

1 A bill to be entitled
2 An act relating to courts; amending s. 25.221, F.S.;
3 deleting the requirement that the Clerk of the Supreme
4 Court physically keep books, records, and other
5 materials in the clerk's office; amending s. 25.301,
6 F.S.; deleting the requirement that Supreme Court
7 decisions and orders remain in the clerk's office;
8 amending s. 28.2457, F.S.; requiring the clerks of the
9 circuit court, with specified entities, to prepare a
10 specified plan to procure or develop a statewide
11 electronic solution for identifying assessments
12 mandated by statute; requiring a report to the
13 Legislature by a specified date; deleting a provision
14 requiring the clerks to annually submit a uniform form
15 for identification and imposition of mandated
16 assessments to the Supreme Court; amending s. 34.01,
17 F.S.; providing for the periodic inflationary
18 adjustment of the monetary jurisdictional limit
19 applicable to all actions at law in county courts
20 filed on or after a specified date, beginning in 2030;
21 deleting obsolete language; amending s. 35.15, F.S.;
22 deleting the requirement that decisions and orders of
23 district courts of appeal remain in the office of the
24 clerk of any such court; amending s. 35.23, F.S.;
25 requiring the clerk of a district court of appeal to

26 | have an office at the headquarters of the court;
27 | deleting a requirement that the clerk keep records at
28 | the headquarters office; amending s. 35.24, F.S.;
29 | deleting the requirement that the clerk of a district
30 | court of appeal physically keep books, records, and
31 | other materials in the clerk's office; amending s.
32 | 40.23, F.S.; authorizing any person who has been
33 | summoned for jury service to postpone such service for
34 | an additional timeframe in the event of a declared
35 | public health emergency or a state of emergency;
36 | specifying requirements for any such request; amending
37 | s. 812.014, F.S.; removing the requirement that
38 | fingerprints be taken in open court and in the judge's
39 | presence upon a judgment of guilt of petit theft;
40 | authorizing the electronic capture of fingerprints;
41 | requiring the court officer, the employee of the
42 | court, or the employee of a criminal justice agency
43 | who captures fingerprints to sign a specified
44 | certification; amending s. 921.241, F.S.; removing the
45 | requirement that fingerprints be taken in open court
46 | and in the judge's presence upon a judgment of guilt
47 | for a felony; authorizing the electronic capture of
48 | fingerprints; requiring the court officer, the
49 | employee of the court, or the employee of a criminal
50 | justice agency who captures fingerprints to sign a

51 specified certification; conforming a provision to
 52 changes made by the act; removing the requirement that
 53 a judge obtain a defendant's social security number at
 54 the time of fingerprinting; amending s. 921.242, F.S.;
 55 removing the requirement that fingerprints be taken in
 56 open court and in the judge's presence upon a judgment
 57 of guilt for an offense under ch. 796, F.S.;
 58 authorizing the electronic capture of fingerprints;
 59 requiring the court officer, the employee of the
 60 court, or the employee of a criminal justice agency
 61 who captures fingerprints to sign a specified
 62 certification; conforming a provision to changes made
 63 by the act; providing an effective date.

64
 65 Be It Enacted by the Legislature of the State of Florida:

66
 67 Section 1. Section 25.221, Florida Statutes, is amended to
 68 read:

69 25.221 Maintenance ~~Custody~~ of books, records, and other
 70 materials ~~etc.~~—All books, papers, records, files, and the seal
 71 of the Supreme Court must be maintained by ~~shall be kept in the~~
 72 ~~office of the clerk of said court~~ and be in the clerk's control,
 73 as prescribed by the Supreme Court ~~eustody~~.

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

76 25.301 Decisions to be filed; copies to be furnished.—All
 77 decisions and opinions delivered by the Supreme ~~said~~ Court, or
 78 any justice thereof, relating ~~in relation~~ to any action or
 79 proceeding pending in the ~~said~~ court must ~~shall~~ be filed and
 80 ~~remain~~ in the office of the clerk and maintained by the clerk in
 81 the manner prescribed by the Supreme Court. Such decisions or
 82 opinions may, ~~and shall~~ not be taken out from the clerk's
 83 maintenance or control except by order of the court; however,
 84 the ~~but~~ said clerk must ~~shall~~ at all times be required to
 85 furnish certified copies of such opinions and decisions to any
 86 person who makes such a request ~~may desire the same certified~~
 87 ~~copies of such opinions and decisions,~~ upon receiving any
 88 required fees ~~his or her fees therefor.~~

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

91 28.2457 Mandatory monetary assessments.—

92 (2) The clerks of the circuit court must collaborate with
 93 the state courts through the Florida Courts Technology
 94 Commission to prepare a plan to procure or develop a statewide
 95 electronic solution that will accurately identify all
 96 assessments mandated by statute. The plan must, at a minimum,
 97 address operational, technological, and fiscal considerations
 98 related to implementation of the electronic solution. The clerks
 99 must submit the plan to the President of the Senate and the
 100 Speaker of the House of Representatives by January 1, 2022. The

101 ~~clerks of court, through their association and in consultation~~
102 ~~with the Office of the State Courts Administrator, shall develop~~
103 ~~by October 1, 2012, a uniform form for the identification and~~
104 ~~imposition of all assessments mandated by statute. The clerks~~
105 ~~shall submit the form by that date, and by October 1 every year~~
106 ~~thereafter if necessary to reflect changes in the law, to the~~
107 ~~Supreme Court for approval. Upon approval of the form by the~~
108 ~~Supreme Court, all circuit and county courts shall use the form.~~

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

111 34.01 Jurisdiction of county court.—

112 (1) County courts shall have original jurisdiction:

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

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

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

120 1. If filed on or before December 31, 2019, the sum of
121 \$15,000.

122 2. If filed on or after January 1, 2020, the sum of
123 \$30,000.

124 3. If filed on or after January 1, 2023, the sum of
125 \$50,000.

126
127 The \$50,000 jurisdictional limit in subparagraph 3. shall be
128 adjusted, effective January 1, 2030, and every 10 years
129 thereafter, by the percentage change in the average of the
130 Consumer Price Index issued by the United States Department of
131 Labor for the most recent 12-month period ending on September
132 30, compared to the base year average, which is the average for
133 the 12-month period ending September 30, 2022. The adjusted
134 jurisdictional limit must be rounded to the nearest \$1,000.

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

138
139 ~~By February 1, 2021, the Office of the State Courts~~
140 ~~Administrator shall submit a report to the Governor, the~~
141 ~~President of the Senate, and the Speaker of the House of~~
142 ~~Representatives. The report must make recommendations regarding~~
143 ~~the adjustment of county court jurisdiction, including, but not~~
144 ~~limited to, consideration of the claim value of filings in~~
145 ~~county court and circuit court, case events, timeliness in~~
146 ~~processing cases, and any fiscal impact to the state as a result~~
147 ~~of adjusted jurisdictional limits. The clerks of the circuit~~
148 ~~court and county court shall provide claim value data and~~
149 ~~necessary case event data to the office to be used in~~
150 ~~development of the report. The report must also include a review~~

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151 ~~of fees to ensure that the court system is adequately funded and~~
152 ~~a review of the appellate jurisdiction of the district courts~~
153 ~~and the circuit courts, including the use of appellate panels by~~
154 ~~circuit courts.~~

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

157 35.15 Decisions to be filed; copies to be furnished.—All
158 decisions and opinions delivered by the district courts of
159 appeal, or any judge thereof, ~~relating in relation~~ to any action
160 or proceeding pending in such said court ~~must shall~~ be filed ~~and~~
161 ~~remain~~ in the office of the clerk and maintained in the control
162 of the clerk. Such decisions and opinions ~~may, and shall~~ not be
163 taken from the clerk's maintenance or control ~~therefrom~~ except
164 by order of the court; however, the ~~but said~~ clerk must shall at
165 ~~all times be required to~~ furnish certified copies of such
166 opinions and decisions to any person who makes such a request
167 ~~may desire the same certified copies of such opinions and~~
168 ~~decisions, upon receiving any required fees his or her fees~~
169 ~~therefor.~~

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

172 35.23 Location of clerk's office.—Each clerk shall have an
173 office ~~keep his or her records~~ at the headquarters of the
174 district court of appeal.

175 Section 7. Section 35.24, Florida Statutes, is amended to

176 read:

177 35.24 Maintenance ~~Custody~~ of books, records, and other
 178 materials ~~etc.~~—All books, papers, records, files and the seal of
 179 each district court of appeal shall be maintained by, and in the
 180 control of, ~~kept in the office of~~ the clerk of the ~~said~~ court.

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

183 40.23 Summoning jurors.—

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

195 Section 9. Paragraph (d) of subsection (3) of section
 196 812.014, Florida Statutes, is amended to read:

197 812.014 Theft.—

198 (3)

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

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

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

206 2. At the time a defendant is found guilty of petit theft,
 207 the judge shall cause the following to occur ~~in open court and~~
 208 ~~in the judge's presence:~~

209 a. For a written judgment of guilty, the fingerprints of
 210 the defendant against whom such judgment is rendered must ~~shall~~
 211 be electronically or manually captured ~~taken~~ and affixed beneath
 212 the judge's signature on the judgment. If the fingerprints were
 213 captured electronically, the certifying statement provided in s.
 214 921.241(3)(b) must be used. If the fingerprints were captured
 215 manually, the following certification must be appended beneath
 216 such fingerprints ~~shall be appended a certificate to the~~
 217 ~~following effect:~~

218
 219 "I hereby certify that the above and foregoing fingerprints
 220 on this judgment are the fingerprints of the defendant, ,
 221 and that they were placed thereon by said defendant in my
 222 presence, ~~in open court,~~ this the day of ,
 223 . . . (year)"

224
 225 Such certification must ~~certificate shall~~ be signed by the court

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226 officer, the employee of the court, or the employee of a
227 criminal justice agency who captured the fingerprints. ~~judge,~~
228 ~~whose signature thereto shall be followed by the word "Judge."~~

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

232 3. A written or an electronic judgment of guilty of a
233 petit theft, or a certified copy thereof, is admissible in
234 evidence in the courts of this state as provided in s.
235 921.241(4).

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

238 921.241 Felony judgments; fingerprints and social security
239 number required in record.—

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

241 (a) "Electronic signature" has the same meaning as in s.
242 933.40.

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

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

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

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

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

256 (a) For a written judgment of guilty, the fingerprints of
 257 the defendant must ~~shall~~ be electronically or manually captured
 258 ~~taken~~ and affixed beneath the judge's signature on the judgment.
 259 If the fingerprints were captured electronically, the certifying
 260 statement provided in paragraph (b) must be used. If
 261 fingerprints were captured manually, the following certification
 262 must be appended beneath such fingerprints ~~shall be appended a~~
 263 ~~certificate to the following effect:~~

264
 265 "I hereby certify that the above and foregoing fingerprints
 266 on this judgment are the fingerprints of the defendant, ,
 267 and that they were placed thereon by said defendant in my
 268 presence, ~~in open court,~~ this the day of ,
 269 . . . (year)"

270
 271 Such certification must ~~certificate shall~~ be signed by the court
 272 officer, the employee of the court, or the employee of a
 273 criminal justice agency who captured the fingerprints. ~~judge,~~
 274 ~~whose signature thereto shall be followed by the word "Judge."~~

275 (b) For an electronic judgment of guilty, the fingerprints

276 of the defendant shall be electronically captured, and the
 277 following certification must ~~certificate shall~~ be included in
 278 the electronic judgment:

279
 280 "I hereby certify that the digital fingerprint record
 281 associated with Transaction Control Number contains the
 282 fingerprints of the defendant,, which were electronically
 283 captured from the defendant in my presence, ~~in open court,~~ this
 284 the day of, ... (year)...."

285
 286 The court officer, the employee of the court, or the employee of
 287 a criminal justice agency who captured the fingerprints ~~judge~~
 288 shall place his or her electronic signature, ~~which shall be~~
 289 ~~followed by the word "Judge,"~~ on the certification ~~certificate~~.

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

294 ~~(a)~~ manual or digital fingerprints appearing thereon and
 295 certified ~~by the judge~~ as specified in this section ~~aforsaid~~
 296 are the fingerprints of the defendant against whom the judgment
 297 of guilty was rendered.

298 ~~(b) Digital fingerprint record associated with the~~
 299 ~~transaction control number specified in the judge's certificate~~
 300 ~~contains the fingerprints of the defendant against whom the~~

301 ~~judgment of guilty was rendered.~~

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

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

313 921.242 Subsequent offenses under chapter 796; method of
 314 proof applicable.—

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

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

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

322 (2) At the time a defendant is found guilty, the judge
 323 shall cause the following to occur ~~in open court and in the~~
 324 ~~judge's presence:~~

325 (a) For a written judgment of guilty, the fingerprints of

326 | the defendant against whom such judgment is rendered must ~~shall~~
 327 | be electronically or manually captured ~~taken~~ and affixed beneath
 328 | the judge's signature on the judgment. If the fingerprints were
 329 | captured electronically, the certifying statement provided in s.
 330 | 921.241(3) (b) must be used. If the fingerprints were captured
 331 | manually, the following certification must be appended beneath
 332 | such fingerprints ~~shall be appended a certificate to the~~
 333 | ~~following effect:~~

334 |
 335 | "I hereby certify that the above and foregoing fingerprints
 336 | are of the defendant, ... (name) ..., and that they were placed
 337 | thereon by said defendant in my presence, ~~in open court,~~ this
 338 | the day of, ... (year)"

339 |
 340 | Such certification must ~~certificate shall~~ be signed by the court
 341 | officer, the employee of the court, or the employee of a
 342 | criminal justice agency who captured the fingerprints. ~~judge,~~
 343 | ~~whose signature thereto shall be followed by the word "Judge."~~

344 | (b) For an electronic judgment of guilty, the fingerprints
 345 | of the defendant must be electronically captured, and a
 346 | ~~certificate~~ must be certified ~~issued~~ as provided in s.
 347 | 921.241(3) (b) .

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

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