

ANNUAL ASSESSMENTS & COLLECTIONS REPORT GUIDELINES



Florida Court Clerks & Comptrollers
Lastest Version – October 2023

Red Font is for Emphasis

Annual Assessments and Collections Report Guidelines

Background

The Annual Assessments and Collections Report (A & C Report) was created by the Legislature with passage of the Article V, Revision 7 amendment to the Florida Constitution in 1998 and subsequent Revision 7 legislation passed in 2004. The primary purpose of the A & C Report is for Clerks to provide annual assessments and collections data by court division for legislative decision makers. The secondary purpose is to provide the same data to Clerks and Clerks' staff for review and use in management decisions. Court Clerks and Clerks' staff provided data for the first annual consolidated summary report submitted to the Legislature for county fiscal year 2005-2006 (October 1, 2005 – September 30, 2006).

In 2012, the Legislature passed Senate Bill 1964 (General Laws, Ch. 2012-124, Laws of Florida) creating and modifying statutes relating to the A & C Report. The amendments made by this act to s. 28.246, F.S. (specified data required and report form), and the creation of s. 28.2457, F.S. (specified the "Mandatory/Discretionary Form Matrix"); applied beginning with the A & C Report for the county fiscal year 2012-2013 (October 1, 2012 - September 30, 2013). The legislation specified certain court division data fields to report both mandatory and discretionary assessments for fines, courts costs and other monetary penalties and fees, service charges and costs. Also, included were calculations for collection rate data by court division based on the annual reported data.

The biggest challenge required Clerks to record and report all "mandatory monetary assessments" not fully assessed by the Court. "Mandatory monetary assessments" are fine and fee assessment the Court has no discretion to modify based on the statute. If the Court does not fully assess a "mandatory monetary assessment" the Clerk, by statute, has a duty to record and report this amount as an "under assessment" in the Annual Assessments and Collections Report and to correctly report the assessments on Clerks' local judgment and cost forms.

The legislation directed Clerks to provide data on a report form using guidelines developed by the Clerks, through their association (FCCC), and in consultation with the Supreme Court's Office of the State Courts Administrator (OSCA). The Clerks and OSCA formed an Assessments and Collections Advisory Group to work together to address requirements. Clerks recognize the Legislature's need for data and information and have continued to make improvements to internal local systems and workflow to ensure accuracy and consistency in reporting assessment and collection data to better inform the Legislature. Any report modifications are addressed and approved by the Assessments and Collections Advisory Group.

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Impact of the 2012 Legislation

Legislation passed in 2012 required that all monetary assessments mandated by statute are imposed without regard to whether the assessment is announced in open court. The mandatory monetary assessment will be added automatically to the judge's order if the judge remains silent and does not order the mandatory monetary assessment. (See: FCCC General Counsel Opinion, May 1, 2013)

However, if the judge orders in open Court a lesser amount than the mandatory monetary assessment, that amount will be recorded on the order and the difference will be considered the "under assessed" amount. When an assessment mandated by statute sets a minimum assessment and a maximum assessment, or only sets a minimum assessment, the legislation requires the minimum amount to be imposed by the Court and the Clerk to record in the judgment.

Submission Process

The Clerks submit their annual assessments and collections data through the Assessments and Collections (A & C) Tool under the Comprehensive Case Information System (CCIS) log-in. The A & C Tool mimics the optional Excel worksheet provided as a Clerk resource. FCCC posts county reports categorized and listed by Florida Clerks of Court Operations Corporation (CCOC) Peer Group Number. Each county report contains all court divisions for the county. FCCC notifies the Legislature, Office of State Courts Administrator, and the CCOC in compliance with s. 28.246, F.S.

Guidelines and Work Sheet

The A & C Report Guidelines and optional Excel work sheet are designed to be aligned in the numbering scheme used in each document to assist users when going from the guidelines to the worksheet to the A & C Tool. If future changes or clarifications are required the FCCC Advisory Group will develop the appropriate changes and clarifications and this information will be disseminated to Clerks and Clerk staff via FCCC communications protocols such as the A & C email contact list, advisory bulletins, alerts, WebEx trainings, meetings and FCCC conferences.

Key Resources

- FCCC A & C Report Advisory Group: FCCC A & C Report Advisory Group, comprised of key Clerk staff with expertise in the A & C reporting areas, addresses and updates the A & C Report Guidelines and Spreadsheet and other documentation as needed.

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- A & C Report Guidelines (s. 28.246, F.S.): The guidelines are used to help Clerks evaluate and consistently classify fines, fees, and court costs to be included in the Annual A & C Report. The appendices in the guidelines contain definitions, frequently asked questions (FAQs), and clarification examples. The guidelines are evaluated yearly.
- Optional Excel Worksheet: This resource is provided to Clerks' staff to help facilitate data entry into the A & C Tool.
- The FCCC General Counsel Legal Opinion: This legal opinion was in response to A & C Report questions regarding the implementation of s. 28.2457, F.S., Mandatory Monetary Assessments. It provides examples on what and how to record assessments.
- Distribution Schedule (s. 28.42, F.S.): This is a "manual" of court-related filing fees, charges, costs, and fines organized by court type and offense. The schedule splits the fines and costs amounts for distribution to appropriate governmental agencies as authorized by law.
Note: The Distribution Schedule can serve as an additional resource, but its primary use is for determining the appropriate breakdown of fines, fees, and costs to legislatively mandated entities, not for determining amounts to be recorded in the Annual A & C Report.

Audit Trails and Transaction Audit Reports

It is extremely important for Clerks to prepare, and have available, an audit trail, or "transaction audit report," to provide back-up documentation for the data on their report forms. Audit reports, if requested, will provide supporting detailed information for the aggregated amounts reported on the A & C Report. For example, "under assessed" amounts may be particularly sensitive information. If amounts are questioned by the Courts, Clerks should have a detailed audit report to provide case information if needed. However, Clerks should be able to provide documentation to support all reported amounts. It is understood that Clerks run various reports from their case maintenance systems in order to determine the appropriate amounts to include in the A & C Report and this is recognized

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to be a challenging part of producing accurate report data. Many local case maintenance systems offer “audit or transaction audit reports” that could be useful.

Contact Information: For questions, issues, discrepancies, or recommendations about this document please contact Florida Court Clerks & Comptrollers:

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Civil Traffic

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Civil Fines

The following Court Divisions follow the same Guideline Rules and require the same reportable data for

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Circuit Civil (Includes Family)

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County Civil (Includes Summary Claims)

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The following Court Divisions follow the same Guideline Rules and require the same reportable data for

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General Report Guidelines

The following assessments or payments should be **EXCLUDED** from the report:

- Restitution
- Cost of Supervision
- Cost of Incarceration
- Bond Forfeitures
- Child Support
- Parking Tickets other than Uniform Traffic Citations (UTC's)
- Recording Fees
- Interest from Judgments
- Monies Deposited into the Court Registry
- Collection Agency Fee
- Civil Filing Fees/Cost when the Party had been Deemed Indigent

The following payments should be **INCLUDED** for report:

- Cost of Prosecution – These assessments should be INCLUDED and will be captured under MANDATORY costs.
- Cost of Investigation - These assessments should be INCLUDED and will be captured under MANDATORY costs.

CLARIFICATION: For the purposes of this report, when reporting criminal fines, the Clerk will report assessments and collections regardless of whether the defendant is found guilty, or adjudication is withheld. (See section 921.0021(2), F.S. - “Conviction” means a determination of guilt that is the result of a plea, or a trial, regardless of whether adjudication is withheld.)

ADJUSTMENTS TO ASSESSMENTS: Adjustments to an original assessment (whether increased or reduced) should be reported in the current reporting period when the assessment adjustment occurred in the current reporting period. (i.e.: You should record assessment adjustments in the current reporting period regardless of when the original assessment was imposed.)

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Report the assessment by case type even if the case was heard in a different court. For example: If a County Criminal case was heard in Circuit Criminal, report the assessment on the County Criminal section of the report.

UCN Designators:	Report Under:
CF	Circuit Criminal
MM, CT, MO, CO, IN	County Criminal
CJ, DP	Circuit Juvenile
TR	Civil Traffic
DR, CA	Circuit Civil
CC, SC	County Civil
CP, MH, GA	Probate

Annual Assessments and Collections Report Guidelines

CRIMINAL FINES

CIRCUIT CRIMINAL (Felony) COUNTY CRIMINAL - (Includes Criminal Traffic, Misdemeanors, and Non-Criminal Infractions and Ordinance Violations) JUVENILE - (Includes Delinquency & Dependency) CIVIL TRAFFIC			
Fines, Court Costs and Other Monetary Penalties: - Mandatory and Discretionary Amounts			
<u>Report Form Line No. & Data Element</u>		<u>Mandatory</u>	<u>Discretionary</u>
1	Amount to be Assessed (Mandatory Minimum by Statute/Ordinance)	Report the Minimum Mandatory Fines, Court Costs and Other Monetary Penalties required to be assessed by statute - unless waived, suspended or reduced by the court as allowed by law. Example – s.893.135 (4), F.S. *See statutory language below.	N/A
	(Continued)	For Non-Criminal Infractions and Ordinance Violations: Report the assessment when the citations are filed if a court date has not been set or mandated. If a court date is set, do not report the assessment until there is an adjudication entered by the court. When an infraction is dismissed by the Clerk (For Example: s. 327.73(4)(b), F.S., the dismissal fee should be reported as the mandatory assessment, rather than mandatory fine and cost assessment. Report mandatory late fees in the period in which they are assessed.	

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 JUVENILE - (Includes Delinquency & Dependency)
 CIVIL TRAFFIC

Fines, Court Costs and Other Monetary Penalties: - Mandatory and Discretionary Amounts		
<u>Report Form Line No. & Data Element</u>	<u>Mandatory</u>	<u>Discretionary</u>
(Continued)	<p>For Civil Traffic: report the assessment when citations are filed if a court date has not been requested or mandated. If a court date is set, do not report the assessment until there is an adjudication entered in court. When infractions are dismissed by the Clerk, record the dismissal fee as the mandatory assessment. Also report as mandatory all late fees/additional penalties in the period in which they are assessed.</p>	

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CIRCUIT CRIMINAL (Felony)
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 JUVENILE - (Includes Delinquency & Dependency)
 CIVIL TRAFFIC

Fines, Court Costs and Other Monetary Penalties: - Mandatory and Discretionary Amounts

<u>Report Form Line No. & Data Element</u>		<u>Mandatory</u>	<u>Discretionary</u>
2	Amount Under-Assessed (Civil Traffic: When court is elected the traffic penalty amount may be reduced or dismissed. In that case, there is no <u>fine under assessment</u> to record. The mandatory fine is the result of the court hearing.)	Report the difference in the amount assessed and the Minimum Mandatory required to be assessed by statute - unless waived, suspended or reduced by the court as allowed by law. (See note under Circuit Criminal Statistics at the end of this section and Appendix – Definition of Terms.). Note: On the Report Form, “Amount Under Assessed, if any,” is not a subtraction of report line “Amount Actually Assessed” from “Amount to be Assessed (Mandatory Minimum by Statute/Ordinance).” It is an accumulation of all under assessed amounts.	N/A
2a	Percentage of Under Assessments compared to Amount to be Assessed	This is a calculated value based on data provided on lines 1 and 2. No action required. CALCULATION % of Under Assessments = $\frac{\text{Amt. Under Assessed}}{\text{Amt. to be Assessed}}$ (Line 2/Line 1)	N/A

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CIRCUIT CRIMINAL (Felony)
 COUNTY CRIMINAL - (Includes Criminal Traffic, Misdemeanors, and Non-Criminal Infractions and Ordinance Violations)
 JUVENILE - (Includes Delinquency & Dependency)
 CIVIL TRAFFIC

Fines, Court Costs and Other Monetary Penalties: - Mandatory and Discretionary Amounts

Report Form Line No. & Data Element		Mandatory	Discretionary
3	<p>Amount Actually Assessed</p> <p>Note: Where traffic infractions are included in a criminal case, please follow the same procedure as above (Line 2).</p> <p>See Frequently Asked Questions, page 43.</p>	<p>Report the Fines, Court Costs and Other Monetary Penalties actually imposed by the Court at the time of sentencing, or re-sentencing or other type of disposition of the case.</p> <p>For Non-Criminal Infractions and Ordinance Violations: report the assessment when the citations are filed if a court date has not been set or mandated. If a court date is set, do not report the assessment until there is an adjudication entered by the court.</p> <p>When an infraction is dismissed by the Clerk (F.S. 327.73(4)(b)), the dismissal fee should be reported as the mandatory assessment, rather than mandatory fine and cost assessment. Report mandatory late fees in the period in which they are assessed.</p> <p>For Civil Traffic: Report the assessment when citations are filed if a court date has not been requested or mandated. If a court date is set, do not report the assessment until there is an assessment entered in court. When infractions are dismissed by the Clerk, record the dismissal fee as the mandatory assessment. Also, report as mandatory all late fees/additional penalties in the period in which they are assessed.</p>	<p>Report the Fines, Court Costs and Other Monetary Penalties actually imposed by the Court at the time of sentencing, or re-sentencing or other type of disposition of the case.</p> <p>For Non- Criminal Infractions and Ordinance Violations: If a hearing is elected or there is no mandatory monetary assessment required by statute, report the amount of the fine imposed by the court as discretionary when there is an adjudication entered by the court.</p> <p>For Civil Traffic: If a hearing is elected, or there is no mandatory monetary assessment required by statute, report the amount of the fine imposed by the court as discretionary when there is an adjudication entered by the court.</p> <p>04/11/18: If court ordered, the assessment is recorded under discretionary: The hearing officer or judge may use discretion to reduce the mandatory fine amount or assess a different amount from \$0 to \$500.00. The statutory mandated amount may be reduced with no under assessment in this situation. See: s. 327.73(5), F.S.</p>

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 JUVENILE - (Includes Delinquency & Dependency)
 CIVIL TRAFFIC

Fines, Court Costs and Other Monetary Penalties: - Mandatory and Discretionary Amounts

<u>Report Form Line No. & Data Element</u>		<u>Mandatory</u>	<u>Discretionary</u>
4	Community Service	<p>Report the amount of fines and/or court costs converted to "Community Service" in the reporting period regardless of when the original assessment occurred.</p> <p>(Any community service conversion made during the report year is captured regardless of when the original assessment occurred.)</p> <p><i>(Note: See Frequently Asked Questions, page 43, Juvenile Community Service.)</i></p>	<p>Report the amount of fines and/or court costs converted to "Community Service" in the reporting period regardless of when the original assessment occurred.</p> <p>(Any community service conversion made during the report year is captured regardless of when the original assessment occurred.)</p> <p><i>(Note: See Frequently Asked Questions, page 43, Juvenile Community Service.)</i></p>
5	Satisfied by Time Served	<p>Report the amount of fines and/or court costs converted to "Satisfied by Time Served" in the reporting period regardless of when the original assessment occurred.</p> <p><i>Not applicable for Juvenile.</i></p>	<p>Report the amount of fines and/or court costs converted to "Satisfied by Time Served" in the reporting period regardless of when the original assessment occurred.</p> <p><i>Not applicable for Juvenile.</i></p>

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CIRCUIT CRIMINAL (Felony)

COUNTY CRIMINAL - (Includes Criminal Traffic, Misdemeanors, and Non-Criminal Infractions and Ordinance Violations)

JUVENILE - (Includes Delinquency & Dependency)

CIVIL TRAFFIC

Fines, Court Costs and Other Monetary Penalties: - Mandatory and Discretionary Amounts

Report Form Line No. & Data Element	Mandatory	Discretionary
<p>6</p> <p>Reduced, Suspended, Waived as authorized by statute or by Administrative or local order:</p> <p>(If original sentence is ordered vacated, set aside or reprocessed for any reason: The original assessments should be removed and not waived.)</p> <p>See Definitions on page 50.</p>	<p>Report the amount of fines and/or court costs for “Reduced, Suspended or Waived as authorized by statute or by Administrative or local order” in the reporting period regardless of when the original assessment occurred.</p> <p>Examples include, but are not limited to:</p> <ul style="list-style-type: none"> • Defendant deceased • Age of the case • Case nolle prosequi/dismissed (See s. 939.06, F.S., Acquitted Defendant not liable for costs) • This is not to be used to record “under assessment” amounts where there is no statutory authority to do so. 	<p>Report the amount of fines and/or court costs for “Reduced, Suspended or Waived as authorized by statute or by Administrative or local order” in the reporting period regardless of when the original assessment occurred.</p> <p>Examples include, but are not limited to:</p> <ul style="list-style-type: none"> • Defendant deceased • Age of the case • Case nolle prosequi/dismissed (See s. 939.06, F.S., Acquitted Defendant not liable for costs) • This is not to be used to record “under assessment” amounts where there is no statutory authority to do so.

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 COUNTY CRIMINAL - (Includes Criminal Traffic, Misdemeanors, and Non-Criminal Infractions and Ordinance Violations)
 JUVENILE - (Includes Delinquency & Dependency)
 CIVIL TRAFFIC

Fines, Court Costs and Other Monetary Penalties: - Mandatory and Discretionary Amounts

<u>Report Form Line No. & Data Element</u>		<u>Mandatory</u>	<u>Discretionary</u>
7	Total Collectible Amount	Line 3 minus lines 4, 5 & 6 = line 7 Amt. Actually Assessed Minus (Com. Service + Satisfied by Time Served + Reduced, Suspended, Waived as authorized by statute or by Admin. or local order) = Total Collectible Amount	Line 3 minus lines 4, 5 & 6 = line 7 Amt. Actually Assessed Minus (Com. Service + Satisfied by Time Served + Reduced, Suspended, Waived as authorized by statute or by Admin. or local order) = Total Collectible Amount
8	Reduced to Judgment /Lien	Report the amount of fines and/or court costs reduced to a "Judgment/Lien" in the reporting period regardless of when the original assessment occurred. This is applicable for Juvenile.	Report the amount of fines and/or court costs reduced to a "Judgment/Lien" in the reporting period regardless of when the original assessment occurred. This is applicable for Juvenile.

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CRIMINAL FEES

CIRCUIT CRIMINAL (Felony)
 COUNTY CRIMINAL - (Includes Criminal Traffic, Misdemeanors, and Non-Criminal Infractions and Ordinance Violations)
 JUVENILE - (Includes Delinquency & Dependency)
 CIVIL TRAFFIC

Fees, Service Charges and Costs - All Assessments are Mandatory

Report Form Line No. & Data Element		<u>All Assessments are Mandatory</u>
9	Amount to be Assessed (Mandatory Minimum by Statute/Ordinance)	Report Filing Fees, Service Charges and Administrative Costs required to be assessed by statute. Note: Include all local ordinances but EXCLUDE municipal and county ordinance parking tickets. INCLUDE parking tickets that are Uniform Traffic Citations (UTC) which are revenue to the state.
10	Amount Under-Assessed	Report assessments that are less than the Minimum Mandatory required to be assessed by statute. Use this field to report Filing Fees, Service Charges and Administrative Costs that are ordered waived or returned by the Court. Note: On the Report Form "Amount Under Assessed, if any" is not a subtraction of report line "Amount Actually Assessed" from "Amount to be Assessed (Mandatory Minimum by Statute/Ordinance)." It is an accumulation of all under assessed amounts.
10a	Percentage of Under Assessments compared to Amount to be Assessed	This is a calculated value based on data provided on lines 9 and 10. No action required. <div style="text-align: center;"> CALCULATION % of Under Assessments = Amt. Under Assessed/ Amt. to be Assessed (Line 10/Line 9) </div>
11	Amount Actually Assessed	Report the Filing Fees, Service Charges and Administrative Costs actually assessed.

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CIRCUIT CRIMINAL (Felony)
 COUNTY CRIMINAL - (Includes Criminal Traffic, Misdemeanors, and Non-Criminal Infractions and Ordinance Violations)
 JUVENILE - (Includes Delinquency & Dependency)
 CIVIL TRAFFIC

Fees, Service Charges and Costs - All Assessments are Mandatory

<u>Report Form Line No. & Data Element</u>		<u>All Assessments are Mandatory</u>
12	Community Service	N/A: All Assessments are Mandatory. Note: Exception for Juvenile. See s. 985.455(d), F.S. See Frequently Asked Questions, page 43.
13	Satisfied by Time Served	N/A
14	Reduced, Suspended, Waived as authorized by statute or by Administrative or local order: (If original sentence is ordered vacated, set aside or reprocessed for any reason: The original assessments should be removed and not waived.) See Definitions on page 50.	Report the amount of fines and/or court costs for “Reduced, Suspended or Waived as authorized by statute or by Administrative or local order” in the reporting period regardless of when the original assessment occurred. Examples include, but are not limited to: <ul style="list-style-type: none"> • Defendant deceased • Age of the case • Case nolle prosequi/dismissed (See s. 939.06, F.S., Acquitted Defendant not liable for costs) • This is not to be used to record “under assessment” amounts where there is no statutory authority to do so.

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 CIVIL TRAFFIC

Fees, Service Charges and Costs - All Assessments are Mandatory

Report Form Line No. & Data Element		<u>All Assessments are Mandatory</u>
15	Total Collectible Amount	Line 11 minus line 14 = line 15 Amt. Actually Assessed Minus (Reduced, Suspended, Waived as authorized by statute or by Admin. or local order) = Total Collectible Amount
16	Reduced to Judgment/Lien	N/A

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CRIMINAL COLLECTION RATE

CIRCUIT CRIMINAL (Felony) COUNTY CRIMINAL - (Includes Criminal Traffic, Misdemeanors, and Non-Criminal Infractions and Ordinance Violations) JUVENILE - (Includes Delinquency & Dependency) CIVIL TRAFFIC		
<u>Report Form Line No. & Data Element</u>		<u>Collection Rate (Combines All Mandatory and Discretionary Fines, Court Costs, Monetary Penalties AND Fees, Services Charges, Costs for each court division on the Report Form: Circuit Criminal, County Criminal, Juvenile and Civil Traffic)</u>
17	Fines: Total Collectible Amount	Same amount as is on line 7.
18	Fees: Total Collectible Amount	Same amount as is on line 15.
19	Total Collections	Total amount of Fines, Court Costs, Filing Fees, Services Charges and Administrative Costs collected in the reporting period, regardless of when the assessment was made. Include amounts collected on Judgment/Lien. <u>Exclude</u> any assessments or payments listed under General Report Guidelines, A - K on page 9. <u>Include</u> any payment listed under General Report Guidelines, L-M on page 9.
20	Collection Rate	Line 19 divided by the sum of lines 17 + 18.

Annual Assessments and Collections Report Guidelines

CIRCUIT CRIMINAL STATISTICS

CIRCUIT CRIMINAL (Felony) COUNTY CRIMINAL - (Includes Criminal Traffic, Misdemeanors, and Non-Criminal Infractions and Ordinance Violations) JUVENILE - (Includes Delinquency & Dependency) CIVIL TRAFFIC		
Report Form Line No. & Data Element		Circuit Criminal Statistics: #21, #22 and #23 are only applicable for Circuit Criminal (Felony) section.
21	Number of Drug Trafficking Cases	<p>Only Circuit Criminal Felony: Number of cases that include drug trafficking cases that were adjudicated during the reporting period.</p> <p>Note: s. 893.135(4), F.S. – “The state attorney may move the sentencing court to reduce or suspend the sentence of any person who is convicted of a violation of this section and who provides substantial assistance in the identification, arrest, or conviction of any of that person’s accomplices, accessories, co-conspirators, or principals or of any other person engaged in trafficking in controlled substances. The arresting agency shall be given an opportunity to be heard in aggravation or mitigation in reference to any such motion. Upon good cause shown, the motion may be filed and heard in camera. The judge hearing the motion may reduce or suspend the sentence if the judge finds that the defendant rendered such substantial assistance.” <u>If s. 893.135(4), F.S. prevails then the amount reduced or suspended is not reported as an under assessment.</u></p>
22	Number of Drug Trafficking counts that were adjudicated	<p>Only Circuit Criminal Felony: Include the number of Chapter 893 Drug Trafficking charges that were adjudicated during the reporting period. Not Applicable for County Criminal, Juvenile or Civil Traffic. See: See s. 893.135(4), F.S., above.</p>
23	Total Amount Actually Assessed for Drug Trafficking Convictions	<p>Only Circuit Criminal Felony: Report the total <u>actual</u> amount of Fines & Court Costs assessed to the above convicted charges. <i>Not Applicable for County Criminal, Juvenile or Civil Traffic.</i></p> <p><i>*Note: s. 893.135(4), F.S., above.</i></p>

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CRIMINAL RISK FACTORS: CIRCUIT CRIMINAL, COUNTY CRIMINAL AND JUVENILE (ONLY DELINQUENCY, NOT DEPENDENCY)

CIRCUIT CRIMINAL (Felony) COUNTY CRIMINAL - (Includes Criminal Traffic, Misdemeanors, and Non-Criminal Infractions and Ordinance Violations) JUVENILE - (Includes Delinquency & Dependency)	
Report Form Line No. & Data Element	RISK FACTORS AFFECTING COLLECTIONS: Only for Circuit Criminal, County Criminal and Juvenile
<p>RISK FACTOR SECTION Risk Factors Affecting Collections (Lines 24/24a, 25/25a, 26/26a and 27/27a)</p>	<p>Risk factors affecting collections: assessments with minimal collection expectations – circuit criminal, county criminal & juvenile only based on all activity occurring in the report year.</p> <p><u>How To Calculate</u></p> <p>These Risk Factors are assessments that may have Minimal Collection Expectations even though Clerks will attempt to collect all assessments due. Risk Factor assessments include Fines, Court Costs and Other Monetary Penalties and Fees, Service Charges and Costs for Mandatory and Discretionary as appropriate.</p> <p>Risk Factor amounts are based on the activity recorded for the risk factor in the County Fiscal Year (October 1 - September 30). Incarceration and indigency amounts are included in the totals for report lines 3 (Fines 3) and 11 (Fees, charges & costs) in “Amount Actually Assessed.” Judgment/Lien amounts are included total for report line 8 “Reduced to Judgment/Lien.”</p> <p>Amounts assessed on cases should be counted in the following priority order so no case and related assessment is counted twice in calculating the risk factor section.</p> <ol style="list-style-type: none"> 1. Incarcerated – First Priority. Note: Does not include juvenile. 2. Indigent – Second Priority. Note: When calculating for Juvenile Indigent only include Delinquency case assessments. Also, we are not capturing information on civil cases where the party was declared indigent. 3. Judgment/Lien – Third Priority

Annual Assessments and Collections Report Guidelines

CIRCUIT CRIMINAL (Felony) COUNTY CRIMINAL - (Includes Criminal Traffic, Misdemeanors, and Non-Criminal Infractions and Ordinance Violations) JUVENILE - (Includes Delinquency & Dependency)		
Report Form Line No. & Data Element		RISK FACTORS AFFECTING COLLECTIONS: Only for Circuit Criminal, County Criminal and Juvenile
	RISK FACTOR SECTION (Continued) Risk Factors Affecting Collections (Lines 24/24a, 25/25a, 26/26a and 27/27a)	<p>Examples with a single Risk Factor - How to Calculate:</p> <ul style="list-style-type: none"> a. If a case only has Judgment/Lien = Amount Assessed would be reported in the Risk Factor Judgment/Lien. <p>Note: This is only the amount assessed that was reduced to Judgment/Lien and may not be equal to the total amount actually assessed on the case.</p> <ul style="list-style-type: none"> b. If a case only has Incarcerated = Amount Assessed would be reported in the Risk Factor Incarcerated. c. If a case only has Indigent = Amount Assessed would be reported in the Risk Factor Indigent.
		<p>Additional Examples with Multiple Risk Factors – How to Calculate:</p> <p>If a case has the following:</p> <ul style="list-style-type: none"> a. Judgment/Lien & Defendant Determined Indigent = Amount Assessed would be reported in the Risk Factor Indigent. b. Judgment/Lien & Defendant Sentenced to Incarceration & Determined Indigent = Amount Assessed would be reported in the Risk Factor Incarcerated. c. Judgment/Lien & Incarcerated = Amount Assessed would be reported in the Risk Factor Incarcerated. d. Defendant Sentenced to Incarceration & Determined Indigent = Amount Assessed would be reported in the Risk Factor Incarcerated. <p>Note: If the Defendant violated their probation, and then was sentenced to jail time the amount assessed would be reported in the Risk Factor Incarcerated.</p>

Annual Assessments and Collections Report Guidelines

CIRCUIT CRIMINAL (Felony) COUNTY CRIMINAL - (Includes Criminal Traffic, Misdemeanors, and Non-Criminal Infractions and Ordinance Violations) JUVENILE - (Includes Delinquency & Dependency)		
<u>Report Form Line No. & Data Element</u>		<u>RISK FACTORS AFFECTING COLLECTIONS: Only for Circuit Criminal, County Criminal and Juvenile</u>
24	Incarcerated	AMOUNT FOR INCARCERATED – SEE EXAMPLES ABOVE: “HOW TO CALCULATE” RISK FACTORS FOR REPORT This is a calculated value for Circuit Criminal and County Criminal divisions: 1. Circuit Criminal - More than 1 year incarcerated. 2. County Criminal - More than 3 months incarcerated. Note: Include assessments where the defendant was sentenced to county jail or Department of Corrections.
24a	Percentage - Incarcerated	PERCENTAGE OF TOTAL ASSESSMENTS FOR INCARCERATED This is an automatic calculated value based on the Incarcerated amount and divided by the Fine and Fee Amount Actually Assessed under MANDATORY AND DISCRETIONARY, IF APPROPRIATE. <p style="text-align: center;">CALCULATION</p> $\begin{aligned} &\% \text{ of Total Assessments - Incarcerated} = \\ &\text{Incarcerated (Line 24) / Divided by} \\ &(\text{Fines: Amount Actually Assessed} + \text{Fees: Amount Actually Assessed}) \\ &\qquad\qquad\qquad (\text{Line 3}) \qquad\qquad\qquad (\text{Line 11}) \end{aligned}$
25	Indigent	AMOUNT FOR INDIGENT - SEE EXAMPLES ABOVE: “HOW TO CALCULATE” RISK FACTORS FOR REPORT

Annual Assessments and Collections Report Guidelines

CIRCUIT CRIMINAL (Felony) COUNTY CRIMINAL - (Includes Criminal Traffic, Misdemeanors, and Non-Criminal Infractions and Ordinance Violations) JUVENILE - (Includes Delinquency & Dependency)		
<u>Report Form Line No. & Data Element</u>		<u>RISK FACTORS AFFECTING COLLECTIONS: Only for Circuit Criminal, County Criminal and Juvenile</u>
25a	Percentage – Indigent	<p align="center">PERCENTAGE OF TOTAL ASSESSMENTS FOR – INDIGENT</p> <p align="center">This is an automatic calculated value based on the Indigent amount and divided by the Fine and Fee Amounts Actually Assessed under MANDATORY AND DISCRETIONARY, IF APPROPRIATE.</p> <p align="center">CALCULATION</p> <p align="center">% of Total Assessments - Indigent =</p> <p align="center">Indigent (Line 25) / Divided by</p> <p align="center">(Fines: Amount Actually Assessed + Fees: Amount Actually Assessed)</p> <p align="center">(Line 3) (Line 11)</p>
26	Judgment/Lien (3rd Priority)	<p>AMOUNT FOR JUDGMENT/LIEN</p> <p>Amount Assessed on Cases for Judgment/Lien – SEE EXAMPLES ABOVE: “HOW TO CALCULATE” RISK FACTORS FOR REPORT.</p> <p>Note: This is only the amount assessed that was reduced to Judgment/Lien and may not be equal to the total amount assessed on the case.</p>

Annual Assessments and Collections Report Guidelines

CIRCUIT CRIMINAL (Felony) COUNTY CRIMINAL - (Includes Criminal Traffic, Misdemeanors, and Non-Criminal Infractions and Ordinance Violations) JUVENILE - (Includes Delinquency & Dependency)		
Report Form Line No. & Data Element		RISK FACTORS AFFECTING COLLECTIONS: Only for Circuit Criminal, County Criminal and Juvenile
26a	Percentage - Judgment/Lien	<p style="text-align: center;">PERCENTAGE OF TOTAL ASSESSMENTS FOR – JUDGMENT/LIEN</p> <p style="text-align: center;">This is an automatic calculated value based on the Judgment/Lien amount and divided by the Fine and Fee Amounts Actually Assessed under MANDATORY AND DISCRETIONARY, IF APPROPRIATE.</p> <p style="text-align: center;">CALCULATION</p> <p style="text-align: center;">% of Total Assessments - Judgment/Lien =</p> <p style="text-align: center;">Judgment/Lien (Line 26 / Divided by</p> <p style="text-align: center;">(Fines: Amount Actually Assessed + Fees: Amount Actually Assessed)</p> <p style="text-align: center;">(Line 3) (Line 11)</p>
27	Total Risk Factor Impacts Amount	<p style="text-align: center;">TOTAL RISK FACTOR IMPACTS - AMOUNTS</p> <p style="text-align: center;">This is an automatic calculated value based on the ALL RISK FACTOR AMOUNTS for previously entered data on lines 24, 25 and 26.</p>
27a	Total Risk Factor Impacts - Percentage of Total Assessments	<p style="text-align: center;">TOTAL RISK FACTOR IMPACTS - PERCENTAGE OF TOTAL ASSESSMENTS</p> <p style="text-align: center;">This is an automatic percentage calculated value based on ALL RISK FACTOR AMOUNTS for previously entered data on lines 24, 25 and 26.</p>

Annual Assessments and Collections Report Guidelines

RISK FACTOR CLARIFICATION: (Note: County Fiscal Year Dates are example dates and examples apply to the current report year.)

Example 1 Clarification: Risk Factors should be reported per case not per defendant.

Defendant: John Smith has 5 cases disposed during the reporting period.

Case	Risk Factor Status as of 09/30/2015	Report Assessment Under Risk Factor
2010 CT 000001	Indigent	Indigent
2011 MM 000002	Judgment	Judgment
2012 CF 000003	Incarcerated (2 years) / Indigent	Incarceration
2014 CF 000004	Indigent / Judgment	Indigent
2015 MM 000005	Incarcerated (6 months) / Judgment	Incarceration

Example 2 Clarification: Assessments should be reported in the Risk Factors as of the end of the reporting period (As of the end of the county fiscal year - September 30th).

Case: 2014 MM 000001	REPORTING PERIOD 10/01/2014 – 09/30/2015	
Filed: 10/01/2014	10/01/2014 - Determined Indigent	\$50 Assessed
Disposed: 08/30/2015	08/30/2015 - Cost Reduced to Judgment	\$218 Assessed
VOP: 09/01/2015 (after violation reappears for indigent and is rejected as indigent)	09/02/2015 –Determined Not Indigent Incarcerated less than 3 months	\$0.00 Assessed
RISK FACTOR	Indigent	\$268

Annual Assessments and Collections Report Guidelines

Example 3 Clarification: Two risk factors occurring in the reporting period.

Case: 2014 CF 000001	REPORTING PERIOD 10/01/2014 – 09/30/2015	
Filed: 10/01/2014	10/01/2014 - Determined Indigent	\$50 Assessed
Disposed: 08/30/2015	08/30/2015 – Incarcerated 1 year 3 months / Judgment	\$218 Assessed
RISK FACTOR	Incarceration	\$268

Example 4 Clarification: A risk factor outside the reporting period and outside the reporting period.

Case: 2010 CF 000001	REPORTING PERIOD 10/01/2014 – 09/30/2015	
Filed: 10/01/2010	10/01/2010 - Determined Indigent	\$50 Assessed
Disposed: 08/30/2015	08/30/2015 – Judgment	\$218 Assessed
RISK FACTOR	Judgment	\$218

Example 5 Clarification: Multiple risk factors – one inside the reporting period and one outside the reporting period.

Case: 2010 CF 000001	REPORTING PERIOD 10/01/2014 – 09/30/2015	
Filed: 10/01/2010	10/01/2010 - Determined Indigent	\$50 Assessed
Disposed: 08/30/2013	08/30/2014 – Judgment	\$218 Assessed
VOP: 09/03/2015	09/03/2015 – Incarcerated (More than a year incarcerated)	\$250.00* (Fee could vary)
RISK FACTOR	Incarceration	\$250.00

***Note: VOPs have an associated fee which can vary by county.**

Annual Assessments and Collections Report Guidelines

CIVIL FINES

CIRCUIT CIVIL - (Includes Family) PROBATE - (Includes Guardianship & Mental Health) COUNTY CIVIL - (Includes Summary Claims)			
Fines, Court Costs and Other Monetary Penalties: - Total Discretionary Amounts - All Assessments are Discretionary			
<u>Report Form Line No. & Data Element</u>		<u>Mandatory</u>	<u>Discretionary</u>
1	Amount to be Assessed (Mandatory Minimum by Statute/Ordinance)	N/A	N/A
2	Amount Under-Assessed	N/A	N/A
2a	Percentage of Under Assessments compared to Amount to be Assessed	N/A	N/A
3	Amount Actually Assessed	N/A	Include Fines and Court Costs actually imposed by the Court at the time of sentencing or re-sentencing or other type of disposition usually on contempt charges.
4	Community Service	N/A	N/A
5	Satisfied by Time Served	N/A	N/A

Annual Assessments and Collections Report Guidelines

CIRCUIT CIVIL - (Includes Family) PROBATE - (Includes Guardianship & Mental Health) COUNTY CIVIL - (Includes Summary Claims)			
Fines, Court Costs and Other Monetary Penalties: - Total Discretionary Amounts - All Assessments are Discretionary			
<u>Report Form Line No. & Data Element</u>		<u>Mandatory</u>	<u>Discretionary</u>
6	Reduced, Suspended, Waived as authorized by statute or by Administrative or local order	N/A	Report the amount of fines and/or court costs for “Reduced, Suspended or Waived as authorized by statute or by Administrative or local order” in the reporting period regardless of when the original assessment occurred. Examples include, but are not limited to: <ul style="list-style-type: none"> • Defendant deceased • Age of the case • Case nolle prosequi/dismissed (See s. 939.06, F.S., Acquitted Defendant not liable for costs) • This is not to be used to record “under assessment” amounts where there is no statutory authority to do so.
7	Total Collectible Amount	N/A	Line 3 minus line 6 = line 7

Annual Assessments and Collections Report Guidelines

CIRCUIT CIVIL - (Includes Family) PROBATE - (Includes Guardianship & Mental Health) COUNTY CIVIL - (Includes Summary Claims)			
Fines, Court Costs and Other Monetary Penalties: - Total Discretionary Amounts - All Assessments are Discretionary			
<u>Report Form Line No. & Data Element</u>		<u>Mandatory</u>	<u>Discretionary</u>
8	Reduced to Judgment/Lien	N/A	Report the amount of fine and/or court costs reduced to a "Judgment / Lien" in the reporting period regardless of when the original assessment occurred.

Annual Assessments and Collections Report Guidelines

CIVIL FEES

CIRCUIT CIVIL - (Includes Family) PROBATE - (Includes Guardianship & Mental Health) COUNTY CIVIL - (Includes Summary Claims)			
Fees, Service Charges and Costs - Total Mandatory Amounts and Discretionary Amounts			
<u>Report Form Line No. & Data Element</u>		<u>Mandatory</u>	<u>Discretionary</u>
9	Amount to be Assessed (Mandatory Minimum by Statute/Ordinance)	Include Filing Fees, Service Charges and Administrative Costs required to be assessed by statute - unless waived, suspended or reduced by the court as allowed by law.	N/A
10	Amount Under-Assessed	Report assessments that are less than the Minimum Mandatory required to be assessed by statute. Use this field to report Filing Fees, Service Charges and Administrative Costs that are ordered waived or returned by the Court. Note: On the Report Form "Amount Under Assessed, if any" is not a subtraction of report line "Amount Actually Assessed" from "Amount to be Assessed (Mandatory Minimum by Statute/Ordinance)." It is an accumulation of all under assessed amounts.	N/A

Annual Assessments and Collections Report Guidelines

CIRCUIT CIVIL - (Includes Family) PROBATE - (Includes Guardianship & Mental Health) COUNTY CIVIL - (Includes Summary Claims)			
Fees, Service Charges and Costs - Total Mandatory Amounts and Discretionary Amounts			
Report Form Line No. & Data Element		Mandatory	Discretionary
10a	Percentage of Under Assessments compared to Amount to be Assessed	This is a calculated value based on data provided on lines 9 and 10. No action required. CALCULATION $\% \text{ of Under Assessments} = \frac{\text{Amt. Under Assessed}}{\text{Amt. to be Assessed}}$ (Line 10/Line 9)	N/A
11	Amount Actually Assessed	Report the Filing Fees, Service Charges and Administrative Costs actually assessed.	Report the Filing Fees, Service Charges and Administrative Costs actually assessed per s. 825.1035, F.S.
12	Community Service	N/A	N/A
13	Satisfied by Time Served	N/A	N/A

Annual Assessments and Collections Report Guidelines

CIRCUIT CIVIL - (Includes Family) PROBATE - (Includes Guardianship & Mental Health) COUNTY CIVIL - (Includes Summary Claims)			
Fees, Service Charges and Costs - Total Mandatory Amounts and Discretionary Amounts			
Report Form Line No. & Data Element		Mandatory	Discretionary
14	Reduced, Suspended, Waived as authorized by statute or by Administrative or local order	Assessments reduced, suspended or waived as authorized by statute or by Administrative or local order in the reporting period regardless of when the original assessment occurred. Examples include, but are not limited to: <ul style="list-style-type: none"> Defendant deceased Age of the case Case nolle prosequi/dismissed (See s. 939.06, F.S., Acquitted Defendant not liable for costs) This is not to be used to record "under assessment" amounts where there is no statutory authority to do so.	Assessments reduced, suspended or waived as authorized by statute or by Administrative or local order in the reporting period regardless of when the original assessment occurred. Examples include, but are not limited to: <ul style="list-style-type: none"> Defendant deceased Age of the case This is not to be used to record "under assessment" amounts where there is no statutory authority to do so. <ul style="list-style-type: none"> Report amounts actually assessed per s. 825.1035, F.S.
15	Total Collectible Amount	Line 11 minus line 14 = line 15 Amt. Actually Assessed Minus (Reduced, Suspended, Waived as authorized by statute or by Admin. or local order) = Total Collectible Amount	Line 11 minus line 14 = line 15 Amt. Actually Assessed Minus (Reduced, Suspended, Waived as authorized by statute or by Admin. or local order) = Total Collectible Amount
16	Reduced to Judgment /Lien	N/A	N/A

Annual Assessments and Collections Report Guidelines

CIVIL COLLECTION RATE

CIRCUIT CIVIL - (Includes Family)
 PROBATE - (Includes Guardianship & Mental Health)
 COUNTY CIVIL - (Includes Summary Claims)

<u>Report Form Line No. & Data Element</u>		<u>Collection Rate: Combines All Mandatory and Discretionary Fines, Court Costs, Monetary Penalties AND Fees, Services Charges, Costs for each court division on the Report Form: Circuit Civil, Probate and County Civil</u>
17	Fines: Total Collectible Amount	Same amount as is on line 7.
18	Fees: Total Collectible Amount	Same amount as is on line 15.
19	Total Collections	Total amount of Fines, Court Costs, Filing Fees, Services Charges and Administrative Costs collected in the reporting period, regardless of when the assessment was made. Includes amounts collected on Judgment/Liens. <u>Exclude</u> any assessments or payments listed under General Report Guidelines, A - K on page 9. <u>Include</u> any payment listed under General Report Guidelines, L-M on page 9.
20	Collection Rate	Line 19 divided by the sum of lines 17 & 18.

Annual Assessments and Collections Report Guidelines

APPENDICES

Example Charts for Reporting Fines

Chart 1: Mandatory Minimum Fine with a Discretionary Range

Fine SHALL Not be Less Than \$500 and Not greater Than \$1,000 (Discretionary Range)						
Minimum \$500 – Maximum \$1,000						
Amount. to be Assessed (Statutory Mandatory Minimum)	Amount Under Assessed, if any	Amount Actually Assessed	Community Service	Satisfied by Time Served	Reduced, Suspended, Waived as authorized by statute or by Administrative or local order	Total Collectible Amount
\$500	\$0	\$900	\$0	\$0	\$0	\$900
\$500	\$300	\$200	\$0	\$0	\$0	\$200
\$500	\$0	\$1,000	\$0	\$500	\$0	\$500

Annual Assessments and Collections Report Guidelines

Example Charts for Reporting Fines (Continued)

Chart 2: Discretionary Fine with a Range

Fine May Not Exceed \$15,000 (\$0 to \$15,000) Range						
Minimum \$0 – Maximum \$15,000						
Amount to be Assessed (Statutory Mandatory Minimum)	Amount Under Assessed, if any	Amount Actually Assessed	Community Service	Satisfied by Time Served	Reduced, Suspended, Waived as authorized by statute or by Administrative or local order	Total Collectible Amount
\$0	\$0	\$5,000	\$0	\$0	\$0	\$5,000
\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$0	\$0	\$15,000	\$0	\$15,000	\$0	\$0

Annual Assessments and Collections Report Guidelines

Example Charts for Reporting Fines (Continued) Chart 3: Mandatory Fine Example: Drug Trafficking

Fine SHALL Impose \$200,000 Fine Minimum \$200,000							
	Amount to be Assessed (Statutory Mandatory Minimum)	Amount Actually Assessed	Amount Under Assessed, if any	Community Service	Satisfied by Time Served	Reduced, Suspended, Waived as authorized by statute or by Administrative or local order	Total Collectible Amount
1.	\$200,000	\$100,000	\$100,000	\$0	\$0	\$0	\$100,000
2.	\$100,000 (Note: Mandatory per statute is \$200,000)	\$100,000	\$0	\$0	\$0	\$0	\$100,000
3.	\$200,000	\$200,000	\$0	\$0	\$0	\$0	\$200,000
4.	\$200,000	\$0	\$200,000	\$0	\$0	\$0	\$0

Line 1 Example: A statutory mandatory Drug Trafficking assessment was reduced by the Court without statutory authority. Thus a \$100,000 is recorded in the “Amount Actually Assessed” and \$100,000 is recorded in the “Under Assessed” and the “Total Collectible Amount” is \$100,000.

Line 2 Example: A Drug Trafficking assessment was reduced, per negotiated agreement, as allowed by s. 893.135(4), F.S. Thus a \$100,000 is recorded in the “Amount Actually Assessed” and \$0 is recorded in the “Under Assessed” and the “Total Collectible Amount” is \$100,000.

Line 3 Example: A Drug Trafficking assessment was not announced by the judge. Accordingly, the Clerk enters the mandatory amount. Thus a \$200,000 is recorded in the “Amount Actually Assessed” and \$0 is recorded in the “Under Assessed” and the “Total Collectible Amount” is \$200,000.

Line 4 Example: A statutory mandatory Drug Trafficking assessment was reduced to \$0, but not pursuant to s. 893.135(4), F.S. Thus a \$200,000 is recorded in the amount “Under Assessed.”

Annual Assessments and Collections Report Guidelines

Example Charts for Reporting Fines (Continued)

Chart 4: Mandatory Fine Reduced, Without Statutory Authority

Mandatory \$50 Fine Minimum \$50						
Amount to be Assessed (Statutory Mandatory Minimum)	Amount Under Assessed if any	Amount Actually Assessed	Community Service	Satisfied by Time Served	Reduced, Suspended, Waived as authorized by statute or by Administrative or local order	Total Collectible Amount
\$50	\$50*	\$0	\$0	\$0	\$0	\$0

***Note:** In this example the amount actually assessed was reduced to “0”, without the specific statutory authority, thus the fine amount is recorded as “under assessed.”

Annual Assessments and Collections Report Guidelines

Example Charts for Reporting Fines (Continued)

Chart 5: Circuit Criminal Statistics – Drug Trafficking

Report Form Lines 21, 22 and 23.

Circuit Criminal Statistics: #21, #22 and #23 are only applicable for Circuit Criminal (Felony) section.		
21	Number of Drug Trafficking Cases	Only Circuit Criminal Felony: Number of cases that include drug trafficking cases that were adjudicated during the reporting period.* See note below.
22	Number of Drug Trafficking counts that were adjudicated	Only Circuit Criminal Felony: Include the number of Chapter 893 Drug Trafficking charges that were adjudicated-during the reporting period. Not Applicable for County Criminal, Juvenile or Civil Traffic.* See note below.
23	Total Amount Actually Assessed for Drug Trafficking Convictions	Only Circuit Criminal Felony: Report the total actual amount of Fines & Court Costs assessed to the above convicted charges. Do not include any amount reduced or suspended by the court pursuant to F.S. 893.135(4), F.S. <i>Not Applicable for County Criminal, Juvenile or Civil Traffic.</i> * See note below.

***Note:** s. 893.135(4), F.S. – “The state attorney may move the sentencing court to reduce or suspend the sentence of any person who is convicted of a violation of this section and who provides substantial assistance in the identification, arrest, or conviction of any of that person’s accomplices, accessories, coconspirators, or principals or of any other person engaged in trafficking in controlled substances. The arresting agency shall be given an opportunity to be heard in aggravation or mitigation in reference to any such motion. Upon good cause shown, the motion may be filed and heard in camera. The judge hearing the motion may reduce or suspend the sentence if the judge finds that the defendant rendered such substantial assistance.” If s. 893.135(4), F.S. prevails there is no “under assessment” to record.

Annual Assessments and Collections Report Guidelines

Chart 5 (Continued), Examples: Issue Report Line 22 and 21: How do I calculate the Number of Drug Trafficking Counts and Cases that were adjudicated for the report period? Clarification for Guilty or Withheld: For the purposes of this report, when reporting criminal fines, the Clerk will report assessments and collections regardless of whether the defendant is found guilty or adjudication is withheld. (See s. 921.0021(2), F.S. - "Conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld.)

	Case #	Charges	Adjudicated (Guilty/Withheld)	Valid Drug Charge Count	Reporting Number of Cases
1	#123	s. 893.135(1)(a)1.	Dismissed	0	
2		s. 893.135(1)(a)3.	Dismissed	0	
3		s. 893.135(1)(b)1.b.	Dismissed	0	
4	#123	Total		0	0
5					
6	#287	s. 893.135(1)(a)1.	Nolle prosequi	0	
7		s. 316.183 (Unlawful speed, moving violation)	Dismissed	0	
8		s. 316.222 (Stop lamp and turn signals, non-moving)	Guilty	0	
9	#287	Total		0	0
10					
11	#345	s. 893.135(1)(a)1.	Withheld	1	
12		s. 893.135(1)(a)2.	Guilty	1	
13		s. 893.135(1)(a)3.	Dismissed	0	0
14	#385	Total		2	1
	Report Line #22: Number of Drug Trafficking counts adjudicated for the report period			*2	
15	Report Line #21: Number of Drug Trafficking cases adjudicated for the report period:				*1

***Note:** If you have multiple adjudicated Drug Trafficking charges in a case, they still equal only one case to apply for the total number of cases. Non-trafficking charges are disregarded.

Annual Assessments and Collections Report Guidelines

Report line 23: How do I calculate the Total Amount Actually Assessed for Drug Trafficking Convictions for the reporting period?

Clarifications for Guilty or Withheld: For the purposes of this report, when reporting criminal fines, the Clerk will report assessments and collections regardless of whether the defendant is found guilty or adjudication is withheld. (See Section 921.0021(2), F.S. - “Conviction” means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld.)

Example: Ch. 893; Drug Abuse Prevention and Control

	<u>Case</u>	<u>Charges</u>	<u>Adjudicated (Guilty/Withheld)*</u>	<u>Actual Fine Amount</u>
1	#123	s. 893.135(1)(a)1.	Dismissed	0
2		s. 893.135(1)(a)3.	Dismissed	0
3		s. 893.135(1)(b)1.b.	Dismissed	0
4				
5	#345	s. 893.135(1)(a)1.	Withheld	*\$25,000.00
6		s. 893.135(1)(a)3.	Guilty	\$200,000.00
7		s. 893.135(1)(b)1.b.	Dismissed (Declined or nolle prosqui)	0
8				
9	Report Line #23: Total Amount Actually Assessed for Drug Trafficking Convictions for the reporting period:			\$225,000.00

*Note: The defendant may still receive a fine even if adjudication is withheld.

Annual Assessments and Collections Report Guidelines

Frequently Asked Questions (FAQs) and Examples/Scenarios

Court Division	Issue	FAQ	Examples/Scenarios
General	<p>Reporting “concurrent sentencing.”</p> <p>See: FCCC General Counsel Opinion, May 1, 2013; page 2 last 3 paragraphs.</p> <p>Located on the A & C Report webpage.</p>	<p>How should I report the assessment when the sentence is concurrent if the Court is silent? Does concurrent sentencing eliminate the mandatory assessments and court costs?</p>	<p>No, it does not. It is A & C Report Advisory Group opinion that the term concurrent sentence deals with the length of the prison term, not assessments. On cases where the sentence is concurrent, mandatory fines/costs are assessed as required.</p> <p>Example Case: Defendant is charged with 3 drug offense that requires a minimum mandatory fine of \$50,000.00.</p> <p>Sentence: 11 months & 29 days County Jail followed by 2 years community control followed by 1 year drug offender probation and \$50,000.00 fine and costs. The Court announces concurrent with all charges.</p> <p>Clerk Duty: The Clerk shall prepare the Judgment reflecting the amount announced by the court, show that the sentence was concurrent and report an under assessed fine on the two charges that are to run concurrent with the first charge.</p>

Annual Assessments and Collections Report Guidelines

Circuit Criminal (Felony)	Under assessment of a criminal fine.	For criminal fines, s. 938.04, F.S. states that 5% of any fine shall be provided to the Crimes Compensation Trust Fund (CCTF). What would be the result of an underassessment of the mandatory fine?	<p>If a judge assessed the minimum mandatory fine of \$500, the CCTF assessed would be 5% of the fine, or \$25. However, if the judge under assessed the minimum mandatory fine by assessing only \$100, the CCTF would be \$5.</p> <p>The under assessment would be reported as \$420 (minimum fine = \$500, actual assmt. = \$100), under assessment = \$400. If the minimum mandatory fine was assessed, the CCTF would be \$25. Since only \$100 was assessed, the CCTF = \$5, under assessment = \$20.</p> <p>The total under assessment recorded = \$420.</p>
Circuit Criminal (Felony)	<p>When the judge is silent on a mandatory minimum assessment.</p> <p>See FCCC General Counsel Legal Opinion on A & C Report webpage.</p>	If the Court is silent, is the Clerk required to imposed/assess, the Mandatory Minimum amount?	<p>If the judge is silent the Clerk's duty is to impose the mandatory minimum amount per s. 28.2457(1)(a.), F.S., which states in part "the mandatory by statute shall be imposed and included in the judgment without regard to whether the assessment is announced in open court.</p> <p>However, if the case has several mandatory charges and the judge chooses to remain silent on those charges and they are not dismissed they should be recorded by the Clerk as UNDER ASSESSED for both fine and fee assessments.</p>

Annual Assessments and Collections Report Guidelines

Circuit Criminal (Felony)	Felony and Criminal Traffic charge	If I have a Felony case with both a Felony and Criminal Traffic charge, where do I report the possible and actual for the Criminal Traffic charge?	<p>Example: Felony case with two charges: Charge A is First Degree Felony, s. 893.135, F.S., with a mandatory possible of \$100,000, and Charge B is s. 316.191(3)(a) with a mandatory possible of \$500.</p> <p>a) Under the Reporting Group for Felony you would report the possible of \$100,500. (Charge A possible \$100,000 + Charge B possible \$500 = 100,500).</p>
Criminal	Criminal Fines - Discharge, error or reversal	How is a motion to correct an erroneous legal sentence handled?	Fines may be discharged upon grant of a motion to correct an erroneous or illegal sentence under rule 3.800(b), Florida Rules of Criminal Procedure, upon reversal of a sentencing order on direct appeal, or upon exercise of the court's authority to modify or correct a sentencing order within 60 days under rule 3.800(c). See e.g., <u>Elliott v. State</u> , 1 So. 3d 219 (Fla. 2009) (\$500 fine for robbery conviction, in addition to habitual offender sentence, was unlawful).
Criminal	Criminal Fines – Conversion to Community Service, Civil Lien or Time Served	See example.	<p>Fines may be converted to community service or reduced to a civil judgment under s. 938.30(2) and (6), F.S.</p> <p>Under s. 951.16, F.S., a defendant who is imprisoned in the county jail for failure to pay a fine and costs under sentence imposed for conviction of a crime is entitled to receive a credit on the fine and costs in proportion to the time served in custody.</p>

Annual Assessments and Collections Report Guidelines

Criminal	<p>Criminal Fines – Waived, Reduced or Suspended Sentence</p> <p>(Judges may use the term “waived” in the courtroom when they mean a reduced or suspended assessment.)</p>	<p>What is the Judicial authority to reduce or suspend trafficking assessments? Issue for the Clerks is proper notice from the judiciary or state attorney to record the appropriate assessment.</p>	<p>Section 893.135, F.S. - Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking.</p> <p>Section 893.135 (4), F.S., The state attorney may move the sentencing court to reduce or suspend the sentence of any person who is convicted of a violation of this section and who provides substantial assistance in the identification, arrest, or conviction of any of that person's accomplices, accessories, coconspirators, or principals or of any other person engaged in trafficking in controlled substances. The arresting agency shall be given an opportunity to be heard in aggravation or mitigation in reference to any such motion. Upon good cause shown, the motion may be filed and heard in camera. The judge hearing the motion may reduce or suspend the sentence if the judge finds that the defendant rendered such substantial assistance.” If s. 893.135(4), F.S. prevails there is no “under assessment” to record.</p>
Circuit Criminal	Drug Trafficking Case		<p>A Drug Trafficking case carries a mandatory \$50,000 fine - the Judge only imposed \$25,000. On Line #1 - report \$50,000; on Line #2 - report \$25,000; on Line #3 - report \$25,000. Unless the reduction is requested under s. 893.135(4) - then on Line #1 - report \$25,000; on Line #2 - report \$0 and on Line #3 - report \$25,000.</p>

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Felony	Drug Trafficking Case		A Drug Trafficking case carries a mandatory \$50,000 fine - the Judge imposed \$60,000. On Line #1 - report \$50,000; on Line #2 - report \$0; on Line #3 - report \$60,000.
Criminal similar to s. 893.135(4), F.S.	"Youthful Offender," s. 958.04, F.S. is similar to s. 893.135(4), F.S.	How is a defendant assessed and sentenced in the "youthful offender," category? Is this an exemption, and not counted as an underassessment?	It is similar to s. 893.135(4), F.S., there are also cases where a defendant is "SENTENCED AS A YOUTHFUL OFFENDER pursuant to F.S. 958.04(2)". If a defendant is sentenced as a youthful offender, statute reads "In lieu of other criminal penalties authorized by law" which is interpreted as an exemption and not to be counted as an underassessment.
Circuit Criminal Circuit Juvenile County Criminal	Nolle Proseque	How do I report assessments for a charge that is Nolle Proseque?	<p>Example: Case with two charges. Charge A has a mandatory possible of \$100 and Charge B has a mandatory possible of \$100.</p> <p>a) State Attorney files a Nolle Pros only on Charge A – Report \$0 as possible for Charge A and \$100 as possible for Charge B.</p> <p>b) State Attorney files Nolle Pros on Charge A and B – Report \$0 as possible for the case.</p> <p>c) Defendant is assessed Public Defender Application Fee of \$50 and pays the \$50 – State Attorney files Nolle Pros on both Charge A and B – Report \$50 as possible, \$50 as assessed, and \$50 as collected.</p>

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Juvenile (Includes Delinquency and Dependency)	<p>Can judges order community service for juvenile offenders if they have an inability to pay fines and court costs or fees and service charges?</p> <p>See: s. 985.455(1)(d), F.S.</p> <p>Is there currently a juvenile community service “workaround.”</p>	See “workaround” explanation in next column.	<p>Yes, judges can apply juvenile community service. At this time please include those juvenile community service amounts on Lines 6 or Line 14 respectively, on the A & C Report Form under “Reduced, Suspended, Waived as authorized by statute or by Administrative or local order.” This issue has been addressed by the A & C Report Advisory Group with no agreed resolution. See s. 985.455(1)(d), F.S. - Other dispositional issues Which authorizes judges to apply community service for juveniles “in lieu of all court costs assessed against the delinquent child, including costs of prosecution, public defender application fees, and cost of representation.”</p>
Court election for traffic infractions	Over statement of Civil Traffic under assessments amounts.	<p>Several counties are <u>over stating</u> under assessments when a statutory mandatory civil traffic infraction fine is reduced or dismissed when the party elects to go to court. Issue could be the result of incorrect CMS report data extraction program or internal procedures erroneously recording the difference between the court assessed amount and the mandatory statutory amount. There is no under assessment.</p>	<p>When the party elects to go to court for a statutory mandated traffic infraction their actual fine is what the court determines. There is no under assessment to record. The fine is what the court determines it to be as an outcome of going to court. If the case is dismissed, there is no fine assessed and no under assessment.</p> <p>Note: Where traffic infractions are included in a criminal case, please follow the same procedure as above.</p>

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Civil Penalty for non-criminal traffic infractions.	Civil Penalties – Conversion to Community Service	See example.	A civil penalty for a noncriminal traffic infraction may be converted to community service under s. 318.18(8)(b)(1), F.S., if the person is unable to comply with the court's order due to a demonstrable financial hardship. In that instance, the court shall allow the person to satisfy the civil penalty by participating in community service until the civil penalty is paid.
Civil	Civil Penalties - Waived	See example.	Section 316.2065(17), F.S., Bicycle Regulations (the court may waive, suspend or reduce any fine imposed under the statute).
General – Court Costs	Fines, Court Costs never assessed.	See example.	Under s. 939.06, F.S., a defendant who is acquitted or discharged, or whose conviction is reversed upon appeal or other review, is not liable for costs or fees.
General – Court Costs	Discharged, error or unauthorized.	See example.	Costs may be stricken upon appeal of a sentence challenging the costs as unauthorized. See e.g., <u>Ferrell v. State</u> , 437 So. 2d 782 (Fla. 2d DCA 1983) (court did not have authority to impose costs as condition of parole).

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Definitions of Terms

Court Division/Area	Term	Definition
All Divisions with exceptions noted in "Definition"	Amount to be Assessed (Mandatory by Statute)	Means the minimum dollar amount that is required, without discretion afforded to the judge or the Clerk of Court, be imposed upon a person pursuant to a provision of the Florida Statutes. The minimum dollar amount may be explicitly prescribed in the statutory provision or may emanate from operation of the statute. Although not always the case, the statutory provision typically will use the word "shall" or "must" in reference to imposition of the amount. Any amount that a court waives, suspends, or reduces because the law allows it to do so under specified circumstances is not part of the amount to be assessed.
	Amount Under-Assessed	Means a positive dollar amount that is the difference between the minimum dollar amount that is required to be imposed upon a person pursuant to a provision of the Florida Statutes and the amount actually assessed. If the difference is a negative dollar amount, the amount under-assessed is \$0. Any amount that a court waives, suspends, or reduces because the law allows it to do so under specified circumstances is not part of the amount to be assessed and thus is not considered under-assessed. Note: On the Report Form, "Amount Under Assessed, if any," is not a subtraction of report line "Amount Actually Assessed" from "Amount to be Assessed (Mandatory Minimum by Statute/Ordinance)." It is an accumulation of all under assessed amounts.
	Amount Actually Assessed	Report the actual amount assessed by the court and/or assessed at case initiation during the reporting period. (Include any assessment, regardless if the assessment was dismissed by the court, converted to community service, reduced to judgment, or satisfied by time served).

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Court Division/Area	Term	Definition
		<p>Example: Court assessed \$100 mandatory fine during the reporting period and reduced the \$100 to a Judgment. Report \$100 as the actual amount assessed.</p> <p>For civil traffic citations and Non-criminal ordinances, report the assessed amount when the citations are filed. If a court date is set, do not report an assessment until the amount is imposed by the court. If an infraction is dismissed by the Clerk, report the reduced amount as the actual assessment.</p> <p>Example: Citation filed for violation of s. 322.065, F.S. (Expired DL 4 months or less), amount assessed \$100.</p> <p>A. Violator fails to pay citation within reporting period – Report \$100 as the amount actually assessed. NOTE: If late fees or additional penalties were assessed, include the amount as assessed.</p> <p>B. Violator elects to attend court event within reporting period – Court event scheduled outside reporting period – Report \$0.00 as the amount actually assessed.</p> <p>C. Violator elected and attended court within reporting period. Court assessed \$100 – Report \$100 as the amount actually assessed.</p> <p>D. Violator provides a valid DL, original fine assessed \$100 is reduced and \$10 dismissal assessed during reporting period – Report \$10 as the amount actually assessed.</p>
	Community Service Amount	<p>Report the total amount of the assessment converted to community service for any community service amounts during the reporting year regardless of when the assessment occurred.</p> <p>Example: Reporting Period 10/01/2011 - 09/30/2012</p>

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Court Division/Area	Term	Definition
		<p>A. Court assessed \$100 fine on 10/05/2011. \$50 of the fine was converted to community service on 11/05/2011. Report \$50 as Community Service Amount.</p> <p>B. Court assessed \$100 fine on 10/05/2011. \$50 of the fine was converted to community service on 11/05/2011 and \$50 converted on 12/05/2011 – Report \$100 as Community Service Amount.</p> <p>C. Court assessed \$100 fine on 09/05/2011. \$50 of the fine was converted to community service on 11/05/2011 and \$50 converted on 12/05/2011 – report \$100 as Community Service Amount.”</p>
	Time Served Amount (N/A for Juvenile)	<p>Report the total amount of the assessment converted to time served for any time served amount during the reporting year regardless of when the assessment occurred. NOTE: Only report the amount satisfied by time served if the assessment occurred during the reporting period.</p> <p>Examples for Reporting Period 10/01/2011 - 09/30/2012 (Same for current reporting period)</p> <ul style="list-style-type: none"> • Court assessed \$100 fine on 10/05/2011. \$50 of the fine was satisfied by time served on 11/05/2011. Report \$50 as Satisfied as Time Served Amount. • Court assessed \$100 fine on 10/05/2011. \$50 of the fine was satisfied by time served on 11/05/2011 and \$50 was satisfied by time served on 12/05/2011 – Report \$100 as Satisfied as Time Served Amount. • Court assessed \$100 fine on 09/05/2011. \$50 of the fine was satisfied by time served on 11/05/2011 and \$50 converted on 12/05/2011 – Report \$0 as Satisfied as Time Served Amount. • Court assessed \$100 fine on 09/05/2011. \$50 of the fine was satisfied by time served on 11/05/2011 and \$50 converted on 12/05/2011 – Report \$100 in Satisfied as Time Served Amount.

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Court Division/Area	Term	Definition										
	<p>Reduced, Suspended, Waived as authorized by statute or by Administrative or local order</p> <p>(If original sentence is ordered vacated, set aside or reprocessed for any reason: The original assessments should be removed and not waived.)</p> <p>Reference pages 15 and 18.</p>	<p>Report the amount of fines and/or court costs for “Reduced, Suspended or Waived as authorized by statute or by Administrative or local order” in the reporting period regardless of when the original assessment occurred.</p> <p>Examples include, but are not limited to:</p> <ul style="list-style-type: none">• Defendant deceased• Age of the case• Case nolle prosequi/dismissed (See s. 939.06, F.S. Acquitted Defendant not liable for costs)• This is not to be used to record “under assessment” amounts where there is no statutory authority to do so.										
	Total Collectible Amount	<p>This field <u>is an automatic calculation based on data input into the Submission Form.</u></p> <p>Amount Actually Assessed (Line 3) – Minus Comm. Service Amount (Line 4) – Minus Time Served Amount (Line 5) – Minus Other Amount (Line 6) = Total Collectible Amount (Line 7)</p> <p>Example:</p> <table><tr><td>Amount Actually Assessed</td><td>\$500.00</td></tr><tr><td>Minus Comm. Service Amount</td><td>\$100.00</td></tr><tr><td>Minus Time Served</td><td>\$ 0.00</td></tr><tr><td>Minus Other Amount</td><td><u>\$ 0.00</u></td></tr><tr><td>Total Collectible Amount</td><td>\$400.00</td></tr></table>	Amount Actually Assessed	\$500.00	Minus Comm. Service Amount	\$100.00	Minus Time Served	\$ 0.00	Minus Other Amount	<u>\$ 0.00</u>	Total Collectible Amount	\$400.00
Amount Actually Assessed	\$500.00											
Minus Comm. Service Amount	\$100.00											
Minus Time Served	\$ 0.00											
Minus Other Amount	<u>\$ 0.00</u>											
Total Collectible Amount	\$400.00											

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	Reduced to Judgment/Lien	<p>Report the amount of fine and/or court costs reduced to a Judgment / lien in the reporting period regardless of when the original assessment occurred.</p> <p>Not applicable for Juvenile.</p> <p>Report the amount of court cost/fines/fees reduced to Judgment/Lien activity during reporting year. CFY: October 1st – September 30th.</p> <p>Examples:</p> <p>A. Court assessed \$100 fine on 10/05/2011. \$50 of the fine was reduced to Judgment on 11/05/2011. Report \$50 as Judgment/Lien Amount.</p> <p>B. Court assessed \$100 fine on 10/05/2011. \$50 of the fine was reduced to Judgment on 11/05/2011 and \$50 reduced to Judgment 12/05/2011 – Report \$100 as Reduced to Judgment Amount.</p> <p>C. Court assessed \$100 fine on 09/05/2011. \$50 of the fine was reduced to Judgment on 11/05/2011 and \$50 reduced to Judgment on 12/05/2011 – Report \$100 as Reduced to Judgment Amount.</p>
Collection Rate/Area	Total Collections (Fines, Court Costs, Filing Fees, Services Charges and Administrative Costs)	<p>Total amount of Fines, Court Costs, Filing Fees, Services Charges and Administrative Costs <u>collected</u> in the reporting period, regardless of when the assessment was made.</p> <p>Examples:</p> <p>A. Court assessed \$100 fine on 09/05/2011. \$50 of the fine was paid on 11/05/2011. Report \$50 as collected amount.</p> <p>B. Court assessed \$100 fine on 10/05/2011. \$50 of the fine was reduced to Judgment on 11/05/2011, \$100 was paid on 12/05/2011 – Report \$100 as collected amount.</p> <p>C. Court assessed \$100 fine on 08/11/2009. \$100 reduced to judgment on 08/11/2009, \$100 was paid on 11/01/2011 – Report \$100 as collected amount.</p>

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	Collection Rate	<p>This field is a calculation:</p> <p>Total Collections (Line19) / (Total Collectible Amount (Line 7) + Total Collectible Amount (Line 15) = Collection Rate</p> <p>Example:</p> <ul style="list-style-type: none"> - Total Collections (Line 19) \$ 500.00 - Total Collectible Amount (Line 7) \$ 500.00 - Total Collectible Amount (Line15) \$ 500.00 - \$1000.00 - Collection Rate - \$500/\$1000 = 50% <p>Note: <u>The Collection Rate may exceed 100% because of prior year assessments being paid in the current report year.</u></p>
Circuit Criminal (Felony)	Number of Drug Trafficking Cases	Only Circuit Criminal Felony: Number of cases that include drug trafficking cases that were adjudicated during the reporting period.
	Number of Drug Trafficking Counts Adjudicated	Only applies to Circuit Criminal (Felony) Include the number of Chapter 893 Drug Trafficking charges that were adjudicated during the reporting period. Not Applicable for County Criminal, Juvenile or Civil Traffic.
	Total amount actually assessed for Drug Trafficking Convictions	Only applies to Circuit Criminal (Felony)

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Statutory and Documentation References

Court Division in Guidelines	Citation for Statutory or Documentation References	Description/Rationale
	s. 28.246 (2012), F.S. – Payment of Court Related Fines, Fees and Services Charges	Amended by SB 1964.
INFORMATIONAL ONLY	FCCC Distribution Schedule	Identifies fines, fees, costs and distribution of funds. <u>Not to be used as a reference for determining if an assessment is a mandatory/discretionary amount.</u> The schedule identifies the distribution of assessment fine and fee amounts to appropriate state entities.
	s. 318.18 (2012), F.S. – Civil Traffic Amount of Penalties	Identifies alternative penalties.
	s. 938.30 (2012), F.S. – Financial Obligations in Criminal Cases	Identifies community service option.
	Criminal: Discharge of Fines, Penalties and Costs	Supreme Court SC15-979 , April 13, 2017, dealing with special costs applied to charges is available. Also see FCCC Advisory Bulletin 17-028 .
Criminal Fines Discharge, (error or reversal)	Criminal Fines: Fines may be discharged upon grant of a motion to correct an erroneous or illegal sentence under Fla. R. Crim. Proc. 3.800(b), upon reversal of a sentencing order on direct appeal, or upon exercise of the court’s authority to modify or correct a sentencing order within 60 days under rule 3.800(c). See e.g., Elliot v. State , 1 So. 3d 219 (Fla. 2009) (\$500 fine for robbery conviction, in addition to habitual offender sentence, was unlawful.	If original sentence is ordered vacated, and set aside or reprocessed for any reason: The original assessments should be removed and not waived.” Remove assessment and do not enter as an under assessment. See pages 15 and 18.

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Criminal Fines Conversion (Community Service/Reduced to Civil Lien)	Fines may be converted to community service or reduced to a civil judgment under s. 938.30(2) and (6), F.S.	
Criminal Fines (Time Served) Explain.	Under s. 951.16, F.S., a defendant who is imprisoned in the county jail for failure to pay a fine and costs under sentence imposed for conviction of a crime is entitled to receive a credit on the fine and costs in proportion to the time served in custody.	
Criminal Fines, (Converted/Reduced or Suspended)	s. 893.135(4), F. S., "The state attorney may move the sentencing court to reduce or suspend the sentence of any person who is convicted of a violation of this section and who provides substantial assistance in the identification, arrest, or conviction of any of that person's accomplices, accessories, coconspirators, or principals or of any other person engaged in trafficking in controlled substances. The arresting agency shall be given an opportunity to be heard in aggravation or mitigation in reference to any such motion. Upon good cause shown, the motion may be filed and heard in camera. The judge hearing the motion may reduce or suspend the sentence if the judge finds that the defendant rendered such substantial assistance." If s. 893.135(4), F.S., prevails there is no under assessment to record.	
Civil: Discharge of Fines, Penalties and Costs		
Civil Fines (Conversion to Community Service)	A civil penalty for a non-criminal traffic infraction may be converted to community service under s. 318.18(8)(b)(1), F.S., if the person is unable to comply with the court's order due to a	

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	demonstrated financial hardship. In that instance, the court shall allow the person to satisfy the civil penalty by participating in community service until the civil penalty is paid.	
	Court Costs: Discharge of Fines, Penalties and Costs	
Acquitted or Discharged – No Fine/Court Costs to be Assessed	Under s. 939.06, F.S., a defendant who is acquitted or discharged, or whose conviction is reversed upon appeal, or review, is not liable for costs or fees.	
Discharged (Error, unauthorized)	Cost may be stricken upon appeal of a sentence challenging the costs as unauthorized. See e.g., <u>Ferrell v. State</u> , 437 So.2d 782 (Fla. 2d DCA 1983) (court did not have authority to impose costs as condition of parole).	General Rule: Court costs are attributed to the case and fines and fees are attributed to the count. Case law: <u>Haynes v State</u> 946 So. 2d 1106 (Fla. 5 th DCA 2006) Exception to general rule would be specialized court costs applied to the charge as defined in SC15-979 .
	Consolidated cases: there is only one case where costs can be assessed. This means all charges and counts are consolidated into one case.	
	Additional Resources	Description
	Optional Excel Spreadsheet	Spreadsheet which mimics the A & C Tool to assist with data entry
	A & C Tool User's Guide	Explains how to use the A & C Tool in CCIS. Contains screen shots with step-by-step instructions.