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CS/HB 1197

2021 Legislature

1
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 requiring the Office of Economic and Demographic
22 Research to periodically calculate and certify such
23 jurisdictional limit to the Chief Justice of the
24 Supreme Court by a specified date; requiring specified
25 entities to publish on their websites such adjusted

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26 | jurisdictional limit; deleting obsolete language;
27 | amending s. 35.15, F.S.; deleting the requirement that
28 | decisions and orders of district courts of appeal
29 | remain in the office of the clerk of any such court;
30 | amending s. 35.23, F.S.; requiring the clerk of a
31 | district court of appeal to have an office at the
32 | headquarters of the court; deleting a requirement that
33 | the clerk keep records at the headquarters office;
34 | amending s. 35.24, F.S.; deleting the requirement that
35 | the clerk of a district court of appeal physically
36 | keep books, records, and other materials in the
37 | clerk's office; amending s. 40.23, F.S.; authorizing
38 | any person who has been summoned for jury service to
39 | postpone such service for an additional timeframe in
40 | the event of a declared public health emergency or a
41 | state of emergency; specifying requirements for any
42 | such request; amending s. 812.014, F.S.; removing the
43 | requirement that fingerprints be taken in open court
44 | and in the judge's presence upon a judgment of guilt
45 | of petit theft; authorizing the electronic capture of
46 | fingerprints; requiring fingerprints to be certified
47 | and filed in a specified manner; conforming a
48 | provision to changes made by the act; amending s.
49 | 921.241, F.S.; removing the requirement that
50 | fingerprints be taken in open court and in the judge's

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

67

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

69

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

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

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76 | as prescribed by the Supreme Court ~~custody~~.

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

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

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

94 | 28.2457 Mandatory monetary assessments.—

95 | (2) The clerks of the circuit court must collaborate with
96 | the state courts through the Florida Courts Technology
97 | Commission to prepare a plan to procure or develop a statewide
98 | electronic solution that will accurately identify all
99 | assessments mandated by statute. The plan must, at a minimum,
100 | address operational, technological, and fiscal considerations

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101 related to implementation of the electronic solution. The clerks
 102 must submit the plan to the President of the Senate and the
 103 Speaker of the House of Representatives by January 1, 2022. ~~The~~
 104 ~~clerks of court, through their association and in consultation~~
 105 ~~with the Office of the State Courts Administrator, shall develop~~
 106 ~~by October 1, 2012, a uniform form for the identification and~~
 107 ~~imposition of all assessments mandated by statute. The clerks~~
 108 ~~shall submit the form by that date, and by October 1 every year~~
 109 ~~thereafter if necessary to reflect changes in the law, to the~~
 110 ~~Supreme Court for approval. Upon approval of the form by the~~
 111 ~~Supreme Court, all circuit and county courts shall use the form.~~

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

114 34.01 Jurisdiction of county court.—

115 (1) County courts shall have original jurisdiction:

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

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

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

123 1. If filed on or before December 31, 2019, the sum of
 124 \$15,000.

125 2. If filed on or after January 1, 2020, the sum of

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126 | \$30,000.

127 | 3. If filed on or after January 1, 2023, the sum of
128 | \$50,000.

129 |
130 | Effective July 1, 2030, and every 10 years thereafter, the
131 | \$50,000 jurisdictional limit in subparagraph 3. must be adjusted
132 | and increased by the percentage change in the Consumer Price
133 | Index for All Urban Consumers, U.S. City Average, All Items,
134 | 1982-1984=100, or successor reports, for the preceding 10
135 | calendar years as initially reported by the United States
136 | Department of Labor, Bureau of Labor Statistics. The adjusted
137 | jurisdictional limit must be rounded to the nearest \$5,000.
138 | However, the jurisdictional limit may not be lower than \$50,000.
139 | The Office of Economic and Demographic Research must calculate
140 | the adjusted jurisdictional limit and certify the adjusted
141 | jurisdictional limit to the Chief Justice of the Supreme Court
142 | beginning January 31, 2030, and every 10 years thereafter. The
143 | Office of Economic and Demographic Research and the Office of
144 | the State Courts Administrator must publish the adjusted
145 | jurisdictional limit on their websites.

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

149 |
150 | ~~By February 1, 2021, the Office of the State Courts~~

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151 ~~Administrator shall submit a report to the Governor, the~~
152 ~~President of the Senate, and the Speaker of the House of~~
153 ~~Representatives. The report must make recommendations regarding~~
154 ~~the adjustment of county court jurisdiction, including, but not~~
155 ~~limited to, consideration of the claim value of filings in~~
156 ~~county court and circuit court, case events, timeliness in~~
157 ~~processing cases, and any fiscal impact to the state as a result~~
158 ~~of adjusted jurisdictional limits. The clerks of the circuit~~
159 ~~court and county court shall provide claim value data and~~
160 ~~necessary case event data to the office to be used in~~
161 ~~development of the report. The report must also include a review~~
162 ~~of fees to ensure that the court system is adequately funded and~~
163 ~~a review of the appellate jurisdiction of the district courts~~
164 ~~and the circuit courts, including the use of appellate panels by~~
165 ~~circuit courts.~~

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

168 35.15 Decisions to be filed; copies to be furnished.—All
169 decisions and opinions delivered by the district courts of
170 appeal, or any judge thereof, relating in relation to any action
171 or proceeding pending in such said court must shall be filed and
172 remain in the office of the clerk and maintained in the control
173 of the clerk. Such decisions and opinions may, and shall not be
174 taken from the clerk's maintenance or control therefrom except
175 by order of the court; however, the but said clerk must shall at

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176 ~~all times be required to~~ furnish certified copies of such
 177 opinions and decisions to any person who makes such a request
 178 ~~may desire the same certified copies of such opinions and~~
 179 ~~decisions,~~ upon receiving any required fees ~~his or her fees~~
 180 ~~therefor.~~

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

183 35.23 Location of clerk's office.—Each clerk shall have an
 184 office ~~keep his or her records~~ at the headquarters of the
 185 district court of appeal.

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

188 35.24 Maintenance ~~Custody~~ of books, records, and other
 189 materials ~~etc.~~—All books, papers, records, files and the seal of
 190 each district court of appeal shall be maintained by, and in the
 191 control of, ~~kept in the office of~~ the clerk of the ~~said~~ court.

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

194 40.23 Summoning jurors.—

195 (2) The jury service of any person who has been summoned
 196 may be postponed for a period not to exceed 6 months upon
 197 written or oral request. However, if either a public health
 198 emergency has been declared by the State Health Officer pursuant
 199 to s. 381.00315 or a state of emergency has been declared by the
 200 Governor pursuant to s. 252.36(2), the jury service of any

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201 person who has been summoned may be postponed for a period not
 202 to exceed 12 months upon written or oral request. The request
 203 may specify a date or period of time to which service is to be
 204 postponed and, if so, shall be given consideration when the
 205 assignment of the postponed date of jury service is made.

206 Section 9. Paragraph (d) of subsection (3) of section
 207 812.014, Florida Statutes, is amended to read:

208 812.014 Theft.—

209 (3)

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

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

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

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

220 ~~a. For a written judgment of guilty,~~ the fingerprints of a
 221 the defendant who is found guilty of petit theft to against whom
 222 ~~such judgment is rendered shall be manually taken or~~
 223 electronically captured and affixed beneath the judge's
 224 ~~signature on the judgment. Beneath~~ Such fingerprints must be
 225 certified and filed in the case in which the judgment of guilty

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226 is entered as provided in s. 921.241(3). ~~shall be appended a~~
 227 ~~certificate to the following effect:~~

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

233 ~~Such certificate shall be signed by the judge, whose signature~~
 234 ~~thereto shall be followed by the word "Judge."~~

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

238 3. A written or an electronic judgment of guilty of a
 239 petit theft, or a certified copy thereof, is admissible in
 240 evidence in the courts of this state as provided in s.
 241 921.241(4).

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

244 921.241 Felony judgments; fingerprints and social security
 245 number required in record.—

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

247 (a) "Electronic signature" has the same meaning as in s.
 248 933.40.

249 (b) "Transaction control number" means the unique
 250 identifier comprised of numbers, letters, or other symbols for a

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251 digital fingerprint record generated by the device used to
 252 electronically capture the fingerprints.

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

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

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

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

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

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

270
 271 "I hereby certify that the above and foregoing fingerprints
 272 ~~on this judgment~~ are the fingerprints of the defendant,
 273 ...(name)...., and that they were placed thereon by said
 274 defendant in my presence, ~~in open court,~~ this the day of
 275, ... (year)...."

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276
 277 The court officer, the employee of the court, or the employee of
 278 a criminal justice agency who manually took the fingerprints
 279 shall place his or her written signature on the certification.
 280 ~~Such certificate shall be signed by the judge, whose signature~~
 281 ~~thereto shall be followed by the word "Judge."~~

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

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

292
 293 The court officer, the employee of the court, or the employee of
 294 a criminal justice agency who electronically captured the
 295 fingerprints ~~judge~~ shall place his or her written or electronic
 296 signature on the certification, ~~which shall be followed by the~~
 297 ~~word "Judge," on the certificate.~~

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

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301 the:

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

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

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

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

324 921.242 Subsequent offenses under chapter 796; method of
 325 proof applicable.-

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

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

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

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

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

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

348 ~~Such certificate shall be signed by the judge, whose signature~~
 349 ~~thereto shall be followed by the word "Judge."~~

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

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351 ~~of the defendant must be electronically captured, and a~~
352 ~~certificate must be issued as provided in s. 921.241(3)(b).~~

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

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