

## CHAPTER 2024-153

### Committee Substitute for Committee Substitute for House Bill No. 1077

An act relating to clerks of court; amending s. 27.52, F.S.; revising the fund into which moneys recovered by certain state attorneys must be remitted; amending s. 27.54, F.S.; revising the fund into which certain payments received must be remitted as related to public defenders or regional counsels; amending s. 27.703, F.S.; revising the entity that funds the capital collateral regional counsel; amending s. 28.35, F.S.; revising the list of court-related functions that clerks may fund from filing fees, service charges, court costs, and fines; amending s. 34.041, F.S.; revising the fund into which certain filing fees are to be deposited; amending 57.082, F.S.; conforming provisions to changes made by the act; amending s. 110.112, F.S.; removing a provision requiring each state attorney to publish an annual report addressing results of his or her affirmative action program; amending s. 142.01, F.S.; authorizing clerks of the circuit court to invest specified funds in an interest-bearing account; requiring that interest earned in the fine and forfeiture fund be deposited in the Public Records Modernization Trust Fund and used exclusively for certain operations and enhancements; amending s. 186.003, F.S.; revising the definition of “state agency” for certain purposes; amending s. 318.18, F.S.; revising the distribution of certain administrative fees; creating s. 322.76, F.S.; creating the Clerk of the Court Driver License Reinstatement Pilot Program; authorizing the Clerk of the Circuit Court for Miami-Dade County to reinstate or provide an affidavit to the department to reinstate certain suspended driver licenses; establishing requirements for the clerk under the program to be performed by a date certain; providing for expiration of the program; amending s. 501.2101, F.S.; revising the funds into which certain moneys received by state attorneys must be deposited; providing an effective date.

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

Section 1. Paragraph (b) of subsection (7) of section 27.52, Florida Statutes is amended to read:

27.52 Determination of indigent status.—

(7) FINANCIAL DISCREPANCIES; FRAUD; FALSE INFORMATION.

(b) If the court has reason to believe that any applicant, through fraud or misrepresentation, was improperly determined to be indigent or indigent for costs, the matter shall be referred to the state attorney. Twenty-five percent of any amount recovered by the state attorney as reasonable value of the services rendered, including fees, charges, and costs paid by the state on the person’s behalf, shall be remitted to the Department of Revenue for deposit into the Grants and Donations Trust Fund of the applicable state attorney

~~within the Justice Administrative Commission.~~ Seventy-five percent of any amount recovered shall be remitted to the Department of Revenue for deposit into the General Revenue Fund.

Section 2. Paragraph (c) of subsection (2) of section 27.54, Florida Statutes, is amended to

27.54 Limitation on payment of expenditures other than by the state.

(2) A county or municipality may contract with, or appropriate or contribute funds to, the operation of the offices of the various public defenders and regional ~~counsel~~ counsel as provided in this subsection. A public defender or regional counsel defending violations of special laws or county or municipal ordinances punishable by incarceration and not ancillary to a state charge shall contract with counties and municipalities to recover the full cost of services rendered on an hourly basis or reimburse the state for the full cost of assigning one or more full-time equivalent attorney positions to work on behalf of the county or municipality. Notwithstanding any other provision of law, in the case of a county with a population of less than 75,000, the public defender or regional counsel shall contract for full reimbursement, or for reimbursement as the parties otherwise agree. In local ordinance violation cases, the county or municipality shall pay for due process services that are approved by the court, including deposition costs, deposition transcript costs, investigative costs, witness fees, expert witness costs, and interpreter costs. The person charged with the violation shall be assessed a fee for the services of a public defender or regional counsel and other costs and fees paid by the county or municipality, which assessed fee may be reduced to a lien, in all instances in which the person enters a plea of guilty or no contest or is found to be in violation or guilty of any count or lesser included offense of the charge or companion case charges, regardless of adjudication. The court shall determine the amount of the obligation. The county or municipality may recover assessed fees through collections court or as otherwise permitted by law, and any fees recovered pursuant to this section shall be forwarded to the applicable county or municipality as reimbursement.

(c) Any payments received pursuant to this subsection shall be deposited into the Grants and Donations Trust Fund ~~of within the applicable public defender or criminal conflict and civil regional counsel Justice Administrative Commission~~ for appropriation by the Legislature.

Section 3. Subsection (2) of section 27.703, Florida Statutes, is amended to read:

27.703 Conflict of interest and substitute counsel.—

(2) Appointed counsel shall be paid from funds appropriated to the ~~Justice Administrative Commission Chief Financial Officer.~~ The hourly rate may not exceed \$100. However, all appointments of private counsel under this section shall be in accordance with ss. 27.710 and 27.711.

Section 4. Paragraph (a) of subsection (3) of section 28.35, Florida Statutes, is amended to read:

28.35 Florida Clerks of Court Operations Corporation.—

(3)(a) The list of court-related functions that clerks may fund from filing fees, service charges, court costs, and fines is limited to those functions expressly authorized by law or court rule. Those functions include the following: case maintenance; records management; court preparation and attendance; processing the assignment, reopening, and reassignment of cases; processing of appeals; collection and distribution of fines, fees, service charges, and court costs; processing of bond forfeiture payments; data collection and reporting; determinations of indigent status; improving court technology; and paying reasonable administrative support costs to enable the clerk of the court to carry out these court-related functions.

Section 5. Paragraph (d) of subsection (1) of section 34.041, Florida Statutes, is amended to read:

34.041 Filing fees.—

(1)

(d) The clerk of court shall collect a service charge of \$10 for issuing a summons or an electronic certified copy of a summons, which the clerk shall deposit into the fine and forfeiture fund established pursuant to s. 142.01 ~~remit to the Department of Revenue for deposit into the General Revenue Fund~~. The clerk shall assess the fee against the party seeking to have the summons issued.

Section 6. Paragraph (b) of subsection (7) of section 57.082, Florida Statutes, is amended to read:

57.082 Determination of civil indigent status.—

(7) FINANCIAL DISCREPANCIES; FRAUD; FALSE INFORMATION.

(b) If the court has reason to believe that any applicant, through fraud or misrepresentation, was improperly determined to be indigent, the matter shall be referred to the state attorney. Twenty-five percent of any amount recovered by the state attorney as reasonable value of the services rendered, including fees, charges, and costs paid by the state on the person’s behalf, shall be remitted to the Department of Revenue for deposit into the Grants and Donations Trust Fund of within the applicable state attorney Justice Administrative Commission. Seventy-five percent of any amount recovered shall be remitted to the Department of Revenue for deposit into the General Revenue Fund.

Section 7. Paragraph (d) of subsection (4) of section 110.112, Florida Statutes, is amended to read:

110.112 Affirmative action; equal employment opportunity.—

(4) Each state attorney and public defender shall:

~~(d) Report annually to the Justice Administrative Commission on the implementation, continuance, updating, and results of his or her affirmative action program for the previous fiscal year.~~

Section 8. Subsection (2) of section 142.01, Florida Statutes, is renumbered as subsection (3), subsection (1) is amended, and a new subsection (2) is added to that section, to read:

142.01 Fine and forfeiture fund; disposition of revenue; clerk of the circuit court.—

(1)(a) There shall be established by the clerk of the circuit court in each county of this state a separate fund to be known as the fine and forfeiture fund for use by the clerk of the circuit court in performing court-related functions. The fund shall consist of the following:

~~1.(a)~~ Fines and penalties pursuant to ss. 28.2402(2), 34.045(2), 316.193, 327.35, 327.72, 379.2203(1), and 775.083(1).

~~2.(b)~~ That portion of civil penalties directed to this fund pursuant to s. 318.21.

~~3.(e)~~ Court costs pursuant to ss. 28.2402(1)(b), 34.045(1)(b), 318.14(10)(b), 318.18(11)(a), 327.73(9)(a) and (11)(a), and 938.05(3).

~~4.(d)~~ Proceeds from forfeited bail bonds, unclaimed bonds, unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a), 379.2203(1), and 903.26(3)(a).

~~5.(e)~~ Fines and forfeitures pursuant to s. 34.191.

~~6.(f)~~ Filing fees received pursuant to ss. 28.241 and 34.041, unless the disposition of such fees is otherwise required by law.

~~7.(g)~~ All other revenues received by the clerk as revenue authorized by law to be retained by the clerk.

(b) The clerk of the circuit court in each county may invest funds held in the fine and forfeiture fund as provided in paragraph (a) in an interest-bearing account.

(2) Interest earned in the fine and forfeiture fund must be deposited into the Public Records Modernization Trust Fund to be used exclusively for additional court-related operations and enhancements.

Section 9. Subsection (6) of section 186.003, Florida Statutes, is amended to read:

186.003 Definitions; ss. 186.001-186.031, 186.801-186.901.—As used in ss. 186.001-186.031 and 186.801-186.901, the term:

(6) “State agency” or “agency” means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government. For purposes of this chapter, “state agency” or “agency” includes ~~state attorneys, public defenders, the capital collateral regional counsel, the Justice Administrative Commission, and the Public Service Commission.~~

Section 10. Subsection (18) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(18) In addition to any penalties imposed, an administrative fee of \$12.50 must be paid for all noncriminal moving and nonmoving violations under chapters 316, 320, and 322. Of this administrative fee, \$6.25 must be deposited into the Public Records Modernization Trust Fund and used exclusively for funding court-related technology needs of the clerk, as defined in s. 29.008(1)(f)2. and (h), and \$6.25 must be deposited into the fine and forfeiture fund established pursuant to s. 142.01 ~~The clerk shall remit the administrative fee to the Department of Revenue for deposit into the General Revenue Fund.~~

Section 11. Section 322.76, Florida Statutes, is created to read:

322.76 Miami-Dade County the Clerk of Court Driver License Reinstatement Pilot Program.—There is created in Miami-Dade County the Clerk of Court Driver License Reinstatement Pilot Program.

(1) As used in this section, the term “clerk” means the Clerk of the Circuit Court for Miami-Dade County.

(2) Notwithstanding any other provision to the contrary in this chapter, the clerk may reinstate or provide an affidavit to the department to reinstate a suspended driver license:

(a) For a person’s failure to fulfill a court-ordered child support obligation.

(b) As a result of the end of suspension because of points, under s. 322.27, notwithstanding hardship license.

(c) For failure to comply with any provision of chapter 318 or this chapter.

(3) Notwithstanding s. 322.29(1), an examination is not required for the reinstatement of a driver license suspended under s. 318.15 or s. 322.245

unless an examination is otherwise required by this chapter. A person applying for the reinstatement of a driver license suspended under s. 318.15 or s. 322.245 must present to the clerk certification from the court that he or she has either complied with all obligations and penalties imposed pursuant to s. 318.15 or with all directives of the court and the requirements of s. 322.245.

(4) A nonrefundable service fee must be paid pursuant to s. 322.29(2).

(5) Before July 1, 2024, the department shall work with the clerk, through its association, to ensure the ability within its technology system for the clerk to reinstate suspended driver licenses under the pilot program, to begin on July 1, 2024.

(6) By December 31, 2025, the clerk must submit the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Executive Director of the Florida Clerks of Court Operations Corporation a report containing the following information:

(a) Number of driver license reinstatements.

(b) Amount of fees and costs collected, including the aggregate funds received by the clerk, local governmental entities, and state entities, including the General Revenue Fund.

(c) The personnel, operating, and other expenditures incurred by the clerk.

(d) Feedback received from the community, if any, in response to the clerk's participation in the pilot program.

(e) Whether the pilot program led to improved timeliness for the reinstatement of driver licenses.

(f) The clerk's recommendation as to whether the pilot program should be extended in Miami-Dade County or to other clerks' offices.

(g) Any other information the clerk deems necessary.

(7) This section is repealed on July 1, 2026.

Section 12. Subsection (1) of section 501.2101, Florida Statutes, is amended to read:

501.2101 Enforcing authorities; moneys received in certain proceedings.

(1) Any moneys received by an enforcing authority for ~~attorney attorney's~~ fees and costs of investigation or litigation in proceedings brought under the provisions of s. 501.207, s. 501.208, or s. 501.211 shall be deposited as received in the Legal Affairs Revolving Trust Fund if the action is brought by the Department of Legal Affairs, and in the Grants and Donations

~~Consumer Frauds Trust Fund of a state attorney the Justice Administrative Commission~~ if the action is brought by the a state attorney.

Section 13. This act shall take effect upon becoming a law.

Approved by the Governor May 6, 2024.

Filed in Office Secretary of State May 6, 2024.