

By Senator Brandes

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1                   A bill to be entitled  
2       An act relating to clerks of the circuit court;  
3       amending s. 28.35, F.S.; providing that funds  
4       available for budgets of the clerks of the court  
5       include certain revenues from the previous year,  
6       budget amendments, and appropriated funds; revising  
7       the approval process for proposed budgets; expanding  
8       the duties of the Florida Clerks of Court Operations  
9       Corporation to include certifying certain variances,  
10      preparing and submitting budget requests to the  
11      Legislature, requesting certain amendments, requesting  
12      the Governor to order the transfer of certain moneys,  
13      and prescribing certain forms; adding certain costs to  
14      the list of court-related functions that clerks may  
15      fund; amending s. 28.36, F.S.; revising the  
16      requirements to which a proposed budget by the clerks  
17      of the court must conform; requiring the corporation  
18      to certify certain revenue needs to the Governor and  
19      the Legislature; revising when the corporation may  
20      approve increases or decreases to previously  
21      authorized budgets; amending s. 28.37, F.S.; requiring  
22      the Department of Revenue to deposit certain remitted  
23      funds in the Clerks of the Court Trust Fund rather  
24      than the General Revenue Fund; requiring the  
25      corporation to certify certain estimates for funds and  
26      certain unspent funds; requiring the department to  
27      review such certification of unspent funds; amending  
28      ss. 57.081, 57.082, 394.459, 394.463, 394.467,  
29      394.917, 397.6814, and 790.401, F.S.; authorizing the

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30 clerks of the circuit court to submit certified  
31 requests for reimbursement to the corporation for  
32 certain waived costs or fees; requiring the  
33 corporation to certify the amounts of reimbursement to  
34 the department and request release authority for funds  
35 from the Clerks of the Court Trust Fund; amending ss.  
36 741.30 and 784.0485, F.S.; revising the reimbursement  
37 process for the clerks of the circuit court for  
38 petitions for protection against domestic violence and  
39 petitions for protection against stalking,  
40 respectively; requiring the corporation to certify the  
41 amounts of reimbursement to the department and request  
42 release authority for funds from the Clerks of the  
43 Court Trust Fund; providing an appropriation;  
44 providing an effective date.

45  
46 Be It Enacted by the Legislature of the State of Florida:

47  
48 Section 1. Paragraph (f) of subsection (2) and paragraph  
49 (a) of subsection (3) of section 28.35, Florida Statutes, are  
50 amended, and paragraphs (i) through (m) are added to subsection  
51 (2) of that section, to read:

52 28.35 Florida Clerks of Court Operations Corporation.—

53 (2) The duties of the corporation shall include the  
54 following:

55 (f) Approving the proposed budgets submitted by clerks of  
56 the court for the following county fiscal year pursuant to s.  
57 28.36. The corporation must ensure that the total combined  
58 budgets of the clerks of the court do not exceed the total of

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59 the estimated revenues available for court-related expenditures  
60 as determined by the ~~most recent~~ Revenue Estimating Conference,  
61 plus unspent revenues carried forward from the previous fiscal  
62 year, budget amendments, and appropriations made by law for the  
63 purpose of funding court-related functions. The corporation may  
64 amend any individual clerk of the court budget to ensure  
65 compliance with this paragraph and must consider performance  
66 measures, workload performance standards, workload measures, and  
67 expense data before modifying the budget. As part of this  
68 process, the corporation shall:

69 1. Calculate the minimum amount of revenue necessary for  
70 each clerk of the court to efficiently perform the list of  
71 court-related functions specified in paragraph (3) (a). The  
72 corporation shall apply the workload measures appropriate for  
73 determining the individual level of review required to fund the  
74 clerk's budget.

75 2. Prepare a cost comparison of similarly situated clerks  
76 of the court, based on county population and numbers of filings,  
77 using the standard list of court-related functions specified in  
78 paragraph (3) (a).

79 3. Conduct an annual base budget review and an annual  
80 budget exercise examining the total budget of each clerk of the  
81 court. The review shall examine revenues from all sources,  
82 expenses of court-related functions, and expenses of noncourt-  
83 related functions as necessary to determine that court-related  
84 revenues are not being used for noncourt-related purposes. The  
85 review and exercise shall identify potential targeted budget  
86 reductions in the percentage amount provided in Schedule VIII-B  
87 of the state's previous year's legislative budget instructions,

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88 as referenced in s. 216.023(3), or an equivalent schedule or  
89 instruction as may be adopted by the Legislature.

90 4. Identify those proposed budgets containing funding for  
91 items not included on the standard list of court-related  
92 functions specified in paragraph (3)(a).

93 5. Identify those clerks projected to have court-related  
94 revenues insufficient to fund their anticipated court-related  
95 expenditures.

96 6. Use revenue estimates based on the official estimate for  
97 funds accruing to the clerks of the court, as authorized by law,  
98 made by the Revenue Estimating Conference, as well as any  
99 unspent revenues carried forward from the previous fiscal year,  
100 budget amendments, and appropriations made for the purpose of  
101 funding court-related functions. However, the corporation must  
102 certify any budget needs determined pursuant to law which are in  
103 excess of the official estimate to ensure that such budget needs  
104 fund only the court-related functions specified in paragraph  
105 (3)(a). The total combined budgets of the clerks of the court  
106 may not exceed the revenue estimates established by the most  
107 recent Revenue Estimating Conference.

108 7. Identify pay and benefit increases in any proposed clerk  
109 budget, including, but not limited to, cost of living increases,  
110 merit increases, and bonuses.

111 8. Identify increases in anticipated expenditures in any  
112 clerk budget that exceeds the current year budget by more than 3  
113 percent.

114 9. Identify the budget of any clerk which exceeds the  
115 average budget of similarly situated clerks by more than 10  
116 percent.

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117       10. Estimate the additional budget authority necessary to  
118 pay the cost of performing new or additional functions required  
119 by changes in law or court rule, the cost of supporting  
120 increases in the number of judges or magistrates authorized by  
121 the Legislature, the cost of increases in the use of hearing  
122 officers and senior judges assigned by the courts, and the cost  
123 of supporting increases in the use of hearing officers and  
124 senior judges assigned by the courts.

125       11. Estimate the amount, if any, of total funds estimated  
126 to be available at the beginning of the fiscal year, up to 1  
127 percent of the approved budget authority, to be reserved. Such  
128 estimate must be based on estimates of changes in budget  
129 authority that may be required during the fiscal year pursuant  
130 to s. 28.36(4). Midyear revenue increases may be reserved  
131 without limit. Quarterly, the corporation shall certify to the  
132 Department of Revenue the amount of total funds reserved.

133       (i) Certifying to the Legislature, if the corporation  
134 determines that the cumulative budget for all clerks will vary  
135 by more than 5 percent from the approved cumulative budget for  
136 the previous year, the specific causes for the variance, the  
137 revenues or costs associated with each variance, and how each  
138 variance relates to the clerks' responsibilities in performing  
139 their court-related functions.

140       (j) Preparing and submitting legislative budget requests to  
141 the Legislature, consistent with the requirements of s. 216.023.  
142 Such requests must be submitted for any fiscal year for which  
143 the corporation determines that new duties or financial  
144 obligations under s. 28.36(4), beyond those funded in prior  
145 fiscal years, have been imposed on the court-related functions

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146 of clerks of the court; and for any fiscal year for which the  
147 corporation determines that the total estimated revenues  
148 available for court-related expenditures as determined by the  
149 most recent Revenue Estimating Conference, unspent revenues  
150 carried forward from the previous fiscal year, and budget  
151 amendments and appropriations made by law for the purpose of  
152 funding court-related functions will be inadequate to provide  
153 funding for court-related functions of clerks of the court at  
154 the current level of operations.

155 (k) Requesting amendments to the approved operating budget,  
156 pursuant to s. 216.181.

157 (l) Requesting the Governor to order, pursuant to s.  
158 215.18(1), a temporary transfer of moneys from unobligated funds  
159 in the State Treasury to the Clerks of the Court Trust Fund in  
160 the Department of Revenue in order to meet temporary  
161 deficiencies in that fund.

162 (m) Prescribing the form and manner for clerks to submit  
163 requests for reimbursement for actions that are exempt from fees  
164 and other costs, which are eligible for reimbursement from state  
165 funds, and for which the Legislature has appropriated funds.

166 (3) (a) The list of court-related functions that clerks may  
167 fund from filing fees, service charges, costs, and fines is  
168 limited to those functions expressly authorized by law or court  
169 rule. Those functions include the following: case maintenance;  
170 records management; court preparation and attendance; processing  
171 the assignment, reopening, and reassignment of cases; processing  
172 of appeals; collection and distribution of fines, fees, service  
173 charges, and court costs; processing of bond forfeiture  
174 payments; data collection and reporting; determinations of

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175 indigent status; technology costs directly associated with  
176 court-related functions; due-process and jury-related costs not  
177 reimbursed pursuant to s. 40.29; and paying reasonable  
178 administrative support costs to enable the clerk of the court to  
179 carry out these court-related functions.

180 Section 2. Paragraph (b) of subsection (2) and subsection  
181 (4) of section 28.36, Florida Statutes, are amended to read:

182 28.36 Budget procedure.—There is established a budget  
183 procedure for the court-related functions of the clerks of the  
184 court.

185 (2) Each proposed budget shall further conform to the  
186 following requirements:

187 (b)1. The proposed budget must be balanced such that the  
188 total of the estimated revenues available equals or exceeds the  
189 total of the anticipated expenditures. Such revenues include  
190 revenue projected to be received from fees, service charges,  
191 costs, and fines for court-related functions during the fiscal  
192 period covered by the budget; unspent revenues carried forward  
193 from the previous fiscal year; budget amendments; and  
194 appropriations made for the purpose of funding court-related  
195 functions. The anticipated expenditures must be itemized as  
196 required by the corporation.

197 2. If the corporation determines that the clerks' total  
198 anticipated expenditures exceed the clerks' total estimated  
199 revenues established by the total of the most recent Revenue  
200 Estimating Conference plus unspent revenues carried forward from  
201 the previous fiscal year, budget amendments, and appropriations  
202 for the purpose of funding court-related functions, the  
203 corporation must certify the additional amount necessary to fund

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204 anticipated expenditures to the Governor, the President of the  
205 Senate, and the Speaker of the House of Representatives.

206 (4) The corporation may approve increases or decreases to  
207 the previously authorized budgets approved for ~~individual~~ clerks  
208 of the court pursuant to s. 28.35 for court-related functions,  
209 if:

210 (a) The additional budget authority is necessary to pay the  
211 cost of performing new or additional functions required by  
212 changes in law or court rule, by an impact resulting from  
213 financial obligations imposed on court-related functions by a  
214 county or by administrative order of a circuit court or the  
215 Supreme Court, or by order of a federal or state court; or

216 (b) The additional budget authority is necessary to pay the  
217 cost of supporting increases in the number of judges or  
218 magistrates authorized by the Legislature, or by increases in  
219 the use of hearing officers and senior judges assigned by the  
220 courts.

221 Section 3. Subsection (3) of section 28.37, Florida  
222 Statutes, is amended to read:

223 28.37 Fines, fees, service charges, and costs remitted to  
224 the state.—

225 (3) Each year, no later than January 25, ~~2015,~~ and ~~Each~~  
226 ~~January 25 thereafter~~ for the previous county fiscal year, the  
227 clerks of court, in consultation with the Florida Clerks of  
228 Court Operations Corporation, shall remit to the Department of  
229 Revenue for deposit in the Clerks of the Court Trust Fund  
230 ~~General Revenue Fund~~ the cumulative excess of all fines, fees,  
231 service charges, and costs retained by the clerks of the court,  
232 plus any funds received by the clerks of the court from the



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233 Clerks of the Court Trust Fund under s. 28.36(3), which exceed  
234 the amount needed to meet their authorized budget amounts  
235 established under s. 28.35. The Florida Clerks of Court  
236 Operations Corporation shall certify ~~The Department of Revenue~~  
237 ~~shall transfer from the Clerks of Court Trust Fund to the~~  
238 ~~General Revenue Fund the cumulative excess of all fines, fees,~~  
239 ~~service charges, and costs submitted by the clerks of court~~  
240 ~~pursuant to subsection (2). However, if the most recent official~~  
241 estimate for funds accruing to the clerks of court made by the  
242 Revenue Estimating Conference for the current fiscal year or the  
243 next fiscal year is less than the cumulative amount of  
244 authorized budgets for the clerks of court for the current  
245 fiscal year. The Florida Clerks of Court Operations Corporation  
246 shall also certify, and the Department of Revenue shall review,  
247 the amounts of unspent funds retained by clerks for the previous  
248 county fiscal year, unspent funds remaining in the Clerks of the  
249 Court Trust Fund for the previous county fiscal year, funds  
250 certified pursuant to s. 28.36(2) (b), and deficits between  
251 budgets and estimated revenues for the current fiscal year and  
252 the next fiscal year, ~~the Department of Revenue shall retain in~~  
253 ~~the Clerks of the Court Trust Fund the estimated amount needed~~  
254 ~~to fully fund the clerks of court for the current and next~~  
255 ~~fiscal year based upon the current budget established under s.~~  
256 ~~28.35.~~

257 Section 4. Subsection (1) of section 57.081, Florida  
258 Statutes, is amended to read:

259 57.081 Costs; right to proceed where prepayment of costs  
260 and payment of filing fees waived.—

261 (1) Any indigent person, except a prisoner as defined in s.

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262 57.085, who is a party or intervenor in any judicial or  
263 administrative agency proceeding or who initiates such  
264 proceeding shall receive the services of the courts, sheriffs,  
265 and clerks, with respect to such proceedings, despite his or her  
266 present inability to pay for these services. Such services are  
267 limited to filing fees; service of process; certified copies of  
268 orders or final judgments; a single photocopy of any court  
269 pleading, record, or instrument filed with the clerk; examining  
270 fees; mediation services and fees; private court-appointed  
271 counsel fees; subpoena fees and services; service charges for  
272 collecting and disbursing funds; and any other cost or service  
273 arising out of pending litigation. In any appeal from an  
274 administrative agency decision, for which the clerk is  
275 responsible for preparing the transcript, the clerk shall record  
276 the cost of preparing the transcripts and the cost for copies of  
277 any exhibits in the record. A party who has obtained a  
278 certification of indigence pursuant to s. 27.52 or s. 57.082  
279 with respect to a proceeding is not required to prepay costs to  
280 a court, clerk, or sheriff and is not required to pay filing  
281 fees or charges for issuance of a summons. However, subject to  
282 legislative appropriation, the clerk of the circuit court may,  
283 on a quarterly basis, submit to the Florida Clerks of Court  
284 Operations Corporation a certified request for reimbursement for  
285 fees and costs waived under this subsection, at the rate of \$195  
286 per case. Quarterly, the corporation shall certify the amount of  
287 the reimbursement to the Department of Revenue and request  
288 release authority for funds from the Clerks of the Court Trust  
289 Fund within the Department of Revenue.

290 Section 5. Subsection (8) is added to section 57.082,

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291 Florida Statutes, to read:

292 57.082 Determination of civil indigent status.—

293 (8) Subject to legislative appropriation, the clerk of the  
294 circuit court may, on a quarterly basis, submit to the Florida  
295 Clerks of Court Operations Corporation a certified request for  
296 reimbursement for filing fees and prepayment of costs, or  
297 portions thereof, which were not paid based on a determination  
298 of indigency pursuant to this section, at the rate of \$195 per  
299 case. Quarterly, the corporation shall certify the amount of the  
300 reimbursement to the Department of Revenue and request release  
301 authority for funds from the Clerks of the Court Trust Fund  
302 within the Department of Revenue.

303 Section 6. Paragraph (d) of subsection (8) of section  
304 394.459, Florida Statutes, is amended to read:

305 394.459 Rights of patients.—

306 (8) HABEAS CORPUS.—

307 (d) No fee shall be charged for the filing of a petition  
308 under this subsection. However, subject to legislative  
309 appropriations, the clerk of the circuit court may, on a  
310 quarterly basis, submit to the Florida Clerks of Court  
311 Operations Corporation a certified request for reimbursement for  
312 petitions for writ of habeas corpus, at the rate of \$195 per  
313 petition. Quarterly, the corporation shall certify the amount of  
314 the reimbursement to the Department of Revenue and request  
315 release authority for funds from the Clerks of the Court Trust  
316 Fund within the Department of Revenue.

317 Section 7. Paragraph (a) of subsection (2) of section  
318 394.463, Florida Statutes, is amended to read:

319 394.463 Involuntary examination.—

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320 (2) INVOLUNTARY EXAMINATION.—

321 (a) An involuntary examination may be initiated by any one  
322 of the following means:

323 1. A circuit or county court may enter an ex parte order  
324 stating that a person appears to meet the criteria for  
325 involuntary examination and specifying the findings on which  
326 that conclusion is based. The ex parte order for involuntary  
327 examination must be based on written or oral sworn testimony  
328 that includes specific facts that support the findings. If other  
329 less restrictive means are not available, such as voluntary  
330 appearance for outpatient evaluation, a law enforcement officer,  
331 or other designated agent of the court, shall take the person  
332 into custody and deliver him or her to an appropriate, or the  
333 nearest, facility within the designated receiving system  
334 pursuant to s. 394.462 for involuntary examination. The order of  
335 the court shall be made a part of the patient's clinical record.  
336 A fee may not be charged for the filing of an order under this  
337 subsection. However, subject to legislative appropriations, the  
338 clerk of the circuit court may, on a quarterly basis, submit to  
339 the Florida Clerks of Court Operations Corporation a certified  
340 request for reimbursement for ex parte orders for involuntary  
341 examination filed pursuant to this subsection, at the rate of  
342 \$195 per petition. Quarterly, the corporation shall certify the  
343 amount of the reimbursement to the Department of Revenue and  
344 request release authority for funds from the Clerks of the Court  
345 Trust Fund within the Department of Revenue. A facility  
346 accepting the patient based on this order must send a copy of  
347 the order to the department the next working day. The order may  
348 be submitted electronically through existing data systems, if

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349 available. The order shall be valid only until the person is  
350 delivered to the facility or for the period specified in the  
351 order itself, whichever comes first. If no time limit is  
352 specified in the order, the order shall be valid for 7 days  
353 after the date that the order was signed.

354 2. A law enforcement officer shall take a person who  
355 appears to meet the criteria for involuntary examination into  
356 custody and deliver the person or have him or her delivered to  
357 an appropriate, or the nearest, facility within the designated  
358 receiving system pursuant to s. 394.462 for examination. The  
359 officer shall execute a written report detailing the  
360 circumstances under which the person was taken into custody,  
361 which must be made a part of the patient's clinical record. Any  
362 facility accepting the patient based on this report must send a  
363 copy of the report to the department the next working day.

364 3. A physician, clinical psychologist, psychiatric nurse,  
365 mental health counselor, marriage and family therapist, or  
366 clinical social worker may execute a certificate stating that he  
367 or she has examined a person within the preceding 48 hours and  
368 finds that the person appears to meet the criteria for  
369 involuntary examination and stating the observations upon which  
370 that conclusion is based. If other less restrictive means, such  
371 as voluntary appearance for outpatient evaluation, are not  
372 available, a law enforcement officer shall take into custody the  
373 person named in the certificate and deliver him or her to the  
374 appropriate, or nearest, facility within the designated  
375 receiving system pursuant to s. 394.462 for involuntary  
376 examination. The law enforcement officer shall execute a written  
377 report detailing the circumstances under which the person was

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378 taken into custody. The report and certificate shall be made a  
379 part of the patient's clinical record. Any facility accepting  
380 the patient based on this certificate must send a copy of the  
381 certificate to the department the next working day. The document  
382 may be submitted electronically through existing data systems,  
383 if applicable.

384 Section 8. Subsection (3) of section 394.467, Florida  
385 Statutes, is amended to read:

386 394.467 Involuntary inpatient placement.—

387 (3) PETITION FOR INVOLUNTARY INPATIENT PLACEMENT.—The  
388 administrator of the facility shall file a petition for  
389 involuntary inpatient placement in the court in the county where  
390 the patient is located. Upon filing, the clerk of the court  
391 shall provide copies to the department, the patient, the  
392 patient's guardian or representative, and the state attorney and  
393 public defender of the judicial circuit in which the patient is  
394 located. A fee may not be charged for the filing of a petition  
395 under this subsection. However, subject to legislative  
396 appropriations, the clerk of the circuit court may, on a  
397 quarterly basis, submit to the Florida Clerks of Court  
398 Operations Corporation a certified request for reimbursement for  
399 petitions for involuntary inpatient placement filed pursuant to  
400 this subsection, at the rate of \$195 per petition. Quarterly,  
401 the corporation shall certify the amount of the reimbursement to  
402 the Department of Revenue and request release authority for  
403 funds from the Clerks of the Court Trust Fund within the  
404 Department of Revenue.

405 Section 9. Subsection (3) of section 394.917, Florida  
406 Statutes, is amended to read:

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407 394.917 Determination; commitment procedure; mistrials;  
408 housing; counsel and costs in indigent appellate cases.—

409 (3) The public defender of the circuit in which a person  
410 was determined to be a sexually violent predator shall be  
411 appointed to represent the person on appeal. That public  
412 defender may request the public defender who handles criminal  
413 appeals for the circuit to represent the person on appeal in the  
414 manner provided in s. 27.51(4). If the public defender is unable  
415 to represent the person on appeal due to a conflict, the court  
416 shall appoint other counsel, who shall be compensated at a rate  
417 not less than that provided for appointed counsel in criminal  
418 cases. Filing fees for indigent appeals under this act are  
419 waived. Costs and fees related to such appeals, including the  
420 amounts paid for records, transcripts, and compensation of  
421 appointed counsel, shall be authorized by the trial court and  
422 paid from state funds that are appropriated for such purposes.  
423 However, subject to legislative appropriations, the clerk of the  
424 circuit court may, on a quarterly basis, submit to the Florida  
425 Clerks of Court Operations Corporation a certified request for  
426 reimbursement for filing fees for indigent appeals, at the rate  
427 of \$195 per appeal. Quarterly, the corporation shall certify the  
428 amount of the reimbursement to the Department of Revenue and  
429 request release authority for funds from the Clerks of the Court  
430 Trust Fund within the Department of Revenue.

431 Section 10. Section 397.6814, Florida Statutes, is amended  
432 to read:

433 397.6814 Involuntary assessment and stabilization; contents  
434 of petition.—A petition for involuntary assessment and  
435 stabilization must contain the name of the respondent, the name

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436 of the applicant or applicants, the relationship between the  
437 respondent and the applicant, and the name of the respondent's  
438 attorney, if known, and must state facts to support the need for  
439 involuntary assessment and stabilization, including:

440 (1) The reason for the petitioner's belief that the  
441 respondent is substance abuse impaired;

442 (2) The reason for the petitioner's belief that because of  
443 such impairment the respondent has lost the power of self-  
444 control with respect to substance abuse; and

445 (3) (a) The reason the petitioner believes that the  
446 respondent has inflicted or is likely to inflict physical harm  
447 on himself or herself or others unless admitted; or

448 (b) The reason the petitioner believes that the  
449 respondent's refusal to voluntarily receive care is based on  
450 judgment so impaired by reason of substance abuse that the  
451 respondent is incapable of appreciating his or her need for care  
452 and of making a rational decision regarding that need for care.  
453 If the respondent has refused to submit to an assessment, such  
454 refusal must be alleged in the petition.

455  
456 A fee may not be charged for the filing of a petition pursuant  
457 to this section. However, subject to legislative appropriations,  
458 the clerk of the circuit court may, on a quarterly basis, submit  
459 to the Florida Clerks of Court Operations Corporation a  
460 certified request for reimbursement for petitions for  
461 involuntary assessment and stabilization filed pursuant to this  
462 section, at the rate of \$195 per petition. Quarterly, the  
463 corporation shall certify the amount of the reimbursement to the  
464 Department of Revenue and request release authority for funds



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465 from the Clerks of the Court Trust Fund within the Department of  
466 Revenue.

467 Section 11. Paragraph (h) of subsection (2) of section  
468 790.401, Florida Statutes, is amended to read:

469 790.401 Risk protection orders.—

470 (2) PETITION FOR A RISK PROTECTION ORDER.—There is created  
471 an action known as a petition for a risk protection order.

472 (h) A court or a public agency may not charge fees for  
473 filing or for service of process to a petitioner seeking relief  
474 under this section and must provide the necessary number of  
475 certified copies, forms, and instructional brochures free of  
476 charge. However, subject to legislative appropriations, the  
477 clerk of the circuit court may, on a quarterly basis, submit to  
478 the Florida Clerks of Court Operations Corporation a certified  
479 request for reimbursement for petitions for risk protection  
480 orders, at the rate of \$195 per petition. Quarterly, the  
481 corporation shall certify the amount of the reimbursement to the  
482 Executive Office of the Governor and request release authority  
483 for funds from the Clerks of the Court Trust Fund within the  
484 Department of Revenue.

485 Section 12. Paragraph (a) of subsection (2) of section  
486 741.30, Florida Statutes, is amended to read:

487 741.30 Domestic violence; injunction; powers and duties of  
488 court and clerk; petition; notice and hearing; temporary  
489 injunction; issuance of injunction; statewide verification  
490 system; enforcement; public records exemption.—

491 (2) (a) Notwithstanding any other provision of law, the  
492 assessment of a filing fee for a petition for protection against  
493 domestic violence is prohibited effective October 1, 2002.

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494 However, subject to legislative appropriation, the clerk of the  
495 circuit court may, on a quarterly basis, submit to the Florida  
496 Clerks of Court Operations Corporation ~~Office of the State~~  
497 ~~Courts Administrator~~ a certified request for reimbursement for  
498 petitions for protection against domestic violence issued by the  
499 court, at the rate of \$195 ~~\$40~~ per petition. ~~The request for~~  
500 ~~reimbursement shall be submitted in the form and manner~~  
501 ~~prescribed by the Office of the State Courts Administrator.~~  
502 Quarterly, the corporation shall certify the amount of the  
503 reimbursement to the Department of Revenue and request release  
504 authority for funds from the Clerks of the Court Trust Fund  
505 within the Department of Revenue. From this reimbursement, the  
506 clerk shall pay any law enforcement agency serving the  
507 injunction the fee requested by the law enforcement agency;  
508 however, this fee shall not exceed \$20.

509 Section 13. Paragraph (a) of subsection (2) of section  
510 784.0485, Florida Statutes, is amended to read:

511 784.0485 Stalking; injunction; powers and duties of court  
512 and clerk; petition; notice and hearing; temporary injunction;  
513 issuance of injunction; statewide verification system;  
514 enforcement.-

515 (2) (a) Notwithstanding any other law, the clerk of court  
516 may not assess a filing fee to file a petition for protection  
517 against stalking. However, subject to legislative appropriation,  
518 the clerk of the circuit court may, on a quarterly basis, submit  
519 to the Florida Clerks of Court Operations Corporation ~~Office of~~  
520 ~~the State Courts Administrator~~ a certified request for  
521 reimbursement for petitions for protection against stalking  
522 issued by the court, at the rate of \$195 ~~\$40~~ per petition. ~~The~~

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523 ~~request for reimbursement shall be submitted in the form and~~  
524 ~~manner prescribed by the Office of the State Courts~~  
525 ~~Administrator.~~ Quarterly, the corporation shall certify the  
526 amount of the reimbursement to the Department of Revenue and  
527 request release authority for funds from the Clerks of the Court  
528 Trust Fund within the Department of Revenue. From this  
529 reimbursement, the clerk shall pay any law enforcement agency  
530 serving the injunction the fee requested by the law enforcement  
531 agency; however, this fee may not exceed \$20.

532       Section 14. For the 2019-2020 fiscal year, the sum of  
533 \$39,220,115 in recurring funds from the General Revenue Fund is  
534 appropriated to the Clerks of the Court Trust Fund within the  
535 Department of Revenue for certified requests for reimbursement  
536 of fees and other costs as provided for in this act.

537       Section 15. This act shall take effect October 1, 2019.