

CHAPTER 2021-230

Committee Substitute for House Bill No. 1197

An act relating to courts; amending s. 25.221, F.S.; deleting the requirement that the Clerk of the Supreme Court physically keep books, records, and other materials in the clerk's office; amending s. 25.301, F.S.; deleting the requirement that Supreme Court decisions and orders remain in the clerk's office; amending s. 28.2457, F.S.; requiring the clerks of the circuit court, with specified entities, to prepare a specified plan to procure or develop a statewide electronic solution for identifying assessments mandated by statute; requiring a report to the Legislature by a specified date; deleting a provision requiring the clerks to annually submit a uniform form for identification and imposition of mandated assessments to the Supreme Court; amending s. 34.01, F.S.; providing for the periodic inflationary adjustment of the monetary jurisdictional limit applicable to all actions at law in county courts filed on or after a specified date, beginning in 2030; requiring the Office of Economic and Demographic Research to periodically calculate and certify such jurisdictional limit to the Chief Justice of the Supreme Court by a specified date; requiring specified entities to publish on their websites such adjusted jurisdictional limit; deleting obsolete language; amending s. 35.15, F.S.; deleting the requirement that decisions and orders of district courts of appeal remain in the office of the clerk of any such court; amending s. 35.23, F.S.; requiring the clerk of a district court of appeal to have an office at the headquarters of the court; deleting a requirement that the clerk keep records at the headquarters office; amending s. 35.24, F.S.; deleting the requirement that the clerk of a district court of appeal physically keep books, records, and other materials in the clerk's office; amending s. 40.23, F.S.; authorizing any person who has been summoned for jury service to postpone such service for an additional timeframe in the event of a declared public health emergency or a state of emergency; specifying requirements for any such request; amending s. 812.014, F.S.; removing the requirement that fingerprints be taken in open court and in the judge's presence upon a judgment of guilt of petit theft; authorizing the electronic capture of fingerprints; requiring fingerprints to be certified and filed in a specified manner; conforming a provision to changes made by the act; amending s. 921.241, F.S.; removing the requirement that fingerprints be taken in open court and in the judge's presence upon a judgment of guilt for a felony; authorizing the electronic capture of fingerprints; requiring the court officer, the employee of the court, or the employee of a criminal justice agency who captures fingerprints to sign a specified certification; conforming a provision to changes made by the act; removing the requirement that a judge obtain a defendant's social security number at the time of fingerprinting; amending s. 921.242, F.S.; removing the requirement that fingerprints be taken in open court and in the judge's presence upon a judgment of guilt for an offense under ch. 796, F.S.; authorizing the electronic capture of fingerprints; requiring fingerprints

to be certified and filed in a specified manner; conforming a provision to changes made by the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 25.221, Florida Statutes, is amended to read:

25.221 Maintenance Custody of books, records, and other materials etc. All books, papers, records, files, and the seal of the Supreme Court must be maintained by shall be kept in the office of the clerk of said court and be in the clerk's control, as prescribed by the Supreme Court custody.

Section 2. Section 25.301, Florida Statutes, is amended to read:

25.301 Decisions to be filed; copies to be furnished.—~~All decisions and opinions delivered by the Supreme said Court, or any justice thereof, relating in relation to any action or proceeding pending in the said court must shall be filed and remain in the office of the clerk and maintained by the clerk in the manner prescribed by the Supreme Court. Such decisions or opinions may, and shall not be taken out from the clerk's maintenance or control except by order of the court; however, the but said clerk must shall at all times be required to furnish certified copies of such opinions and decisions to any person who makes such a request may desire the same certified copies of such opinions and decisions, upon receiving any required fees his or her fees therefor.~~

Section 3. Subsection (2) of section 28.2457, Florida Statutes, is amended to read:

28.2457 Mandatory monetary assessments.—

(2) The clerks of the circuit court must collaborate with the state courts through the Florida Courts Technology Commission to prepare a plan to procure or develop a statewide electronic solution that will accurately identify all assessments mandated by statute. The plan must, at a minimum, address operational, technological, and fiscal considerations related to implementation of the electronic solution. The clerks must submit the plan to the President of the Senate and the Speaker of the House of Representatives by January 1, 2022. The clerks of court, through their association and in consultation with the Office of the State Courts Administrator, shall develop by October 1, 2012, a uniform form for the identification and imposition of all assessments mandated by statute. The clerks shall submit the form by that date, and by October 1 every year thereafter if necessary to reflect changes in the law, to the Supreme Court for approval. Upon approval of the form by the Supreme Court, all circuit and county courts shall use the form.

Section 4. Subsection (1) of section 34.01, Florida Statutes, is amended to read:

34.01 Jurisdiction of county court.—

(1) County courts shall have original jurisdiction:

(a) In all misdemeanor cases not cognizable by the circuit courts.

(b) Of all violations of municipal and county ordinances.

(c) Of all actions at law, except those within the exclusive jurisdiction of the circuit courts, in which the matter in controversy does not exceed, exclusive of interest, costs, and attorney fees:

1. If filed on or before December 31, 2019, the sum of \$15,000.

2. If filed on or after January 1, 2020, the sum of \$30,000.

3. If filed on or after January 1, 2023, the sum of \$50,000.

Effective July 1, 2030, and every 10 years thereafter, the \$50,000 jurisdictional limit in subparagraph 3. must be adjusted and increased by the percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, 1982-1984=100, or successor reports, for the preceding 10 calendar years as initially reported by the United States Department of Labor, Bureau of Labor Statistics. The adjusted jurisdictional limit must be rounded to the nearest \$5,000. However, the jurisdictional limit may not be lower than \$50,000. The Office of Economic and Demographic Research must calculate the adjusted jurisdictional limit and certify the adjusted jurisdictional limit to the Chief Justice of the Supreme Court beginning January 31, 2030, and every 10 years thereafter. The Office of Economic and Demographic Research and the Office of the State Courts Administrator must publish the adjusted jurisdictional limit on their websites.

(d) Of disputes occurring in the homeowners' associations as described in s. 720.311(2)(a), which shall be concurrent with jurisdiction of the circuit courts.

~~By February 1, 2021, the Office of the State Courts Administrator shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must make recommendations regarding the adjustment of county court jurisdiction, including, but not limited to, consideration of the claim value of filings in county court and circuit court, case events, timeliness in processing cases, and any fiscal impact to the state as a result of adjusted jurisdictional limits. The clerks of the circuit court and county court shall provide claim value data and necessary case event data to the office to be used in development of the report. The report must also include a review of fees to ensure that the court system is adequately funded and a review of the appellate jurisdiction of the district courts and the circuit courts, including the use of appellate panels by circuit courts.~~

Section 5. Section 35.15, Florida Statutes, is amended to read:

35.15 Decisions to be filed; copies to be furnished.—All decisions and opinions delivered by the district courts of appeal, or any judge thereof, relating ~~in relation~~ to any action or proceeding pending in such said court ~~must shall~~ be filed and remain in the office of the clerk and maintained in the control of the clerk. ~~Such decisions and opinions may, and shall~~ not be taken ~~from the clerk's maintenance or control~~ therefrom except by order of the court; ~~however, the~~ but said clerk ~~must~~ shall at all times be required to furnish certified copies of such opinions and decisions to any person who makes such a request ~~may desire the same certified copies of such opinions and decisions, upon receiving any required fees his or her fees therefor.~~

Section 6. Section 35.23, Florida Statutes, is amended to read:

35.23 Location of clerk's office.—Each clerk shall have an office ~~keep his or her records~~ at the headquarters of the district court of appeal.

Section 7. Section 35.24, Florida Statutes, is amended to read:

35.24 Maintenance ~~Custody~~ of books, records, and other materials etc. All books, papers, records, files and the seal of each district court of appeal shall be maintained by, and in the control of, ~~kept in the office of~~ the clerk of the said court.

Section 8. Subsection (2) of section 40.23, Florida Statutes, is amended to read:

40.23 Summoning jurors.—

(2) The jury service of any person who has been summoned may be postponed for a period not to exceed 6 months upon written or oral request. However, if either a public health emergency has been declared by the State Health Officer pursuant to s. 381.00315 or a state of emergency has been declared by the Governor pursuant to s. 252.36(2), the jury service of any person who has been summoned may be postponed for a period not to exceed 12 months upon written or oral request. The request may specify a date or period of time to which service is to be postponed and, if so, shall be given consideration when the assignment of the postponed date of jury service is made.

Section 9. Paragraph (d) of subsection (3) of section 812.014, Florida Statutes, is amended to read:

812.014 Theft.—

(3)

(d)1. A judgment of guilty or not guilty of a petit theft must shall be in:

a. A written record that is signed by the judge and recorded by the clerk of the circuit court; or

b. An electronic record that contains the judge’s electronic signature as defined in s. 933.40 and is recorded by the clerk of the circuit court.

2. ~~At the time A defendant is found guilty of petit theft, the judge shall cause the following to occur in open court and in the judge’s presence:~~

~~a. For a written judgment of guilty, the fingerprints of a the defendant who is found guilty of petit theft to against whom such judgment is rendered shall be manually taken or electronically captured and affixed beneath the judge’s signature on the judgment. Beneath Such fingerprints must be certified and filed in the case in which the judgment of guilty is entered as provided in s. 921.241(3). shall be appended a certificate to the following effect:~~

~~“I hereby certify that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant,, and that they were placed thereon by said defendant in my presence, in open court, this the day of, ... (year)....”~~

~~Such certificate shall be signed by the judge, whose signature thereto shall be followed by the word “Judge.”~~

~~b. For an electronic judgment of guilty, the fingerprints of the defendant must be electronically captured and a certificate must be issued as provided in s. 921.241(3)(b).~~

3. A written or an electronic judgment of guilty of a petit theft, or a certified copy thereof, is admissible in evidence in the courts of this state as provided in s. 921.241(4).

Section 10. Section 921.241, Florida Statutes, is amended to read:

921.241 Felony judgments; fingerprints and ~~social security number~~ required in record.—

(1) As used in this section, the term:

(a) “Electronic signature” has the same meaning as in s. 933.40.

(b) “Transaction control number” means the unique identifier comprised of numbers, letters, or other symbols for a digital fingerprint record generated by the device used to electronically capture the fingerprints.

(2) A judgment of guilty or not guilty of a felony must shall be in:

(a) A written record that is signed by the judge and recorded by the clerk of the court; or

(b) An electronic record that contains the judge's electronic signature and is recorded by the clerk of the court.

~~(3) At the time A defendant is found guilty of a felony, the judge shall cause the following to occur in open court and in the judge's presence:~~

~~(a) For a written judgment of guilty, the fingerprints of a the defendant who is found guilty of a felony to shall be manually taken or electronically captured. If the fingerprints are:~~

~~(a) Manually taken, the fingerprints must be filed in the case in which and affixed beneath the judge's signature on the judgment of guilty is entered. Beneath such fingerprints shall be appended a certification certificate to the following effect:~~

~~"I hereby certify that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, ...(name)... .., and that they were placed thereon by said defendant in my presence, in open court, this the day of, ...(year)...."~~

~~The court officer, the employee of the court, or the employee of a criminal justice agency who manually took the fingerprints shall place his or her written signature on the certification. Such certificate shall be signed by the judge, whose signature thereto shall be followed by the word "Judge."~~

~~(b) For an electronic judgment of guilty, the fingerprints of the defendant shall be Electronically captured, and the following certification must be filed in the case in which certificate shall be included in the electronic judgment of guilty is entered:~~

~~"I hereby certify that the digital fingerprint record associated with Transaction Control Number contains the fingerprints of the defendant, ...(name)... .., which were electronically captured from the defendant in my presence, in open court, this the day of, ...(year)...."~~

~~The court officer, the employee of the court, or the employee of a criminal justice agency who electronically captured the fingerprints judge shall place his or her written or electronic signature on the certification, which shall be followed by the word "Judge," on the certificate.~~

~~(4) A written or electronic judgment of guilty, or a certified copy thereof, is shall be admissible in evidence in the several courts of this state as prima facie evidence that the:~~

~~(a) Manual fingerprints filed in the case in which the judgment of guilty is entered appearing thereon and certified as set forth in this section by the judge as aforesaid are the fingerprints of the defendant against whom the judgment of guilty was rendered.~~

(b) Digital fingerprint record associated with the transaction control number specified in the certification required by this section and filed in the case in which the judgment of guilty is entered judge’s certificate contains the fingerprints of the defendant against whom the judgment of guilty was rendered.

~~(5) At the time the defendant’s fingerprints are manually taken or electronically captured, the judge shall also cause the defendant’s social security number to be taken. The defendant’s social security number shall be specified in each written or electronic judgment of guilty of a felony, in open court, in the presence of such judge, and at the time the judgment is rendered. If the defendant is unable or unwilling to provide his or her social security number, the reason for its absence shall be specified in the written or electronic judgment.~~

Section 11. Section 921.242, Florida Statutes, is amended to read:

921.242 Subsequent offenses under chapter 796; method of proof applicable.—

(1) A judgment of guilty with respect to any offense governed by the provisions of chapter 796 must ~~shall~~ be in:

(a) A written record that is signed by the judge and recorded by the clerk of the circuit court; or

(b) An electronic record that contains the judge’s electronic signature as defined in s. 933.40 and is recorded by the clerk of the circuit court.

~~(2) At the time A defendant is found guilty, the judge shall cause the following to occur in open court and in the judge’s presence:~~

~~(a) For a written judgment of guilty, the fingerprints of a the defendant who is found guilty of any offense governed by chapter 796 to against whom such judgment is rendered shall be manually taken or electronically captured and affixed beneath the judge’s signature on the judgment. Beneath Such fingerprints must be certified and filed in the case in which the judgment of guilty is entered as provided in s. 921.241(3). shall be appended a certificate to the following effect:~~

~~“I hereby certify that the above and foregoing fingerprints are of the defendant, ...(name)..., and that they were placed thereon by said defendant in my presence, in open court, this the day of, ...(year)....”~~

Such certificate shall be signed by the judge, whose signature thereto shall be followed by the word “Judge.”

~~(b) For an electronic judgment of guilty, the fingerprints of the defendant must be electronically captured, and a certificate must be issued as provided in s. 921.241(3)(b).~~

(3) A written or an electronic judgment of guilty, or a certified copy thereof, is shall be admissible in evidence in the several courts of this state as provided in s. 921.241(4).

Section 12. This act shall take effect July 1, 2021.

Approved by the Governor June 29, 2021.

Filed in Office Secretary of State June 29, 2021.