

By the Committee on Judiciary; and Senator Wright

590-03550-21

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1                   A bill to be entitled  
2           An act relating to courts; amending s. 28.246, F.S.;  
3           revising a presumption regarding a monthly payment  
4           amount under a payment plan for court-related  
5           assessments; authorizing a court to waive, modify, and  
6           convert certain fees, costs, and service charges into  
7           community service under specified circumstances;  
8           amending s. 318.21, F.S.; revising the disposition of  
9           civil penalties received by a county court; providing  
10          an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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

16           28.246 Payment of court-related fines or other monetary  
17 penalties, fees, charges, and costs; partial payments;  
18 distribution of funds.—

19           (4) The clerk of the circuit court shall accept partial  
20 payments for court-related fees, service charges, costs, and  
21 fines in accordance with the terms of an established payment  
22 plan. An individual seeking to defer payment of fees, service  
23 charges, costs, or fines imposed by operation of law or order of  
24 the court under any provision of general law shall apply to the  
25 clerk for enrollment in a payment plan. The clerk shall enter  
26 into a payment plan with an individual who the court determines  
27 is indigent for costs. A monthly payment amount, calculated  
28 based upon all fees and all anticipated costs, is presumed to  
29 correspond to the person's ability to pay if the amount does not

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30 exceed 2 percent of the person's annual net income, as defined  
31 in s. 27.52(1), divided by 12 or \$10, whichever is greater. The  
32 court may review the reasonableness of the payment plan and may,  
33 on its own motion or by petition, waive, modify, or convert the  
34 outstanding fees, costs, or service charges to community service  
35 if the court determines that the individual is indigent or, due  
36 to compelling circumstances, is unable to comply with the terms  
37 of the payment plan.

38 Section 2. Paragraph (g) of subsection (2) of section  
39 318.21, Florida Statutes, is amended, and subsection (1) of that  
40 section is republished, to read:

41 318.21 Disposition of civil penalties by county courts.—All  
42 civil penalties received by a county court pursuant to the  
43 provisions of this chapter shall be distributed and paid monthly  
44 as follows:

45 (1) One dollar from every civil penalty shall be remitted  
46 to the Department of Revenue for deposit into the Child Welfare  
47 Training Trust Fund for child welfare training purposes pursuant  
48 to s. 402.40. One dollar from every civil penalty shall be  
49 remitted to the Department of Revenue for deposit into the  
50 Juvenile Justice Training Trust Fund for juvenile justice  
51 purposes pursuant to s. 985.66.

52 (2) Of the remainder:

53 (g)1. If the violation occurred within a special  
54 improvement district of the Seminole Indian Tribe or Miccosukee  
55 Indian Tribe, 56.4 percent shall be paid to that special  
56 improvement district.

57 2. ~~If the violation occurred within a municipality, 50.8~~  
58 ~~percent shall be paid to that municipality and 5.6 percent shall~~

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59 ~~be deposited into the fine and forfeiture trust fund established~~  
60 ~~pursuant to s. 142.01.~~

61 3. If the violation occurred within a municipality or  
62 within the unincorporated area of a county, including the  
63 unincorporated areas, if any, of a government created pursuant  
64 to s. 6(e), Art. VIII of the State Constitution, that is not  
65 within a special improvement district of the Seminole Indian  
66 Tribe or Miccosukee Indian Tribe, 56.4 percent shall be  
67 deposited into the fine and forfeiture fund established pursuant  
68 to s. 142.01.

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