

1 A bill to be entitled
2 An act relating to clerks of court; amending s. 27.52,
3 F.S.; revising the fund into which moneys recovered by
4 certain state attorneys must be remitted; amending s.
5 27.54, F.S.; revising the fund into which certain
6 payments received must be remitted as related to
7 public defenders or regional counsels; amending s.
8 27.703, F.S.; revising the entity that funds the
9 capital collateral regional counsel; amending s.
10 34.041, F.S.; revising the fund into which certain
11 filing fees are to be deposited; amending 57.082,
12 F.S.; conforming provisions to changes made by the
13 act; amending s. 110.112, F.S.; removing a provision
14 requiring each state attorney to publish an annual
15 report addressing results of his or her affirmative
16 action program; amending s. 186.003, F.S.; revising
17 the definition of "state agency" for certain purposes;
18 creating s. 322.76, F.S.; creating the Clerk of the
19 Court Driver License Reinstatement Pilot Program;
20 authorizing the Clerk of the Circuit Court for Miami-
21 Dade County to reinstate or provide an affidavit to
22 the department to reinstate certain suspended driver
23 licenses; establishing requirements for the clerk
24 under the program to be performed by a date certain;
25 providing for expiration of the program; amending s.

26 501.2101, F.S.; revising the funds into which certain
 27 moneys received by state attorneys must be deposited;
 28 providing an effective date.

29
 30 Be It Enacted by the Legislature of the State of Florida:

31
 32 Section 1. Paragraph (b) of subsection (7) of section
 33 27.52, Florida Statutes is amended to read:

34 27.52 Determination of indigent status.—

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

36 (b) If the court has reason to believe that any applicant,
 37 through fraud or misrepresentation, was improperly determined to
 38 be indigent or indigent for costs, the matter shall be referred
 39 to the state attorney. Twenty-five percent of any amount
 40 recovered by the state attorney as reasonable value of the
 41 services rendered, including fees, charges, and costs paid by
 42 the state on the person's behalf, shall be remitted to the
 43 Department of Revenue for deposit into the Grants and Donations
 44 Trust Fund of the applicable state attorney ~~within the Justice~~
 45 ~~Administrative Commission~~. Seventy-five percent of any amount
 46 recovered shall be remitted to the Department of Revenue for
 47 deposit into the General Revenue Fund.

48 Section 2. Paragraph (c) of subsection (2) of section
 49 27.54, Florida Statutes, is amended to

50 27.54 Limitation on payment of expenditures other than by

51 | the state.—

52 | (2) A county or municipality may contract with, or
53 | appropriate or contribute funds to, the operation of the offices
54 | of the various public defenders and regional counsels ~~counsel~~ as
55 | provided in this subsection. A public defender or regional
56 | counsel defending violations of special laws or county or
57 | municipal ordinances punishable by incarceration and not
58 | ancillary to a state charge shall contract with counties and
59 | municipalities to recover the full cost of services rendered on
60 | an hourly basis or reimburse the state for the full cost of
61 | assigning one or more full-time equivalent attorney positions to
62 | work on behalf of the county or municipality. Notwithstanding
63 | any other provision of law, in the case of a county with a
64 | population of less than 75,000, the public defender or regional
65 | counsel shall contract for full reimbursement, or for
66 | reimbursement as the parties otherwise agree. In local ordinance
67 | violation cases, the county or municipality shall pay for due
68 | process services that are approved by the court, including
69 | deposition costs, deposition transcript costs, investigative
70 | costs, witness fees, expert witness costs, and interpreter
71 | costs. The person charged with the violation shall be assessed a
72 | fee for the services of a public defender or regional counsel
73 | and other costs and fees paid by the county or municipality,
74 | which assessed fee may be reduced to a lien, in all instances in
75 | which the person enters a plea of guilty or no contest or is

76 found to be in violation or guilty of any count or lesser
 77 included offense of the charge or companion case charges,
 78 regardless of adjudication. The court shall determine the amount
 79 of the obligation. The county or municipality may recover
 80 assessed fees through collections court or as otherwise
 81 permitted by law, and any fees recovered pursuant to this
 82 section shall be forwarded to the applicable county or
 83 municipality as reimbursement.

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

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

91 27.703 Conflict of interest and substitute counsel.—

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

97 Section 4. Paragraphs (c) and (d) of subsection (1) of
 98 section 34.041, Florida Statutes, are amended to read:

99 34.041 Filing fees.—

100 (1)

101 (c) A party in addition to a party described in paragraph
 102 (a) who files a pleading in an original civil action in the
 103 county court for affirmative relief by cross-claim, counterclaim,
 104 counterpetition, or third-party complaint, or who files a notice
 105 of cross-appeal or notice of joinder or motion to intervene as an
 106 appellant, cross-appellant, or petitioner, shall pay the clerk of
 107 court a fee of \$295 if the relief sought by the party under this
 108 paragraph exceeds \$2,500 but is not more than \$15,000 and \$395 if
 109 the relief sought by the party under this paragraph exceeds
 110 \$15,000. The clerk shall deposit ~~remit~~ the fee if the relief
 111 sought by the party under this paragraph exceeds \$2,500 but is
 112 not more than \$15,000 ~~to the Department of Revenue for deposit~~
 113 into the fine and forfeiture fund established pursuant to s.
 114 142.01 General Revenue Fund. This fee does not apply if the
 115 cross-claim, counterclaim, counterpetition, or third-party
 116 complaint requires transfer of the case from county to circuit
 117 court. However, the party shall pay to the clerk the standard
 118 filing fee for the court to which the case is to be transferred.

119 (d) The clerk of court shall collect a service charge of
 120 \$10 for issuing a summons or an electronic certified copy of a
 121 summons, which the clerk shall deposit into the fine and
 122 forfeiture fund established pursuant to s. 142.01 ~~remit to the~~
 123 ~~Department of Revenue for deposit into the General Revenue~~
 124 ~~Fund~~. The clerk shall assess the fee against the party seeking
 125 to have the summons issued.

126 Section 5. Paragraph (b) of subsection (7) of section
 127 57.082, Florida Statutes, is amended to read:

128 57.082 Determination of civil indigent status.—

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

130 (b) If the court has reason to believe that any applicant,
 131 through fraud or misrepresentation, was improperly determined to
 132 be indigent, the matter shall be referred to the state attorney.

133 Twenty-five percent of any amount recovered by the state
 134 attorney as reasonable value of the services rendered, including
 135 fees, charges, and costs paid by the state on the person's
 136 behalf, shall be remitted to the Department of Revenue for
 137 deposit into the Grants and Donations Trust Fund of ~~within~~ the
 138 applicable state attorney ~~Justice Administrative Commission~~.

139 Seventy-five percent of any amount recovered shall be remitted
 140 to the Department of Revenue for deposit into the General
 141 Revenue Fund.

142 Section 6. Paragraph (d) of subsection (4) of section
 143 110.112, Florida Statutes, is amended to read:

144 110.112 Affirmative action; equal employment opportunity.—

145 (4) Each state attorney and public defender shall:

146 ~~(d) Report annually to the Justice Administrative~~
 147 ~~Commission on the implementation, continuance, updating, and~~
 148 ~~results of his or her affirmative action program for the~~
 149 ~~previous fiscal year.~~

150 Section 7. Subsection (6) of section 186.003, Florida

151 Statutes, is amended to read:

152 186.003 Definitions; ss. 186.001-186.031, 186.801-
 153 186.901.-As used in ss. 186.001-186.031 and 186.801-186.901, the
 154 term:

155 (6) "State agency" or "agency" means any official, officer,
 156 commission, board, authority, council, committee, or department
 157 of the executive branch of state government. For purposes of
 158 this chapter, "state agency" or "agency" includes ~~state~~
 159 ~~attorneys, public defenders, the capital collateral regional~~
 160 ~~counsel, the Justice Administrative Commission, and the Public~~
 161 Service Commission.

162 Section 8. Section 322.76, Florida Statutes, is created to
 163 read:

164 322.76 Miami-Dade County the Clerk of Court Driver License
 165 Reinstatement Pilot Program.-There is created in Miami-Dade
 166 County the Clerk of Court Driver License Reinstatement Pilot
 167 Program.

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

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

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

175 (b) As a result of the end of suspension because of

176 points, under s. 322.27, notwithstanding hardship license.

177 (c) For failure to comply with any provision of chapter
178 318 or this chapter.

179 (3) Notwithstanding s. 322.29(1), an examination is not
180 required for the reinstatement of a driver license suspended
181 under s. 318.15 or s. 322.245 unless an examination is otherwise
182 required by this chapter. A person applying for the
183 reinstatement of a driver license suspended under s. 318.15 or
184 s. 322.245 must present to the clerk certification from the
185 court that he or she has either complied with all obligations
186 and penalties imposed pursuant to s. 318.15 or with all
187 directives of the court and the requirements of s. 322.245.

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

190 (5) Before July 1, 2024, the department shall work with
191 the clerk, through its association, to ensure the ability within
192 its technology system for the clerk to reinstate suspended
193 driver licenses under the pilot program, to begin on July 1,
194 2024.

195 (6) By December 31, 2025, the clerk must submit the
196 Governor, the President of the Senate, the Speaker of the House
197 of Representatives, and the Executive Director of the Florida
198 Clerks of Court Operations Corporation a report containing the
199 following information:

200 (a) Number of driver license reinstatements.

201 (b) Amount of fees and costs collected, including the
 202 aggregate funds received by the clerk, local governmental
 203 entities, and state entities, including the General Revenue
 204 Fund.

205 (c) The personnel, operating, and other expenditures
 206 incurred by the clerk.

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

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

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

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

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

216 Section 9. Subsection (1) of section 501.2101, Florida
 217 Statutes, is amended to read:

218 501.2101 Enforcing authorities; moneys received in certain
 219 proceedings.—

220 (1) Any moneys received by an enforcing authority for
 221 attorney ~~attorney's~~ fees and costs of investigation or
 222 litigation in proceedings brought under the provisions of s.
 223 501.207, s. 501.208, or s. 501.211 shall be deposited as
 224 received in the Legal Affairs Revolving Trust Fund if the action
 225 is brought by the Department of Legal Affairs, and in the Grants

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226 | and Donations ~~Consumer Frauds~~ Trust Fund of a state attorney ~~the~~
227 | ~~Justice Administrative Commission~~ if the action is brought by
228 | the ~~a~~ state attorney.

229 | Section 10. This act shall take effect upon becoming a
230 | law.