

By Senator Brandes

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1 A bill to be entitled
2 An act relating to courts; amending s. 25.221, F.S.;
3 deleting the requirement that the Clerk of the Supreme
4 Court physically keep books, records, and other
5 materials in the clerk's office; amending s. 25.301,
6 F.S.; deleting the requirement that Supreme Court
7 decisions and orders remain in the clerk's office;
8 amending s. 28.2457, F.S.; requiring clerks of court
9 to develop a plan to procure or develop by a specified
10 date a statewide technological solution for
11 identifying mandatory monetary assessments in criminal
12 cases; deleting a provision requiring the clerks to
13 annually submit a uniform form for identification and
14 imposition of mandated assessments to the Supreme
15 Court; amending s. 34.01, F.S.; providing for the
16 periodic inflationary adjustment of the monetary
17 jurisdictional limit applicable to all actions at law
18 in county courts filed on or after a specified date,
19 beginning in 2030; deleting obsolete language;
20 amending s. 35.15, F.S.; deleting the requirement that
21 decisions and orders of district courts of appeal
22 remain in the office of the clerk of any such court;
23 amending s. 35.23, F.S.; requiring the clerk of a
24 district court of appeal to have an office at the
25 headquarters of the court; deleting a requirement that
26 the clerk keep records at the headquarters office;
27 amending s. 35.24, F.S.; deleting the requirement that
28 the clerk of a district court of appeal physically
29 keep books, records, and other materials in the

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30 clerk's office; amending s. 40.23, F.S.; authorizing
31 any person who has been summoned for jury service to
32 postpone such service for an additional timeframe in
33 the event of a declared public health emergency or a
34 state of emergency; specifying requirements for any
35 such request; amending s. 812.014, F.S.; removing the
36 requirement that fingerprints be taken in open court
37 and in the judge's presence upon a judgment of guilt
38 of petit theft; authorizing the electronic capture of
39 fingerprints; requiring the court officer, the
40 employee of the court, or the employee of a criminal
41 justice agency who captures fingerprints to sign a
42 specified certification; amending s. 921.241, F.S.;
43 removing the requirement that fingerprints be taken in
44 open court and in the judge's presence upon a judgment
45 of guilt for a felony; authorizing the electronic
46 capture of fingerprints; requiring the court officer,
47 the employee of the court, or the employee of a
48 criminal justice agency who captures fingerprints to
49 sign a specified certification; conforming a provision
50 to changes made by the act; removing the requirement
51 that a judge obtain a defendant's social security
52 number at the time of fingerprinting; amending s.
53 921.242, F.S.; removing the requirement that
54 fingerprints be taken in open court and in the judge's
55 presence upon a judgment of guilt for an offense under
56 ch. 796, F.S.; authorizing the electronic capture of
57 fingerprints; requiring the court officer, the
58 employee of the court, or the employee of a criminal

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59 justice agency who captures fingerprints to sign a
60 specified certification; conforming a provision to
61 changes made by the act; providing an effective date.
62

63 Be It Enacted by the Legislature of the State of Florida:
64

65 Section 1. Section 25.221, Florida Statutes, is amended to
66 read:

67 25.221 Maintenance Custody of books, records, and other
68 materials etc.—All books, papers, records, files, and the seal
69 of the Supreme Court must be maintained by ~~shall be kept in the~~
70 ~~office of the clerk of said court~~ and be in the clerk's control,
71 as prescribed by the Supreme Court ~~eustody~~.

72 Section 2. Section 25.301, Florida Statutes, is amended to
73 read:

74 25.301 Decisions to be filed; copies to be furnished.—All
75 decisions and opinions delivered by the Supreme ~~said~~ Court, or
76 any justice thereof, relating in relation to any action or
77 proceeding pending in the ~~said~~ court must ~~shall~~ be filed and
78 remain in the office of the clerk and maintained by the clerk in
79 the manner prescribed by the Supreme Court. Such decisions or
80 opinions may, ~~and shall~~ not be taken out from the clerk's
81 maintenance or control except by order of the court; however,
82 the ~~but said~~ clerk must ~~shall~~ at all times be required to
83 furnish certified copies of such opinions and decisions to any
84 person who makes such a request ~~may desire the same certified~~
85 ~~copies of such opinions and decisions,~~ upon receiving any
86 required fees ~~his or her fees therefor~~.

87 Section 3. Subsection (2) of section 28.2457, Florida

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88 Statutes, is amended to read:

89 28.2457 Mandatory monetary assessments.—

90 (2) By October 1, 2021, the clerks of court, through their
91 association and with the assistance of the Florida Courts
92 Technology Commission ~~in consultation with the Office of the~~
93 ~~State Courts Administrator,~~ shall develop a plan to procure or
94 develop a statewide technological solution that will help
95 accurately identify mandatory monetary assessments in criminal
96 cases ~~by October 1, 2012, a uniform form for the identification~~
97 ~~and imposition of all assessments mandated by statute. The~~
98 ~~clerks shall submit the form by that date, and by October 1~~
99 ~~every year thereafter if necessary to reflect changes in the~~
100 ~~law, to the Supreme Court for approval. Upon approval of the~~
101 ~~form by the Supreme Court, all circuit and county courts shall~~
102 ~~use the form.~~

103 Section 4. Subsection (1) of section 34.01, Florida
104 Statutes, is amended to read:

105 34.01 Jurisdiction of county court.—

106 (1) County courts shall have original jurisdiction:

107 (a) In all misdemeanor cases not cognizable by the circuit
108 courts.

109 (b) Of all violations of municipal and county ordinances.

110 (c) Of all actions at law, except those within the
111 exclusive jurisdiction of the circuit courts, in which the
112 matter in controversy does not exceed, exclusive of interest,
113 costs, and attorney fees:

114 1. If filed on or before December 31, 2019, the sum of
115 \$15,000.

116 2. If filed on or after January 1, 2020, the sum of

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117 \$30,000.

118 3. If filed on or after January 1, 2023, the sum of
119 \$50,000.

120
121 The \$50,000 jurisdictional limit in subparagraph 3. shall be
122 adjusted, effective January 1, 2030, and every 10 years
123 thereafter, by the percentage change in the average of the
124 Consumer Price Index issued by the United States Department of
125 Labor for the most recent 12-month period ending on September
126 30, compared to the base year average, which is the average for
127 the 12-month period ending September 30, 2022. The adjusted
128 jurisdictional limit must be rounded to the nearest \$1,000.

129 (d) Of disputes occurring in the homeowners' associations
130 as described in s. 720.311(2)(a), which shall be concurrent with
131 jurisdiction of the circuit courts.

132
133 ~~By February 1, 2021, the Office of the State Courts~~
134 ~~Administrator shall submit a report to the Governor, the~~
135 ~~President of the Senate, and the Speaker of the House of~~
136 ~~Representatives. The report must make recommendations regarding~~
137 ~~the adjustment of county court jurisdiction, including, but not~~
138 ~~limited to, consideration of the claim value of filings in~~
139 ~~county court and circuit court, case events, timeliness in~~
140 ~~processing cases, and any fiscal impact to the state as a result~~
141 ~~of adjusted jurisdictional limits. The clerks of the circuit~~
142 ~~court and county court shall provide claim value data and~~
143 ~~necessary case event data to the office to be used in~~
144 ~~development of the report. The report must also include a review~~
145 ~~of fees to ensure that the court system is adequately funded and~~

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146 ~~a review of the appellate jurisdiction of the district courts~~
147 ~~and the circuit courts, including the use of appellate panels by~~
148 ~~circuit courts.~~

149 Section 5. Section 35.15, Florida Statutes, is amended to
150 read:

151 35.15 Decisions to be filed; copies to be furnished.—All
152 decisions and opinions delivered by the district courts of
153 appeal, or any judge thereof, relating in relation to any action
154 or proceeding pending in such said court must shall be filed and
155 remain in the office of the clerk and maintained in the control
156 of the clerk. Such decisions and opinions may, and shall not be
157 taken from the clerk's maintenance or control therefrom except
158 by order of the court; however, the but said clerk must shall at
159 all times be required to furnish certified copies of such
160 opinions and decisions to any person who makes such a request
161 may desire the same certified copies of such opinions and
162 decisions, upon receiving any required fees his or her fees
163 therefor.

164 Section 6. Section 35.23, Florida Statutes, is amended to
165 read:

166 35.23 Location of clerk's office.—Each clerk shall have an
167 office keep his or her records at the headquarters of the
168 district court of appeal.

169 Section 7. Section 35.24, Florida Statutes, is amended to
170 read:

171 35.24 Maintenance Custody of books, records, and other
172 materials etc.—All books, papers, records, files and the seal of
173 each district court of appeal shall be maintained by, and in the
174 control of, kept in the office of the clerk of the said court.

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175 Section 8. Subsection (2) of section 40.23, Florida
176 Statutes, is amended to read:

177 40.23 Summoning jurors.—

178 (2) The jury service of any person who has been summoned
179 may be postponed for a period not to exceed 6 months upon
180 written or oral request. However, if either a public health
181 emergency has been declared by the State Health Officer pursuant
182 to s. 381.00315 or a state of emergency has been declared by the
183 Governor pursuant to s. 252.36(2), the jury service of any
184 person who has been summoned may be postponed for a period not
185 to exceed 12 months upon written or oral request. The request
186 may specify a date or period of time to which service is to be
187 postponed and, if so, shall be given consideration when the
188 assignment of the postponed date of jury service is made.

189 Section 9. Paragraph (d) of subsection (3) of section
190 812.014, Florida Statutes, is amended to read:

191 812.014 Theft.—

192 (3)

193 (d)1. A judgment of guilty or not guilty of a petit theft
194 must ~~shall~~ be in:

195 a. A written record that is signed by the judge and
196 recorded by the clerk of the circuit court; or

197 b. An electronic record that contains the judge's
198 electronic signature as defined in s. 933.40 and is recorded by
199 the clerk of the circuit court.

200 2. At the time a defendant is found guilty of petit theft,
201 the judge shall cause the following to occur ~~in open court and~~
202 ~~in the judge's presence~~:

203 a. For a written judgment of guilty, the fingerprints of

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204 the defendant against whom such judgment is rendered must ~~shall~~
205 be electronically or manually captured ~~taken~~ and affixed beneath
206 the judge's signature on the judgment. If the fingerprints were
207 captured electronically, the certifying statement provided in s.
208 921.241(3)(b) must be used. If the fingerprints were captured
209 manually, the following certification must be appended beneath
210 such fingerprints ~~shall be appended a certificate to the~~
211 ~~following effect:~~

212

213 "I hereby certify that the above and foregoing fingerprints
214 on this judgment are the fingerprints of the defendant,,
215 and that they were placed thereon by said defendant in my
216 presence, ~~in open court,~~ this the day of,
217 . . . (year)"

218

219 Such certification must ~~certificate shall~~ be signed by the court
220 officer, the employee of the court, or the employee of a
221 criminal justice agency who captured the fingerprints. ~~judge,~~
222 ~~whose signature thereto shall be followed by the word "Judge."~~

223

224 b. For an electronic judgment of guilty, the fingerprints
225 of the defendant must be electronically captured and certified ~~a~~
226 ~~certificate must be issued~~ as provided in s. 921.241(3)(b).

227

228 3. A written or an electronic judgment of guilty of a petit
229 theft, or a certified copy thereof, is admissible in evidence in
230 the courts of this state as provided in s. 921.241(4).

231

232 Section 10. Section 921.241, Florida Statutes, is amended
233 to read:

234

235 921.241 Felony judgments; fingerprints and social security
236 number required in record.-

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233 (1) As used in this section, the term:

234 (a) "Electronic signature" has the same meaning as in s.
235 933.40.

236 (b) "Transaction control number" means the unique
237 identifier comprised of numbers, letters, or other symbols for a
238 digital fingerprint record generated by the device used to
239 electronically capture the fingerprints.

240 (2) A judgment of guilty or not guilty of a felony must
241 ~~shall~~ be in:

242 (a) A written record that is signed by the judge and
243 recorded by the clerk of the court; or

244 (b) An electronic record that contains the judge's
245 electronic signature and is recorded by the clerk of the court.

246 (3) At the time a defendant is found guilty of a felony,
247 the judge shall cause the following to occur ~~in open court and~~
248 ~~in the judge's presence~~:

249 (a) For a written judgment of guilty, the fingerprints of
250 the defendant must ~~shall~~ be electronically or manually captured
251 ~~taken~~ and affixed beneath the judge's signature on the judgment.
252 If the fingerprints were captured electronically, the certifying
253 statement provided in paragraph (b) must be used. If
254 fingerprints were captured manually, the following certification
255 must be appended beneath such fingerprints ~~shall be appended a~~
256 ~~certificate to the following effect~~:

257
258 "I hereby certify that the above and foregoing fingerprints
259 on this judgment are the fingerprints of the defendant, . . . ,
260 and that they were placed thereon by said defendant in my
261 presence, ~~in open court,~~ this the . . . day of . . . ,

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262 ... (year)"

263

264 Such certification must ~~certificate shall~~ be signed by the court
265 officer, the employee of the court, or the employee of a
266 criminal justice agency who captured the fingerprints. ~~judge,~~
267 ~~whose signature thereto shall be followed by the word "Judge."~~

268 (b) For an electronic judgment of guilty, the fingerprints
269 of the defendant shall be electronically captured, and the
270 following certification must ~~certificate shall~~ be included in
271 the electronic judgment:

272

273 "I hereby certify that the digital fingerprint record
274 associated with Transaction Control Number contains the
275 fingerprints of the defendant,, which were electronically
276 captured from the defendant in my presence, ~~in open court,~~ this
277 the day of, ... (year)"

278

279 The court officer, the employee of the court, or the employee of
280 a criminal justice agency who captured the fingerprints ~~judge~~
281 shall place his or her electronic signature, ~~which shall be~~
282 ~~followed by the word "Judge,"~~ on the certification ~~certificate~~.

283 (4) A written or electronic judgment of guilty, or a
284 certified copy thereof, is ~~shall be~~ admissible in evidence in
285 the several courts of this state as prima facie evidence that
286 the:

287 ~~(a)~~ manual or digital fingerprints appearing thereon and
288 certified ~~by the judge~~ as specified in this section ~~aforsaid~~
289 are the fingerprints of the defendant against whom the judgment
290 of guilty was rendered.

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291 ~~(b) Digital fingerprint record associated with the~~
292 ~~transaction control number specified in the judge's certificate~~
293 ~~contains the fingerprints of the defendant against whom the~~
294 ~~judgment of guilty was rendered.~~

295 ~~(5) At the time the defendant's fingerprints are manually~~
296 ~~taken or electronically captured, the judge shall also cause the~~
297 ~~defendant's social security number to be taken. The defendant's~~
298 ~~social security number shall be specified in each written or~~
299 ~~electronic judgment of guilty of a felony, in open court, in the~~
300 ~~presence of such judge, and at the time the judgment is~~
301 ~~rendered. If the defendant is unable or unwilling to provide his~~
302 ~~or her social security number, the reason for its absence shall~~
303 ~~be specified in the written or electronic judgment.~~

304 Section 11. Section 921.242, Florida Statutes, is amended
305 to read:

306 921.242 Subsequent offenses under chapter 796; method of
307 proof applicable.-

308 (1) A judgment of guilty with respect to any offense
309 governed by ~~the provisions of~~ chapter 796 must ~~shall~~ be in:

310 (a) A written record that is signed by the judge and
311 recorded by the clerk of the circuit court; or

312 (b) An electronic record that contains the judge's
313 electronic signature as defined in s. 933.40 and is recorded by
314 the clerk of the circuit court.

315 (2) At the time a defendant is found guilty, the judge
316 shall cause the following to occur ~~in open court and in the~~
317 ~~judge's presence:~~

318 (a) For a written judgment of guilty, the fingerprints of
319 the defendant against whom such judgment is rendered must ~~shall~~

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320 be electronically or manually captured ~~taken~~ and affixed beneath
321 the judge's signature on the judgment. If the fingerprints were
322 captured electronically, the certifying statement provided in s.
323 921.241(3)(b) must be used. If the fingerprints were captured
324 manually, the following certification must be appended beneath
325 such fingerprints ~~shall be appended a certificate to the~~
326 ~~following effect:~~

327

328 "I hereby certify that the above and foregoing fingerprints
329 are of the defendant, ...(name)..., and that they were placed
330 thereon by said defendant in my presence, ~~in open court,~~ this
331 the day of, ...(year)...."

332

333 Such certification must ~~certificate shall~~ be signed by the court
334 officer, the employee of the court, or the employee of a
335 criminal justice agency who captured the fingerprints. ~~judge,~~
336 ~~whose signature thereto shall be followed by the word "Judge."~~

337 (b) For an electronic judgment of guilty, the fingerprints
338 of the defendant must be electronically captured, and a
339 ~~certificate~~ must be certified issued as provided in s.
340 921.241(3)(b).

341 (3) A written or an electronic judgment of guilty, or a
342 certified copy thereof, is ~~shall be~~ admissible in evidence in
343 the several courts of this state as provided in s. 921.241(4).

344 Section 12. This act shall take effect July 1, 2021.