

By the Committee on Judiciary; and Senators Brandes, Hutson, Hooper, and Pizzo

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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, 784.046, and 784.0485, F.S.; revising the
37 reimbursement process for the clerks of the circuit
38 court for petitions for protection against domestic
39 violence, petitions for protection against repeat,
40 sexual, or dating violence, and petitions for
41 protection against stalking, respectively; requiring
42 the corporation to certify the amounts of
43 reimbursement to the department and request release
44 authority for funds from the Clerks of the Court Trust
45 Fund; providing an appropriation; providing an
46 effective date.

47
48 Be It Enacted by the Legislature of the State of Florida:

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

54 28.35 Florida Clerks of Court Operations Corporation.—

55 (2) The duties of the corporation shall include the
56 following:

57 (f) Approving the proposed budgets submitted by clerks of
58 the court for the following county fiscal year pursuant to s.

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59 28.36. The corporation must ensure that the total combined
60 budgets of the clerks of the court do not exceed the total of
61 the estimated revenues available for court-related expenditures
62 as determined by the ~~most recent~~ Revenue Estimating Conference,
63 plus unspent revenues carried forward from the previous fiscal
64 year, budget amendments, and appropriations made by law for the
65 purpose of funding court-related functions. The corporation may
66 amend any individual clerk of the court budget to ensure
67 compliance with this paragraph and must consider performance
68 measures, workload performance standards, workload measures, and
69 expense data before modifying the budget. As part of this
70 process, the corporation shall:

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

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

81 3. Conduct an annual base budget review and an annual
82 budget exercise examining the total budget of each clerk of the
83 court. The review shall examine revenues from all sources,
84 expenses of court-related functions, and expenses of noncourt-
85 related functions as necessary to determine that court-related
86 revenues are not being used for noncourt-related purposes. The
87 review and exercise shall identify potential targeted budget

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88 reductions in the percentage amount provided in Schedule VIII-B
89 of the state's previous year's legislative budget instructions,
90 as referenced in s. 216.023(3), or an equivalent schedule or
91 instruction as may be adopted by the Legislature.

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

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

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

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

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

116 9. Identify the budget of any clerk which exceeds the

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117 average budget of similarly situated clerks by more than 10
118 percent.

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

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

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

142 (j) Preparing and submitting legislative budget requests to
143 the Legislature, consistent with the requirements of s. 216.023.
144 Such requests must be submitted for any fiscal year for which
145 the corporation determines that new duties or financial

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146 obligations under s. 28.36(4), beyond those funded in prior
147 fiscal years, have been imposed on the court-related functions
148 of clerks of the court; and for any fiscal year for which the
149 corporation determines that the total estimated revenues
150 available for court-related expenditures as determined by the
151 most recent Revenue Estimating Conference, unspent revenues
152 carried forward from the previous fiscal year, and budget
153 amendments and appropriations made by law for the purpose of
154 funding court-related functions will be inadequate to provide
155 funding for court-related functions of clerks of the court at
156 the current level of operations.

157 (k) Requesting amendments to the approved operating budget,
158 pursuant to s. 216.181.

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

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

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

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175 charges, and court costs; processing of bond forfeiture
176 payments; data collection and reporting; determinations of
177 indigent status; technology costs directly associated with
178 court-related functions; due-process and jury-related costs not
179 reimbursed pursuant to s. 40.29; and paying reasonable
180 administrative support costs to enable the clerk of the court to
181 carry out these court-related functions.

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

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

187 (2) Each proposed budget shall further conform to the
188 following requirements:

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

199 2. If the corporation determines that the clerks' total
200 anticipated expenditures exceed the clerks' total estimated
201 revenues established by the total of the most recent Revenue
202 Estimating Conference plus unspent revenues carried forward from
203 the previous fiscal year, budget amendments, and appropriations

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204 for the purpose of funding court-related functions, the
205 corporation must certify the additional amount necessary to fund
206 anticipated expenditures to the Governor, the President of the
207 Senate, and the Speaker of the House of Representatives.

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

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

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

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

225 28.37 Fines, fees, service charges, and costs remitted to
226 the state.—

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

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233 service charges, and costs retained by the clerks of the court,
234 plus any funds received by the clerks of the court from the
235 Clerks of the Court Trust Fund under s. 28.36(3), which exceed
236 the amount needed to meet their authorized budget amounts
237 established under s. 28.35. The Florida Clerks of Court
238 Operations Corporation shall certify whether ~~The Department of~~
239 ~~Revenue shall transfer from the Clerks of Court Trust Fund to~~
240 ~~the General Revenue Fund the cumulative excess of all fines,~~
241 ~~fees, service charges, and costs submitted by the clerks of~~
242 ~~court pursuant to subsection (2). However, if the most recent~~
243 official estimate for funds accruing to the clerks of court made
244 by the Revenue Estimating Conference for the current fiscal year
245 or the next fiscal year is less than the cumulative amount of
246 authorized budgets for the clerks of court for the current
247 fiscal year. The Florida Clerks of Court Operations Corporation
248 shall also certify, and the Department of Revenue shall review,
249 the amounts of unspent funds retained by clerks for the previous
250 county fiscal year, unspent funds remaining in the Clerks of the
251 Court Trust Fund for the previous county fiscal year, funds
252 certified pursuant to s. 28.36(2)(b), and deficits between
253 budgets and estimated revenues for the current fiscal year and
254 the next fiscal year, ~~the Department of Revenue shall retain in~~
255 ~~the Clerks of the Court Trust Fund the estimated amount needed~~
256 ~~to fully fund the clerks of court for the current and next~~
257 ~~fiscal year based upon the current budget established under s.~~
258 ~~28.35.~~

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

261 57.081 Costs; right to proceed where prepayment of costs

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262 and payment of filing fees waived.—

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

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291 Fund within the Department of Revenue.

292 Section 5. Subsection (8) is added to section 57.082,
293 Florida Statutes, to read:

294 57.082 Determination of civil indigent status.—

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

305 Section 6. Paragraph (d) of subsection (8) of section
306 394.459, Florida Statutes, is amended to read:

307 394.459 Rights of patients.—

308 (8) HABEAS CORPUS.—

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

319 Section 7. Paragraph (a) of subsection (2) of section

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320 394.463, Florida Statutes, is amended to read:

321 394.463 Involuntary examination.—

322 (2) INVOLUNTARY EXAMINATION.—

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

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

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349 the order to the department the next working day. The order may
350 be submitted electronically through existing data systems, if
351 available. The order shall be valid only until the person is
352 delivered to the facility or for the period specified in the
353 order itself, whichever comes first. If no time limit is
354 specified in the order, the order shall be valid for 7 days
355 after the date that the order was signed.

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

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

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378 examination. The law enforcement officer shall execute a written
379 report detailing the circumstances under which the person was
380 taken into custody. The report and certificate shall be made a
381 part of the patient's clinical record. Any facility accepting
382 the patient based on this certificate must send a copy of the
383 certificate to the department the next working day. The document
384 may be submitted electronically through existing data systems,
385 if applicable.

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

388 394.467 Involuntary inpatient placement.—

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

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

409 394.917 Determination; commitment procedure; mistrials;
410 housing; counsel and costs in indigent appellate cases.—

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

433 Section 10. Section 397.6814, Florida Statutes, is amended
434 to read:

435 397.6814 Involuntary assessment and stabilization; contents

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

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

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

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

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

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

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465 corporation shall certify the amount of the reimbursement to the
466 Department of Revenue and request release authority for funds
467 from the Clerks of the Court Trust Fund within the Department of
468 Revenue.

469 Section 11. Paragraph (h) of subsection (2) of section
470 790.401, Florida Statutes, is amended to read:

471 790.401 Risk protection orders.—

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

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

487 Section 12. Paragraph (a) of subsection (2) of section
488 741.30, Florida Statutes, is amended to read:

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

493 (2) (a) Notwithstanding any other provision of law, the

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494 assessment of a filing fee for a petition for protection against
495 domestic violence is prohibited effective October 1, 2002.
496 However, subject to legislative appropriation, the clerk of the
497 circuit court may, on a quarterly basis, submit to the Florida
498 Clerks of Court Operations Corporation ~~Office of the State~~
499 ~~Courts Administrator~~ a certified request for reimbursement for
500 petitions for protection against domestic violence issued by the
501 court, at the rate of \$195 ~~\$40~~ per petition. ~~The request for~~
502 ~~reimbursement shall be submitted in the form and manner~~
503 ~~prescribed by the Office of the State Courts Administrator.~~
504 Quarterly, the corporation shall certify the amount of the
505 reimbursement to the Department of Revenue and request release
506 authority for funds from the Clerks of the Court Trust Fund
507 within the Department of Revenue. From this reimbursement, the
508 clerk shall pay any law enforcement agency serving the
509 injunction the fee requested by the law enforcement agency;
510 however, this fee shall not exceed \$20.

511 Section 13. Paragraph (b) of subsection (3) of section
512 784.046, Florida Statutes, is amended to read

513 784.046 Action by victim of repeat violence, sexual
514 violence, or dating violence for protective injunction; dating
515 violence investigations, notice to victims, and reporting;
516 pretrial release violations; public records exemption.—

517 (3)

518 (b) Notwithstanding any other law, the clerk of the court
519 may not assess a fee for filing a petition for protection
520 against repeat violence, sexual violence, or dating violence.
521 However, subject to legislative appropriation, the clerk of the
522 court may, each quarter, submit to the Florida Clerks of Court

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523 ~~Operations Corporation Office of the State Courts Administrator~~
 524 a certified request for reimbursement for petitions for
 525 protection issued by the court under this section at the rate of
 526 \$195 ~~\$40~~ per petition. ~~The request for reimbursement shall be~~
 527 ~~submitted in the form and manner prescribed by the Office of the~~
 528 ~~State Courts Administrator. Quarterly, the corporation shall~~
 529 certify the amount of the reimbursement to the Department of
 530 Revenue and request release authority for funds from the Clerks
 531 of the Court Trust Fund within the Department of Revenue. From
 532 this reimbursement, the clerk shall pay the law enforcement
 533 agency serving the injunction the fee requested by the law
 534 enforcement agency; however, this fee may not exceed \$20.

535 Section 14. Paragraph (a) of subsection (2) of section
 536 784.0485, Florida Statutes, is amended to read:

537 784.0485 Stalking; injunction; powers and duties of court
 538 and clerk; petition; notice and hearing; temporary injunction;
 539 issuance of injunction; statewide verification system;
 540 enforcement.-

541 (2) (a) Notwithstanding any other law, the clerk of court
 542 may not assess a filing fee to file a petition for protection
 543 against stalking. However, subject to legislative appropriation,
 544 the clerk of the circuit court may, on a quarterly basis, submit
 545 to the Florida Clerks of Court Operations Corporation ~~Office of~~
 546 ~~the State Courts Administrator~~ a certified request for
 547 reimbursement for petitions for protection against stalking
 548 issued by the court, at the rate of \$195 ~~\$40~~ per petition. ~~The~~
 549 ~~request for reimbursement shall be submitted in the form and~~
 550 ~~manner prescribed by the Office of the State Courts~~
 551 ~~Administrator.~~ Quarterly, the corporation shall certify the

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552 amount of the reimbursement to the Department of Revenue and
553 request release authority for funds from the Clerks of the Court
554 Trust Fund within the Department of Revenue. From this
555 reimbursement, the clerk shall pay any law enforcement agency
556 serving the injunction the fee requested by the law enforcement
557 agency; however, this fee may not exceed \$20.

558 Section 15. For the 2019-2020 fiscal year, the sum of
559 \$39,220,115 in recurring funds from the General Revenue Fund is
560 appropriated to the Clerks of the Court Trust Fund within the
561 Department of Revenue for certified requests for reimbursement
562 of fees and other costs as provided for in this act.

563 Section 16. This act shall take effect October 1, 2019.