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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; amending s. 27.52, F.S.; authorizing the clerk
 9 of court to review the property records and motor
 10 vehicle records to determine whether an applicant for
 11 the appointment of a public defender is indigent;
 12 deleting a requirement that the clerk conduct the
 13 review; amending s. 28.24, F.S.; deleting a
 14 requirement for the clerks of the circuit courts to
 15 participate in the Comprehensive Case Information
 16 System; creating s. 28.2405, F.S.; requiring clerks of
 17 the circuit courts to use the Comprehensive Case
 18 Information System and to submit data to the system
 19 based on case types designated by the Supreme Court of
 20 Florida; amending s. 28.241, F.S.; providing that
 21 filing fees and fees to reopen a proceeding are due at
 22 the time a party files a pleading to initiate a
 23 proceeding; requiring the clerk of court to pursue the
 24 collection of fees that are not timely paid; revising
 25 the circumstances under which a fee to reopen a case
 26 applies; exempting a person from paying a reopen fee
 27 for filing a motion to enforce a stipulation or a
 28 motion for contempt; authorizing the clerk of court to

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

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57 | defendant is a public officer or employee who is
 58 | alleged to have committed a qualifying offense;
 59 | amending s. 318.18, F.S.; requiring that the signature
 60 | of the person designated to represent a community
 61 | service agency be notarized on letterhead that
 62 | indicates the number of hours of community service
 63 | completed and the date the community service hours
 64 | were completed by a person who is ordered to perform
 65 | community service as a penalty for a noncriminal
 66 | disposition pursuant to s. 318.14, F.S., or a criminal
 67 | offense listed in s. 318.17, F.S.; amending s. 668.50,
 68 | F.S.; limiting the exemption from the Uniform
 69 | Electronic Transaction Act for transactions governed
 70 | by rules relating to judicial procedure; amending s.
 71 | 733.707, F.S.; specifying the priority of payment of
 72 | unpaid court costs, fees, or fines by a decedent's
 73 | estate; amending s. 893.11, F.S.; deleting a
 74 | requirement that a clerk of court send criminal
 75 | conviction information to the state agency that has
 76 | issued a business or professional license to a person
 77 | who is convicted of certain types of criminal
 78 | offenses; requiring state agencies that issue business
 79 | or professional licenses to use the Comprehensive Case
 80 | Information System to obtain information relating to
 81 | criminal convictions of licensees; requiring the clerk
 82 | of court to provide certified copies of judgments to
 83 | licensing agencies upon request; defining the term
 84 | "business or professional license"; amending s.

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85 | 938.27, F.S.; authorizing a court to require a
 86 | defendant to pay the costs of prosecution and
 87 | investigation pursuant to a payment plan under s.
 88 | 28.246, F.S., relating to payment of court-related
 89 | fees, charges, and costs; amending s. 938.30, F.S.;
 90 | providing that criminal or civil judgment and related
 91 | costs are a civil lien against the judgment debtor's
 92 | presently owned or after-acquired real or personal
 93 | property if the judgment is recorded; providing an
 94 | exception to rerecording requirements; requiring that
 95 | the clerk of court enforce, satisfy, compromise,
 96 | settle, subordinate, release, or otherwise dispose of
 97 | any debts or lien imposed and collected in the same
 98 | manner as for an indigent defendant-recipient;
 99 | amending s. 947.181, F.S.; providing that the Parole
 100 | Commission require as a condition of parole the
 101 | payment of fines, fees, or other court-ordered costs
 102 | under certain circumstances; providing that
 103 | restitution ordered as a condition of parole has first
 104 | priority over the payment of other costs ordered as a
 105 | condition of parole; requiring that the commission
 106 | state on record the reasons for not requiring the full
 107 | payment of the fines, fees, or other court-ordered
 108 | costs; providing an effective date.

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

111 |
 112 | Section 1. Subsection (4) of section 24.115, Florida

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113 Statutes, is amended to read:

114 24.115 Payment of prizes.—

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

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

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

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141 rata, based upon the ratio of the individual debt to the
 142 remaining debt owed to the state.

143 Section 2. Paragraph (a) of subsection (2) of section
 144 27.52, Florida Statutes, is amended to read:

145 27.52 Determination of indigent status.—

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

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

160 2.a. There is a presumption that the applicant is not
 161 indigent if the applicant owns, or has equity in, any intangible
 162 or tangible personal property or real property or the expectancy
 163 of an interest in any such property having a net equity value of
 164 \$2,500 or more, excluding the value of the person's homestead
 165 and one vehicle having a net value not exceeding \$5,000.

166 b. Notwithstanding the information that the applicant
 167 provides, the clerk may ~~shall~~ conduct a review of the property
 168 records for the county in which the applicant resides and the

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169 motor vehicle title records of the state to identify any
 170 property interests of the applicant under this subparagraph. The
 171 clerk ~~may shall~~ evaluate and consider the results of the review
 172 in making a determination under this subsection. If the review
 173 is completed by the clerk, the clerk shall maintain the results
 174 of the review in a file with the application and provide the
 175 file to the court if the applicant seeks review under subsection
 176 (4) of the clerk's determination of indigent status.

177 Section 3. Paragraph (e) of subsection (12) of section
 178 28.24, Florida Statutes, is amended to read:

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

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Charges

(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

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

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

251 Section 4. Section 28.2405, Florida Statutes, is created
 252 to read:

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253 28.2405 Comprehensive Case Information System.—All clerks
 254 of the circuit court shall participate in the Comprehensive Case
 255 Information System of the Florida Association of Clerks and
 256 Comptroller, Inc., and shall submit electronic case data to the
 257 system based on the case types designated by the Supreme Court.

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

260 28.241 Filing fees for trial and appellate proceedings.—

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

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

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281 Commission and used to fund the Florida Clerks of Court
 282 Operations Corporation created in s. 28.35, and \$1.50 shall be
 283 remitted to the Department of Revenue for deposit into the
 284 Administrative Trust Fund within the Department of Financial
 285 Services to fund clerk budget reviews conducted by the
 286 Department of Financial Services. One third of any filing fees
 287 collected by the clerk of the circuit court in excess of \$100
 288 shall be remitted to the Department of Revenue for deposit into
 289 the Clerks of the Court Trust Fund within the Justice
 290 Administrative Commission.

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

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309 c. An additional filing fee of \$4 shall be paid to the
 310 clerk. The clerk shall remit \$3.50 to the Department of Revenue
 311 for deposit into the Court Education Trust Fund and shall remit
 312 50 cents to the Department of Revenue for deposit into the
 313 Clerks of the Court Trust Fund within the Justice Administrative
 314 Commission to fund clerk education. An additional filing fee of
 315 up to \$18 shall be paid by the party seeking each severance that
 316 is granted. The clerk may impose an additional filing fee of up
 317 to \$85 for all proceedings of garnishment, attachment, replevin,
 318 and distress. Postal charges incurred by the clerk of the
 319 circuit court in making service by certified or registered mail
 320 on defendants or other parties shall be paid by the party at
 321 whose instance service is made. ~~No~~ Additional fees, charges, or
 322 costs may not shall be added to the filing fees imposed under
 323 this section, except as authorized in this section or by general
 324 law.

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

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

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337 related to the property. In stating the value of a mortgage
 338 foreclosure claim, a party shall declare in writing the total
 339 value of the claim, as well as the individual elements of the
 340 value as prescribed in this sub-subparagraph.

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

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

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

364 (II) Nine hundred dollars in all cases in which the value

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365 of the claim is more than \$50,000 but less than \$250,000 and in
 366 which there are not more than five defendants. The party shall
 367 pay an additional filing fee of up to \$2.50 for each defendant
 368 in excess of five. Of the first \$785 in filing fees, \$80 must be
 369 remitted by the clerk to the Department of Revenue for deposit
 370 into the General Revenue Fund, \$700 must be remitted to the
 371 Department of Revenue for deposit into the State Courts Revenue
 372 Trust Fund, \$3.50 must be remitted to the Department of Revenue
 373 for deposit into the Clerks of the Court Trust Fund within the
 374 Justice Administrative Commission and used to fund the Florida
 375 Clerks of Court Operations Corporation described in s. 28.35,
 376 and \$1.50 shall be remitted to the Department of Revenue for
 377 deposit into the Administrative Trust Fund within the Department
 378 of Financial Services to fund clerk budget reviews conducted by
 379 the Department of Financial Services; or

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

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393 the Administrative Trust Fund within the Department of Financial
 394 Services to fund clerk budget reviews conducted by the
 395 Department of Financial Services.

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

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

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421 jurisdiction by a court does not cause a case to remain open for
 422 purposes of this section or exempt a party from paying a reopen
 423 fee ~~when a case previously reported as disposed of is~~
 424 ~~resubmitted to a court and includes petitions for modification~~
 425 ~~of a final judgment of dissolution.~~ A party is exempt from
 426 paying the fee for any of the following:
 427 1. A writ of garnishment;
 428 2. A writ of replevin;
 429 3. A distress writ;
 430 4. A writ of attachment;
 431 5. A motion for rehearing filed within 10 days;
 432 6. A motion for attorney's fees filed within 30 days after
 433 entry of a judgment or final order;
 434 7. A motion for dismissal filed after a mediation
 435 agreement has been filed;
 436 8. A disposition of personal property without
 437 administration;
 438 9. Any probate case prior to the discharge of a personal
 439 representative;
 440 10. Any guardianship pleading prior to discharge;
 441 11. Any mental health pleading;
 442 12. Motions to withdraw by attorneys;
 443 13. Motions exclusively for the enforcement of child
 444 support orders;
 445 14. A petition for credit of child support;
 446 15. A Notice of Intent to Relocate and any order issuing
 447 as a result of an uncontested relocation;
 448 16. Stipulations and motions to enforce stipulations;

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- 449 17. Responsive pleadings; ~~or~~
- 450 18. Cases in which there is no initial filing fee; or
- 451 19. Motions for contempt.

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

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

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

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

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

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475 The clerk shall remit the fees collected under this subparagraph
 476 to the Department of Revenue for deposit into the General

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477 Revenue Fund, except that the clerk shall remit \$100 of the fee
 478 collected under sub-subparagraph a., \$605 of the fee collected
 479 under sub-subparagraph b., and \$1,605 of the fee collected under
 480 sub-subparagraph c. to the Department of Revenue for deposit
 481 into the State Courts Revenue Trust Fund.

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

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

489 34.041 Filing fees.—

490 (1) (a) Filing fees are due at the time a party files a
 491 pleading to initiate a proceeding or files a pleading for
 492 relief. Reopen fees are due at the time a party files a
 493 pleading to reopen a proceeding if at least 90 days has elapsed
 494 since the filing of a final order or final judgment with the
 495 clerk. If a fee is not paid upon the filing of the pleading as
 496 required under this section, the clerk shall pursue collection
 497 of the fee pursuant to s. 28.246.

498 Upon the institution of any civil action, suit, or proceeding in
 499 county court, the party shall pay the following filing fee, not
 500 to exceed:

- 501 1. For all claims less than \$100.....\$50.
- 502 2. For all claims of \$100 or more but not more
- 503 than \$500.....\$75.
- 504 3. For all claims of more than \$500 but not more than

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505 \$2,500.....\$170.

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

507 5. In addition, for all proceedings of garnishment,
508 attachment, replevin, and distress.....\$85.

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

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

513

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

517 (d) The clerk of court shall collect a service charge of
518 \$10 for issuing a summons or an electronic certified copy of a
519 summons. The clerk shall assess the fee against the party
520 seeking to have the summons issued.

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

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533 party from paying a reopen fee ~~when a case previously reported~~
 534 ~~as disposed of is resubmitted to a court.~~ A party is exempt from
 535 paying the fee for any of the following:

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

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

551 45.035 Clerk's fees.—In addition to other fees or service
 552 charges authorized by law, the clerk shall receive service
 553 charges related to the judicial sales procedure set forth in ss.
 554 45.031-45.034 and this section:

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

560 Section 8. Subsection (1) of section 57.081, Florida

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561 Statutes, is amended to read:
 562 57.081 Costs; right to proceed where prepayment of costs
 563 and payment of filing fees waived.—
 564 (1) Any indigent person, except a prisoner as defined in
 565 s. 57.085, who is a party or intervenor in any judicial or
 566 administrative agency proceeding or who initiates such
 567 proceeding shall receive the services of the courts, sheriffs,
 568 and clerks, with respect to such proceedings, despite his or her
 569 present inability to pay for these services. Such services are
 570 limited to filing fees; service of process; certified copies of
 571 orders or final judgments; a single photocopy of any court
 572 pleading, record, or instrument filed with the clerk; examining
 573 fees; mediation services and fees; private court-appointed
 574 counsel fees; subpoena fees and services; service charges for
 575 collecting and disbursing funds; and any other cost or service
 576 arising out of pending litigation. In any appeal from an
 577 administrative agency decision, for which the clerk is
 578 responsible for preparing the transcript, the clerk shall record
 579 the cost of preparing the transcripts and the cost for copies of
 580 any exhibits in the record. A party who has obtained a
 581 certification of indigence pursuant to s. 27.52 or s. 57.082
 582 with respect to a proceeding is not required to prepay costs to
 583 a court, clerk, or sheriff and is not required to pay filing
 584 fees or charges for issuance of a summons. ~~Prepayment of costs~~
 585 ~~to any court, clerk, or sheriff is not required and payment of~~
 586 ~~filing fees is not required in any action if the party has~~
 587 ~~obtained in each proceeding a certification of indigence in~~
 588 ~~accordance with s. 27.52 or s. 57.082.~~

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

591 95.11 Limitations other than for the recovery of real
 592 property.—Actions other than for recovery of real property shall
 593 be commenced as follows:

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

597 Section 10. Paragraph (a) of subsection (4) of section
 598 112.3173, Florida Statutes, is amended to read:

599 112.3173 Felonies involving breach of public trust and
 600 other specified offenses by public officers and employees;
 601 forfeiture of retirement benefits.—

602 (4) NOTICE.—

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

616 Section 11. Paragraph (b) of subsection (8) of section

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617 318.18, Florida Statutes, is amended to read:

618 318.18 Amount of penalties.—The penalties required for a
 619 noncriminal disposition pursuant to s. 318.14 or a criminal
 620 offense listed in s. 318.17 are as follows:

621 (8)

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

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

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

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

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645 3.a. The community service agency supervising the person
 646 shall record the number of hours of community service completed
 647 and the date the community service hours were completed. The
 648 community service agency shall submit the data to the clerk of
 649 court on the letterhead of the community service agency, which
 650 must also bear the notarized signature of the person designated
 651 to represent the community service agency.

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

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

658 a. "Community service" means uncompensated labor for a
 659 community service agency.

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

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

669 668.50 Uniform Electronic Transaction Act.—

670 (3) SCOPE.—

671 (a) Except as otherwise provided in paragraph (b), this
 672 section applies to electronic records and electronic signatures

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673 relating to a transaction.

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

676 1. A provision of law governing the creation and execution
677 of wills, codicils, or testamentary trusts;

678 2. The Uniform Commercial Code other than s. 671.107 and
679 chapters 672 and 680; or

680 3. The Uniform Computer Information Transactions Act. ~~;~~ ~~or~~

681 ~~4. Rules relating to judicial procedure.~~

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

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

689 ~~(d)~~ (e) A transaction subject to this section is also
690 subject to other applicable provisions of substantive law.

691 Section 13. Paragraph (c) of subsection (1) of section
692 733.707, Florida Statutes, is amended to read:

693 733.707 Order of payment of expenses and obligations.—

694 (1) The personal representative shall pay the expenses of
695 the administration and obligations of the decedent's estate in
696 the following order:

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

700 Section 14. Section 893.11, Florida Statutes, is amended

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701 to read:

702 893.11 Suspension, revocation, and reinstatement of

703 business and professional licenses.—A state agency must revoke

704 or suspend the business or professional license of a person

705 licensed by the agency if that person is convicted of a felony

706 ~~Upon the conviction in any court of competent jurisdiction of~~

707 ~~any person holding a license, permit, or certificate issued by a~~

708 ~~state agency,~~ for the sale of, or trafficking in, a controlled

709 substance or for conspiracy to sell, or traffic in, a controlled

710 substance. A state agency that issues a business or professional

711 license must use the Comprehensive Case Information System of

712 the Florida Association of Court Clerks and Comptroller, Inc.,

713 to obtain information relating to the conviction. The clerk of

714 the court shall provide certified copies of the judgment upon

715 request to the agency., ~~if such offense is a felony, the clerk~~

716 ~~of said court shall send a certified copy of the judgment of~~

717 ~~conviction with the person's license number, permit number, or~~

718 ~~certificate number on the face of such certified copy to the~~

719 ~~agency head by whom the convicted defendant has received a~~

720 ~~license, permit, or certificate to practice his or her~~

721 ~~profession or to carry on his or her business. Such agency head~~

722 ~~shall suspend or revoke the license, permit, or certificate of~~

723 ~~the convicted defendant to practice his or her profession or to~~

724 ~~carry on his or her business.~~ Upon a showing by any such

725 convicted defendant whose business or professional license,

726 ~~permit, or certificate~~ has been suspended or revoked pursuant to

727 this section that his or her civil rights have been restored or

728 upon a showing that the convicted defendant meets the following

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729 criteria, the agency head may reinstate or reactivate such
 730 license, ~~permit, or certificate~~ when:

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

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

745 1. The court, in the case of court-ordered supervisory
 746 sanctions;

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

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

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

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

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757 (3) As used in this section, the term "business or
 758 professional license" includes any license, permit, or
 759 certificate that authorizes a person to practice his or her
 760 profession or to carry on his or her business. However, the term
 761 ~~This section~~ does not include ~~apply to~~ any of the taxes, fees,
 762 or permits regulated, controlled, or administered by the
 763 Department of Revenue in accordance with s. 213.05.

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

766 938.27 Judgment for costs on conviction.—

767 (2) (a) The court shall impose the costs of prosecution and
 768 investigation notwithstanding the defendant's present ability to
 769 pay. The court shall require the defendant to pay the costs
 770 within a specified period or pursuant to a payment plan under s.
 771 28.246(4) in specified installments.

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

- 774 1. The end of the period of probation or community
- 775 control, if probation or community control is ordered;
- 776 2. Five years after the end of the term of imprisonment
- 777 imposed, if the court does not order probation or community
- 778 control; or
- 779 3. Five years after the date of sentencing in any other
- 780 case.

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

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785 Section 16. Present subsections (8), (9), (10), (11), and
 786 (12) of section 938.30, Florida Statutes, are renumbered as
 787 subsections (10), (11), (12), (13), and (14), respectively, and
 788 new subsections (8), and (9) are added to that section, to read:

789 938.30 Financial obligations in criminal cases;
 790 supplementary proceedings.-

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

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

806 Section 17. Section 947.181, Florida Statutes, is amended
 807 to read:

808 947.181 Fines, fees, restitution, or other costs ordered
 809 to be paid ~~Victim restitution~~ as conditions ~~condition~~ of
 810 parole.-

811 (1)~~(a)~~ The Parole Commission shall require the payment of
 812 fines, fees, restitution, or other court-ordered costs as a

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

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

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

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

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