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CS/CS/HB 1077, Engrossed 1

2024 Legislature

1
 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. 142.01, F.S.; authorizing
 20 clerks of the circuit court to invest specified funds
 21 in an interest-bearing account; requiring that
 22 interest earned in the fine and forfeiture fund be
 23 deposited in the Public Records Modernization Trust
 24 Fund and used exclusively for certain operations and
 25 enhancements; amending s. 186.003, F.S.; revising the

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26 definition of "state agency" for certain purposes;
 27 amending s. 318.18, F.S.; revising the distribution of
 28 certain administrative fees; creating s. 322.76, F.S.;
 29 creating the Clerk of the Court Driver License
 30 Reinstatement Pilot Program; authorizing the Clerk of
 31 the Circuit Court for Miami-Dade County to reinstate
 32 or provide an affidavit to the department to reinstate
 33 certain suspended driver licenses; establishing
 34 requirements for the clerk under the program to be
 35 performed by a date certain; providing for expiration
 36 of the program; amending s. 501.2101, F.S.; revising
 37 the funds into which certain moneys received by state
 38 attorneys must be deposited; providing an effective
 39 date.

40

41 Be It Enacted by the Legislature of the State of Florida:

42

43 Section 1. Paragraph (b) of subsection (7) of section
 44 27.52, Florida Statutes is amended to read:

45 27.52 Determination of indigent status.—

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

47 (b) If the court has reason to believe that any applicant,
 48 through fraud or misrepresentation, was improperly determined to
 49 be indigent or indigent for costs, the matter shall be referred
 50 to the state attorney. Twenty-five percent of any amount

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51 recovered by the state attorney as reasonable value of the
 52 services rendered, including fees, charges, and costs paid by
 53 the state on the person's behalf, shall be remitted to the
 54 Department of Revenue for deposit into the Grants and Donations
 55 Trust Fund of the applicable state attorney ~~within the Justice~~
 56 ~~Administrative Commission~~. Seventy-five percent of any amount
 57 recovered shall be remitted to the Department of Revenue for
 58 deposit into the General Revenue Fund.

59 Section 2. Paragraph (c) of subsection (2) of section
 60 27.54, Florida Statutes, is amended to

61 27.54 Limitation on payment of expenditures other than by
 62 the state.—

63 (2) A county or municipality may contract with, or
 64 appropriate or contribute funds to, the operation of the offices
 65 of the various public defenders and regional counsels ~~counsel~~ as
 66 provided in this subsection. A public defender or regional
 67 counsel defending violations of special laws or county or
 68 municipal ordinances punishable by incarceration and not
 69 ancillary to a state charge shall contract with counties and
 70 municipalities to recover the full cost of services rendered on
 71 an hourly basis or reimburse the state for the full cost of
 72 assigning one or more full-time equivalent attorney positions to
 73 work on behalf of the county or municipality. Notwithstanding
 74 any other provision of law, in the case of a county with a
 75 population of less than 75,000, the public defender or regional

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76 counsel shall contract for full reimbursement, or for
 77 reimbursement as the parties otherwise agree. In local ordinance
 78 violation cases, the county or municipality shall pay for due
 79 process services that are approved by the court, including
 80 deposition costs, deposition transcript costs, investigative
 81 costs, witness fees, expert witness costs, and interpreter
 82 costs. The person charged with the violation shall be assessed a
 83 fee for the services of a public defender or regional counsel
 84 and other costs and fees paid by the county or municipality,
 85 which assessed fee may be reduced to a lien, in all instances in
 86 which the person enters a plea of guilty or no contest or is
 87 found to be in violation or guilty of any count or lesser
 88 included offense of the charge or companion case charges,
 89 regardless of adjudication. The court shall determine the amount
 90 of the obligation. The county or municipality may recover
 91 assessed fees through collections court or as otherwise
 92 permitted by law, and any fees recovered pursuant to this
 93 section shall be forwarded to the applicable county or
 94 municipality as reimbursement.

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

100 Section 3. Subsection (2) of section 27.703, Florida

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101 Statutes, is amended to read:

102 27.703 Conflict of interest and substitute counsel.—

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

108 Section 4. Paragraph (a) of subsection (3) of section
 109 28.35, Florida Statutes, is amended to read:

110 28.35 Florida Clerks of Court Operations Corporation.—

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

124 Section 5. Paragraph (d) of subsection (1) of section
 125 34.041, Florida Statutes, is amended to read:

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126 34.041 Filing fees.—

127 (1)

128 (d) The clerk of court shall collect a service charge of
 129 \$10 for issuing a summons or an electronic certified copy of a
 130 summons, which the clerk shall deposit into the fine and
 131 forfeiture fund established pursuant to s. 142.01 ~~remit to the~~
 132 ~~Department of Revenue for deposit into the General Revenue~~
 133 ~~Fund~~. The clerk shall assess the fee against the party seeking
 134 to have the summons issued.

135 Section 6. Paragraph (b) of subsection (7) of section
 136 57.082, Florida Statutes, is amended to read:

137 57.082 Determination of civil indigent status.—

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

139 (b) If the court has reason to believe that any applicant,
 140 through fraud or misrepresentation, was improperly determined to
 141 be indigent, the matter shall be referred to the state attorney.
 142 Twenty-five percent of any amount recovered by the state
 143 attorney as reasonable value of the services rendered, including
 144 fees, charges, and costs paid by the state on the person's
 145 behalf, shall be remitted to the Department of Revenue for
 146 deposit into the Grants and Donations Trust Fund of within the
 147 applicable state attorney ~~Justice Administrative Commission~~.
 148 Seventy-five percent of any amount recovered shall be remitted
 149 to the Department of Revenue for deposit into the General
 150 Revenue Fund.

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151 Section 7. Paragraph (d) of subsection (4) of section
 152 110.112, Florida Statutes, is amended to read:

153 110.112 Affirmative action; equal employment opportunity.—

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

155 ~~(d) Report annually to the Justice Administrative~~
 156 ~~Commission on the implementation, continuance, updating, and~~
 157 ~~results of his or her affirmative action program for the~~
 158 ~~previous fiscal year.~~

159 Section 8. Subsection (2) of section 142.01, Florida
 160 Statutes, is renumbered as subsection (3), subsection (1) is
 161 amended, and a new subsection (2) is added to that section, to
 162 read:

163 142.01 Fine and forfeiture fund; disposition of revenue;
 164 clerk of the circuit court.—

165 (1) (a) There shall be established by the clerk of the
 166 circuit court in each county of this state a separate fund to be
 167 known as the fine and forfeiture fund for use by the clerk of
 168 the circuit court in performing court-related functions. The
 169 fund shall consist of the following:

170 1.(a) Fines and penalties pursuant to ss. 28.2402(2),
 171 34.045(2), 316.193, 327.35, 327.72, 379.2203(1), and 775.083(1).

172 2.(b) That portion of civil penalties directed to this
 173 fund pursuant to s. 318.21.

174 3.(c) Court costs pursuant to ss. 28.2402(1)(b),
 175 34.045(1)(b), 318.14(10)(b), 318.18(11)(a), 327.73(9)(a) and

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176 (11) (a), and 938.05(3).

177 ~~4.(d)~~ Proceeds from forfeited bail bonds, unclaimed bonds,
 178 unclaimed moneys, or recognizances pursuant to ss. 321.05(4) (a),
 179 379.2203(1), and 903.26(3) (a).

180 ~~5.(e)~~ Fines and forfeitures pursuant to s. 34.191.

181 ~~6.(f)~~ Filing fees received pursuant to ss. 28.241 and
 182 34.041, unless the disposition of such fees is otherwise
 183 required by law.

184 ~~7.(g)~~ All other revenues received by the clerk as revenue
 185 authorized by law to be retained by the clerk.

186 (b) The clerk of the circuit court in each county may
 187 invest funds held in the fine and forfeiture fund as provided in
 188 paragraph (a) in an interest-bearing account.

189 (2) Interest earned in the fine and forfeiture fund must
 190 be deposited into the Public Records Modernization Trust Fund to
 191 be used exclusively for additional court-related operations and
 192 enhancements.

193 Section 9. Subsection (6) of section 186.003, Florida
 194 Statutes, is amended to read:

195 186.003 Definitions; ss. 186.001-186.031, 186.801-
 196 186.901.—As used in ss. 186.001-186.031 and 186.801-186.901, the
 197 term:

198 (6) "State agency" or "agency" means any official, officer,
 199 commission, board, authority, council, committee, or department
 200 of the executive branch of state government. For purposes of

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201 this chapter, "state agency" or "agency" includes ~~state~~
 202 ~~attorneys, public defenders, the capital collateral regional~~
 203 ~~counsel, the Justice Administrative Commission, and the Public~~
 204 Service Commission.

205 Section 10. Subsection (18) of section 318.18, Florida
 206 Statutes, is amended to read:

207 318.18 Amount of penalties.—The penalties required for a
 208 noncriminal disposition pursuant to s. 318.14 or a criminal
 209 offense listed in s. 318.17 are as follows:

210 (18) In addition to any penalties imposed, an
 211 administrative fee of \$12.50 must be paid for all noncriminal
 212 moving and nonmoving violations under chapters 316, 320, and
 213 322. Of this administrative fee, \$6.25 must be deposited into
 214 the Public Records Modernization Trust Fund and used exclusively
 215 for funding court-related technology needs of the clerk, as
 216 defined in s. 29.008(1)(f)2. and (h), and \$6.25 must be
 217 deposited into the fine and forfeiture fund established pursuant
 218 to s. 142.01 ~~The clerk shall remit the administrative fee to the~~
 219 ~~Department of Revenue for deposit into the General Revenue Fund.~~

220 Section 11. Section 322.76, Florida Statutes, is created
 221 to read:

222 322.76 Miami-Dade County the Clerk of Court Driver License
 223 Reinstatement Pilot Program.—There is created in Miami-Dade
 224 County the Clerk of Court Driver License Reinstatement Pilot
 225 Program.

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

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

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

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

235 (c) For failure to comply with any provision of chapter
 236 318 or this chapter.

237 (3) Notwithstanding s. 322.29(1), an examination is not
 238 required for the reinstatement of a driver license suspended
 239 under s. 318.15 or s. 322.245 unless an examination is otherwise
 240 required by this chapter. A person applying for the
 241 reinstatement of a driver license suspended under s. 318.15 or
 242 s. 322.245 must present to the clerk certification from the
 243 court that he or she has either complied with all obligations
 244 and penalties imposed pursuant to s. 318.15 or with all
 245 directives of the court and the requirements of s. 322.245.

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

248 (5) Before July 1, 2024, the department shall work with
 249 the clerk, through its association, to ensure the ability within
 250 its technology system for the clerk to reinstate suspended

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251 driver licenses under the pilot program, to begin on July 1,
 252 2024.

253 (6) By December 31, 2025, the clerk must submit the
 254 Governor, the President of the Senate, the Speaker of the House
 255 of Representatives, and the Executive Director of the Florida
 256 Clerks of Court Operations Corporation a report containing the
 257 following information:

258 (a) Number of driver license reinstatements.

259 (b) Amount of fees and costs collected, including the
 260 aggregate funds received by the clerk, local governmental
 261 entities, and state entities, including the General Revenue
 262 Fund.

263 (c) The personnel, operating, and other expenditures
 264 incurred by the clerk.

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

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

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

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

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

274 Section 12. Subsection (1) of section 501.2101, Florida
 275 Statutes, is amended to read:

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276 501.2101 Enforcing authorities; moneys received in certain
 277 proceedings.—

278 (1) Any moneys received by an enforcing authority for
 279 attorney ~~attorney's~~ fees and costs of investigation or
 280 litigation in proceedings brought under the provisions of s.
 281 501.207, s. 501.208, or s. 501.211 shall be deposited as
 282 received in the Legal Affairs Revolving Trust Fund if the action
 283 is brought by the Department of Legal Affairs, and in the Grants
 284 and Donations ~~Consumer Frauds~~ Trust Fund of a state attorney ~~the~~
 285 ~~Justice Administrative Commission~~ if the action is brought by
 286 the ~~a~~ state attorney.

287 Section 13. This act shall take effect upon becoming a
 288 law.