

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Appropriations Committee  
 2 Representative Botana offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

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

8 27.52 Determination of indigent status.—

9 (7) FINANCIAL DISCREPANCIES; FRAUD; FALSE INFORMATION.—

10 (b) If the court has reason to believe that any applicant,  
 11 through fraud or misrepresentation, was improperly determined to  
 12 be indigent or indigent for costs, the matter shall be referred  
 13 to the state attorney. Twenty-five percent of any amount  
 14 recovered by the state attorney as reasonable value of the  
 15 services rendered, including fees, charges, and costs paid by  
 16 the state on the person's behalf, shall be remitted to the

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17 Department of Revenue for deposit into the Grants and Donations  
18 Trust Fund of the applicable state attorney ~~within the Justice~~  
19 ~~Administrative Commission~~. Seventy-five percent of any amount  
20 recovered shall be remitted to the Department of Revenue for  
21 deposit into the General Revenue Fund.

22 Section 2. Paragraph (c) of subsection (2) of section  
23 27.54, Florida Statutes, is amended to

24 27.54 Limitation on payment of expenditures other than by  
25 the state.—

26 (2) A county or municipality may contract with, or  
27 appropriate or contribute funds to, the operation of the offices  
28 of the various public defenders and regional counsels ~~counsel~~ as  
29 provided in this subsection. A public defender or regional  
30 counsel defending violations of special laws or county or  
31 municipal ordinances punishable by incarceration and not  
32 ancillary to a state charge shall contract with counties and  
33 municipalities to recover the full cost of services rendered on  
34 an hourly basis or reimburse the state for the full cost of  
35 assigning one or more full-time equivalent attorney positions to  
36 work on behalf of the county or municipality. Notwithstanding  
37 any other provision of law, in the case of a county with a  
38 population of less than 75,000, the public defender or regional  
39 counsel shall contract for full reimbursement, or for  
40 reimbursement as the parties otherwise agree. In local ordinance  
41 violation cases, the county or municipality shall pay for due

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42 process services that are approved by the court, including  
43 deposition costs, deposition transcript costs, investigative  
44 costs, witness fees, expert witness costs, and interpreter  
45 costs. The person charged with the violation shall be assessed a  
46 fee for the services of a public defender or regional counsel  
47 and other costs and fees paid by the county or municipality,  
48 which assessed fee may be reduced to a lien, in all instances in  
49 which the person enters a plea of guilty or no contest or is  
50 found to be in violation or guilty of any count or lesser  
51 included offense of the charge or companion case charges,  
52 regardless of adjudication. The court shall determine the amount  
53 of the obligation. The county or municipality may recover  
54 assessed fees through collections court or as otherwise  
55 permitted by law, and any fees recovered pursuant to this  
56 section shall be forwarded to the applicable county or  
57 municipality as reimbursement.

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

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

65 27.703 Conflict of interest and substitute counsel.-

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

71 Section 4. Paragraph (a) of subsection (3) of section  
72 28.35, Florida Statutes is amended to read:

73 28.35 Florida Clerks of Court Operations Corporation.—

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

87 Section 5. Paragraph (d) of subsection (1) of section  
88 34.041, Florida Statutes is amended to read:

89 34.041 Filing fees.—

90 (1)

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91 (d) The clerk of court shall collect a service charge of  
92 \$10 for issuing a summons or an electronic certified copy of a  
93 summons, which the clerk shall deposit into the fine and  
94 forfeiture fund established pursuant to s. 142.01 ~~remit to the~~  
95 ~~Department of Revenue for deposit into the General Revenue Fund.~~  
96 The clerk shall assess the fee against the party seeking to have  
97 the summons issued.

98 Section 6. Paragraph (b) of subsection (7) of section  
99 57.082, Florida Statutes, is amended to read:

100 57.082 Determination of civil indigent status.—

101 (7) FINANCIAL DISCREPANCIES; FRAUD; FALSE INFORMATION.—

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

114 Section 7. Paragraph (d) of subsection (4) of section  
115 110.112, Florida Statutes, is amended to read:

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116 110.112 Affirmative action; equal employment opportunity.-  
117 (4) Each state attorney and public defender shall:  
118 ~~(d) Report annually to the Justice Administrative~~  
119 ~~Commission on the implementation, continuance, updating, and~~  
120 ~~results of his or her affirmative action program for the~~  
121 ~~previous fiscal year.~~

122 Section 8. Subsection (6) of section 186.003, Florida  
123 Statutes, is amended to read:

124 186.003 Definitions; ss. 186.001-186.031, 186.801-  
125 186.901.-As used in ss. 186.001-186.031 and 186.801-186.901, the  
126 term:

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

134 Section 9. Subsection (18) of section 318.18, Florida  
135 Statutes is amended to read:

136 318.18 Amount of penalties.-The penalties required for a  
137 noncriminal disposition pursuant to s. 318.14 or a criminal  
138 offense listed in s. 318.17 are as follows:

139 (18) In addition to any penalties imposed, an  
140 administrative fee of \$12.50 must be paid for all noncriminal

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141 moving and nonmoving violations under chapters 316, 320, and  
142 322. Of this administrative fee, \$6.25 must be deposited into  
143 the Public Records Modernization Trust Fund and used exclusively  
144 for funding court-related technology needs of the clerk, as  
145 defined in s. 29.008(1)(f)2. and (h), and \$6.25 must be  
146 deposited into the fine and forfeiture fund established pursuant  
147 to s. 142.01. The clerk shall remit the administrative fee to  
148 the Department of Revenue for deposit into the General Revenue  
149 Fund.

150 Section 10. Section 322.76, Florida Statutes, is created  
151 to read:

152 322.76 Miami-Dade County the Clerk of Court Driver License  
153 Reinstatement Pilot Program.-There is created in Miami-Dade  
154 County the Clerk of Court Driver License Reinstatement Pilot  
155 Program.

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

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

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

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

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165 (c) For failure to comply with any provision of chapter  
166 318 or this chapter.

167 (3) Notwithstanding s. 322.29(1), an examination is not  
168 required for the reinstatement of a driver license suspended  
169 under s. 318.15 or s. 322.245 unless an examination is otherwise  
170 required by this chapter. A person applying for the  
171 reinstatement of a driver license suspended under s. 318.15 or  
172 s. 322.245 must present to the clerk certification from the  
173 court that he or she has either complied with all obligations  
174 and penalties imposed pursuant to s. 318.15 or with all  
175 directives of the court and the requirements of s. 322.245.

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

178 (5) Before July 1, 2024, the department shall work with  
179 the clerk, through its association, to ensure the ability within  
180 its technology system for the clerk to reinstate suspended  
181 driver licenses under the pilot program, to begin on July 1,  
182 2024.

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

188 (a) Number of driver license reinstatements.



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

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

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

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

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

202        (g) Any other information the clerk deems necessary.

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

204        Section 11. Subsection (1) of section 501.2101, Florida  
205 Statutes, is amended to read:

206        501.2101 Enforcing authorities; moneys received in certain  
207 proceedings.—

208        (1) Any moneys received by an enforcing authority for  
209 attorney ~~attorney's~~ fees and costs of investigation or  
210 litigation in proceedings brought under the provisions of s.  
211 501.207, s. 501.208, or s. 501.211 shall be deposited as  
212 received in the Legal Affairs Revolving Trust Fund if the action  
213 is brought by the Department of Legal Affairs, and in the Grants

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214 ~~and Donations Consumer Frauds~~ Trust Fund of a state attorney ~~the~~  
215 ~~Justice Administrative Commission~~ if the action is brought by  
216 the a state attorney.

217 Section 12. This act shall take effect upon becoming a  
218 law.

219

220

221

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**T I T L E A M E N D M E N T**

222

Remove everything before the enacting clause and insert:

223

An act relating to clerks of court; amending s. 27.52, F.S.;

224

revising the fund into which moneys recovered by certain state

225

attorneys must be remitted; amending s. 27.54, F.S.; revising

226

the fund into which certain payments received must be remitted

227

as related to public defenders or regional counsels; amending s.

228

27.703, F.S.; revising the entity that funds the capital

229

collateral regional counsel; amending s. 28.35, F.S.; revising

230

the list of court-related functions that clerks may fund from

231

filing fees, service charges, court costs, and fines; amending

232

s. 34.041, F.S.; revising the fund into which certain filing

233

fees are to be deposited; amending 57.082, F.S.; conforming

234

provisions to changes made by the act; amending s. 110.112,

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F.S.; removing a provision requiring each state attorney to

236

publish an annual report addressing results of his or her

237

affirmative action program; amending s. 186.003, F.S.; revising

238

the definition of "state agency" for certain purposes; amending

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1077 (2024)

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239 s. 318.18, F.S.; revising the distribution of certain  
240 administrative fees; creating s. 322.76, F.S.; creating the  
241 Clerk of the Court Driver License Reinstatement Pilot Program;  
242 authorizing the Clerk of the Circuit Court for Miami-Dade County  
243 to reinstate or provide an affidavit to the department to  
244 reinstate certain suspended driver licenses; establishing  
245 requirements for the clerk under the program to be performed by  
246 a date certain; providing for expiration of the program;  
247 amending s. 501.2101, F.S.; revising the funds into which  
248 certain moneys received by state attorneys must be deposited;  
249 providing an effective date.