

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA**

ADMINISTRATIVE ORDER NO. 7-12.3

**COMPREHENSIVE COURT ENFORCEMENT FOR THE
UNIFORM COLLECTION OF COURT ORDERED FINES,
COURT COSTS AND OTHER DISPOSITIONAL ASSESSMENTS**

WHEREAS, sections 938.29, 938.30 and 28.246, Florida Statutes, and any other applicable laws, provide that court costs, fines, and other dispositional assessments shall be enforced by order of the Courts, collected by the Clerks of the Circuit and County Courts, and disbursed in accordance with authorizations and procedures as established by general law; and

WHEREAS, the public perception that the courts and judicial system are providing equitable, equal and uniform treatment to all who come before the courts is preserved if all offenders with similar offenses are treated similarly; and

WHEREAS, the legislature of the State of Florida has imposed certain statutorily mandated costs in every criminal case; and

WHEREAS, the assessment and provision for payment of fines and costs directly impacts the uniform and equitable treatment of offenders, limited local resources to defray the costs of prosecution and public defense and the maintenance and operation of the various courts within the Tenth Judicial Circuit of Florida; and

WHEREAS, pursuant to §938.30, Florida Statutes, enacting the Comprehensive Court Enforcement Act, procedures are necessary to improve the assessment and collection of fines and costs in criminal cases; and

WHEREAS, the Polk County Clerk of Courts has established a Collections Enforcement Department for the purpose of collecting and disbursing court imposed fines, costs and other dispositional assessments,

NOW, THEREFORE, it is hereby ordered that a partial payment program is implemented in Polk County for the collection of fines, costs, and other dispositional assessments in felony, traffic, and misdemeanor cases; court appointed attorney fees; county ordinance violations; and municipal ordinance violations. Hereinafter, all of which monies shall be collectively referred to as "fines and costs".

1. All court costs, fees, fines and other dispositional assessments are due upon imposition by the Court, unless otherwise specified. The sentencing Judge may establish such a payment plan at the time of sentencing. In such cases, Defendant shall be ordered to the Clerk's Collection Enforcement Department for collection and reporting on compliance.

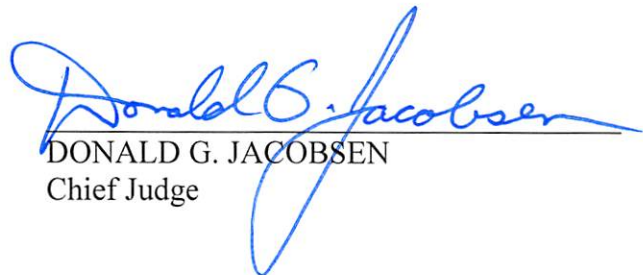
Alternatively, the Court may order each defendant to the Clerk of Courts for payment of the amount imposed in full or for enrollment in a Partial Payment Plan corresponding to the defendant's ability to pay. The ability to pay shall be evaluated by the Clerk of Courts following testimony of the defendant under oath and in consideration of information obtained by the Clerk of Courts. With this information, the Clerk shall set an appropriate monthly payment amount and a date by which the defendant shall begin making payments, which shall be referenced as "Partial Payment Plan" (hereinafter "Plan"). The defendant may request a prompt hearing before the Court for review of the Plan at any time so long as monies are owed. The request for hearing shall be filed with the Clerk of Courts and promptly set for hearing.

2. The Clerk of Courts shall at sentencing furnish each defendant with a notice of costs and fines. The original notice shall be signed by the defendant and placed in the court file. A copy of the notice shall be furnished to the defendant. The notice shall identify all fines and costs assessed against the defendant and the amount of monthly payments, if ordered in court by the judge.
3. Upon entering into a Partial Payment Plan, the Clerk of Courts shall provide to the defendant the following:
 - a. The total amount due;
 - b. The amount of the monthly payments, if ordered in court by the Judge;
 - c. Where payments are to be made and available forms of payment;
 - d. That the defendant is responsible for keeping a current physical address with the Clerk of Courts while any monies are outstanding where the defendant may receive correspondence or service of process for Court;
 - e. All defendants on a Plan may at any time file a written request with the Clerk of Courts to schedule his or her case before the court for review of their Plan;
 - f. Pursuant to §28.24(26)(b), Florida Statutes, the defendant shall be assessed a one-time \$25 fee for the Clerk of Court's administrative services in establishing his/her partial payment plan;
 - g. Willful failure to comply with the Court's Order on the Plan may result in the imposition of additional costs, sanctions, and contempt of court.
4. The Court hereby authorizes the Clerk's Collections Department staff to conduct discussions with defendants (including, but not limited to, during status conferences) regarding compliance and payment options, and to arrive at agreements to pay outstanding amounts due. The notice of status conference shall set forth the time, place, and nature of the conference. The notice of status conference shall set forth the fact that defendant's appearance at the conference is mandatory, and failure to appear at the conference could subject defendant to further proceedings or sanctions. Sanctions following a status conference may include additional court costs and fees. The notice of status conference shall be served by U.S. mail to the last address provided to the Clerk by defendant. In the event that a defendant fails to report to the Collections Enforcement Department to establish a Plan, or does not comply with the Plan as administered by the

Clerk of Courts, the Clerk shall notify the defendant of such fact.

5. In cases wherein the Court determines or the Clerk of Courts recommends to the Court that a defendant is unable to pay, even in part, assessed court costs, fees, fines, or other dispositional assessments, the Court may, in accordance with §938.30(2), Florida Statutes, order the defendant to perform a comparable number of community service hours in lieu of monthly payments. Defendants ordered to perform community service hours in lieu of paying court costs, fees, fines, or other dispositional assessments shall be referred to the Clerk for information and monitoring of a community service plan.
6. Any funds collected through the Plan shall be allocated as provided in §27.52, Florida Statutes, as amended from time to time.
7. This Administrative Order shall not prevent the Clerk of Courts from pursuing other legal action pursuant to §28.246, §938.29, and §938.30, Florida Statutes, or any other applicable law.
8. Restitution is hereby excluded from the procedures set forth in this Administrative Order.
9. The Administrative Judge of County Court may promulgate such procedures as necessary to the implementation and enforcement of this order.
10. Administrative Order 7-12.2 is hereby VACATED and superseded by this Order.
11. This Order shall have immediate effect.

DONE and ORDERED on this 26th day of January, 2017.


DONALD G. JACOBSEN
Chief Judge

Original:
Polk County Clerk of Court

Distribution:
All Judges
Polk County Clerk of Court
Electronic Bar Mailing

IN THE COUNTY COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

STATE OF FLORIDA

vs.

CASE NO. «CaseNumber»

«Name»

«Address_Line_1»

«City_State_Zip»

**NOTICE OF STATUS CONFERENCE FOR FAILURE
TO COMPLY WITH COLLECTIONS ENFORCEMENT PLAN**

YOU ARE HEREBY NOTIFIED that you are required to appear in person or by Attorney at the _____ County Courthouse in _____, Florida, «Hearing Location», on «Court Date and Time» for a status conference regarding your noncompliance with your collections enforcement plan.

****DO NOT BE LATE****

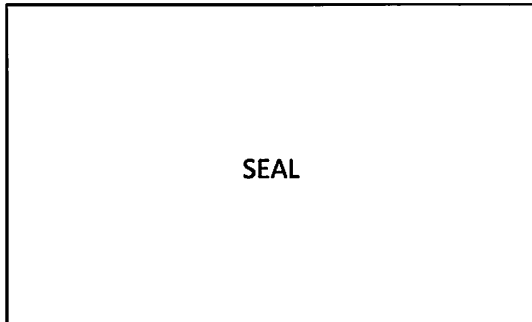
YOUR APPEARANCE AT THIS CONFERENCE IS MANDATORY.

**FAILURE TO APPEAR COULD SUBJECT YOU TO
FURTHER PROCEEDINGS.**

NOTE: IF YOU PAY IN FULL PRIOR TO THE CONFERENCE DATE AND YOU RECEIVE A NOTICE OF CANCELLATION FROM THE CLERK'S OFFICE, YOU ARE NOT REQUIRED TO APPEAR.

The undersigned hereby certifies that a true and correct copy of the foregoing was sent by U.S. mail to the defendant at the address shown above on «Date».

WITNESS my hand and official seal of office at _____, _____ County, Florida, on this «Date».



Clerk of the Circuit Court

By: _____