

By the Appropriations Committee on Criminal and Civil Justice;
and Senator Bradley

604-02551-25

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A bill to be entitled

An act relating to the state courts system; amending s. 26.20, F.S.; revising the availability of judges to require at least one circuit judge in each circuit to be available for hearings with limited notice; amending s. 28.35, F.S.; revising the duty of the Florida Clerks of Court Operations Corporation to provide an annual budget request to be pursuant to specified provisions; amending s. 44.103, F.S.; deleting the per diem cap for arbitrators who participate in court-ordered, nonbinding arbitration; amending s. 92.50, F.S.; authorizing judges to authenticate a jurat, or certificate of proof or acknowledgment, by affixing their signature and printing their name, title, and court; amending ss. 741.30, 784.046, 784.0485, and 825.1035, F.S.; authorizing clerks of the court to submit to the Justice Administrative Commission, rather than the Office of the State Courts Administrator, certified requests for reimbursements for the filing of certain petitions; requiring that requests be submitted in the form and manner prescribed by the Justice Administrative Commission; reenacting ss. 28.2221(6)(b), 92.525(1), 110.12301(2)(a) and (d), and 112.181(2), F.S., relating to electronic access to official records restricted from public display, inspection, or copying; verification of documents; spouse and dependent eligibility verification by affidavit; and affidavits from firefighters,

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paramedics, emergency medical technicians, law enforcement officers, and correctional officers to be entitled to a certain presumption, respectively, to incorporate the amendment made to s. 92.50, F.S., in references thereto; providing an effective date.

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

Section 1. Section 26.20, Florida Statutes, is amended to read:

26.20 Availability of judge for hearings ~~in chambers. In circuits having more than one circuit judge,~~ At least one circuit judge in each circuit must ~~of said judges shall~~ be available ~~as nearly as possible~~ at all times to hold and conduct hearings with limited notice ~~in chambers~~. In each circuit, there must be at least one judge available on Saturdays, Sundays, holidays, and after hours on weekdays to hear motions for a temporary injunction ex parte in domestic violence cases. The chief judge may assign a judge for this purpose.

Section 2. Paragraph (i) of subsection (2) of section 28.35, Florida Statutes, is amended to read:

28.35 Florida Clerks of Court Operations Corporation.—

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

(i) Annually preparing a budget request which, notwithstanding the provisions of chapter 216 and in accordance with s. 216.351, provides the anticipated amount necessary for reimbursement pursuant to ss. 40.29(6), 741.30(2)(a), 784.046(3)(b), 784.0485(2)(a), and 825.1035(4)(i) ~~s. 40.29(6).~~

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59 The request for the anticipated reimbursement amount must ~~shall~~
60 be submitted in the form and manner prescribed by the Justice
61 Administrative Commission. Such request is not subject to change
62 by the Justice Administrative Commission, except for technical
63 changes necessary to conform to the legislative budget
64 instructions, and must ~~shall~~ be submitted to the Governor for
65 transmittal to the Legislature.

66 Section 3. Subsection (3) of section 44.103, Florida
67 Statutes, is amended to read:

68 44.103 Court-ordered, nonbinding arbitration.—

69 (3) Arbitrators shall be selected and compensated in
70 accordance with rules adopted by the Supreme Court. Arbitrators
71 shall be compensated by the parties, or, upon a finding by the
72 court that a party is indigent, an arbitrator may be partially
73 or fully compensated from state funds according to the party's
74 present ability to pay. ~~At no time may an arbitrator charge more~~
75 ~~than \$1,500 per diem, unless the parties agree otherwise.~~ Prior
76 to approving the use of state funds to reimburse an arbitrator,
77 the court must ensure that the party reimburses the portion of
78 the total cost that the party is immediately able to pay and
79 that the party has agreed to a payment plan established by the
80 clerk of the court that will fully reimburse the state for the
81 balance of all state costs for both the arbitrator and any costs
82 of administering the payment plan and any collection efforts
83 that may be necessary in the future. Whenever possible,
84 qualified individuals who have volunteered their time to serve
85 as arbitrators shall be appointed. If an arbitration program is
86 funded pursuant to s. 44.108, volunteer arbitrators are ~~shall be~~
87 entitled to be reimbursed pursuant to s. 112.061 for all actual

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88 expenses necessitated by service as an arbitrator.

89 Section 4. Subsection (1) of section 92.50, Florida
90 Statutes, is amended to read:

91 92.50 Oaths, affidavits, and acknowledgments; who may take
92 or administer; requirements.—

93 (1) IN THIS STATE.—Oaths, affidavits, and acknowledgments
94 required or authorized under the laws of this state (except
95 oaths to jurors and witnesses in court and such other oaths,
96 affidavits and acknowledgments as are required by law to be
97 taken or administered by or before particular officers) may be
98 taken or administered by or before any judge, clerk, or deputy
99 clerk of any court of record within this state, including
100 federal courts, or by or before any United States commissioner
101 or any notary public within this state. The jurat, or
102 certificate of proof or acknowledgment, shall be authenticated
103 by the signature and official seal of such officer or person
104 taking or administering the same; however, when taken or
105 administered by or before any judge, clerk, or deputy clerk of a
106 court of record, the seal of such court may be affixed as the
107 seal of such officer or person. The jurat, or certificate of
108 proof or acknowledgment, may also be authenticated by a judge by
109 affixing his or her signature and printing his or her name,
110 title, and court.

111 Section 5. Paragraph (a) of subsection (2) of section
112 741.30, Florida Statutes, is amended to read:

113 741.30 Domestic violence; injunction; powers and duties of
114 court and clerk; petition; notice and hearing; temporary
115 injunction; issuance of injunction; statewide verification
116 system; enforcement; public records exemption.—

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117 (2)(a) Notwithstanding any other law, the assessment of a
118 filing fee for a petition for protection against domestic
119 violence is prohibited. However, subject to legislative
120 appropriation, the clerk of the circuit court may, on a
121 quarterly basis, submit to the Justice Administrative Commission
122 ~~Office of the State Courts Administrator~~ a certified request for
123 reimbursement for petitions for protection against domestic
124 violence issued by the court, at the rate of \$40 per petition.
125 The request for reimbursement must be submitted in the form and
126 manner prescribed by the Justice Administrative Commission
127 ~~Office of the State Courts Administrator~~. From this
128 reimbursement, the clerk shall pay any law enforcement agency
129 serving the injunction the fee requested by the law enforcement
130 agency; however, this fee may not exceed \$20.

131 Section 6. Paragraph (b) of subsection (3) of section
132 784.046, Florida Statutes, is amended to read:

133 784.046 Action by victim of repeat violence, sexual
134 violence, or dating violence for protective injunction; dating
135 violence investigations, notice to victims, and reporting;
136 pretrial release violations; public records exemption.—

137 (3)

138 (b) Notwithstanding any other law, the clerk of the court
139 may not assess a fee for filing a petition for protection
140 against repeat violence, sexual violence, or dating violence.
141 However, subject to legislative appropriation, the clerk of the
142 court may, each quarter, submit to the Justice Administrative
143 Commission ~~Office of the State Courts Administrator~~ a certified
144 request for reimbursement for petitions for protection issued by
145 the court under this section at the rate of \$40 per petition.

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146 The request for reimbursement must ~~shall~~ be submitted in the
147 form and manner prescribed by the Justice Administrative
148 Commission ~~Office of the State Courts Administrator~~. From this
149 reimbursement, the clerk shall pay the law enforcement agency
150 serving the injunction the fee requested by the law enforcement
151 agency; however, this fee may not exceed \$20.

152 Section 7. Paragraph (a) of subsection (2) of section
153 784.0485, Florida Statutes, is amended to read:

154 784.0485 Stalking; injunction; powers and duties of court
155 and clerk; petition; notice and hearing; temporary injunction;
156 issuance of injunction; statewide verification system;
157 enforcement.—

158 (2)(a) Notwithstanding any other law, the clerk of court
159 may not assess a filing fee to file a petition for protection
160 against stalking. However, subject to legislative appropriation,
161 the clerk of the circuit court may, on a quarterly basis, submit
162 to the Justice Administrative Commission ~~Office of the State~~
163 ~~Courts Administrator~~ a certified request for reimbursement for
164 petitions for protection against stalking issued by the court,
165 at the rate of \$40 per petition. The request for reimbursement
166 must ~~shall~~ be submitted in the form and manner prescribed by the
167 Justice Administrative Commission ~~Office of the State Courts~~
168 ~~Administrator~~. From this reimbursement, the clerk shall pay any
169 law enforcement agency serving the injunction the fee requested
170 by the law enforcement agency; however, this fee may not exceed
171 \$20.

172 Section 8. Paragraph (i) of subsection (4) of section
173 825.1035, Florida Statutes, is amended to read:

174 825.1035 Injunction for protection against exploitation of

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175 a vulnerable adult.—

176 (4) CLERK'S DUTIES, RESPONSIBILITIES, AND CHARGES.—

177 (i) Notwithstanding any other provision of law, the clerk
178 of the circuit court may not assess an initial filing fee or
179 service charge for petitions filed under this section. However,
180 subject to legislative appropriation, the clerk of the circuit
181 court may, on a quarterly basis, submit a certified request for
182 reimbursement to the Justice Administrative Commission ~~Office of~~
183 ~~the State Courts Administrator~~ for the processing of such
184 petitions, at the rate of \$40 per petition. The request for
185 reimbursement must be submitted in the form and manner
186 prescribed by the Justice Administrative Commission ~~office~~. From
187 each reimbursement received, the clerk of the circuit court
188 shall pay any law enforcement agency serving the injunction for
189 protection against exploitation of a vulnerable adult the fee
190 requested by the law enforcement agency, to not exceed \$20.

191 Section 9. For the purpose of incorporating the amendment
192 made by this act to section 92.50, Florida Statutes, in a
193 reference thereto, paragraph (b) of subsection (6) of section
194 28.2221, Florida Statutes, is reenacted to read:

195 28.2221 Electronic access to official records.—

196 (6)

197 (b)1. For the purpose of conducting a title search, as
198 defined in s. 627.7711(4), of the Official Records, as described
199 in s. 28.222(2), and upon presentation of photo identification
200 and affirmation by sworn affidavit consistent with s. 92.50 to
201 the county recorder, information restricted from public display,
202 inspection, or copying under paragraph (5)(a) pursuant to a
203 request for removal made under s. 119.071(4)(d) may be disclosed

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204 to:

205 a. A title insurer authorized pursuant to s. 624.401 and
206 its affiliates as defined in s. 624.10;

207 b. A title insurance agent or title insurance agency as
208 defined in s. 626.841(1) and (2), respectively; or

209 c. An attorney duly admitted to practice law in this state
210 and in good standing with The Florida Bar.

211 2. The photo identification and affirmation by sworn
212 affidavit may be delivered in person, by mail, or by electronic
213 transmission to the county recorder.

214 3. The affiant requestor must attest to his or her
215 authority and the authorized purpose to access exempt
216 information pursuant to this section for the property specified
217 within the sworn affidavit.

218 4. The affiant requestor must identify the Official Records
219 book and page number, instrument number, or the clerk's file
220 number for each document requested within the sworn affidavit
221 and must include a description of the lawful purpose and
222 identify the individual or property that is the subject of the
223 search within the sworn affidavit.

224 5. Affidavits submitted by a title insurer, title insurance
225 agent, or title insurance agency must include the Florida
226 Company Code or the license number, as applicable, and an
227 attestation to the affiant requestor's authorization to transact
228 business in this state. Affidavits submitted by an attorney
229 authorized under this section must include the affiant
230 requestor's Florida Bar number and a statement that the affiant
231 requestor has an agency agreement with a title insurer directly
232 or through his or her law firm.

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233 6. The county recorder must record such affidavit in the
234 Official Records, as described in s. 28.222(2), but may not
235 place the image or copy of the affidavit on a publicly available
236 Internet website for general public display.

237 7. Upon providing a document disclosing redacted
238 information to an affiant requestor under this section, the
239 county recorder must provide a copy of the affidavit requesting
240 disclosure of the redacted information to each affected party at
241 the address listed on the document or on the request for removal
242 made by the affected party under s. 119.071. The county recorder
243 must prepare a certificate of mailing to be affixed to the
244 affidavit and must receive the statutory service charges as
245 prescribed by s. 28.24 from the affiant requestor.

246 8. Any party making a false attestation under this section
247 is subject to the penalty of perjury under s. 837.012.

248 Section 10. For the purpose of incorporating the amendment
249 made by this act to section 92.50, Florida Statutes, in a
250 reference thereto, subsection (1) of section 92.525, Florida
251 Statutes, is reenacted to read:

252 92.525 Verification of documents; perjury by false written
253 declaration, penalty.—

254 (1) If authorized or required by law, by rule of an
255 administrative agency, or by rule or order of court that a
256 document be verified by a person, the verification may be
257 accomplished in the following manner:

258 (a) Under oath or affirmation taken or administered before
259 an officer authorized under s. 92.50 to administer oaths;

260 (b) Under oath or affirmation taken or administered by an
261 officer authorized under s. 117.10 to administer oaths; or

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(c) By the signing of the written declaration prescribed in subsection (2).

Section 11. For the purpose of incorporating the amendment made by this act to section 92.50, Florida Statutes, in references thereto, paragraphs (a) and (d) of subsection (2) of section 110.12301, Florida Statutes, are reenacted to read:

110.12301 Competitive procurement of postpayment claims review services and dependent eligibility verification services; public records exemption.—

(2) The department is directed to contract for dependent eligibility verification services for the state group insurance program.

(a) The department or the contractor providing dependent eligibility verification services may require the following information from subscribers:

1. To prove a spouse's eligibility:

a. If married less than 12 months and the subscriber and his or her spouse have not filed a joint federal income tax return, a government-issued marriage certificate;

b. If married for 12 or more months, a transcript of the most recently filed federal income tax return; or

c. If the documentation specified in sub-subparagraph a. or sub-subparagraph b. cannot be produced, an attestation of the marriage by sworn affidavit consistent with s. 92.50.

2. To prove a biological child's or a newborn grandchild's eligibility:

a. A government-issued birth certificate; or

b. If a birth certificate cannot be produced, an attestation of the subscriber-dependent relationship by sworn

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affidavit consistent with s. 92.50.

3. To prove an adopted child's eligibility:

a. An adoption certificate;

b. An adoption placement agreement and a petition for adoption; or

c. If the documentation specified in sub-subparagraph a. or sub-subparagraph b. cannot be produced, an attestation of the subscriber-dependent relationship by sworn affidavit consistent with s. 92.50.

4. To prove a stepchild's eligibility:

a. A government-issued birth certificate for the stepchild; and

b. The transcript of the subscriber's most recently filed federal income tax return.

5. To prove a child's eligibility under a guardianship, a copy of the court order naming the subscriber or the subscriber's spouse as the child's legal guardian or custodian.

6. To prove a foster child's eligibility, a copy of the records showing the subscriber or the subscriber's spouse as the dependent's foster parent.

7. To prove eligibility of an unmarried child age 26 to 30:

a. A copy of the child's government-issued birth certificate or adoption certificate naming the subscriber or the subscriber's spouse as the child's parent, or a copy of the court order naming the subscriber or the subscriber's spouse as the child's legal guardian or custodian;

b. A copy of the Certification of Over-Age Dependent Eligibility Form; and

c. A document confirming the child's current enrollment as

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a student, including the name of the child, the name of the school, and the school term; or a bill or statement in the child's name which is dated within the past 60 days and is mailed to the child at a Florida address.

8. To prove eligibility for a disabled child age 26 or older:

a. A copy of the child's government-issued birth certificate or adoption certificate naming the subscriber or the subscriber's spouse as the child's parent, or a copy of the court order naming the subscriber or the subscriber's spouse as the child's legal guardian or custodian; and

b. A copy of the transcript of the subscriber's most recently filed federal income tax return listing the child's name and the last four digits of the child's social security number and identifying the child as the subscriber's dependent for tax purposes.

(d) Foreign-born subscribers unable to obtain the necessary documentation within the specified time period of producing verification documentation may provide a sworn affidavit consistent with s. 92.50 attesting to eligibility requirements.

Section 12. For the purpose of incorporating the amendment made by this act to section 92.50, Florida Statutes, in a reference thereto, subsection (2) of section 112.181, Florida Statutes, is reenacted to read:

112.181 Firefighters, paramedics, emergency medical technicians, law enforcement officers, correctional officers; special provisions relative to certain communicable diseases.—

(2) PRESUMPTION; ELIGIBILITY CONDITIONS.—Any emergency rescue or public safety worker who suffers a condition or

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349 impairment of health that is caused by hepatitis, meningococcal
350 meningitis, or tuberculosis, that requires medical treatment,
351 and that results in total or partial disability or death shall
352 be presumed to have a disability suffered in the line of duty,
353 unless the contrary is shown by competent evidence; however, in
354 order to be entitled to the presumption, the emergency rescue or
355 public safety worker must, by written affidavit as provided in
356 s. 92.50, verify by written declaration that, to the best of his
357 or her knowledge and belief:

358 (a) In the case of a medical condition caused by or derived
359 from hepatitis, he or she has not:

360 1. Been exposed, through transfer of bodily fluids, to any
361 person known to have sickness or medical conditions derived from
362 hepatitis, outside the scope of his or her employment;

363 2. Had a transfusion of blood or blood components, other
364 than a transfusion arising out of an accident or injury
365 happening in connection with his or her present employment, or
366 received any blood products for the treatment of a coagulation
367 disorder since last undergoing medical tests for hepatitis,
368 which tests failed to indicate the presence of hepatitis;

369 3. Engaged in unsafe sexual practices or other high-risk
370 behavior, as identified by the Centers for Disease Control and
371 Prevention or the Surgeon General of the United States, or had
372 sexual relations with a person known to him or her to have
373 engaged in such unsafe sexual practices or other high-risk
374 behavior; or

375 4. Used intravenous drugs not prescribed by a physician.

376 (b) In the case of meningococcal meningitis, in the 10 days
377 immediately preceding diagnosis he or she was not exposed,

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outside the scope of his or her employment, to any person known to have meningococcal meningitis or known to be an asymptomatic carrier of the disease.

(c) In the case of tuberculosis, in the period of time since the worker's last negative tuberculosis skin test, he or she has not been exposed, outside the scope of his or her employment, to any person known by him or her to have tuberculosis.

Section 13. This act shall take effect July 1, 2025.