

**By** the Committee on Appropriations; the Appropriations Committee on Criminal and Civil Justice; the Committee on Judiciary; and Senators Hutson, Rouson, Martin, and Hooper

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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 deposited; amending s.  
5           27.54, F.S.; revising the fund into which certain  
6           payments received must be deposited as related to  
7           public defenders or criminal conflict and civil  
8           regional counsels; amending s. 27.703, F.S.; revising  
9           the entity that funds the capital collateral regional  
10          counsel; amending s. 28.35, F.S.; revising the list of  
11          court-related functions that clerks may fund from  
12          filing fees, service charges, court costs, and fines;  
13          amending s. 34.041, F.S.; revising the fund into which  
14          certain filing fees are to be deposited; amending s.  
15          57.082, F.S.; conforming provisions to changes made by  
16          the act; amending s. 110.112, F.S.; deleting a  
17          provision requiring each state attorney to publish an  
18          annual report addressing results of his or her  
19          affirmative action program; amending s. 186.003, F.S.;  
20          revising the definition of the term "state agency" for  
21          certain purposes; amending s. 318.18, F.S.; revising  
22          the distribution of certain administrative fees;  
23          creating s. 322.76, F.S.; creating the Clerk of the  
24          Court Driver License Reinstatement Pilot Program;  
25          authorizing the clerk of the circuit court for Miami-  
26          Dade County to reinstate or provide an affidavit to  
27          the department to reinstate certain suspended driver  
28          licenses; establishing requirements for the clerk  
29          under the program to be performed by a date certain;

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30 providing for expiration of the program; amending s.  
31 501.2101, F.S.; revising the funds into which certain  
32 moneys received by state attorneys must be deposited;  
33 providing an effective 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 read:

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

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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

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88 municipality as reimbursement.

89 (c) Any payments received pursuant to this subsection shall  
90 be deposited into the Grants and Donations Trust Fund of within  
91 the applicable public defender or criminal conflict and civil  
92 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 appropriated  
98 to the Justice Administrative Commission ~~Chief Financial~~  
99 ~~Officer~~. The hourly rate may not exceed \$100. However, all  
100 appointments of private counsel under this section shall be in  
101 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-

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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 Fund.~~  
127 The clerk shall assess the fee against the party seeking to have  
128 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

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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, 186.801-186.901.—

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

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

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

166 318.18 Amount of penalties.—The penalties required for a  
167 noncriminal disposition pursuant to s. 318.14 or a criminal  
168 offense listed in s. 318.17 are as follows:

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

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

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

181 322.76 Miami-Dade County Clerk of Court Driver License  
182 Reinstatement Pilot Program.—There is created in Miami-Dade  
183 County the Clerk of Court Driver License Reinstatement Pilot  
184 Program.

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

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

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

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

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

196 (3) Notwithstanding s. 322.29(1), an examination is not  
197 required for the reinstatement of a driver license suspended  
198 under s. 318.15 or s. 322.245 unless an examination is otherwise  
199 required by this chapter. A person applying for the  
200 reinstatement of a driver license suspended under s. 318.15 or  
201 s. 322.245 must present to the clerk certification from the  
202 court that he or she has either complied with all obligations  
203 and penalties imposed pursuant to s. 318.15 or with all

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204 directives of the court and the requirements of s. 322.245.

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

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

211 (6) By December 31, 2025, the clerk must submit to the  
212 Governor, the President of the Senate, the Speaker of the House  
213 of Representatives, and the executive director of the Florida  
214 Clerks of Court Operations Corporation a report containing the  
215 following information:

216 (a) Number of driver license reinstatements.

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

221 (c) The personnel, operating, and other expenditures  
222 incurred by the clerk.

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

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

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

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

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

232 Section 11. Subsection (1) of section 501.2101, Florida



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233 Statutes, is amended to read:

234 501.2101 Enforcing authorities; moneys received in certain  
235 proceedings.—

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

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