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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to fines and fees; amending s. 27.52, F.S.; conforming a cross-reference; amending s. 28.24, F.S.; providing procedures for payment plans; amending s. 28.246, F.S.; revising the methods by which clerks of the circuit court must accept payments for certain fees, charges, costs, and fines; providing requirements for entering into payment plans; authorizing a court to waive, modify, and convert certain fines and fees into community service under specified circumstances; authorizing clerks of court to transmit and send specified notices relating to payment plans; amending s. 28.42, F.S.; requiring the clerks of court, in consultation with the Florida Clerks of Court Operations Corporation, to develop a uniform payment plan form by a specified date; providing minimum criteria for the form; requiring clerks of court to use such forms by a specified date; amending s. 57.082, F.S.; conforming a cross-reference and provisions to changes made by the act; amending s. 318.15, F.S.; authorizing rather than requiring clerks of court to notify the Department of Highway Safety and Motor Vehicles under certain circumstances; extending the timeframe for issuing certain notices; amending s. 318.20, F.S.; requiring that a notification form and the uniform traffic citation include certain information about paying a civil



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28 penalty; amending s. 322.245, F.S.; authorizing
29 certain persons to apply for reinstatement of their
30 suspended licenses under certain circumstances;
31 providing an effective date.
32

33 Be It Enacted by the Legislature of the State of Florida:
34

35 Section 1. Paragraph (i) of subsection (5) of section
36 27.52, Florida Statutes, is amended to read:

37 27.52 Determination of indigent status.—

38 (5) INDIGENT FOR COSTS.—A person who is eligible to be
39 represented by a public defender under s. 27.51 but who is
40 represented by private counsel not appointed by the court for a
41 reasonable fee as approved by the court or on a pro bono basis,
42 or who is proceeding pro se, may move the court for a
43 determination that he or she is indigent for costs and eligible
44 for the provision of due process services, as prescribed by ss.
45 29.006 and 29.007, funded by the state.

46 (i) A defendant who is found guilty of a criminal act by a
47 court or jury or enters a plea of guilty or nolo contendere and
48 who received due process services after being found indigent for
49 costs under this subsection is liable for payment of due process
50 costs expended by the state.

51 1. The attorney representing the defendant, or the
52 defendant if he or she is proceeding pro se, shall provide an
53 accounting to the court delineating all costs paid or to be paid
54 by the state within 90 days after disposition of the case
55 notwithstanding any appeals.

56 2. The court shall issue an order determining the amount of



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57 all costs paid by the state and any costs for which prepayment
58 was waived under this section or s. 57.081. The clerk shall
59 cause a certified copy of the order to be recorded in the
60 official records of the county, at no cost. The recording
61 constitutes a lien against the person in favor of the state in
62 the county in which the order is recorded. The lien may be
63 enforced in the same manner prescribed in s. 938.29.

64 3. If the attorney or the pro se defendant fails to provide
65 a complete accounting of costs expended by the state and
66 consequently costs are omitted from the lien, the attorney or
67 pro se defendant may not receive reimbursement or any other form
68 of direct or indirect payment for those costs if the state has
69 not paid the costs. The attorney or pro se defendant shall repay
70 the state for those costs if the state has already paid the
71 costs. The clerk of the court may establish a payment plan under
72 s. 28.246 and may charge the attorney or pro se defendant a one-
73 time administrative processing charge under s. 28.24(26)(b) ~~s.~~
74 ~~28.24(26)(c)~~.

75 Section 2. Subsection (26) of section 28.24, Florida
76 Statutes, is amended to read:

77 28.24 Service charges.—The clerk of the circuit court shall
78 charge for services rendered manually or electronically by the
79 clerk's office in recording documents and instruments and in
80 performing other specified duties. These charges may not exceed
81 those specified in this section, except as provided in s.
82 28.345.

83 (26) (a) For receiving and disbursing all restitution
84 payments, per payment: 3.50, from which the clerk shall remit
85 0.50 per payment to the Department of Revenue for deposit into



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86 the General Revenue Fund.

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

91 ~~(c) For setting up a payment plan, a one-time~~
92 ~~administrative processing charge of in lieu of a per month~~
93 ~~charge under paragraph (b).....25.00.~~

94 (c) A person may pay the one-time administrative processing
95 charge in paragraph (b) in no more than five equal monthly
96 payments.

97 Section 3. Subsections (4) and (5) of section 28.246,
98 Florida Statutes, are amended to read:

99 28.246 Payment of court-related fines or other monetary
100 penalties, fees, charges, and costs; partial payments;
101 distribution of funds.-

102 (4) Each ~~The~~ clerk of the circuit court shall accept
103 scheduled partial payments for court-related fees, service
104 charges, costs, and fines electronically, by mail, or in person,
105 in accordance with the terms of an established payment plan and
106 enroll- an individual seeking to defer payment of fees, service
107 charges, costs, or fines imposed by operation of law or order of
108 the court under any provision of general law no later than 30
109 calendar days after the date the court enters the order
110 assessing fines, fees, and costs. If the individual is
111 incarcerated, the individual shall apply to the clerk for
112 enrollment in a payment plan within 30 calendar days after
113 release. The clerk of court may not refer a case to collection
114 or send notice to the department to suspend an individual's



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115 driver license for nonpayment or failure to comply with the
116 terms of a payment plan if the individual is still incarcerated.
117 The clerk shall enroll individuals with a deposit or credit card
118 account, or with other means of automatic withdrawal, in an
119 automatic payment plan arrangement to ensure timely payment
120 under the plan. Each clerk shall work with the court to develop
121 a process in which the individual will meet with the clerk upon
122 disposition or as soon thereafter as practicable. If the clerk
123 enters ~~shall enter~~ into a payment plan with an individual who
124 the court determines is indigent for costs, ~~the~~. A monthly
125 payment amount ~~shall be~~, calculated based upon all fees and all
126 anticipated ~~fees, fees, costs, and service charges owed within~~
127 the county, and ~~is presumed to~~ correspond to the person's
128 ability to pay if the amount does not exceed 2 percent of the
129 person's annual net income, as defined in s. 27.52(1), divided
130 by 12 ~~or \$10, whichever is greater~~. The court may review the
131 reasonableness of the payment plan and may, on its own motion or
132 by petition, waive, modify, or convert the outstanding fines,
133 fees, costs, or service charges to community service if the
134 court determines that the individual is indigent or, due to
135 compelling circumstances, is unable to comply with the terms of
136 the payment plan.

137 (5) (a) The clerk may transmit notice to the Department of
138 Highway Safety and Motor Vehicles if any payment due under a
139 payment plan is not received within 30 days after the due date
140 unless the individual is incarcerated, brings the account
141 current, makes alternate payment arrangements, or enters into a
142 revised payment plan with the clerk before the due date. The
143 clerk may send notices, electronically or by mail, to remind an



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144 individual of an upcoming or missed payment.

145 (b) When receiving partial payment of fees, service
146 charges, court costs, and fines, clerks shall distribute funds
147 according to the following order of priority:

148 1.(a) That portion of fees, service charges, court costs,
149 and fines to be remitted to the state for deposit into the
150 General Revenue Fund.

151 2.(b) That portion of fees, service charges, court costs,
152 and fines required to be retained by the clerk of the court or
153 deposited into the Clerks of the Court Trust Fund within the
154 Department of Revenue.

155 3.(e) That portion of fees, service charges, court costs,
156 and fines payable to state trust funds, allocated on a pro rata
157 basis among the various authorized funds if the total collection
158 amount is insufficient to fully fund all such funds as provided
159 by law.

160 4.(d) That portion of fees, service charges, court costs,
161 and fines payable to counties, municipalities, or other local
162 entities, allocated on a pro rata basis among the various
163 authorized recipients if the total collection amount is
164 insufficient to fully fund all such recipients as provided by
165 law.

166
167 To offset processing costs, clerks may impose ~~either a per-month~~
168 ~~service charge pursuant to s. 28.24(26)(b) or a one-time~~
169 administrative processing service charge at the inception of the
170 payment plan pursuant to s. 28.24(26)(b) ~~s. 28.24(26)(e)~~. The
171 clerk of court may waive this fee for any individual who enrolls
172 in an automatic electronic debit payment plan.



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173 Section 4. Section 28.42, Florida Statutes, is amended to
174 read:

175 28.42 Manual of filing fees, charges, costs, and fines;
176 uniform payment plan forms.—

177 (1) The clerks of court, through their association and in
178 consultation with the Office of the State Courts Administrator,
179 shall prepare and disseminate a manual of filing fees, service
180 charges, costs, and fines imposed pursuant to state law, for
181 each type of action and offense, and classified as mandatory or
182 discretionary. The manual also shall classify the fee, charge,
183 cost, or fine as court-related revenue or noncourt-related
184 revenue. The clerks, through their association, shall
185 disseminate this manual to the chief judge, state attorney,
186 public defender, and court administrator in each circuit and to
187 the clerk of the court in each county. The clerks, through their
188 association and in consultation with the Office of the State
189 Courts Administrator, shall at a minimum update and disseminate
190 this manual on July 1 of each year.

191 (2) By October 1, 2020, the clerks of court, through their
192 association, in consultation with the Florida Clerks of Court
193 Operations Corporation, shall develop a uniform payment plan
194 form for use by individuals seeking to establish a payment plan
195 in accordance with s. 28.246. The form shall inform the
196 individual about the minimum payment due each month, the term of
197 the plan, acceptable payment methods, and the circumstances
198 under which a case may be sent to collections for nonpayment.

199 (3) By January 1, 2021, each clerk of the court shall use
200 the uniform payment plan form described in subsection (2) when
201 establishing payment plans.



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202 Section 5. Subsection (6) of section 57.082, Florida
203 Statutes, is amended to read:

204 57.082 Determination of civil indigent status.—

205 (6) PROCESSING CHARGE; PAYMENT PLANS.—A person who the
206 clerk or the court determines is indigent for civil proceedings
207 under this section shall be enrolled in a payment plan under s.
208 28.246 and shall be charged a one-time administrative processing
209 charge under s. 28.24(26)(b) ~~s. 28.24(26)(c)~~. A monthly payment
210 amount must be ~~is~~ calculated based upon all fines, fees, and all
211 anticipated costs owed within that county and, ~~is presumed to~~
212 correspond to the person's ability to pay. The monthly payment
213 plan amount shall be the greater of \$10 or if it does not exceed
214 2 percent of the person's annual net income, as defined in
215 subsection (1), divided by 12. The person may seek review of the
216 clerk's decisions regarding a payment plan established under s.
217 28.246 in the court having jurisdiction over the matter. A case
218 may not be impeded in any way, delayed in filing, or delayed in
219 its progress, including the final hearing and order, due to
220 nonpayment of any fees or costs by an indigent person. Filing
221 fees waived from payment under s. 57.081 may not be included in
222 the calculation related to a payment plan established under this
223 section.

224 Section 6. Paragraph (a) of subsection (1) of section
225 318.15, Florida Statutes, is amended to read:

226 318.15 Failure to comply with civil penalty or to appear;
227 penalty.—

228 (1) (a) If a person who is not incarcerated fails to comply
229 with the civil penalties provided in s. 318.18 within the time
230 period specified in s. 318.14(4), fails to enter into or comply



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231 with the terms of a penalty payment plan with the clerk of the
232 court in accordance with ss. 318.14 and 28.246, fails to attend
233 driver improvement school, or fails to appear at a scheduled
234 hearing, the clerk of the court may ~~shall~~ notify the Department
235 of Highway Safety and Motor Vehicles of such failure within 30
236 ~~10~~ days after such failure, except as provided herein. Upon
237 receipt of such notice, the department shall immediately issue
238 an order suspending the driver license and privilege to drive of
239 such person effective 20 days after the date the order of
240 suspension is mailed in accordance with s. 322.251(1), (2), and
241 (6). Any such suspension of the driving privilege which has not
242 been reinstated, including a similar suspension imposed outside
243 Florida, shall remain on the records of the department for a
244 period of 7 years from the date imposed and shall be removed
245 from the records after the expiration of 7 years from the date
246 it is imposed. The department may not accept the resubmission of
247 such suspension.

248 Section 7. Section 318.20, Florida Statutes, is amended to
249 read:

250 318.20 Notification; duties of department.—The department
251 shall prepare a notification form to be appended to, or
252 incorporated as a part of, the Florida uniform traffic citation
253 issued in accordance with s. 316.650. The notification form
254 shall contain language informing persons charged with
255 infractions to which this chapter applies of the procedures
256 available to them under this chapter. Such notification shall
257 contain a statement that, if the official determines that no
258 infraction has been committed, no costs or penalties shall be
259 imposed and any costs or penalties which have been paid shall be



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260 returned. A uniform traffic citation that is produced
261 electronically must also include the information required by
262 this section. The notification and the uniform traffic citation
263 must include information on paying the civil penalty to the
264 clerk of the court and information that the person may contact
265 the clerk of the court to establish a payment plan pursuant to
266 s. 28.246(4) to make partial payments for court-related fines,
267 fees, costs, and service charges.

268 Section 8. Subsections (1) and (5) of section 322.245,
269 Florida Statutes, are amended to read:

270 322.245 Suspension of license upon failure of person
271 charged with specified offense under chapter 316, chapter 320,
272 or this chapter to comply with directives ordered by traffic
273 court or upon failure to pay child support in non-IV-D cases as
274 provided in chapter 61 or failure to pay any financial
275 obligation in any other driving-related criminal case.—

276 (1) If a person charged with a violation of any driving-
277 related ~~of the~~ criminal offenses enumerated in s. 318.17 or with
278 the commission of any driving-related offense constituting a
279 misdemeanor under chapter 320 or this chapter fails to comply
280 with all of the directives of the court, within the time
281 allotted by the court, the clerk of the traffic court shall mail
282 to the person, at the address specified on the uniform traffic
283 citation, a notice of such failure, notifying him or her that,
284 if he or she does not comply with the directives of the court
285 within 30 days after the date of the notice and pay a
286 delinquency fee of up to \$25 to the clerk, from which the clerk
287 shall remit \$10 to the Department of Revenue for deposit into
288 the General Revenue Fund, his or her driver license will be



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289 suspended. The notice shall be mailed no later than 5 days after
290 such failure. The delinquency fee may be retained by the office
291 of the clerk to defray the operating costs of the office.

292 (5) (a) A person whose driver license was suspended before
293 July 1, 2020, pursuant to this section solely for the nonpayment
294 of fines, fees, or costs in a criminal case not involving
295 operation of a motor vehicle, if otherwise eligible, may apply
296 to have his or her license reinstated upon payment of a
297 reinstatement fee.

298 (b) When the department receives notice from a clerk of the
299 court that a person licensed to operate a motor vehicle in this
300 state under the provisions of this chapter has failed to pay
301 financial obligations, in full or in part under a payment plan
302 established pursuant to s. 28.246(4), for any criminal offense
303 involving operation of a motor vehicle by the person licensed
304 ~~other than those specified in subsection (1), in full or in part~~
305 ~~under a payment plan pursuant to s. 28.246(4),~~ the department
306 shall suspend the license of the person named in the notice.

307 (c) ~~(b)~~ The department must reinstate the driving privilege
308 when the clerk of the court provides an affidavit to the
309 department stating that:

310 1. The person has satisfied the financial obligation in
311 full or made all payments currently due under a payment plan;

312 2. The person has entered into a written agreement for
313 payment of the financial obligation if not presently enrolled in
314 a payment plan; or

315 3. A court has entered an order granting relief to the
316 person ordering the reinstatement of the license.

317 (d) ~~(c)~~ The department shall not be held liable for any



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318 license suspension resulting from the discharge of its duties
319 under this section.

320 Section 9. This act shall take effect July 1, 2020.