

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 04-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 04-41**

**IN RE: AUTHORIZATION FOR
CLERK'S PARTIAL PAYMENT
PROGRAM FOR FEES, SERVICE
CHARGES, COSTS AND FINES**

WHEREAS, section 21 of chapter 2004-265, Laws of Florida, amended section 28.246, Florida Statutes, regarding payment of court-related fees, service charges, costs and fines; and

WHEREAS, section 28.246, Florida Statutes (2004) authorizes the clerk of the circuit court to accept partial payments for court-related fees, service charges, costs and fines if a determination is made as to an individual's inability to make payments in full; and

WHEREAS, the Clerk of the Courts for the Eleventh Judicial Circuit ("Clerk") is willing to make an initial determination regarding an individual's inability to make payments in full and allow such individuals to be enrolled in the Clerk's periodic payment program without a formal court hearing; and

WHEREAS, it is necessary for the efficient and proper administration of justice in this Circuit to authorize such a periodic payment program;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, it is hereby ORDERED:

1. Any individual seeking to defer payment of court-related fees, service charges, costs, or fines shall be enrolled by the Clerk in a payment program, with periodic payment amounts corresponding to the individual's ability to pay, if the Clerk makes an initial determination that such individual is unable to make full payment. For purposes of this Order, a determination that an individual is unable to make full payment of court-related fees, service charges, costs or fines will be termed a "partial payment determination."

2. If the Clerk cannot make a partial payment determination, such partial payment determination will be made by the judge assigned to the division in which the individual's case is pending or was last heard. Any judge making a partial payment determination shall order the individual to enroll in the Clerk's periodic payment program pursuant to section 28.246, Florida Statutes (2004).

This Order shall take effect July 1, 2004, nunc pro tunc.

DONE AND ORDERED in Chambers at Miami-Dade, Florida, this _____ day of _____, 2004.

**JOSEPH P. FARINA, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**