

1                   A bill to be entitled  
2     An act relating to clerks of court; amending s. 27.52,  
3     F.S.; authorizing the clerk of court to review the  
4     property records and motor vehicle records to  
5     determine whether an applicant for the appointment of  
6     a public defender is indigent; deleting a requirement  
7     that the clerk conduct the review; amending s. 28.24,  
8     F.S.; deleting a requirement for the clerks of the  
9     circuit courts to participate in the Comprehensive  
10    Case Information System; creating s. 28.2405, F.S.;  
11    requiring clerks of the circuit courts to use the  
12    Comprehensive Case Information System and to submit  
13    data to the system based on case types designated by  
14    the Supreme Court of Florida; amending s. 28.241,  
15    F.S.; providing that filing fees and fees to reopen a  
16    proceeding are due at the time a party files a  
17    pleading to initiate or reopen a proceeding; requiring  
18    the clerk of court to pursue the collection of fees  
19    that are not timely paid; revising the circumstances  
20    under which a fee to reopen a case applies; exempting  
21    a person from paying a reopen fee for filing a motion  
22    to enforce a stipulation or a motion for contempt;  
23    authorizing the clerk of court to charge a fee to  
24    issue an electronic certified copy of a summons;  
25    amending s. 28.37, F.S.; providing that certain  
26    penalties and fines are not deposited into the clerk's  
27    Public Records Modernization Trust Fund; amending s.  
28    34.041, F.S.; requiring the party filing a case in

29 | county court to pay all filing and reopen fees at the  
30 | time of filing; requiring the clerk to pursue  
31 | collection of the fees if the fees are not paid at the  
32 | time of filing; authorizing the clerk of court to  
33 | charge a fee for issuing an electronic certified copy  
34 | of a summons; revising the circumstances under which a  
35 | fee to reopen a case applies; exempting a party from  
36 | paying a reopen fee for filing motions to enforce  
37 | stipulations and motions for contempt; amending s.  
38 | 40.011, F.S.; requiring that a clerk of court generate  
39 | and maintain a set of juror candidate lists; requiring  
40 | that the clerk of court add names of certain persons  
41 | to the juror candidate lists; authorizing the clerk of  
42 | court to generate juror candidate lists as necessary  
43 | to ensure a valid and consistent juror selection  
44 | process; amending s. 40.02, F.S.; revising the process  
45 | of selecting jury lists; amending s. 40.022, F.S.;;  
46 | revising the process of purging jury selection lists;  
47 | amending s. 40.221, F.S.; conforming provisions to  
48 | changes made by the act; amending s. 40.225, F.S.;;  
49 | requiring that the clerk of court implement an  
50 | automated electronic system for drawing a jury venire;  
51 | providing administrative responsibilities of the  
52 | clerks of court with regard to the jury venire;  
53 | requiring that the clerk of court or the chief judge  
54 | submit for approval a plan for the selection of juror  
55 | candidates; requiring that the Chief Justice of the  
56 | Supreme Court examine the proposed plan for compliance

57 | with applicable statutory requirements and technical  
58 | standards and procedures; requiring that an  
59 | administrative order be filed if the proposed plan is  
60 | approved; amending s. 57.081, F.S.; providing that a  
61 | person who receives a certification of indigence with  
62 | respect to a proceeding is not required to pay charges  
63 | to issue a summons; amending s. 95.11, F.S.; providing  
64 | that an action to collect any court costs, fees, or  
65 | fines owed to the state may be commenced at any time;  
66 | amending s. 112.3173, F.S.; providing for the duty of  
67 | a clerk of court to notify the Commission on Ethics of  
68 | certain proceedings involving public officers or  
69 | employees to arise after the clerk is advised by the  
70 | state attorney that the defendant is a public officer  
71 | or employee who is alleged to have committed a  
72 | specified offense; amending s. 318.18, F.S.; requiring  
73 | that the signature of the person designated to  
74 | represent a community service agency be notarized on  
75 | letterhead that indicates the number of hours of  
76 | community service completed and the date the community  
77 | service hours were completed by a person who is  
78 | ordered to perform community service as a penalty for  
79 | specified offenses; amending s. 668.50, F.S.; limiting  
80 | the exemption from the Uniform Electronic Transaction  
81 | Act for transactions governed by rules relating to  
82 | judicial procedure; amending s. 733.707, F.S.;  
83 | specifying the priority of payment of unpaid court  
84 | costs, fees, or fines by a decedent's estate; amending

85 s. 893.11, F.S.; providing that convictions of certain  
86 types of criminal offenses which are reported to the  
87 Comprehensive Case Information System of the Florida  
88 Association of Court Clerks and Comptrollers, Inc.,  
89 are an immediate, serious danger to the public health,  
90 safety, or welfare; providing that such convictions  
91 are grounds for disciplinary action by a licensing  
92 state agency; requiring that a state agency initiate  
93 an emergency suspension of an individual professional  
94 license upon the agency's finding of the licensee's  
95 conviction of a certain type of criminal offense;  
96 requiring that certain state agencies use the  
97 Comprehensive Case Information System to obtain  
98 information relating to a conviction involving certain  
99 types of criminal offenses; requiring that the clerk  
100 of court provide to each state agency electronic  
101 access and provide certified copies of judgments to  
102 licensing agencies upon request; defining the term  
103 "professional license"; amending s. 938.27, F.S.;  
104 authorizing a court to require a defendant to pay the  
105 costs of prosecution and investigation pursuant to a  
106 payment plan under a specified provision; amending s.  
107 938.30, F.S.; providing that criminal or civil  
108 judgment and related costs are a civil lien against  
109 the judgment debtor's presently owned or after-  
110 acquired real or personal property if the judgment is  
111 recorded; providing an exception to rerecording  
112 requirements; requiring that the clerk of court

113 enforce, satisfy, compromise, settle, subordinate,  
 114 release, or otherwise dispose of any debts or lien  
 115 imposed and collected in the same manner as for an  
 116 indigent defendant-recipient; amending s. 947.181,  
 117 F.S.; providing that the Parole Commission require as  
 118 a condition of parole the payment of fines, fees, or  
 119 other court-ordered costs under certain circumstances;  
 120 providing that restitution ordered as a condition of  
 121 parole has first priority over the payment of other  
 122 costs ordered as a condition of parole; requiring that  
 123 the commission state on record the reasons for not  
 124 requiring the full payment of the fines, fees, or  
 125 other court-ordered costs; providing an effective  
 126 date.

127

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

129

130 Section 1. Paragraph (a) of subsection (2) of section  
 131 27.52, Florida Statutes, is amended to read:

132 27.52 Determination of indigent status.—

133 (2) DETERMINATION BY THE CLERK.—The clerk of the court  
 134 shall determine whether an applicant seeking appointment of a  
 135 public defender is indigent based upon the information provided  
 136 in the application and the criteria prescribed in this  
 137 subsection.

138 (a)1. An applicant, including an applicant who is a minor  
 139 or an adult tax-dependent person, is indigent if the applicant's  
 140 income is equal to or below 200 percent of the then-current

141 federal poverty guidelines prescribed for the size of the  
142 household of the applicant by the United States Department of  
143 Health and Human Services or if the person is receiving  
144 Temporary Assistance for Needy Families-Cash Assistance,  
145 poverty-related veterans' benefits, or Supplemental Security  
146 Income (SSI).

147 2.a. There is a presumption that the applicant is not  
148 indigent if the applicant owns, or has equity in, any intangible  
149 or tangible personal property or real property or the expectancy  
150 of an interest in any such property having a net equity value of  
151 \$2,500 or more, excluding the value of the person's homestead  
152 and one vehicle having a net value not exceeding \$5,000.

153 b. Notwithstanding the information that the applicant  
154 provides, the clerk may ~~shall~~ conduct a review of the property  
155 records for the county in which the applicant resides and the  
156 motor vehicle title records of the state to identify any  
157 property interests of the applicant under this subparagraph. The  
158 clerk may ~~shall~~ evaluate and consider the results of the review  
159 in making a determination under this subsection. If the review  
160 is completed by the clerk, the clerk shall maintain the results  
161 of the review in a file with the application and provide the  
162 file to the court if the applicant seeks review under subsection  
163 (4) of the clerk's determination of indigent status.

164 Section 2. Paragraph (e) of subsection (12) of section  
165 28.24, Florida Statutes, is amended to read:

166 28.24 Service charges by clerk of the circuit court.—The  
167 clerk of the circuit court shall charge for services rendered by  
168 the clerk's office in recording documents and instruments and in

169 performing the duties enumerated in amounts not to exceed those  
 170 specified in this section. Notwithstanding any other provision  
 171 of this section, the clerk of the circuit court shall provide  
 172 without charge to the state attorney, public defender, guardian  
 173 ad litem, public guardian, attorney ad litem, criminal conflict  
 174 and civil regional counsel, and private court-appointed counsel  
 175 paid by the state, and to the authorized staff acting on behalf  
 176 of each, access to and a copy of any public record, if the  
 177 requesting party is entitled by law to view the exempt or  
 178 confidential record, as maintained by and in the custody of the  
 179 clerk of the circuit court as provided in general law and the  
 180 Florida Rules of Judicial Administration. The clerk of the  
 181 circuit court may provide the requested public record in an  
 182 electronic format in lieu of a paper format when capable of  
 183 being accessed by the requesting entity.

184  
 185 Charges

186  
 187 (12) For recording, indexing, and filing any instrument  
 188 not more than 14 inches by 8 1/2 inches, including required  
 189 notice to property appraiser where applicable:

190 (e) An additional service charge of \$4 per page shall be  
 191 paid to the clerk of the circuit court for each instrument  
 192 listed in s. 28.222, except judgments received from the courts  
 193 and notices of lis pendens, recorded in the official records.  
 194 From the additional \$4 service charge collected:

195 1. If the counties maintain legal responsibility for the  
 196 costs of the court-related technology needs as defined in s.

CS/HB 7095

2012

197 29.008(1)(f)2. and (h), 10 cents shall be distributed to the  
 198 Florida Association of Court Clerks and Comptrollers  
 199 ~~Comptroller~~, Inc., for the cost of development, implementation,  
 200 operation, and maintenance of the clerks' Comprehensive Case  
 201 Information System, ~~in which system all clerks shall participate~~  
 202 ~~on or before January 1, 2006~~; \$1.90 shall be retained by the  
 203 clerk to be deposited in the Public Records Modernization Trust  
 204 Fund and used exclusively for funding court-related technology  
 205 needs of the clerk as defined in s. 29.008(1)(f)2. and (h); and  
 206 \$2 shall be distributed to the board of county commissioners to  
 207 be used exclusively to fund court-related technology, and court  
 208 technology needs as defined in s. 29.008(1)(f)2. and (h) for the  
 209 state trial courts, state attorney, public defender, and  
 210 criminal conflict and civil regional counsel in that county. If  
 211 the counties maintain legal responsibility for the costs of the  
 212 court-related technology needs as defined in s. 29.008(1)(f)2.  
 213 and (h), notwithstanding any other provision of law, the county  
 214 is not required to provide additional funding beyond that  
 215 provided herein for the court-related technology needs of the  
 216 clerk as defined in s. 29.008(1)(f)2. and (h). All court records  
 217 and official records are the property of the State of Florida,  
 218 including any records generated as part of the Comprehensive  
 219 Case Information System funded pursuant to this paragraph and  
 220 the clerk of court is designated as the custodian of such  
 221 records, except in a county where the duty of maintaining  
 222 official records exists in a county office other than the clerk  
 223 of court or comptroller, such county office is designated the  
 224 custodian of all official records, and the clerk of court is

225 designated the custodian of all court records. The clerk of  
 226 court or any entity acting on behalf of the clerk of court,  
 227 including an association, shall not charge a fee to any agency  
 228 as defined in s. 119.011, the Legislature, or the State Court  
 229 System for copies of records generated by the Comprehensive Case  
 230 Information System or held by the clerk of court or any entity  
 231 acting on behalf of the clerk of court, including an  
 232 association.

233 2. If the state becomes legally responsible for the costs  
 234 of court-related technology needs as defined in s.  
 235 29.008(1)(f)2. and (h), whether by operation of general law or  
 236 by court order, \$4 shall be remitted to the Department of  
 237 Revenue for deposit into the General Revenue Fund.

238 Section 3. Section 28.2405, Florida Statutes, is created  
 239 to read:

240 28.2405 Comprehensive Case Information System.—All clerks  
 241 of the circuit court shall participate in the Comprehensive Case  
 242 Information System of the Florida Association of Court Clerks  
 243 and Comptrollers, Inc., and shall submit electronic case data to  
 244 the system based on the case types designated by the Supreme  
 245 Court.

246 Section 4. Subsection (1) of section 28.241, Florida  
 247 Statutes, is amended to read:

248 28.241 Filing fees for trial and appellate proceedings.—

249 (1) Filing fees are due at the time a party files a  
 250 pleading to initiate a proceeding or files a pleading for  
 251 relief. Reopen fees are due at the time a party files a pleading  
 252 to reopen a proceeding if at least 90 days have elapsed since

253 the filing of a final order or final judgment with the clerk. If  
 254 a fee is not paid upon the filing of the pleading as required  
 255 under this section, the clerk shall pursue collection of the fee  
 256 pursuant to s. 28.246.

257 (a)1.a. Except as provided in sub-subparagraph b. and  
 258 subparagraph 2., the party instituting any civil action, suit,  
 259 or proceeding in the circuit court shall pay to the clerk of  
 260 that court a filing fee of up to \$395 in all cases in which  
 261 there are not more than five defendants and an additional filing  
 262 fee of up to \$2.50 for each defendant in excess of five. Of the  
 263 first \$280 in filing fees, \$80 must be remitted by the clerk to  
 264 the Department of Revenue for deposit into the General Revenue  
 265 Fund, \$195 must be remitted to the Department of Revenue for  
 266 deposit into the State Courts Revenue Trust Fund, \$3.50 must be  
 267 remitted to the Department of Revenue for deposit into the  
 268 Clerks of the Court Trust Fund within the Justice Administrative  
 269 Commission and used to fund the Florida Clerks of Court  
 270 Operations Corporation created in s. 28.35, and \$1.50 shall be  
 271 remitted to the Department of Revenue for deposit into the  
 272 Administrative Trust Fund within the Department of Financial  
 273 Services to fund clerk budget reviews conducted by the  
 274 Department of Financial Services. One third of any filing fees  
 275 collected by the clerk of the circuit court in excess of \$100  
 276 shall be remitted to the Department of Revenue for deposit into  
 277 the Clerks of the Court Trust Fund within the Justice  
 278 Administrative Commission.

279 b. The party instituting any civil action, suit, or  
 280 proceeding in the circuit court under chapter 39, chapter 61,

281 chapter 741, chapter 742, chapter 747, chapter 752, or chapter  
282 753 shall pay to the clerk of that court a filing fee of up to  
283 \$295 in all cases in which there are not more than five  
284 defendants and an additional filing fee of up to \$2.50 for each  
285 defendant in excess of five. Of the first \$180 in filing fees,  
286 \$80 must be remitted by the clerk to the Department of Revenue  
287 for deposit into the General Revenue Fund, \$95 must be remitted  
288 to the Department of Revenue for deposit into the State Courts  
289 Revenue Trust Fund, \$3.50 must be remitted to the Department of  
290 Revenue for deposit into the Clerks of the Court Trust Fund  
291 within the Justice Administrative Commission and used to fund  
292 the Florida Clerks of Court Operations Corporation created in s.  
293 28.35, and \$1.50 shall be remitted to the Department of Revenue  
294 for deposit into the Administrative Trust Fund within the  
295 Department of Financial Services to fund clerk budget reviews  
296 conducted by the Department of Financial Services.

297 c. An additional filing fee of \$4 shall be paid to the  
298 clerk. The clerk shall remit \$3.50 to the Department of Revenue  
299 for deposit into the Court Education Trust Fund and shall remit  
300 50 cents to the Department of Revenue for deposit into the  
301 Clerks of the Court Trust Fund within the Justice Administrative  
302 Commission to fund clerk education. An additional filing fee of  
303 up to \$18 shall be paid by the party seeking each severance that  
304 is granted. The clerk may impose an additional filing fee of up  
305 to \$85 for all proceedings of garnishment, attachment, replevin,  
306 and distress. Postal charges incurred by the clerk of the  
307 circuit court in making service by certified or registered mail  
308 on defendants or other parties shall be paid by the party at

309 whose instance service is made. ~~No~~ Additional fees, charges, or  
 310 costs may not ~~shall~~ be added to the filing fees imposed under  
 311 this section, except as authorized in this section or by general  
 312 law.

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

317 b. A party shall estimate in writing the amount in  
 318 controversy of the claim upon filing the action. For purposes of  
 319 this subparagraph, the value of a mortgage foreclosure action is  
 320 based upon the principal due on the note secured by the  
 321 mortgage, plus interest owed on the note and any moneys advanced  
 322 by the lender for property taxes, insurance, and other advances  
 323 secured by the mortgage, at the time of filing the foreclosure.  
 324 The value shall also include the value of any tax certificates  
 325 related to the property. In stating the value of a mortgage  
 326 foreclosure claim, a party shall declare in writing the total  
 327 value of the claim, as well as the individual elements of the  
 328 value as prescribed in this sub-subparagraph.

329 c. In its order providing for the final disposition of the  
 330 matter, the court shall identify the actual value of the claim.  
 331 The clerk shall adjust the filing fee if there is a difference  
 332 between the estimated amount in controversy and the actual value  
 333 of the claim and collect any additional filing fee owed or  
 334 provide a refund of excess filing fee paid.

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

336 (I) Three hundred and ninety-five dollars in all cases in

337 | which the value of the claim is \$50,000 or less and in which  
338 | there are not more than five defendants. The party shall pay an  
339 | additional filing fee of up to \$2.50 for each defendant in  
340 | excess of five. Of the first \$280 in filing fees, \$80 must be  
341 | remitted by the clerk to the Department of Revenue for deposit  
342 | into the General Revenue Fund, \$195 must be remitted to the  
343 | Department of Revenue for deposit into the State Courts Revenue  
344 | Trust Fund, \$3.50 must be remitted to the Department of Revenue  
345 | for deposit into the Clerks of the Court Trust Fund within the  
346 | Justice Administrative Commission and used to fund the Florida  
347 | Clerks of Court Operations Corporation created in s. 28.35, and  
348 | \$1.50 shall be remitted to the Department of Revenue for deposit  
349 | into the Administrative Trust Fund within the Department of  
350 | Financial Services to fund clerk budget reviews conducted by the  
351 | Department of Financial Services;

352 |       (II) Nine hundred dollars in all cases in which the value  
353 | of the claim is more than \$50,000 but less than \$250,000 and in  
354 | which there are not more than five defendants. The party shall  
355 | pay an additional filing fee of up to \$2.50 for each defendant  
356 | in excess of five. Of the first \$785 in filing fees, \$80 must be  
357 | remitted by the clerk to the Department of Revenue for deposit  
358 | into the General Revenue Fund, \$700 must be remitted to the  
359 | Department of Revenue for deposit into the State Courts Revenue  
360 | Trust Fund, \$3.50 must be remitted to the Department of Revenue  
361 | for deposit into the Clerks of the Court Trust Fund within the  
362 | Justice Administrative Commission and used to fund the Florida  
363 | Clerks of Court Operations Corporation described in s. 28.35,  
364 | and \$1.50 shall be remitted to the Department of Revenue for

365 deposit into the Administrative Trust Fund within the Department  
 366 of Financial Services to fund clerk budget reviews conducted by  
 367 the Department of Financial Services; or

368 (III) One thousand nine hundred dollars in all cases in  
 369 which the value of the claim is \$250,000 or more and in which  
 370 there are not more than five defendants. The party shall pay an  
 371 additional filing fee of up to \$2.50 for each defendant in  
 372 excess of five. Of the first \$1,785 in filing fees, \$80 must be  
 373 remitted by the clerk to the Department of Revenue for deposit  
 374 into the General Revenue Fund, \$1,700 must be remitted to the  
 375 Department of Revenue for deposit into the State Courts Revenue  
 376 Trust Fund, \$3.50 must be remitted to the Department of Revenue  
 377 for deposit into the Clerks of the Court Trust Fund within the  
 378 Justice Administrative Commission to fund the Florida Clerks of  
 379 Court Operations Corporation created in s. 28.35, and \$1.50  
 380 shall be remitted to the Department of Revenue for deposit into  
 381 the Administrative Trust Fund within the Department of Financial  
 382 Services to fund clerk budget reviews conducted by the  
 383 Department of Financial Services.

384 e. An additional filing fee of \$4 shall be paid to the  
 385 clerk. The clerk shall remit \$3.50 to the Department of Revenue  
 386 for deposit into the Court Education Trust Fund and shall remit  
 387 50 cents to the Department of Revenue for deposit into the  
 388 Clerks of the Court Trust Fund within the Justice Administrative  
 389 Commission to fund clerk education. An additional filing fee of  
 390 up to \$18 shall be paid by the party seeking each severance that  
 391 is granted. The clerk may impose an additional filing fee of up  
 392 to \$85 for all proceedings of garnishment, attachment, replevin,

CS/HB 7095

2012

393 and distress. Postal charges incurred by the clerk of the  
394 circuit court in making service by certified or registered mail  
395 on defendants or other parties shall be paid by the party at  
396 whose instance service is made. ~~No~~ Additional fees, charges, or  
397 costs may not ~~shall~~ be added to the filing fees imposed under  
398 this section, except as authorized in this section or by general  
399 law.

400 (b) A party reopening any civil action, suit, or  
401 proceeding in the circuit court shall pay to the clerk of court  
402 a filing fee set by the clerk in an amount not to exceed \$50.  
403 For purposes of this section, a case is reopened after all  
404 appeals have been exhausted or time to file an appeal from a  
405 final order or final judgment has expired. A reopen fee may be  
406 assessed by the clerk for any motion filed by any party at least  
407 90 days after a final order or final judgment has been filed  
408 with the clerk in the initial case. A reservation of  
409 jurisdiction by a court does not cause a case to remain open for  
410 purposes of this section or exempt a party from paying a reopen  
411 fee when a case previously reported as disposed of is  
412 resubmitted to a court and includes petitions for modification  
413 of a final judgment of dissolution. A party is exempt from  
414 paying the fee for any of the following:

- 415 1. A writ of garnishment;
- 416 2. A writ of replevin;
- 417 3. A distress writ;
- 418 4. A writ of attachment;
- 419 5. A motion for rehearing filed within 10 days;
- 420 6. A motion for attorney's fees filed within 30 days after

421 entry of a judgment or final order;

422 7. A motion for dismissal filed after a mediation

423 agreement has been filed;

424 8. A disposition of personal property without

425 administration;

426 9. Any probate case prior to the discharge of a personal

427 representative;

428 10. Any guardianship pleading prior to discharge;

429 11. Any mental health pleading;

430 12. Motions to withdraw by attorneys;

431 13. Motions exclusively for the enforcement of child

432 support orders;

433 14. A petition for credit of child support;

434 15. A Notice of Intent to Relocate and any order issuing

435 as a result of an uncontested relocation;

436 16. Stipulations and motions to enforce stipulations;

437 17. Responsive pleadings; ~~or~~

438 18. Cases in which there is no initial filing fee; or

439 19. Motions for contempt.

440 (c)1. A party in addition to a party described in sub-

441 subparagraph (a)1.a. who files a pleading in an original civil

442 action in circuit court for affirmative relief by cross-claim,

443 counterclaim, counterpetition, or third-party complaint shall

444 pay the clerk of court a fee of \$395. A party in addition to a

445 party described in sub-subparagraph (a)1.b. who files a pleading

446 in an original civil action in circuit court for affirmative

447 relief by cross-claim, counterclaim, counterpetition, or third-

448 party complaint shall pay the clerk of court a fee of \$295. The

CS/HB 7095

2012

449 clerk shall remit the fee to the Department of Revenue for  
450 deposit into the General Revenue Fund.

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

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

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

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

462

463 The clerk shall remit the fees collected under this subparagraph  
464 to the Department of Revenue for deposit into the General  
465 Revenue Fund, except that the clerk shall remit \$100 of the fee  
466 collected under sub-subparagraph a., \$605 of the fee collected  
467 under sub-subparagraph b., and \$1,605 of the fee collected under  
468 sub-subparagraph c. to the Department of Revenue for deposit  
469 into the State Courts Revenue Trust Fund.

470 (d) The clerk of court shall collect a service charge of  
471 \$10 for issuing an original, a certified copy, or an electronic  
472 certified copy of a summons. The clerk shall assess the fee  
473 against the party seeking to have the summons issued.

474 Section 5. Subsection (2) of section 28.37, Florida  
475 Statutes, is amended to read:

476 28.37 Fines, fees, service charges, and costs remitted to

477 the state.—

478 (2) Except as otherwise provided in ss. 28.241 and 34.041,  
 479 all court-related fines, fees, service charges, and costs are  
 480 considered state funds and shall be remitted by the clerk to the  
 481 Department of Revenue for deposit into the Clerks of the Court  
 482 Trust Fund within the Justice Administrative Commission.  
 483 However, 10 percent of all court-related fines collected by the  
 484 clerk, except for penalties or fines distributed to counties or  
 485 municipalities under s. 316.0083(1)(b)3. or s. 318.18(15)(a),  
 486 shall be deposited into the clerk's Public Records Modernization  
 487 Trust Fund to be used exclusively for additional clerk court-  
 488 related operational needs and program enhancements.

489 Section 6. Paragraphs (a) and (d) of subsection (1) and  
 490 subsection (2) of section 34.041, Florida Statutes, are amended  
 491 to read:

492 34.041 Filing fees.—

493 (1)(a) Filing fees are due at the time a party files a  
 494 pleading to initiate a proceeding or files a pleading for  
 495 relief. Reopen fees are due at the time a party files a pleading  
 496 to reopen a proceeding if at least 90 days have elapsed since  
 497 the filing of a final order or final judgment with the clerk. If  
 498 a fee is not paid upon the filing of the pleading as required  
 499 under this section, the clerk shall pursue collection of the fee  
 500 pursuant to s. 28.246. Upon the institution of any civil action,  
 501 suit, or proceeding in county court, the party shall pay the  
 502 following filing fee, not to exceed:

503 1. For all claims less than \$100.....\$50.

504 2. For all claims of \$100 or more but not more than \$500

- 505           \$75.
- 506           3. For all claims of more than \$500 but not more than
- 507 \$2,500.....\$170.
- 508           4. For all claims of more than \$2,500.....\$295.
- 509           5. In addition, for all proceedings of garnishment,
- 510 attachment, replevin, and distress.....\$85.
- 511           6. Notwithstanding subparagraphs 3. and 5., for all claims
- 512 of not more than \$1,000 filed simultaneously with an action for
- 513 replevin of property that is the subject of the claim . \$125.
- 514           7. For removal of tenant action.....\$180.

515

516 The filing fee in subparagraph 6. is the total fee due under

517 this paragraph for that type of filing, and no other filing fee

518 under this paragraph may be assessed against such a filing.

519           (d) The clerk of court shall collect a service charge of

520 \$10 for issuing a summons or an electronic certified copy of a

521 summons. The clerk shall assess the fee against the party

522 seeking to have the summons issued.

523           (2) A party reopening any civil action, suit, or

524 proceeding in the county court shall pay to the clerk of court a

525 filing fee set by the clerk in an amount not to exceed \$25 for

526 all claims of not more than \$500 and an amount not to exceed \$50

527 for all claims of more than \$500. For purposes of this section,

528 a case is reopened after all appeals have been exhausted, or

529 time to file an appeal from a final order or final judgment has

530 expired. A reopen fee may be assessed by the clerk for any

531 motion filed by any party at least 90 days after a final order

532 or final judgment has been filed with the clerk in the initial

533 case. A reservation of jurisdiction by a court does not cause a  
 534 case to remain open for purposes of this section or exempt a  
 535 party from paying a reopen fee when a case previously reported  
 536 ~~as disposed of is resubmitted to a court.~~ A party is exempt from  
 537 paying the fee for any of the following:

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

551 Section 7. Section 40.011, Florida Statutes, is amended to  
 552 read:

553 40.011 Jury lists.—

554 (1) A clerk of the court shall generate a set of juror  
 555 candidate lists derived from the source lists described in s.  
 556 40.01. The source name lists and the juror candidate lists shall  
 557 be maintained as specified in this chapter and in accordance  
 558 with the juror selection plan approved in s. 40.225.

559 (2) ~~(1)~~ Pursuant to s. 40.01, the Department of Highway  
 560 Safety and Motor Vehicles shall deliver quarterly to the clerk

561 of the circuit court in each county a list of names of persons  
 562 who reside in that county, who are citizens of the United  
 563 States, who are legal residents of Florida, who are 18 years of  
 564 age or older, and for whom the department has a driver's license  
 565 or identification card record.

566 (3) The clerk of the circuit court shall add to the list  
 567 of licensed drivers and identification cardholders the name of  
 568 any person who is 18 years of age or older and who is a citizen  
 569 of the United States and a legal resident of this state ~~Florida~~  
 570 and who indicates a desire to serve as a juror, but whose name  
 571 does not appear on the department list, by requiring such person  
 572 to execute an affidavit at the office of the clerk.

573 (4)~~(2)~~ The affidavit executed pursuant to subsection (3)  
 574 ~~(1)~~ must be in substantially the following form:

575  
 576 State of Florida  
 577  
 578 I, ....., do solemnly swear (or affirm) that I am ....  
 579 years of age; that I am a citizen of the United States and a  
 580 legal resident of Florida and .... County; that I personally  
 581 make application for jury duty; that I am eligible to serve as a  
 582 juror under the Constitution and laws of Florida; and that I  
 583 reside at ...(Address)...

584  
 585 .....(Signature)...

586  
 587 Sworn to and subscribed before me this .... day of .....,  
 588 ...(year)...., at .... County, Florida.

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.....  
(Signature and title of officer  
administering oath)

(5) Using the source name lists described subsections (2) and (3), a clerk of court may generate juror candidate lists as necessary to ensure a valid and consistent juror selection process.

(a) The initial juror candidate list is derived from the name sources and shall be the master list from which prospective jurors are drawn for summons.

(b) The final juror candidate list shall contain a list of those persons, drawn from the initial candidate list as prescribed in this chapter, who are to be summoned as a pool for possible juror service.

Section 8. Section 40.02, Florida Statutes, is amended to read:

40.02 Selection of jury lists.-

~~(1) The chief judge of each circuit, or a circuit judge in each county within the circuit who is designated by the chief judge, shall request the selection of a jury list in each county within the circuit during the first week of January of each year, or as soon thereafter as practicable. The chief judge or the chief judge's designee shall direct the clerk of the court to select, by lot and at random, a sufficient number of names, with their addresses, from the initial juror candidate list of persons who are qualified to serve as jurors under ~~the~~~~

617 ~~provisions of s. 40.01 and to generate a~~ final juror candidate  
 618 list of not fewer than 250 persons to serve as jurors as  
 619 provided for in s. 40.221. The final juror candidate, ~~which list~~  
 620 must ~~shall~~ be signed and verified by the clerk of the court as  
 621 having been selected as aforesaid. The final juror candidate  
 622 list may be created, updated, or supplemented as often as  
 623 necessary to prevent the selection list from becoming exhausted,  
 624 but in no case less than annually during the first week of  
 625 January of each year, or as soon thereafter as practicable. A  
 626 circuit judge in a county to which he or she has been assigned  
 627 may also request that the final juror candidate list be updated  
 628 or supplemented, or that a new list be created ~~additional jury~~  
 629 ~~lists as necessary to prevent the jury list from becoming~~  
 630 ~~exhausted.~~

631 (2) When the final juror candidate ~~annual jury~~ list is  
 632 prepared pursuant to the request of a chief judge or the chief  
 633 judge's designee, the previously prepared final juror candidate  
 634 ~~lists prepared the previous year~~ shall be withdrawn from further  
 635 use. If, notwithstanding this provision, some names are not  
 636 withdrawn, such error or irregularity does ~~shall~~ not invalidate  
 637 any subsequent proceeding or jury. The fact that any person so  
 638 selected had been on a former jury list or had served as a juror  
 639 in any court at any time shall not be grounds for challenge of  
 640 such person as a juror. If any person so selected shall be  
 641 ascertained to be disqualified or incompetent to serve as a  
 642 juror, such disqualification shall not affect the legality of  
 643 such list or be cause of challenge to the array of any jury  
 644 chosen from such list, but any person ascertained to be

645 disqualified to serve as a juror shall be subject to challenge  
 646 for cause, as defined by law. The set of juror candidate lists,  
 647 although they may be defective or irregular in form or other  
 648 formal requirement, or in the number or qualification of the  
 649 persons so named, shall be the lists from which the names of  
 650 persons for jury service are to be drawn as prescribed by law.

651 ~~(3)(2)~~ The clerk of the court shall be responsible for  
 652 preserving the security of the source and juror candidate ~~jury~~  
 653 lists.

654 ~~(4)(3)~~ The clerk of the court shall perform the duties set  
 655 forth in this section and in ss. 40.221, 40.23, and 40.231 in  
 656 counties having an approved, computerized jury selection system,  
 657 the provisions of any special law or general law of local  
 658 application to the contrary notwithstanding. However, the chief  
 659 judge may designate the court administrator to perform these  
 660 duties if the county provides funding to the court administrator  
 661 to provide the personnel and other costs associated with jury  
 662 services.

663 Section 9. Subsection (1) of section 40.022, Florida  
 664 Statutes, is amended to read:

665 40.022 Clerk to purge jury selection lists; restoration.-

666 (1) To ensure that the juror candidates summoned satisfy  
 667 the requirements of ss. 40.01 and 40.013, each clerk of the  
 668 circuit court shall, upon receipt of the list of persons in the  
 669 department database from the Department of Highway Safety and  
 670 Motor Vehicles and at least once each month thereafter, purge  
 671 the final juror candidate ~~jury selection~~ lists of, at a minimum,  
 672 the names of those persons:

- 673 (a) Adjudicated mentally incompetent;
- 674 (b) Convicted of a felony; or
- 675 (c) Deceased.

676 Section 10. Section 40.221, Florida Statutes, is amended  
 677 to read:

678 40.221 Drawing jury venire.—A clerk of the court, under  
 679 supervision of a judge of any court of record, shall, in a  
 680 manner deemed to produce a result by lot and at random, ~~randomly~~  
 681 select from the final juror candidate ~~jury~~ list such number of  
 682 persons as he or she deems necessary or expedient for a jury  
 683 venire, to be returnable at such time as the judge shall  
 684 specify, from which such venire or venires any jury may be  
 685 organized, including a grand jury when drawn by or upon order of  
 686 a judge of the circuit court. The clerk of the court shall keep  
 687 the list in a secure place.

688 Section 11. Section 40.225, Florida Statutes, is amended  
 689 to read:

690 40.225 Jury selection plan ~~Drawing jury venire;~~  
 691 ~~alternative method.~~—

692 (1) Pursuant to s. 40.001, the chief judge of each circuit  
 693 shall review and consent to the process for selecting juror  
 694 candidates within his or her circuit. The clerk of court shall  
 695 implement an automated electronic system in which ~~Whenever a~~  
 696 ~~majority of the judges authorized to conduct jury trials in a~~  
 697 ~~county consents,~~ the names of prospective jurors and other data  
 698 pertinent thereto shall be maintained for the purpose of the  
 699 drawing of juror candidates. This system shall be used as the  
 700 exclusive method ~~may be fed into a mechanical, electronic, or~~

701 ~~electrical device and drawn therefrom as an alternative to other~~  
 702 ~~methods~~ authorized by law for obtaining jury venires, if such  
 703 drawing is by lot and at random and is approved by the Supreme  
 704 Court as hereinafter provided. Subject to ss. 40.001 and 40.02,  
 705 the clerk of the circuit court in each county shall have the  
 706 administrative responsibility for developing the automated  
 707 system of jury venire selection, obtaining approval for the  
 708 juror candidate selection process, and operating and updating  
 709 the system in accordance with this chapter and technical  
 710 standards and procedures adopted by the Chief Justice.

711 (2) The clerk of the court, or the chief judge of the  
 712 circuit if performing the duties of juror candidate selection as  
 713 provided in s. 40.02, shall submit for approval a plan for the  
 714 selection of juror candidates as required in this section to the  
 715 Chief Justice. The plan must be reapproved whenever required by  
 716 a change in the law, a change in the technical standards and  
 717 procedures, or a change in the approved clerk-maintained  
 718 hardware or software used in the automated system of jury venire  
 719 selection. The proposed plan, if submitted by the clerk, must be  
 720 approved by the chief judge of the judicial circuit in which the  
 721 county is located, and must include a description of the  
 722 equipment, methods, and mode of operation to be used, in a  
 723 manner consistent with the technical standards and procedures  
 724 established by the Chief Justice ~~When a majority of the trial~~  
 725 ~~judges authorizes the alternative method of drawing a jury~~  
 726 ~~venire as provided in subsection (1), the chief judge of the~~  
 727 ~~judicial circuit in which the county is located shall make a~~  
 728 ~~certificate to that effect and transmit the same to the Chief~~

CS/HB 7095

2012

729 ~~Justice of the Supreme Court, together with a description of the~~  
 730 ~~equipment, methods, and mode of operation to be used.~~

731 (3) The Chief Justice shall examine the proposed plan for  
 732 compliance with applicable statutory requirements and with  
 733 established technical standards and procedures ~~cause the~~  
 734 ~~certificate and data accompanying it to be presented to the~~  
 735 ~~justices of the Supreme Court.~~ If the Chief Justice ~~court~~ finds  
 736 that the proposed plan ~~method will produce venires selected by~~  
 737 ~~lot and at random,~~ is in compliance with applicable statutory  
 738 requirements and established technical standards and procedures,  
 739 will produce venires selected by lot and at random ~~all~~  
 740 ~~constitutional requirements of jury selection, and is otherwise~~  
 741 ~~feasible and practicable, an~~ administrative order of approval of  
 742 same shall be made and filed. Thereafter, the ~~alternative method~~  
 743 ~~so~~ approved system for automated selection of jury venires shall  
 744 ~~may~~ be used in the county so authorized.

745 ~~(4) The chief judge of the judicial circuit in which the~~  
 746 ~~county is located shall supervise the use of such alternative~~  
 747 ~~method whenever approval of same has been made by order of the~~  
 748 ~~Supreme Court.~~

749 ~~(4)-(5) This section does not require~~ Nothing herein shall  
 750 ~~be construed as requiring~~ uniform equipment or methods  
 751 throughout the state.

752 Section 12. Subsection (1) of section 57.081, Florida  
 753 Statutes, is amended to read:

754 57.081 Costs; right to proceed where prepayment of costs  
 755 and payment of filing fees waived.—

756 (1) Any indigent person, except a prisoner as defined in

757 s. 57.085, who is a party or intervenor in any judicial or  
 758 administrative agency proceeding or who initiates such  
 759 proceeding shall receive the services of the courts, sheriffs,  
 760 and clerks, with respect to such proceedings, despite his or her  
 761 present inability to pay for these services. Such services are  
 762 limited to filing fees; service of process; certified copies of  
 763 orders or final judgments; a single photocopy of any court  
 764 pleading, record, or instrument filed with the clerk; examining  
 765 fees; mediation services and fees; private court-appointed  
 766 counsel fees; subpoena fees and services; service charges for  
 767 collecting and disbursing funds; and any other cost or service  
 768 arising out of pending litigation. In any appeal from an  
 769 administrative agency decision, for which the clerk is  
 770 responsible for preparing the transcript, the clerk shall record  
 771 the cost of preparing the transcripts and the cost for copies of  
 772 any exhibits in the record. A party who has obtained a  
 773 certification of indigence pursuant to s. 27.52 or s. 57.082  
 774 with respect to a proceeding is not required to prepay costs to  
 775 a court, clerk, or sheriff and is not required to pay filing  
 776 fees or charges for issuance of a summons ~~Prepayment of costs to~~  
 777 ~~any court, clerk, or sheriff is not required and payment of~~  
 778 ~~filing fees is not required in any action if the party has~~  
 779 ~~obtained in each proceeding a certification of indigence in~~  
 780 ~~accordance with s. 27.52 or s. 57.082.~~

781 Section 13. Subsection (11) is added to section 95.11,  
 782 Florida Statutes, to read:

783 95.11 Limitations other than for the recovery of real  
 784 property.—Actions other than for recovery of real property shall

785 be commenced as follows:

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

789 Section 14. Paragraph (a) of subsection (4) of section  
 790 112.3173, Florida Statutes, is amended to read:

791 112.3173 Felonies involving breach of public trust and  
 792 other specified offenses by public officers and employees;  
 793 forfeiture of retirement benefits.—

794 (4) NOTICE.—

795 (a) The clerk of a court in which a proceeding involving a  
 796 specified offense is being conducted against a public officer or  
 797 employee shall furnish notice of the proceeding to the  
 798 Commission on Ethics after the state attorney advises the clerk  
 799 that the defendant is a public officer or employee and that the  
 800 defendant is alleged to have committed a specified offense. Such  
 801 notice is sufficient if it is in the form of a copy of the  
 802 indictment, information, or other document containing the  
 803 charges. In addition, if a verdict of guilty is returned by a  
 804 jury or by the court trying the case without a jury, or a plea  
 805 of guilty or of nolo contendere is entered in the court by the  
 806 public officer or employee, the clerk shall furnish a copy  
 807 thereof to the Commission on Ethics.

808 Section 15. Paragraph (b) of subsection (8) of section  
 809 318.18, Florida Statutes, is amended to read:

810 318.18 Amount of penalties.—The penalties required for a  
 811 noncriminal disposition pursuant to s. 318.14 or a criminal  
 812 offense listed in s. 318.17 are as follows:

813 (8)

814 (b)1.a. If a person has been ordered to pay a civil  
815 penalty for a noncriminal traffic infraction and the person is  
816 unable to comply with the court's order due to demonstrable  
817 financial hardship, the court shall allow the person to satisfy  
818 the civil penalty by participating in community service until  
819 the civil penalty is paid.

820 b. If a court orders a person to perform community  
821 service, the person shall receive credit for the civil penalty  
822 at the specified hourly credit rate per hour of community  
823 service performed, and each hour of community service performed  
824 shall reduce the civil penalty by that amount.

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

831 b. However, if a person ordered to perform community  
832 service has a trade or profession for which there is a community  
833 service need, the specified hourly credit rate for each hour of  
834 community service performed by that person shall be the average  
835 prevailing wage rate for the trade or profession that the  
836 community service agency needs.

837 3.a. The community service agency supervising the person  
838 shall record the number of hours of community service completed  
839 and the date the community service hours were completed. The  
840 community service agency shall submit the data to the clerk of

CS/HB 7095

2012

841 court on the letterhead of the community service agency, which  
842 must also bear the notarized signature of the person designated  
843 to represent the community service agency.

844 b. When the number of community service hours completed by  
845 the person equals the amount of the civil penalty, the clerk of  
846 court shall certify this fact to the court. Thereafter, the  
847 clerk of court shall record in the case file that the civil  
848 penalty has been paid in full.

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

850 a. "Community service" means uncompensated labor for a  
851 community service agency.

852 b. "Community service agency" means a not-for-profit  
853 corporation, community organization, charitable organization,  
854 public officer, the state or any political subdivision of the  
855 state, or any other body the purpose of which is to improve the  
856 quality of life or social welfare of the community and which  
857 agrees to accept community service from persons unable to pay  
858 civil penalties for noncriminal traffic infractions.

859 Section 16. Subsection (3) of section 668.50, Florida  
860 Statutes, is amended to read:

861 668.50 Uniform Electronic Transaction Act.—

862 (3) SCOPE.—

863 (a) Except as otherwise provided in paragraph (b), this  
864 section applies to electronic records and electronic signatures  
865 relating to a transaction.

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

868 1. A provision of law governing the creation and execution

CS/HB 7095

2012

869 of wills, codicils, or testamentary trusts;

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

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

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

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

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

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

883 Section 17. Paragraph (c) of subsection (1) of section  
884 733.707, Florida Statutes, is amended to read:

885 733.707 Order of payment of expenses and obligations.—

886 (1) The personal representative shall pay the expenses of  
887 the administration and obligations of the decedent's estate in  
888 the following order:

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

892 Section 18. Section 893.11, Florida Statutes, is amended  
893 to read:

894 893.11 Suspension, revocation, and reinstatement of  
895 business and professional licenses.—For the purposes of s.  
896 120.60(6), any conviction in any court reported to the

897 Comprehensive Case Information System of the Florida Association  
 898 of Court Clerks and Comptrollers, Inc., for the sale of, or  
 899 trafficking in, a controlled substance or for conspiracy to  
 900 sell, or traffic in, a controlled substance constitutes an  
 901 immediate serious danger to the public health, safety, or  
 902 welfare, and is grounds for disciplinary action by the licensing  
 903 state agency. A state agency shall initiate an immediate  
 904 emergency suspension of an individual professional license  
 905 issued by the agency, in compliance with the procedures for  
 906 summary suspensions in s. 120.60(6), upon the agency's findings  
 907 of the licensee's conviction in any court reported to the  
 908 Comprehensive Case Information System of the Florida Association  
 909 of Court Clerks and Comptrollers, Inc., ~~Upon the conviction in~~  
 910 ~~any court of competent jurisdiction of any person holding a~~  
 911 ~~license, permit, or certificate issued by a state agency, for~~  
 912 the sale of, or trafficking in, a controlled substance, or for  
 913 conspiracy to sell, or traffic in, a controlled substance.  
 914 Before renewing any professional license, a state agency that  
 915 issues a professional license must use the Comprehensive Case  
 916 Information System of the Florida Association of Court Clerks  
 917 and Comptrollers, Inc., to obtain information relating to any  
 918 conviction for the sale of, or trafficking in, a controlled  
 919 substance or for conspiracy to sell, or traffic in, a controlled  
 920 substance. The clerk of court shall provide electronic access to  
 921 each state agency at no cost and also provide certified copies  
 922 of the judgment upon request to the agency. ~~, if such offense is~~  
 923 ~~a felony, the clerk of said court shall send a certified copy of~~  
 924 ~~the judgment of conviction with the person's license number,~~

925 ~~permit number, or certificate number on the face of such~~  
 926 ~~certified copy to the agency head by whom the convicted~~  
 927 ~~defendant has received a license, permit, or certificate to~~  
 928 ~~practice his or her profession or to carry on his or her~~  
 929 ~~business. Such agency head shall suspend or revoke the license,~~  
 930 ~~permit, or certificate of the convicted defendant to practice~~  
 931 ~~his or her profession or to carry on his or her business. Upon a~~  
 932 showing by any such convicted defendant whose professional  
 933 ~~license, permit, or certificate~~ has been suspended or revoked  
 934 pursuant to this section that his or her civil rights have been  
 935 restored or upon a showing that the convicted defendant meets  
 936 the following criteria, the agency head may reinstate or  
 937 reactivate such license, ~~permit, or certificate~~ when:

938 (1) The person has complied with the conditions of  
 939 paragraphs (a) and (b) which shall be monitored by the  
 940 Department of Corrections while the person is under any  
 941 supervisory sanction. If the person fails to comply with  
 942 provisions of these paragraphs by either failing to maintain  
 943 treatment or by testing positive for drug use, the department  
 944 shall notify the licensing, ~~permitting, or certifying~~ agency,  
 945 which shall revoke the license, ~~permit, or certification~~. The  
 946 person under supervision may:

947 (a) Seek evaluation and enrollment in, and once enrolled  
 948 maintain enrollment in until completion, a drug treatment and  
 949 rehabilitation program which is approved or regulated by the  
 950 Department of Children and Family Services. The treatment and  
 951 rehabilitation program shall be specified by:

952 1. The court, in the case of court-ordered supervisory

953 sanctions;

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

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

958 (b) Submit to periodic urine drug testing pursuant to  
959 procedures prescribed by the Department of Corrections. If the  
960 person is indigent, the costs shall be paid by the Department of  
961 Corrections; or

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

964 (3) As used in this section, the term "professional  
965 license" includes any license, permit, or certificate that  
966 authorizes a person to practice his or her profession. However,  
967 the term ~~This section~~ does not include ~~apply to~~ any of the  
968 taxes, fees, or permits regulated, controlled, or administered  
969 by the Department of Revenue in accordance with s. 213.05.

970 Section 19. Paragraphs (a) and (b) of subsection (2) of  
971 section 938.27, Florida Statutes, are amended to read:

972 938.27 Judgment for costs on conviction.—

973 (2) (a) The court shall impose the costs of prosecution and  
974 investigation notwithstanding the defendant's present ability to  
975 pay. The court shall require the defendant to pay the costs  
976 within a specified period or pursuant to a payment plan under s.  
977 28.246(4) in specified installments.

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

980 1. The end of the period of probation or community

981 control, if probation or community control is ordered;

982 2. Five years after the end of the term of imprisonment  
 983 imposed, if the court does not order probation or community  
 984 control; or

985 3. Five years after the date of sentencing in any other  
 986 case.

987  
 988 However, ~~in no event shall~~ the obligation to pay any unpaid  
 989 amounts does not expire if not paid in full within the period  
 990 specified in this paragraph.

991 Section 20. Present subsections (8) through (12) of  
 992 section 938.30, Florida Statutes, are renumbered as subsections  
 993 (10) through (14), respectively, and new subsections (8) and (9)  
 994 are added to that section to read:

995 938.30 Financial obligations in criminal cases;  
 996 supplementary proceedings.-

997 (8) If a criminal or civil judgment has previously been  
 998 entered on a court-imposed financial obligation, the judgment  
 999 constitutes a civil lien against the judgment debtor's presently  
 1000 owned or after-acquired real or personal property when recorded  
 1001 pursuant to s. 55.10, except that a judgment on a court-imposed  
 1002 financial obligation is not subject to the 10-year rerecording  
 1003 requirement of s. 55.10. The judgment must secure all unpaid  
 1004 court-imposed financial obligations that are due and may accrue  
 1005 subsequent to the recording of the judgment, as well as interest  
 1006 and reasonable costs for issuing a satisfaction and recording  
 1007 the satisfaction in the official records.

1008 (9) The clerk of the court shall enforce, satisfy,

CS/HB 7095

2012

1009 compromise, settle, subordinate, release, or otherwise dispose  
 1010 of any debts or liens imposed and collected under this section  
 1011 in the same manner as prescribed in s. 938.29(3).

1012 Section 21. Section 947.181, Florida Statutes, is amended  
 1013 to read:

1014 947.181 Fines, fees, restitution, or other costs ordered  
 1015 to be paid ~~Victim restitution~~ as conditions ~~condition~~ of  
 1016 parole.-

1017 (1)~~(a)~~ The ~~Parole~~ commission shall require the payment of  
 1018 finances, fees, restitution, or other court-ordered costs as a  
 1019 condition of parole ~~reparation or restitution to the aggrieved~~  
 1020 ~~party for the damage or loss caused by the offense for which the~~  
 1021 ~~parolee was imprisoned~~ unless the commission finds reasons to  
 1022 the contrary. Restitution to the aggrieved party for injury,  
 1023 damage, or loss caused by the offense for which the parolee was  
 1024 imprisoned shall have first priority in the payment of amounts  
 1025 owed under this section. If the commission does not require the  
 1026 payment of fines, fees, restitution, or other court-ordered  
 1027 costs ~~order restitution~~ or requires ~~orders~~ only partial payment  
 1028 of the fines, fees, restitution, or other court-ordered costs  
 1029 ~~restitution~~, the commission shall state on the record the  
 1030 reasons for its decision ~~therefor~~. ~~The amount of such reparation~~  
 1031 ~~or restitution shall be determined by the Parole Commission.~~

1032 (2)~~(b)~~ If the parolee fails to make the payments  
 1033 ~~reparation or restitution to the aggrieved party as~~ required  
 1034 ~~authorized in subsection (1) paragraph (a),~~ it shall be  
 1035 considered by the commission as a violation of parole as  
 1036 specified in s. 947.21 and may be cause for revocation of ~~her~~ ~~or~~

CS/HB 7095

2012

1037 ~~his~~ parole.

1038       (3)~~(2)~~ If a defendant is paroled, any restitution ordered  
1039 under s. 775.089 shall be a condition of such parole. The Parole  
1040 Commission may revoke parole if the defendant fails to comply  
1041 with such order.

1042       (4) In determining whether to revoke parole, the ~~Parole~~  
1043 commission shall consider the defendant's employment status,  
1044 earning ability, and financial resources; the willfulness of the  
1045 defendant's failure to pay; and any other special circumstances  
1046 that may have a bearing on the defendant's ability to pay.

1047       Section 22. This act shall take effect July 1, 2012.