upon request, the clerk must set the case for hearing. ~~The~~  
308 ~~person shall be given a form for requesting that his or her~~  
309 ~~driving privilege be reinstated.~~ If the 180th day after the date  
310 upon which the violation occurred is a Saturday, Sunday, or  
311 legal holiday, the person ~~who is~~ charged must request a hearing  
312 within 177 days after the date upon which the violation  
313 occurred; however, the court may grant a request for a hearing  
314 made more than 180 days after the date upon which the violation  
315 occurred. This paragraph does not affect the assessment of late  
316 fees as otherwise provided in this chapter.

317 (2) After the suspension of a person's driver license and  
318 privilege to drive under subsection (1), the license and  
319 privilege must ~~may not~~ be reinstated when ~~until~~ the person

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320 successfully completes a driver improvement course in accordance  
321 with s. 322.0261 ~~complies with the terms of a periodic payment~~  
322 ~~plan or a revised payment plan with the clerk of the court~~  
323 ~~pursuant to ss. 318.14 and 28.246 or with all obligations and~~  
324 ~~penalties imposed under s. 318.18~~ and presents to a driver  
325 license office a certificate of completion ~~compliance~~ issued by  
326 a department-approved driver improvement course provider ~~the~~  
327 ~~court~~, together with a single nonrefundable service fee ~~charge~~  
328 of \$60 imposed under s. 322.29, or presents a certificate of  
329 completion ~~compliance~~ and pays the service fee ~~charge~~ to the  
330 clerk of the court or a driver licensing agent authorized under  
331 s. 322.135 clearing such suspension. Of the charge collected,  
332 \$22.50 shall be remitted to the Department of Revenue to be  
333 deposited into the Highway Safety Operating Trust Fund. Such  
334 person must also be in compliance with requirements of chapter  
335 322 before reinstatement.

336 (3) A person whose driver license was suspended solely for  
337 nonpayment pursuant to this section before July 1, 2023, and who  
338 is otherwise eligible to drive may have his or her driver  
339 licensed reinstated upon payment of a single service fee imposed  
340 under s. 322.29. The clerk of the court shall submit to the  
341 department a list of persons whose licenses are to be reinstated  
342 pursuant to this section no later than August 1, 2023 ~~The clerk~~  
343 ~~shall notify the department of persons who were mailed a notice~~  
344 ~~of violation of s. 316.074(1) or s. 316.075(1)(c)1. pursuant to~~  
345 ~~s. 316.0083 and who failed to enter into, or comply with the~~  
346 ~~terms of, a penalty payment plan, or order with the clerk to the~~  
347 ~~local hearing officer or failed to appear at a scheduled hearing~~  
348 ~~within 10 days after such failure, and shall reference the~~

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349 ~~person's driver license number, or in the case of a business~~  
350 ~~entity, vehicle registration number.~~

351 ~~(a) Upon receipt of such notice, the department, or~~  
352 ~~authorized agent thereof, may not issue a license plate or~~  
353 ~~revalidation sticker for any motor vehicle owned or co-owned by~~  
354 ~~that person pursuant to s. 320.03(8) until the amounts assessed~~  
355 ~~have been fully paid.~~

356 ~~(b) After the issuance of the person's license plate or~~  
357 ~~revalidation sticker is withheld pursuant to paragraph (a), the~~  
358 ~~person may challenge the withholding of the license plate or~~  
359 ~~revalidation sticker only on the basis that the outstanding~~  
360 ~~finances and civil penalties have been paid pursuant to s.~~  
361 ~~320.03(8).~~

362 Section 4. Section 322.245, Florida Statutes, is amended to  
363 read:

364 322.245 Suspension of license upon failure of person  
365 charged with specified offenses ~~offense~~ under s. 318.17 ~~chapter~~  
366 ~~316, chapter 320, or this chapter~~ to comply with directives  
367 ordered by traffic court or upon failure to pay child support in  
368 non-IV-D cases as provided in chapter 61 ~~or failure to pay any~~  
369 ~~financial obligation in any other criminal case.-~~

370 (1) If a person charged with a violation of any of the  
371 criminal offenses enumerated in s. 318.17(1)-(4) ~~s. 318.17 or~~  
372 ~~with the commission of any offense constituting a misdemeanor~~  
373 ~~under chapter 320 or this chapter~~ fails to comply with all of  
374 the directives of the court within the time allotted by the  
375 court, the clerk of the court must provide the person, either  
376 electronically or by mail sent to the address specified on the  
377 uniform traffic citation, a notice of such failure, notifying

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378 him or her that, if he or she does not comply with the  
379 directives of the court within 30 days after the date of the  
380 notice and pay a delinquency fee of up to \$25 to the clerk, from  
381 which the clerk shall remit \$10 to the Department of Revenue for  
382 deposit into the General Revenue Fund, his or her driver license  
383 will be suspended. The notice must be sent no later than 5 days  
384 after such failure. The delinquency fee may be retained by the  
385 office of the clerk to defray the operating costs of the office.

386 (2) In non-IV-D cases, if a person fails to pay child  
387 support under chapter 61 and the obligee so requests, the  
388 depository or the clerk of the court must ~~shall~~ mail in  
389 accordance with s. 61.13016 the notice specified in that  
390 section, notifying him or her that if he or she does not comply  
391 with the requirements of that section and pay a delinquency fee  
392 of \$25 to the depository or the clerk, his or her driver license  
393 and motor vehicle registration will be suspended. The  
394 delinquency fee may be retained by the depository or the office  
395 of the clerk to defray the operating costs of the office after  
396 the clerk remits \$15 to the Department of Revenue for deposit  
397 into the General Revenue Fund.

398 (3) If the person fails to comply with the directives of  
399 the court within the 30-day period, or, in non-IV-D cases, fails  
400 to comply with the requirements of s. 61.13016 within the period  
401 specified in that statute, the depository or the clerk of the  
402 court must electronically notify the department of such failure  
403 within 10 days. Upon electronic receipt of the notice, the  
404 department shall immediately issue an order suspending the  
405 person's driver license and privilege to drive effective 20 days  
406 after the date the order of suspension is mailed in accordance

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407 with s. 322.251(1), (2), and (6). The order of suspension must  
408 also contain information specifying that the person may contact  
409 the clerk of the court to establish a payment plan pursuant to  
410 s. 28.246(4) to make monthly ~~partial~~ payments for fines, fees,  
411 service charges, and court costs.

412 (4) After suspension of the driver license of a person  
413 pursuant to subsection (1), subsection (2), or subsection (3),  
414 the license may not be reinstated until the person complies with  
415 all court directives imposed upon him or her, including payment  
416 of the delinquency fee imposed by subsection (1), and presents  
417 certification of such compliance to a driver licensing office  
418 and complies with the requirements of this chapter or, in the  
419 case of a license suspended for nonpayment of child support in  
420 non-IV-D cases, until the person complies with the reinstatement  
421 provisions of s. 322.058 and makes payment of the delinquency  
422 fee imposed by subsection (2).

423 (5) (a) A person whose driver license was suspended before  
424 July 1, 2023, pursuant to this section solely for nonpayment of  
425 fines, fees, or court costs other than those fines, fees, or  
426 costs incurred as a result of being charged with one of the  
427 offenses specified in s. 318.17(1)-(4), if otherwise eligible,  
428 may apply to have his or her driver license reinstated upon  
429 payment of a single service fee imposed under s. 322.29. The  
430 clerk of the court shall submit to the department a list of  
431 individuals whose driver licenses are to be reinstated pursuant  
432 to this section no later than August 1, 2023.

433 (b) When the department receives notice from a clerk of the  
434 court that a person licensed to operate a motor vehicle in this  
435 state under ~~the provisions of~~ this chapter has failed to pay

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436 financial obligations, in full or in part under a payment plan  
437 established pursuant to s. 28.246(4), for any criminal offense  
438 enumerated in s. 318.17(1)-(4) ~~other than those specified in~~  
439 ~~subsection (1), in full or in part under a payment plan pursuant~~  
440 ~~to s. 28.246(4)~~, the department must suspend the license of the  
441 person named in the notice. The department shall mail an order  
442 of suspension in accordance with s. 322.251(1), (2), and (6),  
443 which must also contain information specifying that the person  
444 may contact the clerk of the court to establish a payment plan  
445 pursuant to s. 28.246(4) to make monthly ~~partial~~ payments for  
446 fines, fees, service charges, and court costs.

447 (c) ~~(b)~~ The department must reinstate the driving privilege  
448 when the clerk of the court provides an affidavit to the  
449 department stating that:

- 450 1. The person has satisfied the financial obligation in  
451 full or made all payments currently due under a payment plan;  
452 2. The person has entered into a written agreement for  
453 payment of the financial obligation if not presently enrolled in  
454 a payment plan; or  
455 3. A court has entered an order granting relief to the  
456 person ordering the reinstatement of the license.

457 (d) ~~(e)~~ The department may ~~shall~~ not be held liable for any  
458 license suspension resulting from the discharge of its duties  
459 under this section.

460 Section 5. Subsection (2) of section 322.29, Florida  
461 Statutes, is amended to read:

462 322.29 Surrender and return of license.—

463 (2) Notwithstanding subsection (1), an examination is not  
464 required for the return of a license suspended under s. 318.15

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465 or s. 322.245 unless an examination is otherwise required by  
466 this chapter. A person applying for the return of a license  
467 suspended under s. 318.15 or s. 322.245 must present to the  
468 department certification from the clerk of the court that he or  
469 she has complied with all obligations and penalties imposed  
470 pursuant to s. 318.15 or, in the case of a suspension pursuant  
471 to s. 322.245, that he or she has complied with all directives  
472 of the court and the requirements of s. 322.245 and must ~~shall~~  
473 pay to the department a single nonrefundable service fee of \$60,  
474 of which \$37.50 shall be deposited into the General Revenue Fund  
475 and \$22.50 shall be deposited into the Highway Safety Operating  
476 Trust Fund. If reinstated by the clerk of the court or tax  
477 collector, \$37.50 must ~~shall~~ be retained and \$22.50 must ~~shall~~  
478 be remitted to the Department of Revenue for deposit into the  
479 Highway Safety Operating Trust Fund. However, the service fee is  
480 not required if the person is required to pay a \$45 fee or \$75  
481 fee under s. 322.21(8).

482 Section 6. Paragraph (i) of subsection (5) of section  
483 27.52, Florida Statutes, is amended to read:

484 27.52 Determination of indigent status.—

485 (5) INDIGENT FOR COSTS.—A person who is eligible to be  
486 represented by a public defender under s. 27.51 but who is  
487 represented by private counsel not appointed by the court for a  
488 reasonable fee as approved by the court or on a pro bono basis,  
489 or who is proceeding pro se, may move the court for a  
490 determination that he or she is indigent for costs and eligible  
491 for the provision of due process services, as prescribed by ss.  
492 29.006 and 29.007, funded by the state.

493 (i) A defendant who is found guilty of a criminal act by a

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494 court or jury or enters a plea of guilty or nolo contendere and  
495 who received due process services after being found indigent for  
496 costs under this subsection is liable for payment of due process  
497 costs expended by the state.

498 1. The attorney representing the defendant, or the  
499 defendant if he or she is proceeding pro se, shall provide an  
500 accounting to the court delineating all costs paid or to be paid  
501 by the state within 90 days after disposition of the case  
502 notwithstanding any appeals.

503 2. The court shall issue an order determining the amount of  
504 all costs paid by the state and any costs for which prepayment  
505 was waived under this section or s. 57.081. The clerk shall  
506 cause a certified copy of the order to be recorded in the  
507 official records of the county, at no cost. The recording  
508 constitutes a lien against the person in favor of the state in  
509 the county in which the order is recorded. The lien may be  
510 enforced in the same manner prescribed in s. 938.29.

511 3. If the attorney or the pro se defendant fails to provide  
512 a complete accounting of costs expended by the state and  
513 consequently costs are omitted from the lien, the attorney or  
514 pro se defendant may not receive reimbursement or any other form  
515 of direct or indirect payment for those costs if the state has  
516 not paid the costs. The attorney or pro se defendant must ~~shall~~  
517 repay the state for those costs if the state has already paid  
518 the costs. The clerk of the court may establish a payment plan  
519 under s. 28.246 and may charge the attorney or pro se defendant  
520 a one-time administrative processing charge under s.  
521 28.24(27)(b) ~~s. 28.24(27)(c)~~.

522 Section 7. Subsection (1) of section 34.191, Florida

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523 Statutes, is amended to read:

524 34.191 Fines and forfeitures; dispositions.—

525 (1) All fines and forfeitures arising from offenses tried  
526 in the county court must ~~shall~~ be collected and accounted for by  
527 the clerk of the court and, other than the charge provided in s.  
528 318.1215, disbursed in accordance with ss. 28.2402, 34.045,  
529 142.01, and 142.03 and subject to s. 28.246(6) and (7) ~~the~~  
530 ~~provisions of s. 28.246(5) and (6)~~. Notwithstanding the  
531 provisions of this section, all fines and forfeitures arising  
532 from operation of the provisions of s. 318.1215 must ~~shall~~ be  
533 disbursed in accordance with that section.

534 Section 8. Subsection (6) of section 57.082, Florida  
535 Statutes, is amended to read:

536 57.082 Determination of civil indigent status.—

537 (6) PROCESSING CHARGE; PAYMENT PLANS.—A person who the  
538 clerk or the court determines is indigent for civil proceedings  
539 under this section must ~~shall~~ be enrolled in a payment plan  
540 under s. 28.246 and must ~~shall~~ be charged a one-time  
541 administrative processing charge under s. 28.24(27)(b) ~~s.~~  
542 ~~28.24(27)(c)~~. ~~A monthly payment amount, calculated based upon~~  
543 ~~all fees and all anticipated costs, is presumed to correspond to~~  
544 ~~the person's ability to pay if it does not exceed 2 percent of~~  
545 ~~the person's annual net income, as defined in subsection (1),~~  
546 ~~divided by 12~~. The person may seek review of the clerk's  
547 decisions regarding a payment plan established under s. 28.246  
548 in the court having jurisdiction over the matter. A case may not  
549 be impeded in any way, delayed in filing, or delayed in its  
550 progress, including the final hearing and order, due to  
551 nonpayment of any fees or costs by an indigent person. Filing

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552 fees waived from payment under s. 57.081 may not be included in  
553 the calculation related to a payment plan established under this  
554 section.

555 Section 9. Subsection (8) of section 320.03, Florida  
556 Statutes, is amended to read:

557 320.03 Registration; duties of tax collectors;  
558 International Registration Plan.—

559 (8) If the applicant's name appears on the list referred to  
560 in s. 316.1001(4), s. 316.1967(6), ~~s. 318.15(3)~~, or s.  
561 713.78(13), a license plate or revalidation sticker may not be  
562 issued until that person's name no longer appears on the list or  
563 until the person presents a receipt from the governmental entity  
564 or the clerk of court that provided the data showing that the  
565 fines outstanding have been paid. This subsection does not apply  
566 to the owner of a leased vehicle if the vehicle is registered in  
567 the name of the lessee of the vehicle. The tax collector and the  
568 clerk of the court are each entitled to receive monthly, as  
569 costs for implementing and administering this subsection, 10  
570 percent of the civil penalties and fines recovered from such  
571 persons. As used in this subsection, the term "civil penalties  
572 and fines" does not include a wrecker operator's lien as  
573 described in s. 713.78(13). If the tax collector has private tag  
574 agents, such tag agents are entitled to receive a pro rata share  
575 of the amount paid to the tax collector, based upon the  
576 percentage of license plates and revalidation stickers issued by  
577 the tag agent compared to the total issued within the county.  
578 The authority of any private agent to issue license plates shall  
579 be revoked, after notice and a hearing as provided in chapter  
580 120, if he or she issues any license plate or revalidation

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581 sticker contrary to the provisions of this subsection. This  
582 section applies both to the annual renewal of a motor vehicle  
583 registration and the replacement of the motor vehicle  
584 registration or license plate, but does not apply to the  
585 transfer of a registration of a motor vehicle sold by a motor  
586 vehicle dealer licensed under this chapter, except for the  
587 transfer of registrations which includes the annual renewals.  
588 This section does not affect the issuance of the title to a  
589 motor vehicle, notwithstanding s. 319.23(8)(b).

590 Section 10. For the purpose of incorporating the amendment  
591 made by this act to section 28.246(4), Florida Statutes, in a  
592 reference thereto, section 318.20, Florida Statutes, is  
593 reenacted to read:

594 318.20 Notification; duties of department.—The department  
595 shall prepare a notification form to be appended to, or  
596 incorporated as a part of, the Florida uniform traffic citation  
597 issued in accordance with s. 316.650. The notification form must  
598 contain language informing persons charged with infractions to  
599 which this chapter applies of the procedures available to them  
600 under this chapter. Such notification form must contain a  
601 statement that, if the official determines that no infraction  
602 has been committed, no costs or penalties may be imposed and any  
603 costs or penalties that have been paid will be returned.  
604 Additionally, the notification form must include information on  
605 paying the civil penalty to the clerk of the court and the  
606 ability to establish a payment plan pursuant to s. 28.246(4). A  
607 uniform traffic citation that is produced electronically must  
608 also include the information required by this section.

609 Section 11. For the purpose of incorporating the amendment

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610 made by this act to section 28.246(4), Florida Statutes, in a  
611 reference thereto, subsection (3) of section 775.083, Florida  
612 Statutes, is reenacted to read:

613 775.083 Fines.—

614 (3) The clerk of the court of each county is the entity  
615 responsible for collecting payment of fines, fees, service  
616 charges, and court costs. Unless otherwise designated by the  
617 court, a person who has been ordered to pay court obligations  
618 under this section shall immediately contact the clerk to pay  
619 fines, fees, service charges, and court costs in full or to  
620 apply for enrollment in a payment plan pursuant to s. 28.246(4).

621 Section 12. For the purpose of incorporating the amendment  
622 made by this act to section 28.246(4), Florida Statutes, in a  
623 reference thereto, paragraph (a) of subsection (2) of section  
624 938.27, Florida Statutes, is reenacted to read:

625 938.27 Judgment for costs of prosecution and  
626 investigation.—

627 (2) (a) The court shall impose the costs of prosecution and  
628 investigation notwithstanding the defendant's present ability to  
629 pay. The court shall require the defendant to pay the costs  
630 within a specified period or pursuant to a payment plan under s.  
631 28.246(4).

632 Section 13. This act shall take effect July 1, 2023.