



FLORIDA
**COURT CLERKS &
COMPTROLLERS**



BEST PRACTICES

COMPLIANCE SERVICES (COLLECTIONS)

Revised: December 10, 2015

Best practice placed in template, February 2022 – no content change

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Background

As a result of Revision 7 to Article V, Clerks became the collection agent for state revenues of court costs and fines and were required to report on their collections performance. After that revision, Florida's legislature enacted laws to direct this collection.

The legislature has made the collection of court cost and fines a priority for Clerks. The Clerks of Court Operations Corporation (CCOC) collects and reports to the Legislature on the effectiveness of Clerks collection activities and Clerks not meeting standards must provide an explanation and identify corrective actions they will be taking to bring them into standards.

In March 2007, the Florida Office of Program Policy Analysis and Government Accountability (OPPAGA) [Report 07-21](#) made several recommendations to increase collections. In November 2012, the National Center for State Courts (NCSC), in its "[Study of the Effectiveness of Collections in the Florida Courts](#)," made 20 recommendations to increase court collections, including better communication among the court partners, development of consistent assessment and enforcement practices, and adoption of collection practices.

Clerks statewide must employ all tools provided by the legislature in a consistent manner. The legislature has set the court costs and fines; the courts impose court costs and fines; and Clerks must comply with the laws and enforce the court orders, using all tools in a consistent manner. While maximizing collections is an important goal, it must be balanced against the Clerk's duty to collect as much as is practicable in the circumstances presented by defendants. This best practice is intended to provide guidance on a consistent approach to collections.

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Primary Resources

- s. 27.52(1)(c), F.S.
- s. 28.24(26), F.S.
- s. 28.246(4) - (6), F.S.
- s. 322.245(5), F.S.
- s. 938.30, F.S.

Recommended Processes

A. Communicate with All Parties Involved in Collections

1. **Sheriff's office** – for transportation from the jail for hearings, and reminders to defendants to report to Clerks' offices to arrange payment plans.
2. **Judiciary** – to encourage imposition of mandatory costs and referral to Clerks for payment programs and collections processes.
3. **Private collections agencies and law firms** as used by Clerks under s. 28.246(6), F.S. – to set guidelines for the collections.
4. **Local attorneys/bar association/public defender's office** – for notification to clients of collections processes.
5. **Department of Corrections (FDC)**
 - a. To notify defendants being released from prison or being placed on felony probation about outstanding court costs and fines (FDC's [Offender Information Search page](#) can be used as well.)
 - b. To coordinate FDC's collection of payments from incarcerated defendants and defendants on parole, to send to Clerks.
 - c. To address alternatives to s. 948.09(7), F.S., that requires FDC to create payment plans for defendants on circuit probation, and distribute those collections differently than s. 28.246(5), F.S., requires.
6. **Circuit and county probation departments**
 - a. To coordinate the collection/receipt of fines, fees, and court costs, regardless of whether the payment of court costs and fines is a condition of probation.
 - b. For coordination with county governments that may have entered into contracts with private companies to privatize county probation services. Some of these companies offer the collection of court costs and fines as part of the services they provide to the county and may not follow the required distribution of ss. 27.52 and 28.246(5), F.S., and which may affect Clerk reporting and performance standards. Further, to ensure collections performance measures are not affected negatively, Clerks should be involved in establishing weekly transmissions from such companies.
7. **State attorney's office** – for notification to defendants of the payments as required through plea agreements.
8. **County attorney's office and other city and county agencies** – for notification if the county is involved in the monitoring, collecting, and/or enforcing local ordinance assessments like s. 939.185, F.S.
9. **Pro se defendants** – to provide information on Clerk websites and via handouts at sentencing and at payment concerning Clerk collection processes.

B. Work With the Judiciary

1. Clerks should work with local judges to coordinate efforts to maximize collection of court costs and fines.
2. Clerks should work with the judiciary to develop a “script” for use by criminal judges at sentencing to communicate to defendants that:
 - a. Court costs and fines are part of their sentence.
 - b. Conversion of court costs and fines into community service hours is an option for indigent defendants.
 - c. Defendants should leave sentencing and go directly to the Clerk’s Office to pay in full and/or enter into a payment plan.
 - d. The Clerk will enforce payment plans vigorously, and will place defendants on payment plans automatically, and assess additional fees, if the defendant does not visit the Clerk’s office after sentencing and make regular payments.
3. Clerks should consider discussing the following issues with the judiciary:
 - a. Theft-related criminal judgment and sentences that may order defendants to pay restitution before any other court costs and fines, so this can be weighed against the statutory requirements of ss. 27.52 and 28.246(5), F.S.
 - b. Consistency in the assessment of court costs and fines between judges/divisions/case types.
 - c. Collection of civil fees and service charges from litigants who do not pay at the time of filing.
 - d. The use of “civil judgments” by the judiciary as these judgments do not dismiss court costs and fines, will be sent to Clerks’ collections agencies/law firms under s. 28.246(6), F.S., may be recorded in the Official Records to create a lien, and do accrue statutory interest.
 - e. The settlement authority provided in s. 938.30, F.S.
 - f. The possibility of a local administrative order that, despite seal or expunge orders, permits the collections/financial part of cases to remain open and public until paid in full.
 - g. A process for Clerks to claim money seized during a case, whether used as evidence or not, to apply to court costs and fines instead of returning to defendants.

C. Payment Programs in General

Clerks should understand and consider the following payment program items:

- Their statutory responsibility to provide for payment programs, to collect and remit payments, and to negotiate to collect as many payments as possible.
- The direct correlation between the effectiveness of collections and the amount of time that passes after imposition of court costs and fines. Failure to move quickly to collect will decrease the likelihood of collections significantly.
- Assigning at least one employee to collection responsibilities, with collection as the employee’s primary job function.
- Establishing a collection unit/division/ department.
- Communication with defendants immediately after the failure to make payments will improve the effectiveness of collection efforts.
- Providing information sheets and forms to defendants in court and at customer counters, like application forms, brochures, community service information sheets, and payment plan forms, and providing these forms in multiple languages as needed.
- Use of a phrase like “judgment debtor” to refer to defendants who owe court costs and fines.
- Offering several payment options to defendants, including electronic payments from bank accounts (ACH), credit and debit card payments, checks, electronic checks, etc.

D. Create Flexible Payment Plans for Defendants

1. Criminal (felony - CF, juvenile - CJ, traffic - CT, and misdemeanor -MM)

- a. If a defendant is sentenced to a term of probation, the Clerk should work with the courts, county, and state probation departments to require a payment plan be established.
- b. If a defendant is sentenced to jail, the judiciary should instruct defendants that within a certain number of days of their release, they must contact the Clerk's office to arrange for payments/payment plans.
- c. Clerks should coordinate with local jails so defendants are reminded, shortly before their release, of the obligation to appear at the Clerk's office to enter into a payment plan immediately after they are released.
- d. As part of sentencing, the judiciary should address the defendant's ability to pay. If a defendant is unable to pay, the judiciary should make an inquiry under s. 938.30, F.S., concerning community service and convert court costs and fines into hours if the defendant is eligible. If a defendant is not eligible for community service, the judiciary should inform defendants to report to the Clerk's office to make payment arrangements.
- e. Clerks should ask the judiciary to allow distribution of payment plan information sheets in the courtroom at sentencing or to direct defendants to the Clerk's office to obtain and complete those forms. The payment plan information sheets should advise defendants:
 - i. To contact the Clerk's office if they cannot make their required monthly payments on time.
 - ii. That if they fail to comply with the payment plan, their cases will be sent to collection firms as required by s. 28.246(6), F.S., and their driver license will be suspended under s. 322.245(5), F.S.
 - iii. Collection firms will assess an additional percentage in addition to amounts currently owed.
 - iv. That they may file motions to request conversion of amounts owed into community service hours.
- f. Clerks should use application/affidavit forms to enforce s. 28.246(4). F.S.'s provision that defendants must apply to Clerk payment programs, and to gather financial and employment data for use in collection efforts.
 - i. Such forms should request at a minimum: Telephone numbers for home and cell, address, employment information, and financial data such as bank accounts.
 - ii. Clerks should establish a location for the completion of this paperwork as close as possible to courtrooms so defendants can leave court and come directly to this location. In the alternative, Clerks should consider use of colored envelopes or file folders so bailiffs, county probation, and others can direct them to Clerk's office to set up payment plans.
- g. Clerks should create payment plan schedules based on individual defendants' circumstances.
 - i. Clerks should work with defendants when there is a change in circumstances. For example, if a defendant has lost employment, consider a three-month deferral to allow the defendant an opportunity to find a job.
 - ii. Clerks should consider providing the defendant with a document showing everything due on all cases, e.g., a total balance report. This ensures defendants are aware of all monies owed.
- h. Clerks should determine whether to assess a \$25.00 fee to set up the payment plan or to charge a \$5.00 per month partial payment fee, per s. 28.24(26), F.S.

- i. For monthly payment amounts, Clerks should consider default payment amounts that do not require defendants to pay over protracted periods of time, i.e., for MM and CT, \$50/month and for CF, \$75/month.
 - i. Per s. 28.246(4), F.S., a monthly payment amount, “calculated based upon all fees and all anticipated costs, is presumed to correspond to the person’s ability to pay if the amount does not exceed 2 percent of the person’s annual net income, as defined in s. 27.52(1), divided by 12. The court may review the reasonableness of the payment plan.” This language is a rebuttable presumption that Clerks should use as a minimum payment amount, except where the annual income is \$0. Therefore, Clerks may enter into plans that exceed two percent of the person's annual net income divided by 12, but they should be prepared to explain and justify their decision to do so on a case-by-case basis, if necessary, in light of the defendant's particular circumstances.
 - ii. When a defendant states that his or her income is \$0 for reasons like disability, illness, etc., Clerks should request paperwork to verify such claims and then consider marking these accounts as uncollectible. The accounts should not be written off, but no collection efforts are necessary. Clerks should docket this information so it is apparent on the case as to why there are no active collection efforts. Written procedures should address who may approve such determinations and whether supervisory approval is necessary.
 - j. Case disposition and file destruction rules should not govern Clerk practices concerning amounts owed. For example, Clerks should not use Rule 6.575, Florida Rules of Traffic Court, to write-off amounts owed in these cases. This rule speaks only to disposition of the file after seven years, and not to the amounts owed.
- 2. Civil (including dependency - DP and termination of parental rights - TPR)**
- a. When plaintiffs inform Clerks that they cannot pay the filing, summons issuance fees, etc., Clerks should determine indigence by utilizing the indigence application approved by the CCOC and the Supreme Court.
 - b. If indigence is determined, Clerks should explain that filing and summons issuance fees are waived pursuant to s. 57.082, F.S. Note: There is a \$50 application fee in DP cases under s. 57.082(1)(d), F.S.

E. Modify Individual Payment Plan

- 1. Clerks should consider the circumstances of defendants in exercising discretion in payment amounts and extensions of time periods for payment.
- 2. Clerks should consider written procedures that:
 - a. Address who may approve adjustments and whether supervisory approval is necessary.
 - b. Permit modifications to the overall program.

F. Use All Enforcement Tools

- 1. Clerks should use enforcement tools such as:
 - a. Record all criminal judgments and sentences in Official Records to create liens.
 - b. Send late letters/postcards and charge appropriate administrative fees under s. 938.30, F.S.
 - c. Use automated phone reminders to defendants.
 - d. Use online and IVR (interactive voice response) payment systems to remind defendants to pay timely.
 - e. Use an outbound call process. Example: During a certain timeframe, e.g., if the office is closed to customers from 4-5 p.m. each day, make calls to defendants who have missed payments

on established payment plans, reminding them to pay timely to prevent late and collection fees from being assessed.

- f. Use address verification software.
2. Clerks should consider the use of garnishments under Chapter 77, F.S. after a consistent practice regarding the payment of various fees in Chapter 77 has been developed.
3. Clerks should send requests to the Florida Department of Highway Safety and Motor Vehicles (FLHSMV) to request driver license suspensions under s. 322.245(5), F.S., regardless of whether the defendant is on a Clerk-developed payment plan. For example, a defendant on court-ordered probation supervision may or may not have a Clerk-developed payment plan but ordered to pay court assessments over a specified time period.
4. Clerks should consider responding to pro se collection motions to advise the court of the Clerk's collections efforts, to recount the defendant's payment history, provide conversion figures to the court if community service hours are requested, and make appropriate recommendations.
5. Clerks should consider attending violation of probation hearings, and/or working with the judiciary, to provide payment histories.
6. In circuit civil and county civil mortgage foreclosure cases, Clerks should consider filing answers to complaints that identify criminal court costs and fines judgments to note the Clerk/state interest in collecting on these liens.
7. Pertaining to bonds, Clerks should ensure:
 - a. Compliance with monthly disbursements under s. 142.01, F.S., but make provision for the two-year remission requirement under s. 903.28, F.S.
 - b. Compliance with s. 903.26, F.S.'s requirement to mail notice to the surety agent and company in writing within five days of forfeiture.
 - c. Compliance with s. 903.26, F.S., by issuing a judgment after 60 days have passed with no payment/resolution of the forfeiture and recording it in Official Records.
 - d. Compliance with s. 903.27, F.S., if the judgment remains unpaid after 35 days by issuing a certificate that precludes the executing agent from writing bonds.
 - e. Compliance with s. 903.28, F.S.
 - i. Object to remission if the forfeiture was not paid within 60 days; and
 - ii. Review all motions for remission to ensure that, if remission is available, the correct percentage to return to the bond agent is claimed, calculating the time period from the arrest date to the forfeiture date. Consider filing responses to these motions.
 - f. Notice under s. 903.286, F.S., is provided at the jail and on the case bond form, so Clerks can apply these funds to any outstanding court costs, fines, fees, charges, etc. before returning any funds to the depositor.

G. Send Cases to Collection Firms

In complying with s. 28.246(6), F.S., Clerks should determine when cases should be sent to collections agencies/firms and consider:

1. Using multiple collection agencies/firms.
2. After the first missed payment on a Clerk payment plan, sending the defendant a late notice.
3. After accounts are delinquent for 90 days or more, referring cases to collection agencies/firms if defendants are not current with payments on Clerk payment plans.
4. Reviewing performance of the collection firms used; to the extent possible, ensuring the performance of the firms is commensurate with the fees being charged.
5. Moving cases from one collection agency/firm to others used by the Clerk's office, within two years of referral when no payment has been received.

H. **Comprise Amounts Owed**

1. General - Per s. 938.30, F.S., Clerks are provided with the authority to “enforce, satisfy, compromise, settle, subordinate, release, or otherwise dispose of any debts or liens imposed and collected”.
 - a. In using this authority, Clerks should consider developing a policy that documents the conditions under which the compromise authority can be exercised and creating a list of costs and fines that can be settled versus those that cannot, e.g., if the defendant is settling \$300 in court costs and fines, but his or her driver license is suspended and he or she owes a separate \$60 for reinstatement, the \$60 FLHSMV fee should not be waived.
 - b. Clerks should follow the May 15, 2012, legal opinion from Greenberg Traurig (see [FCCC website](#)).
 - c. Clerks should not use compromise authority on community service hours. See [s. 938.30\(2\), F.S.](#), “The judge may convert the statutory financial obligation into a court-ordered obligation to perform community service after examining a person under oath and determining a person’s inability to pay.”
2. Clerks should consider engaging in the following compromise efforts:
 - a. Attempting to collect the entire amount owed and before settling, as the goal is to maximize collections. If cases are considered “aged” (see below definition), Clerks should consider settling for no less than \$0.60 on the dollar.
 - b. Considering the amount owed and the length of time the court costs and fines have been owed, and the individual circumstances, e.g.:
 - i. The longer owed, the greater the adjustment could be.
 - ii. The more owed the more flexibility in negotiation.
 - iii. Less flexibility in negotiation for employed individuals than for unemployed or underemployed individuals.
 - iv. Cases more than five years old should be considered “aged” and less likely to be collected in full.
 - v. Cases involving drug trafficking and large fines.
 - c. Negotiating interest first if it is owed on cases.
 - d. Considering contact with the agencies to whose trust funds’ revenues will be disbursed to seek agreement on compromise. For example, \$300 public defender lien, recorded years ago: offer to pay is \$300, plus \$17 to prepare and record a satisfaction, plus \$50 in interest; contact local public defender to see if there can be agreement on compromise.
 - e. Keeping a record of the amounts negotiated and record the basis for these decisions. Consider using a negotiation form in reaching a settlement, so the decision can be documented. These actions will protect Clerks from claims of special treatment and provide documentation for audits.
 - f. Considering use of amnesty programs where delinquent cases could be substantially discounted if paid by a certain date; if after, by a consistently applied discount amount.
 - g. When distributing settlement proceeds, considering payment of s. 27.52, F.S., and s. 28.246(5)(a) and (b), F.S., in full, and then apply the remainder pro rata to the tiers in s. 28.246(5)(c) and (d), F.S.
 - h. If a defendant has multiple cases, some of which have been sent to Clerks’ collections firms under s. 28.246(6), F.S., and some of which are being handled locally by Clerks, considering consolidation of the cases to permit and promote settlement on the total owed on all of the defendant’s cases.

- i. Considering whether to allow s. 28.246(6), F.S., collections firms to use the settlement authority granted to Clerks. Clerks should provide clear guidelines and should include in their contracts with these firms the specific settlement authority the Clerks are permitting, e.g., grant the firms specific authority to negotiate interest.

I. Use Accounts Receivable Systems

1. Consider the use of an in-house collection software program.
2. Consider controlling the collection inventory by regular review of the number of payment plans, e.g., % of payment plans paying; % of payment plans paid in 30, 60, and 90 days; and % of payment plans paid on time, in default, and paid in full.
3. Reporting capabilities should allow for date ranges and include:
 - a. Collection rate - % of money collected
 - b. Compliance rate - % of cases payment under a payment plan
 - c. Outstanding amounts due
 - d. Collection rates from specific case types – CF, MM, CT, and CJ
4. Distribution should be reviewed to ensure compliance with s. 27.52, F.S., and s. 28.246(5), F.S., concerning the statutory priority distribution of court costs and fines; and s. 28.245, F.S.

J. Improve Collection Goals and Measure Achievements

1. Evaluate the cost and benefits of each of the collection tools (collection agencies, suspension of driver license, collection letters, phone calls, collection court, etc.) and emphasize those that have the greatest net benefit.
2. Review collection/payment programs regularly to ensure the maximum in collections.
3. Request CCOC technical assistance and education services.
4. Consider setting collection goals.
5. Consider providing collection education and training to Clerk staff.

Appendix

Information and promoting collection

APPENDIX 1: [Agreement to Return and Pay in Full](#)

APPENDIX 2: [Information Sheet: Order of Fine and Court Costs Payment](#) (given in court)

POSTED ON WEBSITE: Brochure- Court Ordered Payments (Information about collections program and forms)

Court Ordered Payment Applications and Forms

APPENDIX 3: [Notice of Court Ordered Payments](#)

APPENDIX 4: [Court-Ordered Payments Application – Financial Affidavit](#)

APPENDIX 5: [Civil Non-Criminal Partial Payment Agreement](#)

APPENDIX 6: [Payment Plan with Conditions of Probation](#)

APPENDIX 7: [Notice of Court Ordered Payments - Bilingual Application](#)

APPENDIX 8: [Community Service Information](#) (Place on Clerk's letterhead.)

Delinquency/late letters /postcards to defendants

APPENDIX 9: [Sample Misdemeanor Delinquency Notice / Letter](#)

APPENDIX 10: [Sample Delinquency Letter - 1st Notice](#)

APPENDIX 11: [Sample Delinquency Letter - 2nd Notice](#)

APPENDIX 12: [Sample Delinquency Letter - Final Notice](#)

APPENDIX 13: [Clerk Notice of Driver License Suspension](#)

Responses, Answers, and Motions

APPENDIX 14: [Response to Motion to Convert Court Costs and Fines into Community Service Hours](#)

APPENDIX 15: [Response to Motion to Waive or Reduce Court Costs and Fines](#)

APPENDIX 16: [Response to Motion for Bond Remission](#)

APPENDIX 17: [Answer to Mortgage Foreclosure Complaint](#) (When the Clerk is served due to recorded criminal judgments that list court costs and fines.)

APPENDIX 18: [Motion to be Excused from All Pretrial Matters and to be Excused from Appearing at Trial](#) (This is filed by the Clerk.)

APPENDIX 19: [Proposed Order Granting Motion to be Excused from all Pretrial Matters and to be Excused from Appearing at Trial](#) (mortgage foreclosure case)

Training for Clerk staff

APPENDIX 20: [Training Script for Clerk Staff](#)

POSTED ON WEBSITE: Training Presentations for Clerk Staff – PowerPoint

POSTED ON WEBSITE: Greenberg Traurig legal opinion on Clerk compromise authority (05/15/2012)

FCCC can provide Word versions of appendices upon request.

APPENDIX 1

[COUNTY NAME] COUNTY CLERK OF COURTS
COLLECTIONS DEPARTMENT
[CLERK'S OFFICE ADDRESS]
[CLERK'S OFFICE CITY, STATE, ZIP CODE]
[CLERK'S PHONE NUMBER]

AGREEMENT TO RETURN AND PAY IN FULL

Date: _____

Case #: _____

I, _____ have been granted permission by the collections enforcement department to leave and **return by 4:30 p.m. on** _____, to pay my fines and fees of \$_____ **in full**. An **additional fee of \$25** will be added if not paid by agreed date for a total of \$_____.

Should I fail to return by such time, I understand that I will be considered in violation of the court order. I further understand that violating the court order may subject me to further court action including additional costs, driver license suspension, issuance of summons, court appearances and writs of bodily attachment (arrest) for failure to appear.

Deputy Clerk/Witness

Defendant's signature

Driver License #

Address



RIGHT THUMBPRINT

Phone

APPENDIX 2

IN THE COUNTY COURT IN AND FOR [COUNTY NAME] COUNTY, FLORIDA

ORDER OF FINE AND COURT COSTS PAYMENT

A fine and court costs have been imposed as a part of your sentence. You **MUST** report TODAY to the Clerk of Courts Collections Department to pay in full or apply for a payment plan.

PROBATIONERS: If you are on probation as part of your sentence, you must also report to your probation/parole officer immediately upon leaving the Collections Enforcement Department.

YOU ARE HEREBY ORDERED TO REPORT **IMMEDIATELY TODAY** TO THE CLERK OF COURTS COLLECTIONS DEPARTMENT TO MAKE PAYMENT ARRANGEMENTS AND TO COMPLY WITH COLLECTIONS DEPARTMENT REQUIREMENTS. YOU MUST **BRING YOUR COST ORDER WITH YOU**. A \$25.00 ADMINISTRATION FEE WILL BE ADDED TO YOUR FINE AND COURT COSTS IF YOU ARE SET UP ON A PAYMENT PLAN. IF YOU LEAVE THE COURTHOUSE TODAY WITHOUT MAKING PAYMENT ARRANGEMENTS, YOU WILL BE IN VIOLATION OF YOUR COURT ORDER AND SUBJECT TO ARREST OR HAVING YOUR DRIVER'S LICENSE SUSPENDED. IF YOU FAIL TO COMPLY WITH THESE INSTRUCTIONS, YOU MAY BE SCHEDULED FOR A COURT HEARING BEFORE A JUDGE. FAILURE TO APPEAR IN COURT OR PAY THE COSTS IN FULL MAY RESULT IN THE ISSUANCE OF A WRIT FOR YOUR ARREST.

Application

Your fine and court costs are due today. Paying in full will expedite the time you are in the Collections Enforcement Department. If you are not prepared to pay in full today, you must make application for an extension of time. The information on your application will be verified, and you will be placed under oath.

Interview

After your application is processed you will have a personal interview with a collections/compliance officer who will work with you to establish terms of payment.

Processing Time

Your application will be processed in the order in which it was received. Your name will be called to be interviewed as soon as possible. Your patience is appreciated.

Questions

All questions about the payment of your fine and court costs should be answered before you leave. The time to clear up any questions is during the interview.

DO NOT LEAVE ANY BLANKS ON THE APPLICATION - ANSWER ALL QUESTIONS

IMPORTANT NOTE: If you are on probation as part of your sentence, you are to report to your probation/parole officer immediately upon leaving the Collections Department.

If you are sentenced to immediate incarceration today: You are hereby ordered to **report in person** to the Clerk of Court's Collections Department within five (5) business days following your release from incarceration. This department is located at the [COUNTY NAME] County Courthouse, [CLERK'S OFFICE ADDRESS, CITY, STATE, ZIP CODE, PHONE NUMBER]. If you fail to report as ordered, you will be in violation of your Court Order and subject to arrest or having your driver license suspended.

APPENDIX 3

CASE #: _____ NAME: _____ DATE: _____
(Include Count (ex. 2009 CF 123A002))

NOTICE OF COURT-ORDERED PAYMENTS

As part of the judgment and sentence on the above-referenced case, you are ordered to pay the following: \$_____ fine, \$_____ court costs, plus additional fees as noted below:

- | | | |
|---|--|---|
| <input type="checkbox"/> \$50 Legal Assist App fee | <input type="checkbox"/> \$50 Public Defender Lien | <input type="checkbox"/> \$100 Public Defender Lien |
| <input type="checkbox"/> \$50 Prosecution Fee | <input type="checkbox"/> \$100 Prosecution Fee | <input type="checkbox"/> \$201 Domestic Violence TF |
| <input type="checkbox"/> \$151 Rape Crisis TF | <input type="checkbox"/> \$151 Additional Court Costs | <input type="checkbox"/> \$500 Prostitution Fine |
| <input type="checkbox"/> \$_____ 5% of fine to Victim's Compensation Trust Fund | <input type="checkbox"/> \$5 EMS Fund (<i>leaving scene /damage</i>) | |
| <input type="checkbox"/> \$15 Drug/Alcohol TF | <input type="checkbox"/> \$135 DUI/BUI Assessment | <input type="checkbox"/> \$70 Reckless Driving Assessment - G |
| <input type="checkbox"/> \$7 Replacement of Revenue Fine (<i>applies to 316 violations</i>) | <input type="checkbox"/> \$65 Reckless Driving Assessment-WH | |
| <input type="checkbox"/> \$_____ FDLE | <input type="checkbox"/> \$_____ Other: _____ | <input type="checkbox"/> \$_____ Investigation Fee |
| <input type="checkbox"/> \$1,001 Criminal Use of Personal ID (s. 817.568(12), F.S.) | | |

TOTAL AMOUNT DUE: \$_____ ☐ Adjudicated Guilty ☐ Adjudication Withheld

This judgment will be recorded in the Official Records of [COUNTY NAME] County pursuant to s. 55.10, F.S.

If a cash bond was posted for your release, the bond will be applied to your court costs and fines for this case and any other fines and fees that are outstanding pursuant to s. 903.286, F.S.

If the court converts your costs and fines to community service hours, you must complete _____ hours and file your proof of completion with the Clerk's office by _____. For more information, visit the Clerk's website: [CLERK'S WEBSITE]. **Proof of completion must be on agency letterhead and must be notarized.** If you fail to submit proof of completion, the court may reconvert your community service hours into costs and fines and all provisions relating to payment will apply to you again.

You are required to pay the court costs and fines noted above in full today or you will be placed in our payment program. You must complete the attached application form today and turn it in to Central Cashiering. A **\$25 fee** pursuant to s. 28.24(26)(c), F.S., will be assessed for setting up your account, which is due the day of sentencing or must be paid with the first monthly payment. Additionally, you must make the following payments:

- ✓ **\$50.00/month** for MM (misdemeanor) and CT (traffic) cases;
- ✓ **\$75.00/month** for CF (felony) cases; or
- ✓ \$_____/month to begin on _____.
- ✓ Monthly payments as determined by our office after reviewing your application and adjusting your payments to meet your individual circumstances.

If you cannot pay the above amounts on or before the due dates, you must contact our office to request adjustment of your payment amount. Your first payment is due today, and payments will continue every 30 days until the balance is paid in full. If you are in custody on this charge, your first payment will be due 30 days from the date of your release.

Notice of Court-Ordered Payments

If you fail to submit your application and pay on time:

- ✓ A **\$10** monthly late fee will be assessed pursuant to s. 938.30(10), F.S.
- ✓ Our office will send notification to FLHSMV to suspend your Florida driver license pursuant to s.322.245(5), F.S. FLHSMV will send you a letter stating when your license will be suspended. If we request the suspension of your driver license, there will be additional charges of **\$7.00** (suspension processing fee) and **\$60.00** (reinstatement fee) **per case** to reinstate your driver license.
- ✓ **As required by s. 28.246(6), F.S., your case will be referred to a collection firm, which can add 40% to the amount owed.**

Payments to the collection firm will have holds placed on them to insure clearance. Generally, payments made by credit card, money order, cashier's check, or certified check will take 2-3 days to clear; payments made by personal check will take 14 days. Factor in these hold times to ensure your payments reach the collection firm well in advance of the date when your license will be suspended. Your license cannot be reinstated until your payment has reached this office and you have paid the reinstatement fees.

Finally, s. 903.286, F.S., requires this office to withhold from the return of any cash bond sufficient funds to pay any unpaid court fees, court costs, and criminal penalties. If a cash bond was posted in your case, it will be applied to amounts owed and you will remain responsible for any remaining balance.

Unless otherwise specified, payment of court costs and fines is separate from probation, and payment for costs and fines should not be made to your probation officer.

REMEMBER:

- ✓ You must keep your address current with **[CLERK'S CENTRAL CASHIERING]**. You may call us at **[CLERK'S CONTACT PHONE NUMBER]** or visit our website at **[CLERK'S WEBSITE]**, to complete a form to mail to us. In the Online Services column, select "**[Location for the Forms, if applicable]**".
- ✓ You may visit our website at **[CLERK'S WEBSITE]**, to view your current balance and payment history, **[if applicable]**.

You may mail your payment or pay in person at the following locations:

[COUNTY CLERK'S OFFICE]

Central Cashiering

[COUNTY NAME] County Courthouse

[CLERK'S OFFICE ADDRESS]

[CLERK'S OFFICE CITY, STATE, ZIP CODE]

OR **[ALTERNATE ADDRESS, if applicable]**

[CLERK'S OFFICE PHONE NUMBER]

[CLERK'S WEBSITE]

We accept cash, money orders, Visa, MC and AMEX. Please write your case number(s) on all payments.

APPENDIX 4

IN THE CIRCUIT/COUNTY COURT OF THE [COUNTY NAME] JUDICIAL CIRCUIT
IN AND FOR [COUNTY NAME] COUNTY, FLORIDA

STATE OF FLORIDA,
vs.

Case #: _____

Defendant/Minor Child.

COURT-ORDERED PAYMENTS APPLICATION (Financial Affidavit)

1. I have _____ dependents. (Do not include children not living at home and do not include a working spouse or yourself.)

2. a. I have a take home income of \$ _____ paid () weekly () every two weeks () semi-monthly () monthly () yearly
(Take home income equals salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, **minus** deductions required by law and other court-ordered support payments.)

b. The name and address of my employer: _____

3. I have other income paid () weekly () every two weeks () semi-monthly () monthly () yearly. (Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No")

Social security benefits..... Yes \$ _____ No	Veterans' benefits..... Yes \$ _____ No
Unemployment compensation..... Yes \$ _____ No	Child support or other regular support
Union Funds Yes \$ _____ No	from family members/spouse..... Yes \$ _____ No
Workers compensation Yes \$ _____ No	Rental income..... Yes \$ _____ No
Retirement/pensions Yes \$ _____ No	Dividends or interest Yes \$ _____ No
Trusts/gifts Yes \$ _____ No	Other kinds of income not on the list Yes \$ _____ No

4. I have other assets: (Circle "yes" and fill in the value of the property, otherwise circle "No"; use the back to provide additional information)

Cash Yes \$ _____ No	Savings..... Yes \$ _____ No
Bank account(s)..... Yes \$ _____ No	Stocks/bonds Yes \$ _____ No
Certificates of deposit or	*Equity in real estate (excluding homestead) Yes \$ _____ No
money market accounts Yes \$ _____ No	List the address of this property _____
*Equity in motor vehicles/boats/... Yes \$ _____ No	*Equity means value minus loans. Also list any expectancy in an interest
other tangible property	in such property.
List the year/make/model & tag # _____	

Check one: I () DO () DO NOT expect to receive more assets in the near future. The asset is _____

5. I have total liabilities and debts of \$ _____ as follows: Motor Vehicle \$ _____

Home \$ _____	Other Real Property \$ _____	Child Support paid direct \$ _____
Credit Cards \$ _____	Medical Bills \$ _____	Cost of medicines (monthly) \$ _____
Other \$ _____		

6. I have a private lawyer in this case..... Yes _____ No _____

7. I receive: (Circle "Yes" or "No")

Temporary Assistance for Needy Families – Cash Assistance Yes	No
Poverty-related Veterans' Benefits Yes	No
Supplemental Security Income (SSI) Yes	No

Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true.

Signed on: _____

Signature of Applicant

Date of Birth: _____

Print Full Legal Name

Driver License #: _____

Address

Phone Numbers

City/State/Zip

Email Address

APPENDIX 5

IN THE CIRCUIT/COUNTY COURT OF THE [CIRCUIT NUMBER] JUDICIAL CIRCUIT
IN AND FOR [COUNTY NAME] COUNTY, FLORIDA

Plaintiff

CASE #: _____

VS

Defendant

CIVIL NON-CRIMINAL PARTIAL PAYMENT AGREEMENT

You, the Defendant, have elected or have been ordered by the Court to pay partial payments to the Clerk of Courts, [COUNTY NAME] County, Florida. You represent that you are unable to pay the fines/costs due on this case without a payment plan. You will pay the amount owed plus an administrative fee of \$25.00 (one-time fee) pursuant to this Partial Payment Agreement.

Plaintiff submits the following financial/contact information:

1. Mailing Address: _____ City: _____ State: _____ Zip: _____
2. Home Phone: _____ Cell Phone/Pager: _____ Work Phone: _____
Primary Contact Number: Home Phone: ☐ Cell Phone: ☐ Work Phone: ☐
3. Employer: _____
4. Income: \$ _____ ☐ Weekly ☐ Bi Weekly ☐ Monthly 5. Email: _____
List Name and Phone Number(s) of Personal Reference:

Name	Phone	Alt. Phone	Relationship
------	-------	------------	--------------

The plaintiff agrees as follows:

- Acceptable forms of payment are cash, money order, cashier's check, certified check, local check, debit or credit card.
- Plaintiff will pay the one-time fee of \$25.00 (to be paid with first payment).
- Plaintiff will pay \$ _____ today or defendant's first payment of \$ _____ will be paid on _____ followed by \$ _____ on the ☐ 10th or ☐ 20th or ☐ 30th of each month. The balance of \$ _____ (plus partial pay fees, judgment interest, service charges and collection fees, if any) must be paid in full by _____.
- Payments may be paid before the due date and/or for more than the agreed upon amount without penalty.

If you fail to comply with the payment plan pursuant to this agreement and you remain in default for five (5) calendar days from the due date of the payment, your driving privilege may be suspended. In addition, you may be assessed additional fees and this agreement will be **null and void**. I understand the above terms and obligations and I agree to comply with this Partial Payment Agreement. The [COUNTY NAME] County Clerk of Courts is authorized to send me, as a courtesy, automated reminder messages.

Plaintiff's Signature

Date

Deputy Clerk/Assistant Clerk/Notary Public

Date

Payment options:

- You may pay by local check or money order by mail to Clerk of Courts, [CLERK'S OFFICE ADDRESS], Attn: [DEFENDANT'S CASE #]
- You may pay in person by cash, local check, money order, or credit/debit card between 8:00 am and 5:00 pm*, Monday thru Friday at the [COUNTY NAME] County Courthouse, [CLERK'S OFFICE ADDRESS].
- You may pay by credit/debit card by phone during normal business hours*. Please call [CLERK'S OFFICE PHONE NUMBER].

APPENDIX 6

OFFICE OF THE CLERK AND COMPTROLLER
[COUNTY NAME] COUNTY, FLORIDA

Defendant: _____ Case #: _____

Address: _____

Email: _____

Driver License: _____

Phone Number: _____

Alternate Phone: _____

PAYMENT PLAN WITH CONDITIONS OF PROBATION

Defendant agrees to pay an administrative fee of **\$25.00** to set-up a payment plan, which will be administered by the Clerk and Comptroller, [COUNTY NAME] County. This fee will be incorporated and divided into the monthly payment that is listed on the amortization schedule.

Defendant agrees to make monthly payments to **Probation Services** until the total amount of court costs and other fees are paid in full. Monthly payments may be made through your probation officer or as instructed per court. For monthly payment amounts and due dates, please refer to the amortization schedule attached to the copy of this Payment Plan.

All conditions of probation, including court costs, must be satisfied prior to the termination date of probation. Failure to comply with the conditions may result in:

1. Violating probation for failure to comply with all of the directives of the court; **AND**
2. The Court may enter a judgment against you for the unpaid balance and may terminate probation unsuccessfully; **AND**
3. Will result in the assessment of Late Fees and Driver License suspension pursuant to ss. 318.15 and 322.245; F.S., **AND**
4. Your case being sent to a collection agency and will be assessed up to **40%** in additional fees pursuant to s. 28.246(6), F.S.

Under penalties of perjury, I declare that I have read this collection agreement and that the facts stated in it are true. I understand the above terms and conditions of my financial obligations and I agree to comply with this payment plan. I further understand that I am obligated to notify, in writing, the Clerk and Comptroller regarding any change of address or telephone number stated above.

Defendant's Signature

Printed Name

Date

Deputy Clerk's Signature

Printed Name

Date

APPENDIX 7

IN THE CIRCUIT COURT OF THE [CIRCUIT NUMBER] JUDICIAL CIRCUIT
IN AND FOR [COUNTY NAME] COUNTY, FLORIDA

Amount Paying Today: \$ _____

Case #: _____ Total Owed: \$ _____

[COUNTY NAME] COUNTY COLLECTIONS ENFORCEMENT Financial Statement / Declaración Financiera			
DEFENDANT INFORMATION / INFORMACION DE ACUSADO			
Name: (Last, First, Middle)/Nombre Completo: (Apellido, Nombre e Inicial):			Date of Birth/Fecha de Nacimiento:
Mailing Address /Dirección: Street/Calle:		Apt. #:	City and State/Ciudad y Estado: Zip Code/Código Postal
Cellular No/Número de1 Celular:	Home Phone Number/ Teléfono Residencial:	Driver License or I.D. Number/Número de Licencia:	State/ Estado:
If no phone number, number where you can be reached and name of person. /Si no tiene teléfono, por favor escriba el nombre y número de la persona con quien podamos contactarlo:			
Provide email address/Proveer correo electrónico:			
Employer (Name and Address)/Empleador (Nombre y Dirección):		Employer Phone Number Teléfono del Empleador:	How long? Cuánto Tiempo?
MONTHLY HOUSEHOLD (COMBINED) INCOME / INGRESOS MENSUALES DE FAMILIA			
Take Home Pay/Sueldo que lleva a la casa Amount/Cantidad:		Other Source of Income/Otros Ingresos:	Amount/Cantidad:
<input type="checkbox"/> Weekly/Por Semana \$ _____ <input type="checkbox"/> Bi-Weekly/Por Quincena \$ _____ <input type="checkbox"/> Monthly/Por Mes \$ _____			
BANKING / INFORMACION BANCARIA			
<input type="checkbox"/> Checking Account Balance/Balance de Cuenta de cheque \$ _____ <input type="checkbox"/> Savings Account Balance/Balance de Cuenta de ahorros \$ _____		Name of Bank/Nombre del Banco	
MONTHLY EXPENSES /GASTOS MENSUALES			
How many people do you support, other than yourself? /¿Cuántas personas dependen de usted? _____			
Mortgage/Rent/Hipoteca/Renta: \$ _____ Utilities/Utilidades: \$ _____ Food/Alimento: \$ _____			
Child Care and/or Support/Cuido de niños o Pensión alimenticia: \$ _____ Vehicle / Automóvil: \$ _____			
Other Expenses/Otros Gastos: \$ _____ TOTAL EXPENSES /TOTAL DE GASTOS: \$ _____			
Person helping pay bills. /¿Quién lo/la ayuda a pagar las deudas? _____			
<p>The Clerk's office will verify this information for truthfulness. Verification may include checking phone numbers and contacting past and present employers, and may include credit reports. / El Oficial de la Corte verificara esta información para ver si esta correcta. La verificación puede incluir los números de teléfono, contactos de trabajos previos y presente. Puede que incluya reportes de crédito. I have read and understand the above statement. The information I have provided is, to the best of my ability, truthful and complete. / Yo he leído y entendido el declaratorio. La información que yo he dado, esta correcta y completa.</p>			
Defendant's Signature/Firma del Acusado		Clerk/Oficial de la Corte	Date / Fecha

APPENDIX 8

[PRINT ON COUNTY CLERK'S LETTERHEAD]

COMMUNITY SERVICE INFORMATION

Name: _____

Case #s: _____

The above individual has been ordered by the Court to complete ____ community service hours, **at a rate of ____ hours per month**, with a **non-profit agency** instead of paying court costs and fines. Proof of completion, **of ____ community service hours** must be filed with the [COUNTY NAME] County Clerk of the Circuit Court and Comptroller's Office by **the ____ of each month beginning on ____** with all hours to be submitted no later than _____. Failure to file proof of completion of community service hours with the Clerk's Office may result in additional late fees and driver license suspension. Attach this letter to the agency's completion form, or make sure the agency puts all of the above case numbers on your completion form.

Community service hours must be performed at an established, non-profit agency, such as: The United Way, The Boys and Girls Club of America, The American Red Cross, Habitat for Humanity, The American Cancer Society, Mothers Against Drunk Drivers or March of Dimes. For a list of volunteer opportunities in [COUNTY NAME] County, visit this [PROVIDE THE VOLUNTEER LINK FOR THE COUNTY]. *

*If you choose to participate in the opportunities provided, please contact them before you begin service.

Community service hours must be reported to the court. Pursuant to Chapters 318 and 938, F. S., proof of completion must be provided **on agency letterhead; an authorized agent of the agency must sign the form; and the agent's signature must be notarized**. This form must be returned to the address noted above. If you fail to complete your hours and submit proof of completion **by the ____ of each month as** noted above, the court may reconvert your hours into costs and fines and all provisions relating to payment will apply to you again.

APPENDIX 9: Sample Delinquency Notice / Letter

[DATE]

[TITLE, FIRST NAME, LAST NAME OF DEFENDANT]
[DEFENDANT'S ADDRESS]
[DEFENDANT'S CITY, STATE, ZIP CODE]

RE: Case No. [DEFENDANT'S CASE NUMBER]

Due Date: [DATE PAYMENT IS DUE]

This letter is formal notification you have failed to pay fines/costs in accordance with a court order dated [DATE OF COURT ORDER].

Pursuant to s. 322.245, F.S., failure to pay will result in a driver license suspension and may be assessed up to 40% in collection agency fees.

Payment Information

To determine the current payment due, please contact the Clerk's Office at [CLERK'S OFFICE PHONE NUMBER] or visit our website at [CLERK'S WEBSITE].

You can make a payment at any of the following office locations (Monday-Friday/8:00am-5:00pm).

To submit payment by mail, make your money order, certified or personal check payable to [COUNTY NAME] County Clerk's Office. Please include the case number with your payment and mail to the address below:

[COUNTY NAME] County Clerk of Court
[CLERK'S OFFICE ADDRESS]
[CLERK'S OFFICE CITY, STATE, ZIP CODE]

Your prompt attention is greatly appreciated. If you have any questions regarding this matter, please contact our office as soon as possible. If you have already made your payment, please accept our thanks and ignore this reminder.

Sincerely,

Clerk of the Circuit Court

By: _____
Deputy Clerk

APPENDIX 10: Sample Delinquency Letter (1st Notice)

[DATE]

[TITLE, FIRST NAME, LAST NAME OF DEFENDANT]
[DEFENDANT'S ADDRESS]
[DEFENDANT'S CITY, STATE, ZIP CODE]

RE: Case No. [DEFENDANT'S CASE NUMBER]

Balance: \$ [BALANCE DUE]

Dear [TITLE AND DEFENDANT'S LAST NAME]:

Our records indicate you have failed to pay as agreed in the case referred to above. To avoid further action, please pay the past due amount of \$ [PAST DUE AMOUNT] immediately. If you are unable to make payment, you must call the Clerk's office immediately at [CLERK'S OFFICE PHONE NUMBER].

Western Union payments are accepted. Please use the following information:

Pay to: [COUNTY NAME] County Clerk of Court

[CODE CITY AND STATE]

Account Number: [CASE NUMBER AND LAST NAME]

Payments made by mail (check or money order only -**please, no cash**) should be made payable and sent to the following address:

[COUNTY NAME] County Clerk of Court

[CLERK'S OFFICE ADDRESS]

[CLERK'S OFFICE CITY, STATE, ZIP CODE]

Payments may be made in person by cash, personal check, cashier's check, certified check, money order, credit card or debit card at the following address:

[COUNTY NAME] County Clerk of Court

[CLERK'S OFFICE ADDRESS]

[CLERK'S OFFICE CITY, STATE, ZIP CODE]

Sincerely,

Clerk of the Circuit Court

[CLERK OR DEPUTY CLERK'S SIGNATURE]

[CLERK OR DEPUTY CLERK'S NAME]

APPENDIX 11: Sample Delinquency Letter (2nd Notice)

[DATE]

[TITLE, FIRST NAME, LAST NAME OF DEFENDANT]
[DEFENDANT'S ADDRESS]
[DEFENDANT'S CITY, STATE, ZIP CODE]

RE: Case No. [DEFENDANT'S CASE NUMBER]

Balance: \$ [BALANCE DUE]

Dear [TITLE AND DEFENDANT'S LAST NAME]:

Your account in the case referred to above is seriously delinquent. It is in your best interest to pay the past due amount of \$ [PAST DUE AMOUNT] immediately. If you are unable to make payment, you must call the Clerk's office immediately at [CLERK'S OFFICE PHONE NUMBER] to settle this matter. If payment is not received and you fail to contact me immediately, your driver license may be suspended and/or your case may be referred for further action.

Western Union payments are accepted. Please use the following information:

Pay to: [COUNTY NAME] County Clerk of Court

[CODE CITY AND STATE]

Account Number: [CASE NUMBER AND LAST NAME]

Payments made by mail (check or money order only -**please, no cash**) should be made payable and sent to the following address:

[COUNTY NAME] County Clerk of Court

[CLERK'S OFFICE ADDRESS]

[CLERK'S OFFICE CITY, STATE, ZIP CODE]

Payments may be made in person by cash, personal check, cashier's check, certified check, money order, credit card or debit card at the following address:

[COUNTY NAME] County Clerk of Court

[CLERK'S OFFICE ADDRESS]

[CLERK'S OFFICE CITY, STATE, ZIP CODE]

Sincerely,

Clerk of the Circuit Court

[CLERK OR DEPUTY CLERK'S SIGNATURE]

[CLERK OR DEPUTY CLERK'S NAME]

APPENDIX 12: Sample Delinquency Letter - Final Notice

[DATE]

FINAL NOTICE

[TITLE, FIRST NAME, LAST NAME OF DEFENDANT]
[ADDRESS]
[CITY, STATE, ZIP CODE]

RE: Case No. [DEFENDANT'S CASE NUMBER]

Balance: \$ [BALANCE DUE]

Dear [TITLE AND DEFENDANT'S LAST NAME]:

You have failed to pay as agreed in the case referred to above. Your driver license may be suspended and/or your case may be referred for further action. To avoid this action, you must call me **immediately** at [CLERK'S OFFICE PHONE NUMBER].

Western Union payments are accepted. Please use the following information:

Pay to: [COUNTY NAME] County Clerk of Court

[CODE CITY AND STATE]

Account Number: [CASE NUMBER AND LAST NAME]

Payments made by mail (check or money order only -**please, no cash**) should be made payable and sent to the following address:

[COUNTY NAME] County Clerk of Court

[CLERK'S OFFICE ADDRESS]

[CLERK'S OFFICE CITY, STATE, ZIP CODE]

Payments may be made in person by cash, personal check, cashier's check, certified check, money order, credit card or debit card at the following address:

[COUNTY NAME] County Clerk of Court

[CLERK'S OFFICE ADDRESS]

[CLERK'S OFFICE CITY, STATE, ZIP CODE]

Sincerely,

Clerk of the Circuit Court

[CLERK OR DEPUTY CLERK'S SIGNATURE]

[CLERK OR DEPUTY CLERK'S NAME]

APPENDIX 13

Clerk Notice of Driver License Suspension

Your failure to pay court-ordered costs and fines on schedule has resulted in the assessment of a \$17 late fee and the suspension of your driver license. This document serves as your **official notice** that this office has notified the Department of Highway Safety and Motor Vehicles (FLHSMV) to suspend your license. Knowingly driving with a suspended license is a **criminal offense** and may result in your arrest and a **misdemeanor or felony conviction**. Reinstatement of your license cannot occur until payments are current.

Failure to contact this office to make payment or set up a payment plan will also result in your case being turned over to a **collection firm**. The amount owed at that time will increase by **40%**. Reinstatement of your license cannot occur until all amounts owed, including collection costs, are paid in full.

To avoid suspension, contact this office at **[CLERK'S OFFICE PHONE NUMBER]** within the **next 48 hours**. Payments can be made in two locations **[if applicable]**.

[COUNTY NAME] County Clerk of Court
[CLERK'S OFFICE ADDRESS]
[CLERK'S OFFICE CITY, STATE, ZIP CODE]

OR

[COUNTY NAME] County Clerk of Court
[SECONDARY CLERK'S OFFICE ADDRESS]
[SECONDARY CLERK'S OFFICE CITY, STATE, ZIP CODE]

APPENDIX 14

IN THE CIRCUIT COURT OF THE [JUDICIAL CIRCUIT NUMBER] JUDICIAL CIRCUIT,
IN AND FOR [COUNTY NAME] COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

v.

Case No.: _____

Defendant.

RESPONSE TO MOTION TO CONVERT COURT COSTS AND FINES INTO COMMUNITY SERVICE HOURS (SAMPLE)

[CLERK'S NAME, COUNTY NAME] County Clerk of the Circuit Court & Comptroller ("Clerk"), responds to the motion filed by the defendant, and alleges as follows:

1. The Clerk is charged with the collection and distribution of **criminal** court costs, fees, liens, fines and judgments under s. 28.245, 28.246(2) & (3), & 938.29(2)(a) and (3), F.S. Because the defendant has filed this motion in county and circuit criminal cases, the Clerk respectfully asks the two (2) judges that will rule on this motion to coordinate their orders so all of the defendant's collections issues can be addressed comprehensively and consistently.
2. In **2007 MM 5950**, on 11/24/08, the Court withheld adjudication on a PWBC charge and imposed \$275 in court costs and fines. The Clerk placed the defendant on a payment plan as required by s. 28.246(4), F.S., and engaged in collection efforts; the defendant's driver license is suspended under s. 322.245(5), F.S., and the Clerk sent this case to its collection firm as mandated by s. 28.246(6), F.S. After a 08/10 VOP adjudication, the Court imposed an additional \$100 in court costs. The defendant has paid \$392.29, and his balance, without the fees noted in s. 28.246(6), F.S., is \$131.71.
3. In **2010 CF 3028**, on 01/28/11, the Court withheld adjudication on a PWBC charge and imposed \$650 in court costs and fines, ordering payments of \$50/month to start on 02/28/11. The Clerk placed the defendant on a payment plan as required by s. 28.246(4), F.S., and engaged in collection efforts; the defendant's driver license is suspended under s. 322.245(5), F.S. and the Clerk sent this case to its collection firm as mandated by s. 28.246(6), F.S. After a 02/12 VOP adjudication, the Court imposed an additional \$250 in court costs, ordering payments of \$25/month to start within 30 days. The defendant has paid \$40 and his balance, without the fees noted in s. 28.246(6), F.S., is \$973.

4. In **2012 CF 3672**, on 04/12/13, the Court adjudicated the defendant guilty of grand theft by PWBC and imposed \$1,221.25 in court costs and fines, ordering payments of \$20/month to start on 07/01/13. The Clerk placed the defendant on a payment plan as required by s. 28.246(4), F.S., and engaged in collection efforts; the defendant's driver license is suspended under s. 322.245(5), F.S., and the Clerk sent this case to its collection firm as mandated by s. 28.246(6), F.S. After a 03/14 VOP adjudication, the Court imposed an additional \$250 in court costs. The defendant has made no payments and his balance, without the fees noted in s. 28.246(6), F.S., is \$1,807.25.
5. In **2013 CF 2098**, on 03/18/14, the Court adjudicated the defendant guilty of grand theft and imposed \$670 in court costs and fines, ordering payments of \$25/month to start within 6 months of release. The Clerk placed the defendant on a payment plan as required by s. 28.246(4), F.S. The defendant has paid \$92, and his balance is \$620.
6. In **2013 CF 2642**, on 03/18/14, the Court adjudicated the defendant guilty of unemployment compensation fraud and imposed \$670 in court costs and fines, ordering payments of \$25/month to start within 6 months of release. The Clerk placed the defendant on a payment plan as required by s. 28.246(4), F.S. The defendant has paid \$92, and his balance is \$620.
7. In **2013 CF 3586**, on 03/18/14, the Court adjudicated the defendant guilty of criminal use of personal ID information and grand theft and imposed \$670 in court costs and fines, ordering payments of \$25/month to start within 6 months of release. The Clerk placed the defendant on a payment plan as required by s. 28.246(4), F.S., and engaged in collection efforts; the defendant's driver license is suspended under s. 322.245(5), F.S., and the Clerk sent this case to its collection firm as mandated by s. 28.246(6), F.S. The defendant has made no payments and his balance, without the collection fees noted in s. 28.246(6), F.S., is \$704.
8. Now the defendant has filed a motion to convert court costs and fines into community service hours. Community service may be granted at the Court's discretion "after examining a person under oath and determining the person's inability to pay" under s. 938.30(2), F.S. If the Court grants the defendant's request for community service hours:
 - a. The defendant will be required to provide written proof of community service hours, **notarized on agency letterhead**, to the Clerk within the time period ordered by the Court. The defendant should contact **the Clerk's Court Ordered Payments Program at [CLERK'S OFFICE PHONE NUMBER]** concerning the form and requirements.
 - b. Florida law currently provides for 2 hourly rates for community service conversion: In s. 318.18(8)(b)2.a., F.S., which is referenced by s. 938.30(2), F.S., (post-judgment collections), the

conversion rate is the hourly federal minimum wage rate (Florida's 2015 hourly minimum wage rate is \$8.05 and the rate recommended by the Clerk); and in s. 316.193(6)(a), F.S., pertaining to DUIs, the conversion rate is \$10 per hour.

- c. \$4,724.25 in **circuit criminal** court costs and fines could be converted into community service hours: 587 hours under s. 318.18(8)(b)2.a., F.S., and s. 938.30(2), F.S., **OR** 472 hours under s. 316.193(6)(a), F.S.
 - d. \$131.71 in **county criminal** court costs and fines could be converted into community service hours: 16 hours under s. 318.18(8)(b)2.a., F.S., and s. 938.30(2), F.S., **OR** 13 hours under s. 316.193(6)(a), F.S.
 - e. The defendant should be required to perform all hours at a minimum rate of 40 hours/month.
9. If the defendant wants her driver license reinstated in the cases with suspensions, and if the Court grants her motion for community service hours, he must perform a minimum of 217 hours of the total community service hours ordered by the Court before the Clerk will issue clearance letters.

I certify that a true copy of the foregoing has been emailed on **[DATE EMAILED]** to **[RECIPIENT]**.

s/ _____

APPENDIX 15

IN THE CIRCUIT COURT OF THE [JUDICIAL CIRCUIT NUMBER] JUDICIAL CIRCUIT,
IN AND FOR [COUNTY NAME] COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

v.

Case No.: _____

Defendant.

RESPONSE TO MOTION TO WAIVE OR REDUCE COURT COSTS AND FINES (SAMPLE)

[CLERK'S NAME, COUNTY NAME] County Clerk of the Circuit Court and Comptroller ("Clerk"), responds to the Motion filed by the Defendant, and alleges as follows:

1. The Clerk is charged with the collection and distribution of criminal court costs, fees, liens, fines and judgments under s. 28.245, 28.246(2) & (3), 938.29(2)(a) & (3), F.S.
2. In **2009 MM 4302**, on 02/03/10, the Court withheld adjudication on a battery charge and imposed \$897.10 in court costs and fines, ordering payments of \$30/month. The Clerk placed the defendant on a payment plan as required by s. 28.246(4), F.S., and engaged in collections efforts; the defendant's driver license is suspended under s. 322.245(5), F.S., and the Clerk sent this case to its collections firm as required by s. 28.246(6), F.S. The defendant has paid \$130 and his balance, without the fees noted in s. 28.246(6), F.S., is \$866.10.
3. In **2010 MM 2060**, on 10/06/10, the Court adjudicated the defendant guilty of disorderly conduct and imposed \$461.10 in court costs and fines, ordering \$10/month payments. After a 11/12 VOP adjudication, the Court imposed an additional \$150 in court costs, ordering payment of \$10/month to start on 01/15/13. The Clerk placed the defendant on a payment plan as required by s. 28.246(4), F.S., and engaged in collections efforts; the defendant's driver license is suspended under s. 322.245(5), F.S., and the Clerk sent this case to its collections firm as required by s. 28.246(6), F.S. The defendant has made no payments and his balance, without the fees noted in s. 28.246(6), F.S., is \$687.10.
4. In **2011 MM 1983**, on 11/02/12, the Court adjudicated the defendant guilty of battery and imposed \$897.10 in court costs and fees, ordering \$10/month payments to start on 01/15/13. The Clerk placed the defendant on a payment plan as required by s. 28.246(4), F.S., and engaged in collections efforts;

the defendant's driver license is suspended under s. 322.245(5), F.S., and the Clerk sent this case to its collections firm as required by s. 28.246(6), F.S. The defendant has made no payments and his balance, without the fees noted in s. 28.246(6), F.S., is \$949.10.

5. The defendant has filed a motion to waive or reduce court costs and fines. The Clerk objects as there is no basis in law for the waiver or reduction of statutorily mandated court costs and fines. Reyes v. State, 655 So. 2d 111 (Fla. 2nd DCA 1995).
6. If the defendant seeks reinstatement of her driver license, s. 322.245(5), F.S., requires **payment in full or bringing all delinquent amounts current**. The defendant must pay a minimum of \$1,600 before the Clerk will issue clearance letters. Further, the defendant must make regular monthly payments so her license will not be suspended again.
7. If the defendant cannot afford to make payments, she may wish to consider filing a motion to convert court costs and fines into community service hours. Community service may be granted at the Court's discretion "after examining a person under oath and determining the person's inability to pay" under s. 938.30(2), F.S. If the Court grants such a request, the defendant would be required to provide written proof of community service hours to the Clerk within the time period ordered by the Judge. The defendant should contact the **Clerk's Office, Collections Department, at [CLERK'S OFFICE PHONE NUMBER]** concerning the form and requirements.

For the above reasons, the Clerk respectfully requests that this Honorable Court deny the defendant's motion to waive.

I certify that a true copy of the foregoing has been emailed on **[DATE EMAILED]** to **[RECIPIENT'S NAME]** AT **[EMAIL ADDRESS]**.

s/_____

APPENDIX 16

IN THE CIRCUIT COURT OF THE [JUDICIAL CIRCUIT NUMBER] JUDICIAL CIRCUIT,
IN AND FOR [COUNTY NAME] COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

v.

Case No.: _____

Defendant.

RESPONSE TO MOTION FOR BOND REMISSION

[CLERK'S NAME, COUNTY NAME] County Clerk of the Circuit Court & Comptroller

("Clerk"), responds to the Motion for Remission of Forfeiture and states as follows:

1. The Clerk is charged with the collection and disbursement of proceeds from forfeited bail bonds under s. 142.01, F.S.
2. The Clerk has no objection to the requested remission of 90% because the defendant was rearrested and recommitted within 270 days of the date of forfeiture. See s. 903.28(4), F.S.

I certify that a true copy of the foregoing has been emailed on [DATE EMAILED] to [RECIPIENT'S NAME] AT [EMAIL ADDRESS].

s/ _____

APPENDIX 17

IN THE CIRCUIT COURT OF THE [JUDICIAL CIRCUIT NUMBER] JUDICIAL CIRCUIT,
IN AND FOR [COUNTY NAME] COUNTY, FLORIDA

Mortgagee,
Plaintiff,
v.
Mortgagor et al,
Defendants.

Case No.: _____

_____/

ANSWER TO MORTGAGE FORECLOSURE COMPLAINT

Defendant, [CLERK'S NAME], [COUNTY NAME] County Clerk of the Circuit Court and Comptroller ("Clerk"), by and through the undersigned counsel, files this Answer to the Complaint filed in this case and alleges as follows:

1. The Clerk is charged with the collection and distribution of criminal court costs, fees, liens, fines and judgments pursuant to ss. 28.245, 28.246(2) & (3), F.S., and s.938.29(2) & (3), F.S. (2014). Thus, the Clerk has an interest in the collection and enforcement of such costs, fines or fees, including public defender liens, by virtue of judgments recorded in the Official Records of [COUNTY NAME] against the Defendants. Accordingly, the Clerk responds in this case for this very limited purpose.
2. In Paragraph ____ of the Complaint, the Plaintiff lists ____ judgments recorded in the Official Records of [COUNTY NAME] against the Defendant, _____. The Clerk found these judgments, found the following judgments, and asserts its interest in all of them:
3. The Clerk has no knowledge as to the remaining allegations of the Complaint and therefore denies them.

For the above reasons, the Clerk asks this Court to take jurisdiction of this cause, adjudicate the rights and interests of the parties regarding this property, retain jurisdiction to award surplus proceeds to satisfy criminal court costs, fines, liens, and fees in accordance to the interests of record as required by Florida law, and grant any other relief as this Court deems proper.

I certify that a true copy of the foregoing has been emailed on [DATE EMAILED] to [RECIPIENT'S NAME] AT [EMAIL ADDRESS].

s/_____

APPENDIX 18

IN THE CIRCUIT COURT OF THE [JUDICIAL CIRCUIT NUMBER] JUDICIAL CIRCUIT,
IN AND FOR [COUNTY NAME] COUNTY, FLORIDA

Mortgagee,
Plaintiff,
v.
Mortgagor et al,
Defendants.

Case No.: _____

_____ /

MOTION TO BE EXCUSED FROM ALL PRETRIAL MATTERS AND TO BE EXCUSED FROM APPEARING AT TRIAL

Defendant, [CLERK'S NAME], [COUNTY NAME] County Clerk of the Circuit Court and Comptroller ("Clerk"), by and through the undersigned counsel, asks to be excused from all pretrial matters and from appearing at trial in this case and alleges as follows:

1. On [DATE OF FILING], the Clerk filed an answer asserting the State's junior interest in the criminal judgments recorded against the defendant, i.e., the State is entitled to the judgment amounts only if there is a surplus from a judicial sale of the property.
2. On [ISSUED DATE OF ORDER], the Court issued an Order Scheduling Non-Jury Trial on [TRIAL DATE], requiring all parties to attend.
3. The Clerk does not intend to appear at the trial in this case, but does not want to be defaulted or have its answer stricken. None of the parties would be prejudiced by the Clerk's absence.

For the above reasons, the Clerk asks this Court to excuse it from complying with this Court's order dated [DATE OF COURT ORDER].

I certify that a true copy of the foregoing has been emailed on [DATE EMAILED] to [RECIPIENT'S NAME] AT [EMAIL ADDRESS].

s/ _____

APPENDIX 19

IN THE CIRCUIT COURT OF THE [JUDICIAL CIRCUIT NUMBER] JUDICIAL CIRCUIT,
IN AND FOR [COUNTY NAME] COUNTY, FLORIDA

Mortgagee,
Plaintiff,
v.
Mortgagor, et al,
Defendants.

Case No.: _____

_____ /

**PROPOSED
ORDER GRANTING MOTION TO BE EXCUSED FROM ALL PRETRIAL MATTERS
AND TO BE EXCUSED FROM APPEARING AT TRIAL**

THIS CAUSE having been considered by the Court on the Motion to be Excused from All Pretrial Matters and to be Excused from Appearing at Trial filed by the Defendant, [CLERK'S NAME] County Clerk of the Circuit Court & Comptroller ("Clerk"), and the Court being otherwise fully advised in the premises, it is:

ORDERED AND ADJUDGED that the Clerk's motion is granted. The Clerk is excused from having to participate in any pretrial activities and from having to appear at the trial in this matter.

DONE AND ORDERED in [CITY NAME], [COUNTY NAME] County, Florida on [DATE ORDERED].

CIRCUIT JUDGE

Copies to:

[LEGAL COUNSEL'S NAME]
Counsel for Clerk
[EMAIL ADDRESS FOR COUNSEL]

[NAME OF COUNSEL]
Counsel for Plaintiff
[EMAIL ADDRESS FOR COUNSEL]

[DEFENDANT'S NAME]
[INMATE NUMBER]
[CORRECTIONAL INSTITUTION]
[MAILING ADDRESS]
[CITY, STATE, ZIP CODE]

[DEFENDANT'S SPOUSE NAME/UNKNOWN SPOUSE]
[MAILING ADDRESS]
[CITY, STATE, ZIP CODE]

[LEGAL COUNSEL'S NAME]
Counsel for Defendant
[EMAIL ADDRESS FOR COUNSEL]

[NAME OF COUNSEL]
Counsel for [CITY NAME]
[EMAIL ADDRESS FOR COUNSEL]

Florida Department of Revenue
Legal Department
5050 W. Tennessee Street
Tallahassee, Florida 32399

[OCCUPANTS OF FORECLOSED PROPERTY]
or Unknown Tenants
[ADDRESS OF FORECLOSED PROPERTY]
[CITY, STATE, ZIP CODE]

APPENDIX 20

TRAINING SCRIPT FOR CLERK STAFF

The Clerk's collections enforcement department is dedicated to following the Clerk's mission statement. In doing so, it is important we work as a team to ensure we are accomplishing the goals of the department and the Clerk's office as a whole.

Because collecting can be an unthankful job, we should focus on customer service in a positive manner. The goal of the department is to assist our customers in getting their case closed quickly and keep them out of the system. We should strive to dispose of the case as quickly as possible.

Our customers are usually agitated and upset when they come to our department. We should immediately take control of any conversations. We must NEVER offer any type of legal advice. We should not get caught up in their personal situation; however, we should always show compassion and let them know we are here to assist them. Almost always, the customer's behavior will reciprocate our behavior. If we are rude and give an attitude, it's almost a sure thing that they will do the same. If we are firm and in control of the conversation, yet show compassion and speak friendly, we should get good results.

Calling – collection calls are definitely not something anyone wants to receive. If someone becomes delinquent on their payments, they should be called immediately, and a delinquent notice should be mailed to them. All employees should familiarize themselves with the Fair Debt Collections Practices Act (FDCPA) as we will closely follow the rules and regulations of the FDCPA.

Some things to keep in mind when collecting:

- Calls should be limited to 8 a.m. to 9 p.m. **Please remember some people are not in the same time zone we are in so it's important to check where you are calling before making the call.
- Do not leave detailed messages on answering machines. Leave your name, number and where you are calling from. You may say something like "it's imperative you contact me today before this is forwarded".
- Never discuss the case or payment plan with a minor. NEVER leave a message with a child that this is going to go back to the judge or the court.
- Never make any type of threat or make a comment like "well, I'll see you in court". We may tell them that they could be scheduled for a court date.
- Never say you are going to do something that you do not intend to do (or that you don't have the legal right to do). In other words, if you have a customer who came to us with an old traffic ticket, you know that is not one we can schedule to go back to the Judge. Therefore, you should never imply that this person could be scheduled with a Court date for that case. You CAN tell them it could go against their license.

Some things you SHOULD do:

- Be prepared before making the call. Do not "cold call" and dial the number without having the information in front of you. Just because a call is on your call list does not mean you shouldn't look for recent notes or payments. You will be more prepared if you are aware of all the circumstances of the case even if they are in the past.
- Always try to get the customer to just pay in full; you can negotiate down if need be.

- Always demand urgency. Demanding urgency will ultimately get the case paid and closed. However, remember to be tactful in demanding urgency.
- Put yourself in the customer's shoes. Remember a lot of our customers are simply embarrassed and ashamed of their inability to pay. Chances are they may be getting collection calls from other people as well. Do not take their defensiveness or anger personally. Your understanding and compassion will go a long way. People are more apt to pay someone who is willing to work with them and shows compassion in their situation over someone who is "dirty collecting".
- Your voice and its tone can set the stage for the entire conversation. By being friendly, professional, and respectful you will open more doors than are closed. Be sure your voice is clear, unhurried, audible, and calm.
- Use the buddy system when you are having a tough time with a customer. Sometimes they just need to hear another voice.

Eight-step collection process

A single phone call, yet so many dimensions. In fact, each collection call consists of eight steps. However, depending upon the situation, you may use all eight steps, some of the steps, or repeat one or two steps several times before the call is complete, and payment in full (PIF) obtained.

- 1 – Identify the customer
- 2 – Identify yourself
- 3 – Request PIF (payment in full)
- 4 – Psychological pause
- 5 – Determine the problem
- 6 – Determine the solution
- 7 – Close the deal
- 8 – Update the customer's file

Negotiation strategies

- Place yourself in a leadership position and control the conversation
- Discover as much as you can about the customer you are calling
- Show a genuine interest in understanding the consumer
- Maintain an organized and focused approach
- Stick to the subject at hand
- Use specifics in your requests and statements
- Speak in simple, easy-to-understand language
- Avoid the use of critical or offensive words
- Use the psychological pause and recognize the value of silence.

Avoid jargon words

Using "jargon" (words that are common only to a specific industry) doesn't impress your listener. They alienate. Be sure the average customer can understand your word choice...not just you.