



547058

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Brandes) recommended the following:

1 **Senate Substitute for Amendment (407108) (with title**
2 **amendment)**

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4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Subsection (4) of section 28.246, Florida
7 Statutes, is amended to read:

8 28.246 Payment of court-related fines or other monetary
9 penalties, fees, charges, and costs; partial payments;
10 distribution of funds.—

11 (4) The clerk of the circuit court shall accept partial



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12 payments for court-related fees, service charges, costs, and
13 fines in accordance with the terms of an established payment
14 plan. An individual seeking to defer payment of fees, service
15 charges, costs, or fines imposed by operation of law or order of
16 the court under any provision of general law shall apply to the
17 clerk for enrollment in a payment plan. The clerk shall enter
18 into a payment plan with an individual who the court determines
19 is indigent for costs. A monthly payment amount, calculated
20 based upon all fees and all anticipated costs, is presumed to
21 correspond to the person's ability to pay if the amount does not
22 exceed 2 percent of the person's annual net income, as defined
23 in s. 27.52(1), divided by 12 or \$10, whichever is greater. The
24 court may review the reasonableness of the payment plan and may,
25 on its own motion or by petition, waive, modify, or convert the
26 outstanding fees, costs, or service charges to community service
27 if the court determines that the individual is indigent or, due
28 to compelling circumstances, is unable to comply with the terms
29 of the payment plan.

30 Section 2. Paragraph (g) of subsection (2) of section
31 318.21, Florida Statutes, is amended, and subsection (1) of that
32 section is republished, to read:

33 318.21 Disposition of civil penalties by county courts.—All
34 civil penalties received by a county court pursuant to the
35 provisions of this chapter shall be distributed and paid monthly
36 as follows:

37 (1) One dollar from every civil penalty shall be remitted
38 to the Department of Revenue for deposit into the Child Welfare
39 Training Trust Fund for child welfare training purposes pursuant
40 to s. 402.40. One dollar from every civil penalty shall be



41 remitted to the Department of Revenue for deposit into the
42 Juvenile Justice Training Trust Fund for juvenile justice
43 purposes pursuant to s. 985.66.

44 (2) Of the remainder:

45 (g)1. If the violation occurred within a special
46 improvement district of the Seminole Indian Tribe or Miccosukee
47 Indian Tribe, 56.4 percent shall be paid to that special
48 improvement district.

49 ~~2. If the violation occurred within a municipality, 50.8~~
50 ~~percent shall be paid to that municipality and 5.6 percent shall~~
51 ~~be deposited into the fine and forfeiture trust fund established~~
52 ~~pursuant to s. 142.01.~~

53 ~~3.~~ If the violation occurred within a municipality or
54 within the unincorporated area of a county, including the
55 unincorporated areas, if any, of a government created pursuant
56 to s. 6(e), Art. VIII of the State Constitution, that is not
57 within a special improvement district of the Seminole Indian
58 Tribe or Miccosukee Indian Tribe, 56.4 percent shall be
59 deposited into the fine and forfeiture fund established pursuant
60 to s. 142.01.

61 Section 3. This act shall take effect July 1, 2021.

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63 ===== T I T L E A M E N D M E N T =====

64 And the title is amended as follows:

65 Delete everything before the enacting clause
66 and insert:

67 A bill to be entitled
68 An act relating to courts; amending s. 28.246, F.S.;
69 revising a presumption regarding a monthly payment



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70 amount; authorizing a court to waive, modify, and
71 convert certain fees, costs, and service charges into
72 community service under specified circumstances;
73 amending s. 318.21, F.S.; revising the disposition of
74 civil penalties received by a county court; providing
75 an effective date.