

By the Committees on Appropriations; and Judiciary; and Senator Brandes

576-04225-21

2021748c2

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 to collaborate with specified entities
10 to prepare a plan to procure or develop a statewide
11 electronic solution to accurately identify all
12 assessments mandated by statute; requiring the plan to
13 address certain considerations relating to the
14 implementation of the electronic solution; requiring
15 the clerks to submit the plan to the Legislature by a
16 specified date; deleting a provision requiring the
17 clerks to annually submit a uniform form for
18 identification and imposition of mandated assessments
19 to the Supreme Court; amending s. 34.01, F.S.;
20 providing for the periodic inflationary adjustment of
21 the monetary jurisdictional limit applicable to all
22 actions at law in county courts filed on or after a
23 specified date, beginning in a specified year;
24 requiring the Office of Economic and Demographic
25 Research to periodically calculate and certify such
26 jurisdictional limit to the Chief Justice of the
27 Supreme Court by a specified date; requiring specified
28 entities to publish the adjusted jurisdictional limit
29 on their websites; deleting obsolete language;

576-04225-21

2021748c2

30 amending s. 35.15, F.S.; deleting the requirement that
31 decisions and orders of district courts of appeal
32 remain in the office of the clerk of any such court;
33 amending s. 35.23, F.S.; requiring the clerk of a
34 district court of appeal to have an office at the
35 headquarters of the court; deleting a requirement that
36 the clerk keep records at the headquarters office;
37 amending s. 35.24, F.S.; deleting the requirement that
38 the clerk of a district court of appeal physically
39 keep books, records, and other materials in the
40 clerk's office; amending s. 40.23, F.S.; authorizing
41 any person who has been summoned for jury service to
42 postpone such service for an additional timeframe in
43 the event of a declared public health emergency or a
44 state of emergency; specifying requirements for any
45 such request; amending s. 812.014, F.S.; removing the
46 requirement that fingerprints be taken in open court
47 and in the judge's presence upon a judgment of guilt
48 of petit theft; authorizing the electronic capture of
49 fingerprints; requiring the court officer, the
50 employee of the court, or the employee of a criminal
51 justice agency who captures fingerprints to sign a
52 specified certification; amending s. 921.241, F.S.;
53 removing the requirement that fingerprints be taken in
54 open court and in the judge's presence upon a judgment
55 of guilt for a felony; authorizing the electronic
56 capture of fingerprints; requiring the court officer,
57 the employee of the court, or the employee of a
58 criminal justice agency who captures fingerprints to

576-04225-21

2021748c2

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

72

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

74

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

77 25.221 Maintenance Custody of books, records, and other
 78 materials etc.—All books, papers, records, files, and the seal
 79 of the Supreme Court must be maintained by ~~shall be kept in the~~
 80 ~~office of the clerk of said court~~ and be in the clerk's control,
 81 as prescribed by the Supreme Court ~~custody.~~

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

84 25.301 Decisions to be filed; copies to be furnished.—All
 85 decisions and opinions delivered by the Supreme ~~said~~ Court, or
 86 any justice thereof, relating ~~in relation~~ to any action or
 87 proceeding pending in the ~~said~~ court must ~~shall~~ be filed and

576-04225-21

2021748c2

88 ~~remain~~ in the office of the clerk and maintained by the clerk in
89 the manner prescribed by the Supreme Court. Such decisions or
90 opinions may, ~~and shall~~ not be taken out from the clerk's
91 maintenance or control except by order of the court; however,
92 the ~~but said~~ clerk must ~~shall~~ at all times be ~~required~~ to
93 furnish certified copies of such opinions and decisions to any
94 person who makes such a request ~~may desire the same certified~~
95 ~~copies of such opinions and decisions,~~ upon receiving any
96 required fees ~~his or her fees therefor.~~

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

99 28.2457 Mandatory monetary assessments.—

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

576-04225-21

2021748c2

117 ~~county courts shall use the form.~~

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

120 34.01 Jurisdiction of county court.—

121 (1) County courts shall have original jurisdiction:

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

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

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

129 1. If filed on or before December 31, 2019, the sum of
130 \$15,000.

131 2. If filed on or after January 1, 2020, the sum of
132 \$30,000.

133 3. If filed on or after January 1, 2023, the sum of
134 \$50,000.

135

136 Effective July 1, 2030, and every 10 years thereafter, the
137 \$50,000 jurisdictional limit in subparagraph 3. must be adjusted
138 and increased by the percentage change in the Consumer Price
139 Index for All Urban Consumers, U.S. City Average, All Items
140 1982-84=100, or successor reports, for the preceding 10 calendar
141 years as initially reported by the United States Department of
142 Labor, Bureau of Labor Statistics. The adjusted jurisdictional
143 limit must be rounded to the nearest \$5,000. However, the
144 jurisdictional limit may not be lower than \$50,000. The Office
145 of Economic and Demographic Research must calculate the adjusted

576-04225-21

2021748c2

146 jurisdictional limit and certify the adjusted jurisdictional
147 limit to the Chief Justice of the Supreme Court beginning
148 January 31, 2030, and every 10 years thereafter. The Office of
149 Economic and Demographic Research and the Office of the State
150 Courts Administrator must publish the adjusted jurisdictional
151 limit on their websites.

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

155
156 ~~By February 1, 2021, the Office of the State Courts~~
157 ~~Administrator shall submit a report to the Governor, the~~
158 ~~President of the Senate, and the Speaker of the House of~~
159 ~~Representatives. The report must make recommendations regarding~~
160 ~~the adjustment of county court jurisdiction, including, but not~~
161 ~~limited to, consideration of the claim value of filings in~~
162 ~~county court and circuit court, case events, timeliness in~~
163 ~~processing cases, and any fiscal impact to the state as a result~~
164 ~~of adjusted jurisdictional limits. The clerks of the circuit~~
165 ~~court and county court shall provide claim value data and~~
166 ~~necessary case event data to the office to be used in~~
167 ~~development of the report. The report must also include a review~~
168 ~~of fees to ensure that the court system is adequately funded and~~
169 ~~a review of the appellate jurisdiction of the district courts~~
170 ~~and the circuit courts, including the use of appellate panels by~~
171 ~~circuit courts.~~

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

174 35.15 Decisions to be filed; copies to be furnished.—All

576-04225-21

2021748c2

175 decisions and opinions delivered by the district courts of
176 appeal, or any judge thereof, relating in relation to any action
177 or proceeding pending in such said court must shall be filed and
178 remain in the office of the clerk and maintained in the control
179 of the clerk. Such decisions and opinions may, and shall not be
180 taken from the clerk's maintenance or control therefrom except
181 by order of the court; however, the but said clerk must shall at
182 all times be required to furnish certified copies of such
183 opinions and decisions to any person who makes such a request
184 may desire the same certified copies of such opinions and
185 decisions, upon receiving any required fees his or her fees
186 therefor.

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

189 35.23 Location of clerk's office.—Each clerk shall have an
190 office keep his or her records at the headquarters of the
191 district court of appeal.

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

194 35.24 Maintenance Custody of books, records, and other
195 materials etc.—All books, papers, records, files and the seal of
196 each district court of appeal shall be maintained by, and in the
197 control of, kept in the office of the clerk of the said court.

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

200 40.23 Summoning jurors.—

201 (2) The jury service of any person who has been summoned
202 may be postponed for a period not to exceed 6 months upon
203 written or oral request. However, if either a public health

576-04225-21

2021748c2

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

212 Section 9. Paragraph (d) of subsection (3) of section
213 812.014, Florida Statutes, is amended to read:

214 812.014 Theft.—

215 (3)

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

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

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

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

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

576-04225-21

2021748c2

233 ~~certificate to the following effect:~~

234

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

240

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

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

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

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

251 921.241 Felony judgments and, fingerprints ~~and social~~
252 ~~security number~~ required in record.—

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

254 (a) "Electronic signature" has the same meaning as in s.
255 933.40.

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

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

576-04225-21

2021748c2

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

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

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

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

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

277
278 "I hereby certify that the above and foregoing fingerprints
279 ~~on this judgment~~ are the fingerprints of the defendant,,
280 and that they were placed thereon by said defendant in my
281 presence, ~~in open court,~~ this the day of,
282 . . . (year)"

283
284 ~~The court officer, the employee of the court, or the employee of~~
285 ~~a criminal justice agency who manually took the fingerprints~~
286 ~~shall place his or her written signature on the certification.~~
287 ~~Such certificate shall be signed by the judge, whose signature~~
288 ~~thereto shall be followed by the word "Judge."~~

289 ~~(b) For an electronic judgment of guilty, the fingerprints~~
290 ~~of the defendant shall be~~ Electronically captured, ~~and the~~

576-04225-21

2021748c2

291 following certification must ~~certificate shall~~ be filed in the
292 case in which ~~included in the electronic judgment of guilty is~~
293 entered:

294
295 "I hereby certify that the digital fingerprint record
296 associated with Transaction Control Number contains the
297 fingerprints of the defendant,, which were electronically
298 captured from the defendant in my presence, ~~in open court,~~ this
299 the day of, ... (year)...."

300
301 The court officer, the employee of the court, or the employee of
302 a criminal justice agency who electronically captured the
303 fingerprints ~~judge~~ shall place his or her written or electronic
304 signature, ~~which shall be followed by the word "Judge,"~~ on the
305 certification certificate.

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

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

315 (b) Digital fingerprint record associated with the
316 transaction control number specified in the certification
317 required by this section and filed in the case in which the
318 judgment of guilty is entered ~~judge's certificate~~ contains the
319 fingerprints of the defendant against whom the judgment of

576-04225-21

2021748c2

320 guilty was rendered.

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

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

332 921.242 Subsequent offenses under chapter 796; method of
333 proof applicable.-

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

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

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

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

344 ~~(a) For a written judgment of guilty, the fingerprints of a~~
345 ~~the defendant~~ who is found guilty of any offense governed by
346 chapter 796 to ~~against whom such judgment is rendered shall be~~
347 manually taken or electronically captured ~~and affixed beneath~~
348 ~~the judge's signature on the judgment. Beneath~~ Such fingerprints

576-04225-21

2021748c2

349 must be certified and filed in the case in which the judgment of
350 guilty is entered as provided in s. 921.241(3). ~~shall be~~
351 ~~appended a certificate to the following effect:~~

352
353 ~~"I hereby certify that the above and foregoing fingerprints~~
354 ~~are of the defendant, ... (name) ..., and that they were placed~~
355 ~~thereon by said defendant in my presence, in open court, this~~
356 ~~the day of, ... (year)"~~

357
358 ~~Such certificate shall be signed by the judge, whose signature~~
359 ~~thereto shall be followed by the word "Judge."~~

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

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

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