

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 28.35, F.S.; revising the list of court-related
 11 functions that clerks may fund from filing fees,
 12 service charges, court costs, and fines; amending s.
 13 34.041, F.S.; revising the fund into which certain
 14 filing fees are to be deposited; amending 57.082,
 15 F.S.; conforming provisions to changes made by the
 16 act; amending s. 110.112, F.S.; removing a provision
 17 requiring each state attorney to publish an annual
 18 report addressing results of his or her affirmative
 19 action program; amending s. 186.003, F.S.; revising
 20 the definition of "state agency" for certain purposes;
 21 amending s. 318.18, F.S.; revising the distribution of
 22 certain administrative fees; creating s. 322.76, F.S.;
 23 creating the Clerk of the Court Driver License
 24 Reinstatement Pilot Program; authorizing the Clerk of
 25 the Circuit Court for Miami-Dade County to reinstate

26 | or provide an affidavit to the department to reinstate
 27 | certain suspended driver licenses; establishing
 28 | requirements for the clerk under the program to be
 29 | performed by a date certain; providing for expiration
 30 | of the program; amending s. 501.2101, F.S.; revising
 31 | the funds into which certain moneys received by state
 32 | attorneys must be deposited; providing an effective
 33 | date.

34 |

35 | Be It Enacted by the Legislature of the State of Florida:

36 |

37 | Section 1. Paragraph (b) of subsection (7) of section
 38 | 27.52, Florida Statutes is amended to read:

39 | 27.52 Determination of indigent status.—

40 | (7) FINANCIAL DISCREPANCIES; FRAUD; FALSE INFORMATION.—

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

51 recovered shall be remitted to the Department of Revenue for
 52 deposit into the General Revenue Fund.

53 Section 2. Paragraph (c) of subsection (2) of section
 54 27.54, Florida Statutes, is amended to

55 27.54 Limitation on payment of expenditures other than by
 56 the state.—

57 (2) A county or municipality may contract with, or
 58 appropriate or contribute funds to, the operation of the offices
 59 of the various public defenders and regional counsels ~~counsel~~ as
 60 provided in this subsection. A public defender or regional
 61 counsel defending violations of special laws or county or
 62 municipal ordinances punishable by incarceration and not
 63 ancillary to a state charge shall contract with counties and
 64 municipalities to recover the full cost of services rendered on
 65 an hourly basis or reimburse the state for the full cost of
 66 assigning one or more full-time equivalent attorney positions to
 67 work on behalf of the county or municipality. Notwithstanding
 68 any other provision of law, in the case of a county with a
 69 population of less than 75,000, the public defender or regional
 70 counsel shall contract for full reimbursement, or for
 71 reimbursement as the parties otherwise agree. In local ordinance
 72 violation cases, the county or municipality shall pay for due
 73 process services that are approved by the court, including
 74 deposition costs, deposition transcript costs, investigative
 75 costs, witness fees, expert witness costs, and interpreter

76 costs. The person charged with the violation shall be assessed a
 77 fee for the services of a public defender or regional counsel
 78 and other costs and fees paid by the county or municipality,
 79 which assessed fee may be reduced to a lien, in all instances in
 80 which the person enters a plea of guilty or no contest or is
 81 found to be in violation or guilty of any count or lesser
 82 included offense of the charge or companion case charges,
 83 regardless of adjudication. The court shall determine the amount
 84 of the obligation. The county or municipality may recover
 85 assessed fees through collections court or as otherwise
 86 permitted by law, and any fees recovered pursuant to this
 87 section shall be forwarded to the applicable county or
 88 municipality as reimbursement.

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

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

96 27.703 Conflict of interest and substitute counsel.-

97 (2) Appointed counsel shall be paid from funds
 98 appropriated to the Justice Administrative Commission ~~Chief~~
 99 ~~Financial Officer~~. The hourly rate may not exceed \$100. However,
 100 all appointments of private counsel under this section shall be

101 in accordance with ss. 27.710 and 27.711.

102 Section 4. Paragraph (a) of subsection (3) of section
 103 28.35, Florida Statutes, is amended to read:

104 28.35 Florida Clerks of Court Operations Corporation.—

105 (3)(a) The list of court-related functions that clerks may
 106 fund from filing fees, service charges, court costs, and fines
 107 is limited to those functions expressly authorized by law or
 108 court rule. Those functions include the following: case
 109 maintenance; records management; court preparation and
 110 attendance; processing the assignment, reopening, and
 111 reassignment of cases; processing of appeals; collection and
 112 distribution of fines, fees, service charges, and court costs;
 113 processing of bond forfeiture payments; data collection and
 114 reporting; determinations of indigent status; improving court
 115 technology; and paying reasonable administrative support costs
 116 to enable the clerk of the court to carry out these court-
 117 related functions.

118 Section 5. Paragraph (d) of subsection (1) of section
 119 34.041, Florida Statutes, is amended to read:

120 34.041 Filing fees.—

121 (1)

122 (d) The clerk of court shall collect a service charge of
 123 \$10 for issuing a summons or an electronic certified copy of a
 124 summons, which the clerk shall deposit into the fine and
 125 forfeiture fund established pursuant to s. 142.01 ~~remit to the~~

126 ~~Department of Revenue for deposit into the General Revenue~~
 127 ~~Fund.~~ The clerk shall assess the fee against the party seeking
 128 to have the summons issued.

129 Section 6. Paragraph (b) of subsection (7) of section
 130 57.082, Florida Statutes, is amended to read:

131 57.082 Determination of civil indigent status.—

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

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

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

142 Seventy-five percent of any amount recovered shall be remitted
 143 to the Department of Revenue for deposit into the General
 144 Revenue Fund.

145 Section 7. Paragraph (d) of subsection (4) of section
 146 110.112, Florida Statutes, is amended to read:

147 110.112 Affirmative action; equal employment opportunity.—

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

149 ~~(d) Report annually to the Justice Administrative~~
 150 ~~Commission on the implementation, continuance, updating, and~~

151 ~~results of his or her affirmative action program for the~~
 152 ~~previous fiscal year.~~

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

155 186.003 Definitions; ss. 186.001-186.031, 186.801-
 156 186.901.—As used in ss. 186.001-186.031 and 186.801-186.901, the
 157 term:

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

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

167 318.18 Amount of penalties.—The penalties required for a
 168 noncriminal disposition pursuant to s. 318.14 or a criminal
 169 offense listed in s. 318.17 are as follows:

170 (18) In addition to any penalties imposed, an
 171 administrative fee of \$12.50 must be paid for all noncriminal
 172 moving and nonmoving violations under chapters 316, 320, and
 173 322. Of this administrative fee, \$6.25 must be deposited into
 174 the Public Records Modernization Trust Fund and used exclusively
 175 for funding court-related technology needs of the clerk, as

176 defined in s. 29.008(1)(f)2. and (h), and \$6.25 must be
 177 deposited into the fine and forfeiture fund established pursuant
 178 to s. 142.01 ~~The clerk shall remit the administrative fee to the~~
 179 ~~Department of Revenue for deposit into the General Revenue Fund.~~

180 Section 10. Section 322.76, Florida Statutes, is created
 181 to read:

182 322.76 Miami-Dade County the Clerk of Court Driver License
 183 Reinstatement Pilot Program.-There is created in Miami-Dade
 184 County the Clerk of Court Driver License Reinstatement Pilot
 185 Program.

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

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

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

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

195 (c) For failure to comply with any provision of chapter
 196 318 or this chapter.

197 (3) Notwithstanding s. 322.29(1), an examination is not
 198 required for the reinstatement of a driver license suspended
 199 under s. 318.15 or s. 322.245 unless an examination is otherwise
 200 required by this chapter. A person applying for the

201 reinstatement of a driver license suspended under s. 318.15 or
202 s. 322.245 must present to the clerk certification from the
203 court that he or she has either complied with all obligations
204 and penalties imposed pursuant to s. 318.15 or with all
205 directives of the court and the requirements of s. 322.245.

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

208 (5) Before July 1, 2024, the department shall work with
209 the clerk, through its association, to ensure the ability within
210 its technology system for the clerk to reinstate suspended
211 driver licenses under the pilot program, to begin on July 1,
212 2024.

213 (6) By December 31, 2025, the clerk must submit the
214 Governor, the President of the Senate, the Speaker of the House
215 of Representatives, and the Executive Director of the Florida
216 Clerks of Court Operations Corporation a report containing the
217 following information:

218 (a) Number of driver license reinstatements.

219 (b) Amount of fees and costs collected, including the
220 aggregate funds received by the clerk, local governmental
221 entities, and state entities, including the General Revenue
222 Fund.

223 (c) The personnel, operating, and other expenditures
224 incurred by the clerk.

225 (d) Feedback received from the community, if any, in

226 response to the clerk's participation in the pilot program.

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

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

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

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

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

236 501.2101 Enforcing authorities; moneys received in certain
 237 proceedings.—

238 (1) Any moneys received by an enforcing authority for
 239 attorney ~~attorney's~~ fees and costs of investigation or
 240 litigation in proceedings brought under the provisions of s.
 241 501.207, s. 501.208, or s. 501.211 shall be deposited as
 242 received in the Legal Affairs Revolving Trust Fund if the action
 243 is brought by the Department of Legal Affairs, and in the Grants
 244 and Donations ~~Consumer Frauds~~ Trust Fund of a state attorney ~~the~~
 245 ~~Justice Administrative Commission~~ if the action is brought by
 246 the ~~a~~ state attorney.

247 Section 12. This act shall take effect upon becoming a
 248 law.