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## BEST PRACTICE CHECKLIST-COMPLIANCE SERVICES

### Mandatory Elements

#### Fundamental Mandatory Elements

1.  Enforce,  satisfy,  compromise,  settle,  subordinate,  release, or  dispose of debts and liens as required by s. 938.30(9), F.S.
2.  Impose statutory fees for payments as required by s. 28.24(26), F.S.
3.  Distribute funds in the tiers required by s. 28.246(5), F.S., after distributing funds as required by s. 27.52(1)(c), F.S.
4.  Comply with all bond forfeiture requirements noted in s. 903.26, s. 903.27, and s. 903.28, and s. 142.01, F.S.
5.  Collect administrative costs for compliance per s. 938.30(12), F.S., for postage per s. 28.24(27), F.S., for copying per s. 28.24(5)(a), F.S., and for service fees per s. 318.15(1)(b), F.S., s. 318.18(8)(a), F.S., and s. 322.245(2), F.S.
6.  Establish a payment program to accept partial payments for court related fees, service charges, costs, and fines as required by s. 28.246(4), F.S.
7.  Apply cash bonds to financial obligations as required by s. 903.286, F.S.
8.  Send cases to collections that are delinquent after 90 days per s. 28.246(6), F.S.
9.  Hold Driver License Reinstatement Days event annually per s. 322.75, F.S.
10.  Complete the collections performance report as required s. 28.35 F.S.

#### Compliance Enforcement Mandatory Elements

1.  Record court-ordered criminal judgments and sentences to ensure that a lien is created under s. 938.30(6), F.S. for the entire 20-year period per s. 938.30(8), F.S.
2.  Suspend driver licenses for non-compliance under s. 322.245(5) and s. 318.15, F.S.
3.  Contract with collection firms as required by s. 28.246(6), F.S.
4. For cases sent to a collection firm when new costs and fines have been imposed:
  - a.  Amend amounts with collection firm so that all court costs and fines on a case are combined, or
  - b.  Retract and resend after 90-day time period so that all court costs and fines on a case are combined.

### Optional Elements

#### Optional Practice Elements

1.  Communicate with all parties involved in collections, for example:
  - a.  Defendants, in court or as soon as practical pursuant to statute after sentencing, to provide information, information sheets, etc.
  - b.  DOC, concerning its statutory requirement under s. 948.09(6), F.S., since that statute provides for different distribution than s. 28.246(5), F.S.
  - c.  Judiciary
    - i. For an administrative order that will allow the financial portion of cases to remain open until paid in full, despite a seal or expunge order.
    - ii. For a process to claim money seized during a case, whether as evidence or not, to apply to court costs and fines.
  - d.  Probation
2.  Maintain, follow, and update written procedures pertaining to compliance services.
3.  Use application/affidavit forms to obtain defendant's financial information, current contact information, and obtain permission for electronic communication in order to establish and maintain payment plan.

- a.  Establish default payment amounts as a starting point, but work with defendants and their individual circumstances.
- b.  Establish a policy for payment plans which addresses reinstatement of a payment plan in default as well as guidelines for modifying or extending the plan and/or due dates.
- 4.  Share information on community service options under s. 938.30(2), F.S., provide information forms, ensure monitoring, and work with the judiciary for reconversion if defendants fail to submit timely proof of completion.
- 5.  Use postcards, late notices, letters, IVR (interactive voice response) systems, or other electronic communications to provide defendants with payment reminders and/or consequences for default.
- 6.  Use the DOC website, Offender Search, to track defendants' release so the office can notify defendants about compliance.
- 7.  Negotiate with collection agent for their best collection rate.
- 8.  Regularly evaluate the effectiveness of compliance practices.
- 9. When creating payment plans with multiple cases:
  - a.  Create one plan per case, or
  - b.  Multiple cases per plan.

**Optional Enhanced Elements**

- 1. For those who selected Mandatory #1, indicate the balances the office settles:
  - a.  interest on liens
  - b.  large balance fines
  - c.  older cases
  - d.  other \_\_\_\_\_
- 2. Utilize an automated system to:
  - a.  create payment plans
  - b.  track due dates
  - c.  create then send notifications, and
  - d.  report payment plan workload
- 3. Indicate if your office utilizes online:
  - a.  payment plan applications
  - b.  payment portals
- 4.  Send NSF to State Attorney for prosecution s. 832.07(1)(a) F.S.
- 5.  Track payment plan workload including plans initiated by case type by date range demonstrating:
  - volume
  - plan amounts initiated
  - payment amounts collected by case type and date range
  - payment plan failure actions initiated
  - payment plans closed
- 6.  Seek CCOC assistance as needed.
- 7. Other \_\_\_\_\_

*Please attach any additional information to support or explain your office responses on the checklist, as needed.*

**Compliance Service Point of Contact**

<b>County</b>	
<b>Compliance Contact</b>	
<b>Email</b>	
<b>Date submitted</b>	