



# BEST PRACTICES

## COMPLIANCE SERVICES (COLLECTIONS) CHECKLIST

Revised: May 6, 2024

### Mandatory Elements

#### Fundamental Mandatory Elements

1.  Enforce,  satisfy,  compromise,  settle,  subordinate,  release, or  dispose of debts and liens as required by ss. 938.29(3) and 938.30(9), F.S.
2.  Impose statutory fees for payments as required by s. 28.24(27), 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 ss. 903.26, 903.27, 903.28, 142.01, 938.01(1), and 938.15 (if made applicable to the municipality or county by local ordinance), F.S.
5.  Collect administrative costs:
  - a. for compliance, per s. 938.30(12), F.S.;
  - b. for postage, per s. 28.24(28), F.S.;
  - c. for copying, per s. 28.24(6)(a), F.S.;
  - d. for creating a court record, per s. 28.24(9), F.S.;
  - e. for service fees, per ss. 318.15(1)(b), 318.18(8)(a), and 322.245(1) and (2), F.S.;
  - f. for recording satisfactions, per ss. 28.24(13)(a), (b), and (d), F.S.; and,
  - g. for any other statutory fees and costs under Florida law.
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 by s. 28.35, F.S.
11.  Follow the statutory calculation for down payments and monthly payment amounts in s. 28.246, F.S.
12.  Use the Florida Clerks of Court Operations Corporation's (CCOC) Uniform Payment Plan form as directed by s. 28.42(2), F.S., to obtain defendant's financial information, current contact information, and obtain permission for electronic communication in order to establish and maintain payment plan.

#### Compliance Enforcement Mandatory Elements

1.  Record court-ordered criminal judgments and sentences to ensure 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 ss. 322.245(1), (2), and (3) and 318.15(1)(a), F.S.
3.  Contract with collection firms as required by s. 28.246(6), F.S.

## Optional Elements

### Optional Practice Elements

1.  Coordinate with all parties involved in collections, for example:
  - a. Law enforcement
  - b. Judiciary
  - c. Private collections agencies and law firms
  - d. Defendants
  - e. Local attorneys/bar association/public defender's office
  - f. Florida Department of Corrections (FDC)
  - g. Probation
2.  Develop payment programs.
  - a.  Establish dedicated staff for collection and compliance efforts.
  - b.  Maintain, follow, and update written procedures pertaining to compliance services.
3.  Establish payment plans.
  - a.  Establish default payment amounts as a starting point but work with defendants and their individual circumstances, including consideration of any indigency determinations.
  - b.  Develop policies for administering payment plans, including fees in s. 28.24(27), F.S.
  - c.  Work with customers who are eligible and authorized by the judiciary to convert court costs and fines into community service.
4.  Use all enforcement methods.
  - a.  Clerks should refer an individual's failure to pay in non-traffic cases to the Florida Department of Highway Safety and Motor Vehicles (FLHSMV) for driver license suspension, pursuant to s. 322.245(5), F.S.
5.  Improve customer communication.
  - a.  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.  Improve collection goals and measure achievements.
  - a.  Regularly evaluate the effectiveness of compliance practices.

### Optional Enhanced Elements

1.  Consider the use of an in-house collection software program.
2.  Seek CCOC's assistance as needed.
3.  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.

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

### Best Practice Point of Contact

<b>County</b>	
<b>Best Practice Contact</b>	
<b>Email</b>	
<b>Date Submitted</b>	

DRAFT