

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
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
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,
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
97 for funds accruing to the clerks of the court, as authorized by
98 law, 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
109 clerk budget, including, but not limited to, cost of living
110 increases, 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.

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
141 to the Legislature, consistent with the requirements of s.
142 216.023. Such requests must be submitted for any fiscal year for
143 which 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
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
156 budget, 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
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
 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
 211 the 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
 217 the 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~~

HB 1143

2019

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
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
 262 s. 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

HB 1143

2019

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,
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.—

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
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
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:

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

HB 1143

2019

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.