



130376

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/27/2024	.	
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The Committee on Appropriations (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

27.52 Determination of indigent status.—

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

(b) If the court has reason to believe that any applicant,
through fraud or misrepresentation, was improperly determined to



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11 be indigent or indigent for costs, the matter shall be referred
12 to the state attorney. Twenty-five percent of any amount
13 recovered by the state attorney as reasonable value of the
14 services rendered, including fees, charges, and costs paid by
15 the state on the person's behalf, shall be remitted to the
16 Department of Revenue for deposit into the Grants and Donations
17 Trust Fund of the applicable state attorney ~~within the Justice~~
18 ~~Administrative Commission~~. Seventy-five percent of any amount
19 recovered shall be remitted to the Department of Revenue for
20 deposit into the General Revenue Fund.

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

23 27.54 Limitation on payment of expenditures other than by
24 the state.—

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



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

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

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

64 27.703 Conflict of interest and substitute counsel.-

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



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69 accordance with ss. 27.710 and 27.711.

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

72 28.35 Florida Clerks of Court Operations Corporation.—

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

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

88 34.041 Filing fees.—

89 (1)

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

97 Section 6. Paragraph (b) of subsection (7) of section



98 57.082, Florida Statutes, is amended to read:

99 57.082 Determination of civil indigent status.—

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

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

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

110 Seventy-five percent of any amount recovered shall be remitted
111 to the Department of Revenue for deposit into the General
112 Revenue Fund.

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

115 110.112 Affirmative action; equal employment opportunity.—

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

117 ~~(d) Report annually to the Justice Administrative~~
118 ~~Commission on the implementation, continuance, updating, and~~
119 ~~results of his or her affirmative action program for the~~
120 ~~previous fiscal year.~~

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

123 186.003 Definitions; ss. 186.001-186.031, 186.801-186.901.—

124 As used in ss. 186.001-186.031 and 186.801-186.901, the term:

125 (6) "State agency" or "agency" means any official, officer,
126 commission, board, authority, council, committee, or department



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127 of the executive branch of state government. For purposes of
128 this chapter, "state agency" or "agency" includes ~~state~~
129 ~~attorneys, public defenders, the capital collateral regional~~
130 ~~counsel, the Justice Administrative Commission, and the Public~~
131 Service Commission.

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

134 318.18 Amount of penalties.—The penalties required for a
135 noncriminal disposition pursuant to s. 318.14 or a criminal
136 offense listed in s. 318.17 are as follows:

137 (18) In addition to any penalties imposed, an
138 administrative fee of \$12.50 must be paid for all noncriminal
139 moving and nonmoving violations under chapters 316, 320, and
140 322. Of this administrative fee, \$6.25 must be deposited into
141 the Public Records Modernization Trust Fund and used exclusively
142 for funding court-related technology needs of the clerk, as
143 described in s. 29.008(1)(f)2. and (h), and \$6.25 must be
144 deposited into the fine and forfeiture fund established pursuant
145 to s. 142.01 ~~The clerk shall remit the administrative fee to the~~
146 ~~Department of Revenue for deposit into the General Revenue Fund.~~

147 Section 10. Section 322.76, Florida Statutes, is created to
148 read:

149 322.76 Miami-Dade County Clerk of Court Driver License
150 Reinstatement Pilot Program.—There is created in Miami-Dade
151 County the Clerk of Court Driver License Reinstatement Pilot
152 Program.

153 (1) As used in this section, the term "clerk" means the
154 clerk of the circuit court for Miami-Dade County.

155 (2) Notwithstanding any other provision to the contrary in



156 this chapter, the clerk may reinstate or provide an affidavit to
157 the department to reinstate a suspended driver license:

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

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

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

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

173 (4) A nonrefundable service fee must be paid pursuant to s.
174 322.29(2).

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

179 (6) By December 31, 2025, the clerk must submit to the
180 Governor, the President of the Senate, the Speaker of the House
181 of Representatives, and the executive director of the Florida
182 Clerks of Court Operations Corporation a report containing the
183 following information:

184 (a) Number of driver license reinstatements.



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185 (b) Amount of fees and costs collected, including the
186 aggregate funds received by the clerk, local governmental
187 entities, and state entities, including the General Revenue
188 Fund.

189 (c) The personnel, operating, and other expenditures
190 incurred by the clerk.

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

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

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

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

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

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

202 501.2101 Enforcing authorities; moneys received in certain
203 proceedings.—

204 (1) Any moneys received by an enforcing authority for
205 attorney ~~attorney's~~ fees and costs of investigation or
206 litigation in proceedings brought under the provisions of s.
207 501.207, s. 501.208, or s. 501.211 shall be deposited as
208 received in the Legal Affairs Revolving Trust Fund if the action
209 is brought by the Department of Legal Affairs, and in the Grants
210 and Donations ~~Consumer Frauds~~ Trust Fund of a state attorney ~~the~~
211 ~~Justice Administrative Commission~~ if the action is brought by
212 the ~~a~~ state attorney.

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



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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to clerks of court; amending s. 27.52,
F.S.; revising the fund into which moneys recovered by
certain state attorneys must be deposited; amending s.
27.54, F.S.; revising the fund into which certain
payments received must be deposited as related to
public defenders or criminal conflict and civil
regional counsels; amending s. 27.703, F.S.; revising
the entity that funds the capital collateral regional
counsel; amending s. 28.35, F.S.; revising the list of
court-related functions that clerks may fund from
filing fees, service charges, court costs, and fines;
amending s. 34.041, F.S.; revising the fund into which
certain filing fees are to be deposited; amending s.
57.082, F.S.; conforming provisions to changes made by
the act; amending s. 110.112, F.S.; removing a
provision requiring each state attorney to publish an
annual report addressing results of his or her
affirmative action program; amending s. 186.003, F.S.;
revising the definition of the term "state agency" for
certain purposes; amending s. 318.18, F.S.; revising
the distribution of certain administrative fees;
creating s. 322.76, F.S.; creating the Clerk of the
Court Driver License Reinstatement Pilot Program;



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243 authorizing the clerk of the circuit court for Miami-
244 Dade County to reinstate or provide an affidavit to
245 the department to reinstate certain suspended driver
246 licenses; establishing requirements for the clerk
247 under the program to be performed by a date certain;
248 providing for expiration of the program; amending s.
249 501.2101, F.S.; revising the funds into which certain
250 moneys received by state attorneys must be deposited;
251 providing an effective date.