

By the Committee on Judiciary; and Senator Brandes

590-02342-21

2021748c1

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 courts, with specified entities, to prepare a
10 plan to procure or develop a statewide electronic
11 solution to accurately identify all assessments
12 mandated by statute; requiring the plan to address
13 certain considerations relating to the implementation
14 of the electronic solution; requiring the clerks to
15 submit the plan to the Legislature by a specified
16 date; deleting a provision requiring the clerks to
17 annually submit a uniform form for identification and
18 imposition of mandated assessments to the Supreme
19 Court; amending s. 34.01, F.S.; providing for the
20 periodic inflationary adjustment of the monetary
21 jurisdictional limit applicable to all actions at law
22 in county courts filed on or after a specified date,
23 beginning in 2030; deleting obsolete language;
24 amending s. 35.15, F.S.; deleting the requirement that
25 decisions and orders of district courts of appeal
26 remain in the office of the clerk of any such court;
27 amending s. 35.23, F.S.; requiring the clerk of a
28 district court of appeal to have an office at the
29 headquarters of the court; deleting a requirement that

590-02342-21

2021748c1

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

47 removing the requirement that fingerprints be taken in
48 open court and in the judge's presence upon a judgment
49 of guilt for a felony; authorizing the electronic
50 capture of fingerprints; requiring the court officer,
51 the employee of the court, or the employee of a
52 criminal justice agency who captures fingerprints to
53 sign a specified certification; conforming a provision
54 to changes made by the act; removing the requirement
55 that a judge obtain a defendant's social security
56 number at the time of fingerprinting; amending s.
57 921.242, F.S.; removing the requirement that
58 fingerprints be taken in open court and in the judge's

590-02342-21

2021748c1

59 presence upon a judgment of guilt for an offense under
60 ch. 796, F.S.; authorizing the electronic capture of
61 fingerprints; requiring the court officer, the
62 employee of the court, or the employee of a criminal
63 justice agency who captures fingerprints to sign a
64 specified certification; conforming a provision to
65 changes made by the act; providing an effective date.
66

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

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

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

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

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

590-02342-21

2021748c1

88 person who makes such a request ~~may desire the same certified~~
89 ~~copies of such opinions and decisions,~~ upon receiving any
90 required fees ~~his or her fees therefor.~~

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

93 28.2457 Mandatory monetary assessments.—

94 (2) The clerks of the circuit courts shall collaborate with
95 the state courts through the Florida Courts Technology
96 Commission to prepare a plan to procure or develop a statewide
97 electronic solution that will accurately identify all
98 assessments mandated by statute. The plan must, at a minimum,
99 address operational, technological, and fiscal considerations
100 related to the implementation of the electronic solution. The
101 clerks shall submit the plan to the President of the Senate and
102 the Speaker of the House of Representatives no later than
103 January 1, 2022 ~~The clerks of court, through their association~~
104 ~~and in consultation with the Office of the State Courts~~
105 ~~Administrator, shall develop by October 1, 2012, a uniform form~~
106 ~~for the identification and imposition of all assessments~~
107 ~~mandated by statute. The clerks shall submit the form by that~~
108 ~~date, and by October 1 every year thereafter if necessary to~~
109 ~~reflect changes in the law, to the Supreme Court for approval.~~
110 ~~Upon approval of the form by the Supreme Court, all circuit and~~
111 ~~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

590-02342-21

2021748c1

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
126 \$30,000.

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

129

130 The \$50,000 jurisdictional limit in subparagraph 3. shall be
131 adjusted, effective January 1, 2030, and every 10 years
132 thereafter, by the percentage change in the average of the
133 Consumer Price Index issued by the United States Department of
134 Labor for the most recent 12-month period ending on September
135 30, compared to the base year average, which is the average for
136 the 12-month period ending September 30, 2022. The adjusted
137 jurisdictional limit must be rounded to the nearest \$1,000.

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

141

142 ~~By February 1, 2021, the Office of the State Courts~~
143 ~~Administrator shall submit a report to the Governor, the~~
144 ~~President of the Senate, and the Speaker of the House of~~
145 ~~Representatives. The report must make recommendations regarding~~

590-02342-21

2021748c1

146 ~~the adjustment of county court jurisdiction, including, but not~~
147 ~~limited to, consideration of the claim value of filings in~~
148 ~~county court and circuit court, case events, timeliness in~~
149 ~~processing cases, and any fiscal impact to the state as a result~~
150 ~~of adjusted jurisdictional limits. The clerks of the circuit~~
151 ~~court and county court shall provide claim value data and~~
152 ~~necessary case event data to the office to be used in~~
153 ~~development of the report. The report must also include a review~~
154 ~~of fees to ensure that the court system is adequately funded and~~
155 ~~a review of the appellate jurisdiction of the district courts~~
156 ~~and the circuit courts, including the use of appellate panels by~~
157 ~~circuit courts.~~

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

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

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

590-02342-21

2021748c1

175 35.23 Location of clerk's office.—Each clerk shall have an
176 office ~~keep his or her records~~ at the headquarters of the
177 district court of appeal.

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

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

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

186 40.23 Summoning jurors.—

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

198 Section 9. Paragraph (d) of subsection (3) of section
199 812.014, Florida Statutes, is amended to read:

200 812.014 Theft.—

201 (3)

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

590-02342-21

2021748c1

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

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

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

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

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

226
227 Such certificate shall be signed by the judge, whose signature
228 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 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 petit

590-02342-21

2021748c1

233 theft, or a certified copy thereof, is admissible in evidence in
234 the courts of this state as provided in s. 921.241(4).

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

237 921.241 Felony judgments and fingerprints ~~and social~~
238 ~~security number~~ required in record.—

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

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

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

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

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

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

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

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

259 (a) Manually taken, the fingerprints must be filed in the
260 case in which ~~and affixed beneath the judge's signature on the~~
261 judgment of guilty is entered. Beneath such fingerprints shall

590-02342-21

2021748c1

262 be appended a certification ~~certificate~~ to the following effect:

263
264 "I hereby certify that the above and foregoing fingerprints
265 ~~on this judgment~~ are the fingerprints of the defendant, ,
266 and that they were placed thereon by said defendant in my
267 presence, ~~in open court~~, this the day of ,
268 . . . (year)"

269
270 The court officer, the employee of the court, or the employee of
271 a criminal justice agency who manually took the fingerprints
272 shall place his or her written signature on the certification.
273 ~~Such certificate shall be signed by the judge, whose signature~~
274 ~~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 filed in the
278 case in which ~~included in the electronic judgment of guilty is~~
279 entered:

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

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

590-02342-21

2021748c1

291 certification certificate.

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

296 (a) Manual fingerprints filed in the case in which the
297 judgment of guilty is entered ~~appearing thereon~~ and certified by
298 ~~the judge~~ as specified in this section ~~aforsaid~~ are the
299 fingerprints of the defendant against whom the judgment of
300 guilty was rendered.

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

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

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

318 921.242 Subsequent offenses under chapter 796; method of
319 proof applicable.-

590-02342-21

2021748c1

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

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

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

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

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

338
339 "I hereby certify that the above and foregoing fingerprints
340 are of the defendant, ... (name) ..., and that they were placed
341 thereon by said defendant in my presence, in open court, this
342 the day of, ... (year)"

343
344 Such certificate shall be signed by the judge, whose signature
345 thereto shall be followed by the word "Judge."

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

590-02342-21

2021748c1

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

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