

1 A bill to be entitled
2 An act relating to clerks of court; amending s.
3 24.115, F.S.; requiring the Department of the Lottery
4 to use the Comprehensive Case Information System of
5 the Florida Association of Court Clerks and
6 Comptroller, Inc., to determine whether a prize winner
7 owes outstanding fines, fees, or court costs to the
8 state before it may pay certain prizes; amending s.
9 27.52, F.S.; authorizing the clerk of court to review
10 the property records and motor vehicle records to
11 determine whether an applicant for the appointment of
12 a public defender is indigent; deleting a requirement
13 that the clerk conduct the review; amending s. 28.24,
14 F.S.; deleting a requirement for the clerks of the
15 circuit courts to participate in the Comprehensive
16 Case Information System; creating s. 28.2405, F.S.;
17 requiring clerks of the circuit courts to use the
18 Comprehensive Case Information System and to submit
19 data to the system based on case types designated by
20 the Supreme Court of Florida; amending s. 28.241,
21 F.S.; providing that filing fees and fees to reopen a
22 proceeding are due at the time a party files a
23 pleading to initiate or reopen a proceeding; requiring
24 the clerk of court to pursue the collection of fees
25 that are not timely paid; revising the circumstances
26 under which a fee to reopen a case applies; exempting
27 a person from paying a reopen fee for filing a motion
28 to enforce a stipulation or a motion for contempt;

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29 | authorizing the clerk of court to charge a fee to
30 | issue an electronic certified copy of a summons;
31 | amending s. 34.041, F.S.; requiring the party filing a
32 | case in county court to pay all filing and reopen fees
33 | at the time of filing; requiring the clerk to pursue
34 | collection of the fees if the fees are not paid at the
35 | time of filing; authorizing the clerk of court to
36 | charge a fee for issuing an electronic certified copy
37 | of a summons; revising the circumstances under which a
38 | fee to reopen a case applies; exempting a party from
39 | paying a reopen fee for filing motions to enforce
40 | stipulations and motions for contempt; amending s.
41 | 45.035, F.S.; requiring a plaintiff to pay a
42 | rescheduling fee to the clerk on each occasion a sale
43 | of real or personal property under an order or
44 | judgment is rescheduled; requiring the rescheduling
45 | fee to be assessed as costs; requiring the plaintiff
46 | to pay the rescheduling fee to the court before the
47 | sale; amending s. 57.081, F.S.; providing that a
48 | person who receives a certification of indigence with
49 | respect to a proceeding is not required to pay charges
50 | to issue a summons; amending s. 95.11, F.S.; providing
51 | that an action to collect any court costs, fees, or
52 | fines owed to the state may be commenced at any time;
53 | amending s. 112.3173, F.S.; providing for the duty of
54 | a clerk of court to notify the Commission on Ethics of
55 | certain proceedings involving public officers or
56 | employees to arise after the clerk is advised by the

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57 | state attorney that the defendant is a public officer
58 | or employee who is alleged to have committed a
59 | specified offense; amending s. 318.18, F.S.; requiring
60 | that the signature of the person designated to
61 | represent a community service agency be notarized on
62 | letterhead that indicates the number of hours of
63 | community service completed and the date the community
64 | service hours were completed by a person who is
65 | ordered to perform community service as a penalty for
66 | specified offenses; amending s. 668.50, F.S.; limiting
67 | the exemption from the Uniform Electronic Transaction
68 | Act for transactions governed by rules relating to
69 | judicial procedure; amending s. 733.707, F.S.;
70 | specifying the priority of payment of unpaid court
71 | costs, fees, or fines by a decedent's estate; amending
72 | s. 893.11, F.S.; deleting a requirement that a clerk
73 | of court send criminal conviction information to the
74 | state agency that has issued a business or
75 | professional license to a person who is convicted of
76 | certain types of criminal offenses; requiring state
77 | agencies that issue business or professional licenses
78 | to use the Comprehensive Case Information System to
79 | obtain information relating to criminal convictions of
80 | licensees; requiring the clerk of court to provide
81 | certified copies of judgments to licensing agencies
82 | upon request; defining the term "business or
83 | professional license"; amending s. 938.27, F.S.;

84 | authorizing a court to require a defendant to pay the

85 | costs of prosecution and investigation pursuant to a
 86 | payment plan under a specified provision; amending s.
 87 | 938.30, F.S.; providing that criminal or civil
 88 | judgment and related costs are a civil lien against
 89 | the judgment debtor's presently owned or after-
 90 | acquired real or personal property if the judgment is
 91 | recorded; providing an exception to rerecording
 92 | requirements; requiring that the clerk of court
 93 | enforce, satisfy, compromise, settle, subordinate,
 94 | release, or otherwise dispose of any debts or lien
 95 | imposed and collected in the same manner as for an
 96 | indigent defendant-recipient; amending s. 947.181,
 97 | F.S.; providing that the Parole Commission require as
 98 | a condition of parole the payment of fines, fees, or
 99 | other court-ordered costs under certain circumstances;
 100 | providing that restitution ordered as a condition of
 101 | parole has first priority over the payment of other
 102 | costs ordered as a condition of parole; requiring that
 103 | the commission state on record the reasons for not
 104 | requiring the full payment of the fines, fees, or
 105 | other court-ordered costs; providing an effective
 106 | date.

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

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 110 | Section 1. Subsection (4) of section 24.115, Florida
 111 | Statutes, is amended to read:
 112 | 24.115 Payment of prizes.—

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113 (4) (a) It is the responsibility of the appropriate state
114 agency and of the judicial branch to identify to the department,
115 in the form and format prescribed by the department, persons
116 owing an outstanding debt to any state agency or owing child
117 support collected through a court, including spousal support or
118 alimony for the spouse or former spouse of the obligor if the
119 child support obligation is being enforced by the Department of
120 Revenue.

121 (b) Notwithstanding paragraph (a), the department must use
122 the Comprehensive Case Information System of the Florida
123 Association of Court Clerks and Comptroller, Inc., to determine
124 whether a prize winner owes outstanding fines, fees, or court
125 costs to the state before it may pay a prize of \$600 or more.

126 (c) Before ~~Prior to~~ the payment of a prize of \$600 or more
127 to any claimant having such an outstanding obligation, the
128 department shall transmit the amount of the debt to the agency
129 claiming the debt or owed the debt as shown on the Comprehensive
130 Case Information System and shall authorize payment of the
131 balance to the prize winner after deduction of the debt. If a
132 prize winner owes multiple debts subject to offset under this
133 subsection and the prize is insufficient to cover all such
134 debts, the amount of the prize shall be transmitted first to the
135 agency claiming that past due child support is owed. If a
136 balance of lottery prize remains after payment of past due child
137 support, the remaining lottery prize amount shall be transmitted
138 to other agencies owed ~~claiming~~ debts ~~owed to the state~~, pro
139 rata, based upon the ratio of the individual debt to the
140 remaining debt owed to the state.

141 Section 2. Paragraph (a) of subsection (2) of section
 142 27.52, Florida Statutes, is amended to read:

143 27.52 Determination of indigent status.—

144 (2) DETERMINATION BY THE CLERK.—The clerk of the court
 145 shall determine whether an applicant seeking appointment of a
 146 public defender is indigent based upon the information provided
 147 in the application and the criteria prescribed in this
 148 subsection.

149 (a)1. An applicant, including an applicant who is a minor
 150 or an adult tax-dependent person, is indigent if the applicant's
 151 income is equal to or below 200 percent of the then-current
 152 federal poverty guidelines prescribed for the size of the
 153 household of the applicant by the United States Department of
 154 Health and Human Services or if the person is receiving
 155 Temporary Assistance for Needy Families-Cash Assistance,
 156 poverty-related veterans' benefits, or Supplemental Security
 157 Income (SSI).

158 2.a. There is a presumption that the applicant is not
 159 indigent if the applicant owns, or has equity in, any intangible
 160 or tangible personal property or real property or the expectancy
 161 of an interest in any such property having a net equity value of
 162 \$2,500 or more, excluding the value of the person's homestead
 163 and one vehicle having a net value not exceeding \$5,000.

164 b. Notwithstanding the information that the applicant
 165 provides, the clerk may ~~shall~~ conduct a review of the property
 166 records for the county in which the applicant resides and the
 167 motor vehicle title records of the state to identify any
 168 property interests of the applicant under this subparagraph. The

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169 clerk may ~~shall~~ evaluate and consider the results of the review
 170 in making a determination under this subsection. If the review
 171 is completed by the clerk, the clerk shall maintain the results
 172 of the review in a file with the application and provide the
 173 file to the court if the applicant seeks review under subsection
 174 (4) of the clerk's determination of indigent status.

175 Section 3. Paragraph (e) of subsection (12) of section
 176 28.24, Florida Statutes, is amended to read:

177 28.24 Service charges by clerk of the circuit court.—The
 178 clerk of the circuit court shall charge for services rendered by
 179 the clerk's office in recording documents and instruments and in
 180 performing the duties enumerated in amounts not to exceed those
 181 specified in this section. Notwithstanding any other provision
 182 of this section, the clerk of the circuit court shall provide
 183 without charge to the state attorney, public defender, guardian
 184 ad litem, public guardian, attorney ad litem, criminal conflict
 185 and civil regional counsel, and private court-appointed counsel
 186 paid by the state, and to the authorized staff acting on behalf
 187 of each, access to and a copy of any public record, if the
 188 requesting party is entitled by law to view the exempt or
 189 confidential record, as maintained by and in the custody of the
 190 clerk of the circuit court as provided in general law and the
 191 Florida Rules of Judicial Administration. The clerk of the
 192 circuit court may provide the requested public record in an
 193 electronic format in lieu of a paper format when capable of
 194 being accessed by the requesting entity.

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Charges

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(12) For recording, indexing, and filing any instrument not more than 14 inches by 8 1/2 inches, including required notice to property appraiser where applicable:

(e) An additional service charge of \$4 per page shall be paid to the clerk of the circuit court for each instrument listed in s. 28.222, except judgments received from the courts and notices of lis pendens, recorded in the official records. From the additional \$4 service charge collected:

1. If the counties maintain legal responsibility for the costs of the court-related technology needs as defined in s. 29.008(1)(f)2. and (h), 10 cents shall be distributed to the Florida Association of Court Clerks and Comptroller, Inc., for the cost of development, implementation, operation, and maintenance of the clerks' Comprehensive Case Information System, ~~in which system all clerks shall participate on or before January 1, 2006;~~ \$1.90 shall be retained by the clerk to be deposited in the Public Records Modernization Trust Fund and used exclusively for funding court-related technology needs of the clerk as defined in s. 29.008(1)(f)2. and (h); and \$2 shall be distributed to the board of county commissioners to be used exclusively to fund court-related technology, and court technology needs as defined in s. 29.008(1)(f)2. and (h) for the state trial courts, state attorney, public defender, and criminal conflict and civil regional counsel in that county. If the counties maintain legal responsibility for the costs of the court-related technology needs as defined in s. 29.008(1)(f)2. and (h), notwithstanding any other provision of law, the county

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225 is not required to provide additional funding beyond that
226 provided herein for the court-related technology needs of the
227 clerk as defined in s. 29.008(1)(f)2. and (h). All court records
228 and official records are the property of the State of Florida,
229 including any records generated as part of the Comprehensive
230 Case Information System funded pursuant to this paragraph and
231 the clerk of court is designated as the custodian of such
232 records, except in a county where the duty of maintaining
233 official records exists in a county office other than the clerk
234 of court or comptroller, such county office is designated the
235 custodian of all official records, and the clerk of court is
236 designated the custodian of all court records. The clerk of
237 court or any entity acting on behalf of the clerk of court,
238 including an association, shall not charge a fee to any agency
239 as defined in s. 119.011, the Legislature, or the State Court
240 System for copies of records generated by the Comprehensive Case
241 Information System or held by the clerk of court or any entity
242 acting on behalf of the clerk of court, including an
243 association.

244 2. If the state becomes legally responsible for the costs
245 of court-related technology needs as defined in s.
246 29.008(1)(f)2. and (h), whether by operation of general law or
247 by court order, \$4 shall be remitted to the Department of
248 Revenue for deposit into the General Revenue Fund.

249 Section 4. Section 28.2405, Florida Statutes, is created
250 to read:

251 28.2405 Comprehensive Case Information System.—All clerks
252 of the circuit court shall participate in the Comprehensive Case

253 Information System of the Florida Association of Clerks and
 254 Comptroller, Inc., and shall submit electronic case data to the
 255 system based on the case types designated by the Supreme Court.

256 Section 5. Subsection (1) of section 28.241, Florida
 257 Statutes, is amended to read:

258 28.241 Filing fees for trial and appellate proceedings.—

259 (1) Filing fees are due at the time a party files a
 260 pleading to initiate a proceeding or files a pleading for
 261 relief. Reopen fees are due at the time a party files a pleading
 262 to reopen a proceeding if at least 90 days have elapsed since
 263 the filing of a final order or final judgment with the clerk. If
 264 a fee is not paid upon the filing of the pleading as required
 265 under this section, the clerk shall pursue collection of the fee
 266 pursuant to s. 28.246.

267 (a)1.a. Except as provided in sub-subparagraph b. and
 268 subparagraph 2., the party instituting any civil action, suit,
 269 or proceeding in the circuit court shall pay to the clerk of
 270 that court a filing fee of up to \$395 in all cases in which
 271 there are not more than five defendants and an additional filing
 272 fee of up to \$2.50 for each defendant in excess of five. Of the
 273 first \$280 in filing fees, \$80 must be remitted by the clerk to
 274 the Department of Revenue for deposit into the General Revenue
 275 Fund, \$195 must be remitted to the Department of Revenue for
 276 deposit into the State Courts Revenue Trust Fund, \$3.50 must be
 277 remitted to the Department of Revenue for deposit into the
 278 Clerks of the Court Trust Fund within the Justice Administrative
 279 Commission and used to fund the Florida Clerks of Court
 280 Operations Corporation created in s. 28.35, and \$1.50 shall be

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281 | remitted to the Department of Revenue for deposit into the
282 | Administrative Trust Fund within the Department of Financial
283 | Services to fund clerk budget reviews conducted by the
284 | Department of Financial Services. One third of any filing fees
285 | collected by the clerk of the circuit court in excess of \$100
286 | shall be remitted to the Department of Revenue for deposit into
287 | the Clerks of the Court Trust Fund within the Justice
288 | Administrative Commission.

289 | b. The party instituting any civil action, suit, or
290 | proceeding in the circuit court under chapter 39, chapter 61,
291 | chapter 741, chapter 742, chapter 747, chapter 752, or chapter
292 | 753 shall pay to the clerk of that court a filing fee of up to
293 | \$295 in all cases in which there are not more than five
294 | defendants and an additional filing fee of up to \$2.50 for each
295 | defendant in excess of five. Of the first \$180 in filing fees,
296 | \$80 must be remitted by the clerk to the Department of Revenue
297 | for deposit into the General Revenue Fund, \$95 must be remitted
298 | to the Department of Revenue for deposit into the State Courts
299 | Revenue Trust Fund, \$3.50 must be remitted to the Department of
300 | Revenue for deposit into the Clerks of the Court Trust Fund
301 | within the Justice Administrative Commission and used to fund
302 | the Florida Clerks of Court Operations Corporation created in s.
303 | 28.35, and \$1.50 shall be remitted to the Department of Revenue
304 | for deposit into the Administrative Trust Fund within the
305 | Department of Financial Services to fund clerk budget reviews
306 | conducted by the Department of Financial Services.

307 | c. An additional filing fee of \$4 shall be paid to the
308 | clerk. The clerk shall remit \$3.50 to the Department of Revenue

309 | for deposit into the Court Education Trust Fund and shall remit
 310 | 50 cents to the Department of Revenue for deposit into the
 311 | Clerks of the Court Trust Fund within the Justice Administrative
 312 | Commission to fund clerk education. An additional filing fee of
 313 | up to \$18 shall be paid by the party seeking each severance that
 314 | is granted. The clerk may impose an additional filing fee of up
 315 | to \$85 for all proceedings of garnishment, attachment, replevin,
 316 | and distress. Postal charges incurred by the clerk of the
 317 | circuit court in making service by certified or registered mail
 318 | on defendants or other parties shall be paid by the party at
 319 | whose instance service is made. ~~No~~ Additional fees, charges, or
 320 | costs may not ~~shall~~ be added to the filing fees imposed under
 321 | this section, except as authorized in this section or by general
 322 | law.

323 | 2.a. Notwithstanding the fees prescribed in subparagraph
 324 | 1., a party instituting a civil action in circuit court relating
 325 | to real property or mortgage foreclosure shall pay a graduated
 326 | filing fee based on the value of the claim.

327 | b. A party shall estimate in writing the amount in
 328 | controversy of the claim upon filing the action. For purposes of
 329 | this subparagraph, the value of a mortgage foreclosure action is
 330 | based upon the principal due on the note secured by the
 331 | mortgage, plus interest owed on the note and any moneys advanced
 332 | by the lender for property taxes, insurance, and other advances
 333 | secured by the mortgage, at the time of filing the foreclosure.
 334 | The value shall also include the value of any tax certificates
 335 | related to the property. In stating the value of a mortgage
 336 | foreclosure claim, a party shall declare in writing the total

337 value of the claim, as well as the individual elements of the
 338 value as prescribed in this sub-subparagraph.

339 c. In its order providing for the final disposition of the
 340 matter, the court shall identify the actual value of the claim.
 341 The clerk shall adjust the filing fee if there is a difference
 342 between the estimated amount in controversy and the actual value
 343 of the claim and collect any additional filing fee owed or
 344 provide a refund of excess filing fee paid.

345 d. The party shall pay a filing fee of:

346 (I) Three hundred and ninety-five dollars in all cases in
 347 which the value of the claim is \$50,000 or less and in which
 348 there are not more than five defendants. The party shall pay an
 349 additional filing fee of up to \$2.50 for each defendant in
 350 excess of five. Of the first \$280 in filing fees, \$80 must be
 351 remitted by the clerk to the Department of Revenue for deposit
 352 into the General Revenue Fund, \$195 must be remitted to the
 353 Department of Revenue for deposit into the State Courts Revenue
 354 Trust Fund, \$3.50 must be remitted to the Department of Revenue
 355 for deposit into the Clerks of the Court Trust Fund within the
 356 Justice Administrative Commission and used to fund the Florida
 357 Clerks of Court Operations Corporation created in s. 28.35, and
 358 \$1.50 shall be remitted to the Department of Revenue for deposit
 359 into the Administrative Trust Fund within the Department of
 360 Financial Services to fund clerk budget reviews conducted by the
 361 Department of Financial Services;

362 (II) Nine hundred dollars in all cases in which the value
 363 of the claim is more than \$50,000 but less than \$250,000 and in
 364 which there are not more than five defendants. The party shall

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365 pay an additional filing fee of up to \$2.50 for each defendant
366 in excess of five. Of the first \$785 in filing fees, \$80 must be
367 remitted by the clerk to the Department of Revenue for deposit
368 into the General Revenue Fund, \$700 must be remitted to the
369 Department of Revenue for deposit into the State Courts Revenue
370 Trust Fund, \$3.50 must be remitted to the Department of Revenue
371 for deposit into the Clerks of the Court Trust Fund within the
372 Justice Administrative Commission and used to fund the Florida
373 Clerks of Court Operations Corporation described in s. 28.35,
374 and \$1.50 shall be remitted to the Department of Revenue for
375 deposit into the Administrative Trust Fund within the Department
376 of Financial Services to fund clerk budget reviews conducted by
377 the Department of Financial Services; or

378 (III) One thousand nine hundred dollars in all cases in
379 which the value of the claim is \$250,000 or more and in which
380 there are not more than five defendants. The party shall pay an
381 additional filing fee of up to \$2.50 for each defendant in
382 excess of five. Of the first \$1,785 in filing fees, \$80 must be
383 remitted by the clerk to the Department of Revenue for deposit
384 into the General Revenue Fund, \$1,700 must be remitted to the
385 Department of Revenue for deposit into the State Courts Revenue
386 Trust Fund, \$3.50 must be remitted to the Department of Revenue
387 for deposit into the Clerks of the Court Trust Fund within the
388 Justice Administrative Commission to fund the Florida Clerks of
389 Court Operations Corporation created in s. 28.35, and \$1.50
390 shall be remitted to the Department of Revenue for deposit into
391 the Administrative Trust Fund within the Department of Financial
392 Services to fund clerk budget reviews conducted by the

393 Department of Financial Services.

394 e. An additional filing fee of \$4 shall be paid to the
 395 clerk. The clerk shall remit \$3.50 to the Department of Revenue
 396 for deposit into the Court Education Trust Fund and shall remit
 397 50 cents to the Department of Revenue for deposit into the
 398 Clerks of the Court Trust Fund within the Justice Administrative
 399 Commission to fund clerk education. An additional filing fee of
 400 up to \$18 shall be paid by the party seeking each severance that
 401 is granted. The clerk may impose an additional filing fee of up
 402 to \$85 for all proceedings of garnishment, attachment, replevin,
 403 and distress. Postal charges incurred by the clerk of the
 404 circuit court in making service by certified or registered mail
 405 on defendants or other parties shall be paid by the party at
 406 whose instance service is made. ~~No~~ Additional fees, charges, or
 407 costs may not ~~shall~~ be added to the filing fees imposed under
 408 this section, except as authorized in this section or by general
 409 law.

410 (b) A party reopening any civil action, suit, or
 411 proceeding in the circuit court shall pay to the clerk of court
 412 a filing fee set by the clerk in an amount not to exceed \$50.
 413 For purposes of this section, a case is reopened after all
 414 appeals have been exhausted or time to file an appeal from a
 415 final order or final judgment has expired. A reopen fee may be
 416 assessed by the clerk for any motion filed by any party at least
 417 90 days after a final order or final judgment has been filed
 418 with the clerk in the initial case. A reservation of
 419 jurisdiction by a court does not cause a case to remain open for
 420 purposes of this section or exempt a party from paying a reopen

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421 ~~fee when a case previously reported as disposed of is~~
 422 ~~resubmitted to a court and includes petitions for modification~~
 423 ~~of a final judgment of dissolution.~~ A party is exempt from
 424 paying the fee for any of the following:

- 425 1. A writ of garnishment;
- 426 2. A writ of replevin;
- 427 3. A distress writ;
- 428 4. A writ of attachment;
- 429 5. A motion for rehearing filed within 10 days;
- 430 6. A motion for attorney's fees filed within 30 days after
 431 entry of a judgment or final order;
- 432 7. A motion for dismissal filed after a mediation
 433 agreement has been filed;
- 434 8. A disposition of personal property without
 435 administration;
- 436 9. Any probate case prior to the discharge of a personal
 437 representative;
- 438 10. Any guardianship pleading prior to discharge;
- 439 11. Any mental health pleading;
- 440 12. Motions to withdraw by attorneys;
- 441 13. Motions exclusively for the enforcement of child
 442 support orders;
- 443 14. A petition for credit of child support;
- 444 15. A Notice of Intent to Relocate and any order issuing
 445 as a result of an uncontested relocation;
- 446 16. Stipulations and motions to enforce stipulations;
- 447 17. Responsive pleadings; ~~or~~
- 448 18. Cases in which there is no initial filing fee; or

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449 | 19. Motions for contempt.

450 | (c)1. A party in addition to a party described in sub-
451 | subparagraph (a)1.a. who files a pleading in an original civil
452 | action in circuit court for affirmative relief by cross-claim,
453 | counterclaim, counterpetition, or third-party complaint shall
454 | pay the clerk of court a fee of \$395. A party in addition to a
455 | party described in sub-subparagraph (a)1.b. who files a pleading
456 | in an original civil action in circuit court for affirmative
457 | relief by cross-claim, counterclaim, counterpetition, or third-
458 | party complaint shall pay the clerk of court a fee of \$295. The
459 | clerk shall remit the fee to the Department of Revenue for
460 | deposit into the General Revenue Fund.

461 | 2. A party in addition to a party described in
462 | subparagraph (a)2. who files a pleading in an original civil
463 | action in circuit court for affirmative relief by cross-claim,
464 | counterclaim, counterpetition, or third-party complaint shall
465 | pay the clerk of court a graduated fee of:

466 | a. Three hundred and ninety-five dollars in all cases in
467 | which the value of the pleading is \$50,000 or less;

468 | b. Nine hundred dollars in all cases in which the value of
469 | the pleading is more than \$50,000 but less than \$250,000; or

470 | c. One thousand nine hundred dollars in all cases in which
471 | the value of the pleading is \$250,000 or more.

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473 | The clerk shall remit the fees collected under this subparagraph
474 | to the Department of Revenue for deposit into the General
475 | Revenue Fund, except that the clerk shall remit \$100 of the fee
476 | collected under sub-subparagraph a., \$605 of the fee collected

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477 under sub-subparagraph b., and \$1,605 of the fee collected under
478 sub-subparagraph c. to the Department of Revenue for deposit
479 into the State Courts Revenue Trust Fund.

480 (d) The clerk of court shall collect a service charge of
481 \$10 for issuing an original, a certified copy, or an electronic
482 certified copy of a summons. The clerk shall assess the fee
483 against the party seeking to have the summons issued.

484 Section 6. Paragraphs (a) and (d) of subsection (1) and
485 subsection (2) of section 34.041, Florida Statutes, are amended
486 to read:

487 34.041 Filing fees.—

488 (1)(a) Filing fees are due at the time a party files a
489 pleading to initiate a proceeding or files a pleading for
490 relief. Reopen fees are due at the time a party files a pleading
491 to reopen a proceeding if at least 90 days have elapsed since
492 the filing of a final order or final judgment with the clerk. If
493 a fee is not paid upon the filing of the pleading as required
494 under this section, the clerk shall pursue collection of the fee
495 pursuant to s. 28.246. Upon the institution of any civil action,
496 suit, or proceeding in county court, the party shall pay the
497 following filing fee, not to exceed:

498 1. For all claims less than \$100 \$50.

499 2. For all claims of \$100 or more but not more
500 than \$500 \$75.

501 3. For all claims of more than \$500 but not more than
502 \$2,500 \$170.

503 4. For all claims of more than \$2,500 \$295.

504 5. In addition, for all proceedings of garnishment,

505 attachment, replevin, and distress \$85.

506 6. Notwithstanding subparagraphs 3. and 5., for all claims
 507 of not more than \$1,000 filed simultaneously with an action for
 508 replevin of property that is the subject of the claim \$125.

509 7. For removal of tenant action \$180.

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511 The filing fee in subparagraph 6. is the total fee due under
 512 this paragraph for that type of filing, and no other filing fee
 513 under this paragraph may be assessed against such a filing.

514 (d) The clerk of court shall collect a service charge of
 515 \$10 for issuing a summons or an electronic certified copy of a
 516 summons. The clerk shall assess the fee against the party
 517 seeking to have the summons issued.

518 (2) A party reopening any civil action, suit, or
 519 proceeding in the county court shall pay to the clerk of court a
 520 filing fee set by the clerk in an amount not to exceed \$25 for
 521 all claims of not more than \$500 and an amount not to exceed \$50
 522 for all claims of more than \$500. For purposes of this section,
 523 a case is reopened after all appeals have been exhausted, or
 524 time to file an appeal from a final order or final judgment has
 525 expired. A reopen fee may be assessed by the clerk for any
 526 motion filed by any party at least 90 days after a final order
 527 or final judgment has been filed with the clerk in the initial
 528 case. A reservation of jurisdiction by a court does not cause a
 529 case to remain open for purposes of this section or exempt a
 530 party from paying a reopen fee when a case previously reported
 531 as disposed of is resubmitted to a court. A party is exempt from
 532 paying the fee for any of the following:

- 533 (a) A writ of garnishment;
- 534 (b) A writ of replevin;
- 535 (c) A distress writ;
- 536 (d) A writ of attachment;
- 537 (e) A motion for rehearing filed within 10 days;
- 538 (f) A motion for attorney's fees filed within 30 days of
- 539 the entry of the judgment or final order;
- 540 (g) A motion for dismissal filed after a mediation
- 541 agreement has been filed;
- 542 (h) A motion to withdraw by attorneys;
- 543 (i) Stipulations and motions to enforce stipulations; ~~or~~
- 544 (j) Responsive pleadings; or
- 545 (k) Motions for contempt.

546 Section 7. Subsection (4) is added to section 45.035,
 547 Florida Statutes, to read:

548 45.035 Clerk's fees.—In addition to other fees or service
 549 charges authorized by law, the clerk shall receive service
 550 charges related to the judicial sales procedure set forth in ss.
 551 45.031-45.034 and this section:

552 (4) If the sale is rescheduled for any reason, the
 553 plaintiff shall pay a rescheduling fee of \$70 to the clerk on
 554 each occasion the sale is rescheduled. The rescheduling fee must
 555 be assessed as costs, and the plaintiff shall pay the fee to the
 556 clerk before the sale.

557 Section 8. Subsection (1) of section 57.081, Florida
 558 Statutes, is amended to read:

559 57.081 Costs; right to proceed where prepayment of costs
 560 and payment of filing fees waived.—

561 (1) Any indigent person, except a prisoner as defined in
 562 s. 57.085, who is a party or intervenor in any judicial or
 563 administrative agency proceeding or who initiates such
 564 proceeding shall receive the services of the courts, sheriffs,
 565 and clerks, with respect to such proceedings, despite his or her
 566 present inability to pay for these services. Such services are
 567 limited to filing fees; service of process; certified copies of
 568 orders or final judgments; a single photocopy of any court
 569 pleading, record, or instrument filed with the clerk; examining
 570 fees; mediation services and fees; private court-appointed
 571 counsel fees; subpoena fees and services; service charges for
 572 collecting and disbursing funds; and any other cost or service
 573 arising out of pending litigation. In any appeal from an
 574 administrative agency decision, for which the clerk is
 575 responsible for preparing the transcript, the clerk shall record
 576 the cost of preparing the transcripts and the cost for copies of
 577 any exhibits in the record. A party who has obtained a
 578 certification of indigence pursuant to s. 27.52 or s. 57.082
 579 with respect to a proceeding is not required to prepay costs to
 580 a court, clerk, or sheriff and is not required to pay filing
 581 fees or charges for issuance of a summons ~~Prepayment of costs to~~
 582 ~~any court, clerk, or sheriff is not required and payment of~~
 583 ~~filing fees is not required in any action if the party has~~
 584 ~~obtained in each proceeding a certification of indigence in~~
 585 ~~accordance with s. 27.52 or s. 57.082.~~

586 Section 9. Subsection (11) is added to section 95.11,
 587 Florida Statutes, to read:

588 95.11 Limitations other than for the recovery of real

589 | property.—Actions other than for recovery of real property shall
 590 | be commenced as follows:

591 | (11) COURT COSTS AND FINES.—Notwithstanding subsection
 592 | (1), an action to collect court costs, fees, or fines owed to
 593 | the state may be commenced at any time.

594 | Section 10. Paragraph (a) of subsection (4) of section
 595 | 112.3173, Florida Statutes, is amended to read:

596 | 112.3173 Felonies involving breach of public trust and
 597 | other specified offenses by public officers and employees;
 598 | forfeiture of retirement benefits.—

599 | (4) NOTICE.—

600 | (a) The clerk of a court in which a proceeding involving a
 601 | specified offense is being conducted against a public officer or
 602 | employee shall furnish notice of the proceeding to the
 603 | Commission on Ethics after the state attorney advises the clerk
 604 | that the defendant is a public officer or employee and that the
 605 | defendant is alleged to have committed a specified offense. Such
 606 | notice is sufficient if it is in the form of a copy of the
 607 | indictment, information, or other document containing the
 608 | charges. In addition, if a verdict of guilty is returned by a
 609 | jury or by the court trying the case without a jury, or a plea
 610 | of guilty or of nolo contendere is entered in the court by the
 611 | public officer or employee, the clerk shall furnish a copy
 612 | thereof to the Commission on Ethics.

613 | Section 11. Paragraph (b) of subsection (8) of section
 614 | 318.18, Florida Statutes, is amended to read:

615 | 318.18 Amount of penalties.—The penalties required for a
 616 | noncriminal disposition pursuant to s. 318.14 or a criminal

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617 offense listed in s. 318.17 are as follows:

618 (8)

619 (b)1.a. If a person has been ordered to pay a civil
620 penalty for a noncriminal traffic infraction and the person is
621 unable to comply with the court's order due to demonstrable
622 financial hardship, the court shall allow the person to satisfy
623 the civil penalty by participating in community service until
624 the civil penalty is paid.

625 b. If a court orders a person to perform community
626 service, the person shall receive credit for the civil penalty
627 at the specified hourly credit rate per hour of community
628 service performed, and each hour of community service performed
629 shall reduce the civil penalty by that amount.

630 2.a. As used in this paragraph, the term "specified hourly
631 credit rate" means the wage rate that is specified in 29 U.S.C.
632 s. 206(a)(1) under the federal Fair Labor Standards Act of 1938,
633 that is then in effect, and that an employer subject to such
634 provision must pay per hour to each employee subject to such
635 provision.

636 b. However, if a person ordered to perform community
637 service has a trade or profession for which there is a community
638 service need, the specified hourly credit rate for each hour of
639 community service performed by that person shall be the average
640 prevailing wage rate for the trade or profession that the
641 community service agency needs.

642 3.a. The community service agency supervising the person
643 shall record the number of hours of community service completed
644 and the date the community service hours were completed. The

645 community service agency shall submit the data to the clerk of
 646 court on the letterhead of the community service agency, which
 647 must also bear the notarized signature of the person designated
 648 to represent the community service agency.

649 b. When the number of community service hours completed by
 650 the person equals the amount of the civil penalty, the clerk of
 651 court shall certify this fact to the court. Thereafter, the
 652 clerk of court shall record in the case file that the civil
 653 penalty has been paid in full.

654 4. As used in this paragraph, the term:

655 a. "Community service" means uncompensated labor for a
 656 community service agency.

657 b. "Community service agency" means a not-for-profit
 658 corporation, community organization, charitable organization,
 659 public officer, the state or any political subdivision of the
 660 state, or any other body the purpose of which is to improve the
 661 quality of life or social welfare of the community and which
 662 agrees to accept community service from persons unable to pay
 663 civil penalties for noncriminal traffic infractions.

664 Section 12. Subsection (3) of section 668.50, Florida
 665 Statutes, is amended to read:

666 668.50 Uniform Electronic Transaction Act.—

667 (3) SCOPE.—

668 (a) Except as otherwise provided in paragraph (b), this
 669 section applies to electronic records and electronic signatures
 670 relating to a transaction.

671 (b) This section does not apply to a transaction to the
 672 extent the transaction is governed by:

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673 | 1. A provision of law governing the creation and execution
674 | of wills, codicils, or testamentary trusts;

675 | 2. The Uniform Commercial Code other than s. 671.107 and
676 | chapters 672 and 680; or

677 | 3. The Uniform Computer Information Transactions Act.; ~~or~~

678 | ~~4. Rules relating to judicial procedure.~~

679 | (c) Except with respect to subsections (2), (9), and (11),
680 | this section does not apply to a transaction to the extent the
681 | transaction is governed by rules relating to judicial procedure.

682 | (d)(e) This section applies to an electronic record or
683 | electronic signature otherwise excluded under paragraph (b) to
684 | the extent such record or signature is governed by a provision
685 | of law other than those specified in paragraph (b).

686 | (e)(d) A transaction subject to this section is also
687 | subject to other applicable provisions of substantive law.

688 | Section 13. Paragraph (c) of subsection (1) of section
689 | 733.707, Florida Statutes, is amended to read:

690 | 733.707 Order of payment of expenses and obligations.—

691 | (1) The personal representative shall pay the expenses of
692 | the administration and obligations of the decedent's estate in
693 | the following order:

694 | (c) *Class 3.*—Debts and taxes with preference under federal
695 | law, ~~and~~ claims pursuant to ss. 409.9101 and 414.28, and claims
696 | in favor of the state for unpaid court costs, fees, or fines.

697 | Section 14. Section 893.11, Florida Statutes, is amended
698 | to read:

699 | 893.11 Suspension, revocation, and reinstatement of
700 | business and professional licenses.—A state agency must revoke

701 or suspend the business or professional license of a person
 702 licensed by the agency if that person is convicted of a felony
 703 ~~Upon the conviction in any court of competent jurisdiction of~~
 704 ~~any person holding a license, permit, or certificate issued by a~~
 705 ~~state agency,~~ for the sale of, or trafficking in, a controlled
 706 substance or for conspiracy to sell, or traffic in, a controlled
 707 substance. A state agency that issues a business or professional
 708 license must use the Comprehensive Case Information System of
 709 the Florida Association of Court Clerks and Comptroller, Inc.,
 710 to obtain information relating to the conviction. The clerk of
 711 the court shall provide certified copies of the judgment upon
 712 request to the agency, ~~if such offense is a felony, the clerk of~~
 713 ~~said court shall send a certified copy of the judgment of~~
 714 ~~conviction with the person's license number, permit number, or~~
 715 ~~certificate number on the face of such certified copy to the~~
 716 ~~agency head by whom the convicted defendant has received a~~
 717 ~~license, permit, or certificate to practice his or her~~
 718 ~~profession or to carry on his or her business. Such agency head~~
 719 ~~shall suspend or revoke the license, permit, or certificate of~~
 720 ~~the convicted defendant to practice his or her profession or to~~
 721 ~~carry on his or her business. Upon a showing by any such~~
 722 convicted defendant whose business or professional license,
 723 ~~permit, or certificate~~ has been suspended or revoked pursuant to
 724 this section that his or her civil rights have been restored or
 725 upon a showing that the convicted defendant meets the following
 726 criteria, the agency head may reinstate or reactivate such
 727 license, ~~permit, or certificate~~ when:
 728 (1) The person has complied with the conditions of

729 paragraphs (a) and (b) which shall be monitored by the
 730 Department of Corrections while the person is under any
 731 supervisory sanction. If the person fails to comply with
 732 provisions of these paragraphs by either failing to maintain
 733 treatment or by testing positive for drug use, the department
 734 shall notify the licensing, ~~permitting, or certifying~~ agency,
 735 which shall revoke the license, ~~permit, or certification~~. The
 736 person under supervision may:

737 (a) Seek evaluation and enrollment in, and once enrolled
 738 maintain enrollment in until completion, a drug treatment and
 739 rehabilitation program which is approved or regulated by the
 740 Department of Children and Family Services. The treatment and
 741 rehabilitation program shall be specified by:

742 1. The court, in the case of court-ordered supervisory
 743 sanctions;

744 2. The Parole Commission, in the case of parole, control
 745 release, or conditional release; or

746 3. The Department of Corrections, in the case of
 747 imprisonment or any other supervision required by law.

748 (b) Submit to periodic urine drug testing pursuant to
 749 procedures prescribed by the Department of Corrections. If the
 750 person is indigent, the costs shall be paid by the Department of
 751 Corrections; or

752 (2) The person has successfully completed an appropriate
 753 program under the Correctional Education Program.

754 (3) As used in this section, the term "business or
 755 professional license" includes any license, permit, or
 756 certificate that authorizes a person to practice his or her

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757 profession or to carry on his or her business. However, the term
758 ~~This section~~ does not include ~~apply to~~ any of the taxes, fees,
759 or permits regulated, controlled, or administered by the
760 Department of Revenue in accordance with s. 213.05.

761 Section 15. Paragraphs (a) and (b) of subsection (2) of
762 section 938.27, Florida Statutes, are amended to read:

763 938.27 Judgment for costs on conviction.—

764 (2) (a) The court shall impose the costs of prosecution and
765 investigation notwithstanding the defendant's present ability to
766 pay. The court shall require the defendant to pay the costs
767 within a specified period or pursuant to a payment plan under s.
768 28.246(4) in specified installments.

769 (b) The end of such period or the last such installment
770 must ~~shall~~ not be later than:

771 1. The end of the period of probation or community
772 control, if probation or community control is ordered;

773 2. Five years after the end of the term of imprisonment
774 imposed, if the court does not order probation or community
775 control; or

776 3. Five years after the date of sentencing in any other
777 case.

778
779 However, ~~in no event shall~~ the obligation to pay any unpaid
780 amounts does not expire if not paid in full within the period
781 specified in this paragraph.

782 Section 16. Present subsections (8) through (12) of
783 section 938.30, Florida Statutes, are renumbered as subsections
784 (10) through (14), respectively, and new subsections (8) and (9)

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785 are added to that section to read:

786 938.30 Financial obligations in criminal cases;
787 supplementary proceedings.-

788 (8) If a criminal or civil judgment has previously been
789 entered on a court-imposed financial obligation, the judgment
790 constitutes a civil lien against the judgment debtor's presently
791 owned or after-acquired real or personal property when recorded
792 pursuant to s. 55.10, except that a judgment on a court-imposed
793 financial obligation is not subject to the 10-year rerecording
794 requirement of s. 55.10. The judgment must secure all unpaid
795 court-imposed financial obligations that are due and may accrue
796 subsequent to the recording of the judgment, as well as interest
797 and reasonable costs for issuing a satisfaction and recording
798 the satisfaction in the official records.

799 (9) The clerk of the court shall enforce, satisfy,
800 compromise, settle, subordinate, release, or otherwise dispose
801 of any debts or liens imposed and collected under this section
802 in the same manner as prescribed in s. 938.29(3).

803 Section 17. Section 947.181, Florida Statutes, is amended
804 to read:

805 947.181 Fines, fees, restitution, or other costs ordered
806 to be paid ~~Victim restitution~~ as conditions ~~condition~~ of
807 parole.-

808 (1) ~~(a)~~ The ~~Parole~~ commission shall require the payment of
809 fines, fees, restitution, or other court-ordered costs as a
810 condition of parole ~~reparation or restitution to the aggrieved~~
811 ~~party for the damage or loss caused by the offense for which the~~
812 ~~parolee was imprisoned~~ unless the commission finds reasons to

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813 the contrary. Restitution to the aggrieved party for injury,
 814 damage, or loss caused by the offense for which the parolee was
 815 imprisoned shall have first priority in the payment of amounts
 816 owed under this section. If the commission does not require the
 817 payment of fines, fees, restitution, or other court-ordered
 818 costs ~~order restitution~~ or requires ~~orders~~ only partial payment
 819 of the fines, fees, restitution, or other court-ordered costs
 820 ~~restitution,~~ the commission shall state on the record the
 821 reasons for its decision ~~therefor.~~ ~~The amount of such reparation~~
 822 ~~or restitution shall be determined by the Parole Commission.~~

823 (2) ~~(b)~~ If the parolee fails to make the payments
 824 ~~reparation or restitution to the aggrieved party as~~ required
 825 ~~authorized in subsection (1) paragraph (a),~~ it shall be
 826 considered by the commission as a violation of parole as
 827 specified in s. 947.21 and may be cause for revocation of ~~her or~~
 828 ~~his~~ parole.

829 (3) ~~(2)~~ If a defendant is paroled, any restitution ordered
 830 under s. 775.089 shall be a condition of such parole. The Parole
 831 Commission may revoke parole if the defendant fails to comply
 832 with such order.

833 (4) In determining whether to revoke parole, the ~~Parole~~
 834 commission shall consider the defendant's employment status,
 835 earning ability, and financial resources; the willfulness of the
 836 defendant's failure to pay; and any other special circumstances
 837 that may have a bearing on the defendant's ability to pay.

838 Section 18. This act shall take effect July 1, 2012.