

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 an indigent
27 | individual if certain conditions exist; authorizing
28 | the clerk to send certain notices; conforming a cross-
29 | reference; conforming provisions to changes made by
30 | the act; 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, F.S., in references
 58 thereto; providing an effective date.

59

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

61

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

64 28.24 Service charges.—The clerk of the circuit court
 65 shall charge for services rendered manually or electronically by
 66 the clerk's office in recording documents and instruments and in
 67 performing other specified duties. These charges may not exceed
 68 those specified in this section, except as provided in s.
 69 28.345.

70 (27) (a) For receiving and disbursing all restitution
 71 payments, per payment: 3.50, from which the clerk shall remit
 72 0.50 per payment to the Department of Revenue for deposit into
 73 the General Revenue Fund.

74 (b) ~~For receiving and disbursing all partial payments,~~
 75 ~~other than restitution payments, for which an administrative~~

76 | ~~processing service charge is not imposed pursuant to s. 28.246,~~
 77 | ~~per month: 5.00.~~

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

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

84 | 28.246 Payment of court-related fines or other monetary
 85 | penalties, fees, charges, and costs; monthly partial payments;
 86 | community service; distribution of funds.-

87 | (1) The clerk of the circuit court shall report the
 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,

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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
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
 130 assessments shall be enforced by order of the courts, collected
 131 by the 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
 135 monthly ~~partial~~ payments for each case type for court-related
 136 fees, service charges, court costs, and fines electronically, by
 137 mail, or in person in accordance with the terms of the ~~an~~
 138 established uniform payment plan form ~~developed by the clerk~~.

139 (b) An individual seeking to defer payment of fees,
 140 service charges, court costs, or fines imposed by operation of
 141 law or order of the court under any provision of general law
 142 must ~~shall~~ apply to the clerk for enrollment in a payment plan.
 143 The clerk must ~~shall~~ enter into a payment plan with an
 144 individual who the court determines is indigent for costs. If an
 145 individual is not in custody, the plan must provide a 30-day
 146 grace period for the person to make the first payment. It is the
 147 responsibility of an individual who is released from
 148 incarceration and has outstanding court obligations to contact
 149 the clerk within 30 days after release to pay fees, service
 150 charges, court costs, and fines in full, or to apply for

151 enrollment in a payment plan. If an individual is released from
 152 incarceration, the plan must provide a 90-day grace period from
 153 the day of release for the person to make the first payment.

154 1. A monthly payment amount, calculated based upon all
 155 fees 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. Nothing in this sub-paragraph shall be
 172 construed to allow 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
 175 costs have been assessed, the monthly payment plan must include

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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
 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
 208 mail to remind an individual of an upcoming or missed payment.

209 (b) When receiving monthly ~~partial~~ payment of fees,
 210 service charges, court costs, and fines, clerks shall distribute
 211 funds 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
 233 administrative processing service charge at the inception of the
 234 payment plan pursuant to s. 28.24(27)(b) ~~s. 28.24(27)(c)~~.

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

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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~~
262 ~~penalties provided in s. 318.18 within the time period specified~~
263 ~~in s. 318.14(4), fails to enter into or comply with the terms of~~
264 ~~a 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
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

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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
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

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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~~
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
 363 to 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
 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
 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

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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 August 1, 2023.

433 (b) When the department receives notice from a clerk of
434 the court that a person licensed to operate a motor vehicle in
435 this state under ~~the provisions of~~ this chapter has failed to
436 pay financial obligations, in full or in part under a payment
437 plan established pursuant to s. 28.246(4), for any criminal
438 offense enumerated in s. 318.17(1)-(4) ~~other than those~~
439 ~~specified in subsection (1), in full or in part under a payment~~
440 ~~plan pursuant to s. 28.246(4),~~ the department must suspend the
441 license of the person named in the notice. The department shall
442 mail an order of suspension in accordance with s. 322.251(1),
443 (2), and (6), which must also contain information specifying
444 that the person may contact the clerk of the court to establish
445 a payment plan pursuant to s. 28.246(4) to make monthly ~~partial~~
446 payments for 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
 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
 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
 504 of all costs paid by the state and any costs for which
 505 prepayment was waived under this section or s. 57.081. The clerk
 506 shall 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
 512 provide 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
 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

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551 nonpayment of any fees or costs by an indigent person. Filing
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
560 to 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

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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
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

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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
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

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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.