

By Representative Futch

1 A bill to be entitled
2 An act relating to injunctions and restraining
3 orders for domestic violence; amending s.
4 28.241, F.S.; limiting certain fees for
5 injunctions relating to domestic violence;
6 amending s. 741.30, F.S.; limiting total
7 charges for issuing or serving injunctions or
8 restraining orders relating to domestic
9 violence; providing an effective date.

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

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13 Section 1. Subsection (5) of section 28.241, Florida
14 Statutes, 1996 Supplement, is amended to read:

15 28.241 Filing charges for trial and appellate
16 proceedings.--

17 (5) The fees prescribed in this section do not include
18 the service charges required by law for the clerk as provided
19 in s. 28.24 or by other sections of the Florida Statutes.
20 Service charges authorized by this section may not be added to
21 any civil penalty imposed by chapter 316 or chapter 318. Fees
22 for injunctions concerning domestic violence shall be limited
23 as provided in s. 741.30(2)(a).

24 Section 2. Paragraph (a) of subsection (2) of section
25 741.30, Florida Statutes, 1996 Supplement, is amended to read:

26 741.30 Domestic violence; injunction; powers and
27 duties of court and clerk; petition; notice and hearing;
28 temporary injunction; issuance of injunction; statewide
29 verification system; enforcement.--

30 (2)(a) Notwithstanding any other provision of law, the
31 total charge, including any administration fees, law

1 enforcement agency charges, and court costs or service
2 charges, for any court to issue an injunction concerning
3 domestic violence under chapter 741 or chapter 784 shall not
4 exceed \$50. The total charge by any law enforcement agency to
5 serve an injunction or restraining order concerning violence
6 shall not exceed \$20. The remaining \$30 fee collected for an
7 injunction under chapter 741 shall only be applied to the
8 initial \$40 service charge collected by the clerk of the court
9 as provided in s. 28.241(1).In the event the victim does not
10 have sufficient funds with which to pay filing fees to the
11 clerk of the court or service fees to the sheriff or law
12 enforcement agency and signs an affidavit stating so, the fees
13 shall be waived by the clerk of the court or the sheriff or
14 law enforcement agency to the extent necessary to process the
15 petition and serve the injunction, subject to a subsequent
16 order of the court relative to the payment of such fees.

17 Section 3. This act shall take effect upon becoming a
18 law.

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21 HOUSE SUMMARY

22 Limits total charges for issuing or serving injunctions
23 or restraining orders relating to domestic violence. See
24 bill for details.
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