

By Senator Martin

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1 A bill to be entitled
2 An act relating to clerks of the court; amending ss.
3 28.24, 28.241, 28.37, 45.035, 318.14, 318.15, 318.18,
4 322.245, 721.83, 744.3678, and 938.05, F.S.; requiring
5 the clerk to retain certain funds or deposit the funds
6 into the fine and forfeiture fund; amending s. 40.29,
7 F.S.; authorizing the Florida Clerks of Court
8 Operations Corporation, on behalf of the clerks, to
9 submit a request for reimbursement to reimburse the
10 clerks for filing certain petitions, orders, appeals,
11 and summons; increasing the fee for filing certain
12 petitions, orders, appeals, and summons; amending ss.
13 57.081, 57.082, 394.459, 394.463, 394.467, 394.914,
14 394.917, 397.681, 741.30, 784.046, 784.0485, and
15 825.1035, F.S.; authorizing the clerk to be reimbursed
16 for certain fees and charges; amending s. 318.21,
17 F.S.; increasing the percentage of certain penalties
18 that must be deposited into the fine and forfeiture
19 fund and decreasing the percentage of certain
20 penalties that must be paid to a municipality;
21 amending ss. 28.35, 28.36, and 142.01, F.S.;
22 conforming cross-references and provisions to changes
23 made by the act; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Subsections (2) and (3), paragraph (a) of
28 subsection (5), paragraph (a) of subsection (9), paragraph (b)
29 of subsection (11), paragraph (a) of subsection (14), paragraph

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30 (a) of subsection (15), subsection (17), paragraph (a) of
31 subsection (18), subsection (19), paragraph (a) of subsection
32 (20), paragraph (a) of subsection (21), and subsection (26) of
33 section 28.24, Florida Statutes, are amended to read:

34 28.24 Service charges.—The clerk of the circuit court shall
35 charge for services rendered manually or electronically by the
36 clerk's office in recording documents and instruments and in
37 performing other specified duties. These charges may not exceed
38 those specified in this section, except as provided in s.
39 28.345.

40 (2) For examining, comparing, correcting, verifying, and
41 certifying transcripts of record in appellate proceedings,
42 prepared by attorney for appellant or someone else other than
43 clerk, per page: 5.00, ~~from which the clerk shall remit 0.50 per~~
44 ~~page to the Department of Revenue for deposit into the General~~
45 ~~Revenue Fund.~~

46 (3) For preparing, numbering, and indexing an original
47 record of appellate proceedings, per instrument: 3.50, ~~from~~
48 ~~which the clerk shall remit 0.50 per instrument to the~~
49 ~~Department of Revenue for deposit into the General Revenue Fund.~~

50 (5) (a) For verifying any instrument presented for
51 certification prepared by someone other than clerk, per page:
52 3.50, ~~from which the clerk shall remit 0.50 per page to the~~
53 ~~Department of Revenue for deposit into the General Revenue Fund.~~

54 (9) (a) For writing any paper that is a court record other
55 than a paper otherwise specifically mentioned in this section,
56 including signing and sealing: 7.00, ~~from which the clerk shall~~
57 ~~remit 1.00 to the Department of Revenue for deposit into the~~
58 ~~General Revenue Fund.~~

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- 59 (11) For receiving money into the registry of court:
60 (b) Eminent domain actions, per deposit: 170.00, ~~from which~~
61 ~~the clerk shall remit 20.00 per deposit to the Department of~~
62 ~~Revenue for deposit into the General Revenue Fund.~~
- 63 (14) (a) Oath, administering, attesting, and sealing of
64 court records not otherwise provided for in this section: 3.50,
65 ~~from which the clerk shall remit 0.50 to the Department of~~
66 ~~Revenue for deposit into the General Revenue Fund.~~
- 67 (15) (a) For validating certificates or any authorized bonds
68 that are court records, each: 3.50, ~~from which the clerk shall~~
69 ~~remit 0.50 each to the Department of Revenue for deposit into~~
70 ~~the General Revenue Fund.~~
- 71 (17) For exemplified certificates, including the signing
72 and sealing of them: 7.00, ~~from which the clerk shall remit 1.00~~
73 ~~to the Department of Revenue for deposit into the General~~
74 ~~Revenue Fund.~~
- 75 (18) (a) For authenticated certificates that are court
76 records, including the signing and sealing of them: 7.00, ~~from~~
77 ~~which the clerk shall remit 1.00 to the Department of Revenue~~
78 ~~for deposit into the General Revenue Fund.~~
- 79 (19) (a) For issuing and filing a subpoena for a witness,
80 not otherwise provided for in this section, including the
81 writing, preparing, signing, and sealing of it: 7.00, ~~from which~~
82 ~~the clerk shall remit 1.00 to the Department of Revenue for~~
83 ~~deposit into the General Revenue Fund.~~
- 84 (b) For signing and sealing only: 2.00, ~~from which the~~
85 ~~clerk shall remit 0.50 to the Department of Revenue for deposit~~
86 ~~into the General Revenue Fund.~~
- 87 (20) (a) For approving a court bond: 8.50, ~~from which the~~

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88 ~~clerk shall remit 1.00 to the Department of Revenue for deposit~~
89 ~~into the General Revenue Fund.~~

90 (21) (a) For searching court records, for each year's
91 search: 2.00, ~~from which the clerk shall remit 0.50 for each~~
92 ~~year's search to the Department of Revenue for deposit into the~~
93 ~~General Revenue Fund.~~

94 (26) For sealing any court file or expungement of any
95 record: 42.00, ~~from which the clerk shall remit 4.50 to the~~
96 ~~Department of Revenue for deposit into the General Revenue Fund.~~

97 Section 2. Paragraphs (a) and (b) of subsection (1) and
98 paragraph (b) of subsection (2) of section 28.241, Florida
99 Statutes, are amended to read:

100 28.241 Filing fees for trial and appellate proceedings.—

101 (1) Filing fees are due at the time a party files a
102 pleading to initiate a proceeding or files a pleading for
103 relief. Reopen fees are due at the time a party files a pleading
104 to reopen a proceeding if at least 90 days have elapsed since
105 the filing of a final order or final judgment with the clerk. If
106 a fee is not paid upon the filing of the pleading as required
107 under this section, the clerk shall pursue collection of the fee
108 pursuant to s. 28.246.

109 (a)1.a. Except as provided in sub-subparagraph b. and
110 subparagraph 2., the party instituting any civil action, suit,
111 or proceeding in the circuit court shall pay to the clerk of
112 that court a filing fee of up to \$395 in all cases in which
113 there are not more than five defendants and an additional filing
114 fee of up to \$2.50, ~~from which the clerk shall remit \$0.50 to~~
115 ~~the Department of Revenue for deposit into the General Revenue~~
116 ~~Fund,~~ for each defendant in excess of five. Of the first \$200 in

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117 filing fees, \$195 must be remitted to the Department of Revenue
118 for deposit into the State Courts Revenue Trust Fund, \$4 must be
119 remitted to the Department of Revenue for deposit into the
120 Administrative Trust Fund within the Department of Financial
121 Services and used to fund the contract with the Florida Clerks
122 of Court Operations Corporation created in s. 28.35, and \$1 must
123 be remitted to the Department of Revenue for deposit into the
124 Administrative Trust Fund within the Department of Financial
125 Services to fund audits of individual clerks' court-related
126 expenditures conducted by the Department of Financial Services.

127 b. The party instituting any civil action, suit, or
128 proceeding in the circuit court under chapter 39, chapter 61,
129 chapter 741, chapter 742, chapter 747, chapter 752, or chapter
130 753 shall pay to the clerk of that court a filing fee of up to
131 \$295 in all cases in which there are not more than five
132 defendants and an additional filing fee of up to \$2.50 for each
133 defendant in excess of five. Of the first \$100 in filing fees,
134 \$95 must be remitted to the Department of Revenue for deposit
135 into the State Courts Revenue Trust Fund, \$4 must be remitted to
136 the Department of Revenue for deposit into the Administrative
137 Trust Fund within the Department of Financial Services and used
138 to fund the contract with the Florida Clerks of Court Operations
139 Corporation created in s. 28.35, and \$1 must be remitted to the
140 Department of Revenue for deposit into the Administrative Trust
141 Fund within the Department of Financial Services to fund audits
142 of individual clerks' court-related expenditures conducted by
143 the Department of Financial Services.

144 c. An additional filing fee of \$4 shall be paid to the
145 clerk. The clerk shall remit \$3.50 to the Department of Revenue

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146 for deposit into the Court Education Trust Fund and shall remit
147 50 cents to the Department of Revenue for deposit into the
148 Administrative Trust Fund within the Department of Financial
149 Services to fund clerk education provided by the Florida Clerks
150 of Court Operations Corporation. An additional filing fee of up
151 to \$18 shall be paid by the party seeking each severance that is
152 granted, ~~from which the clerk shall remit \$3 to the Department~~
153 ~~of Revenue for deposit into the General Revenue Fund.~~ The clerk
154 may impose an additional filing fee of up to \$85, ~~from which the~~
155 ~~clerk shall remit \$10 to the Department of Revenue for deposit~~
156 ~~into the General Revenue Fund,~~ for all proceedings of
157 garnishment, attachment, replevin, and distress. Postal charges
158 incurred by the clerk of the circuit court in making service by
159 certified or registered mail on defendants or other parties
160 shall be paid by the party at whose instance service is made.
161 Additional fees, charges, or costs may not be added to the
162 filing fees imposed under this section, except as authorized in
163 this section or by general law.

164 2.a. Notwithstanding the fees prescribed in subparagraph
165 1., a party instituting a civil action in circuit court relating
166 to real property or mortgage foreclosure shall pay a graduated
167 filing fee based on the value of the claim.

168 b. A party shall estimate in writing the amount in
169 controversy of the claim upon filing the action. For purposes of
170 this subparagraph, the value of a mortgage foreclosure action is
171 based upon the principal due on the note secured by the
172 mortgage, plus interest owed on the note and any moneys advanced
173 by the lender for property taxes, insurance, and other advances
174 secured by the mortgage, at the time of filing the foreclosure.

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175 The value shall also include the value of any tax certificates
176 related to the property. In stating the value of a mortgage
177 foreclosure claim, a party shall declare in writing the total
178 value of the claim, as well as the individual elements of the
179 value as prescribed in this sub-subparagraph.

180 c. In its order providing for the final disposition of the
181 matter, the court shall identify the actual value of the claim.
182 The clerk shall adjust the filing fee if there is a difference
183 between the estimated amount in controversy and the actual value
184 of the claim and collect any additional filing fee owed or
185 provide a refund of excess filing fee paid.

186 d. The party shall pay a filing fee of:

187 (I) Three hundred and ninety-five dollars in all cases in
188 which the value of the claim is \$50,000 or less and in which
189 there are not more than five defendants. The party shall pay an
190 additional filing fee of up to \$2.50 for each defendant in
191 excess of five. Of the first \$200 in filing fees, \$195 shall be
192 retained ~~must be remitted~~ by the clerk ~~to the Department of~~
193 ~~Revenue for deposit into the General Revenue Fund~~, \$4 must be
194 remitted to the Department of Revenue for deposit into the
195 Administrative Trust Fund within the Department of Financial
196 Services and used to fund the contract with the Florida Clerks
197 of Court Operations Corporation created in s. 28.35, and \$1 must
198 be remitted to the Department of Revenue for deposit into the
199 Administrative Trust Fund within the Department of Financial
200 Services to fund audits of individual clerks' court-related
201 expenditures conducted by the Department of Financial Services;

202 (II) Nine hundred dollars in all cases in which the value
203 of the claim is more than \$50,000 but less than \$250,000 and in

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204 which there are not more than five defendants. The party shall
205 pay an additional filing fee of up to \$2.50 for each defendant
206 in excess of five. Of the first \$355 in filing fees, \$350 shall
207 be retained ~~must be remitted~~ by the clerk ~~to the Department of~~
208 ~~Revenue for deposit into the General Revenue Fund~~, \$4 must be
209 remitted to the Department of Revenue for deposit into the
210 Administrative Trust Fund within the Department of Financial
211 Services and used to fund the contract with the Florida Clerks
212 of Court Operations Corporation created in s. 28.35, and \$1 must
213 be remitted to the Department of Revenue for deposit into the
214 Administrative Trust Fund within the Department of Financial
215 Services to fund audits of individual clerks' court-related
216 expenditures conducted by the Department of Financial Services;
217 or

218 (III) One thousand nine hundred dollars in all cases in
219 which the value of the claim is \$250,000 or more and in which
220 there are not more than five defendants. The party shall pay an
221 additional filing fee of up to \$2.50 for each defendant in
222 excess of five. Of the first \$1,705 in filing fees, \$930 shall
223 be retained ~~must be remitted~~ by the clerk ~~to the Department of~~
224 ~~Revenue for deposit into the General Revenue Fund~~, \$770 must be
225 remitted to the Department of Revenue for deposit into the State
226 Courts Revenue Trust Fund, \$4 must be remitted to the Department
227 of Revenue for deposit into the Administrative Trust Fund within
228 the Department of Financial Services to fund the contract with
229 the Florida Clerks of Court Operations Corporation created in s.
230 28.35, and \$1 must be remitted to the Department of Revenue for
231 deposit into the Administrative Trust Fund within the Department
232 of Financial Services to fund audits of individual clerks'

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233 court-related expenditures conducted by the Department of
234 Financial Services.

235 e. An additional filing fee of \$4 shall be paid to the
236 clerk. The clerk shall remit \$3.50 to the Department of Revenue
237 for deposit into the Court Education Trust Fund and shall remit
238 50 cents to the Department of Revenue for deposit into the
239 Administrative Trust Fund within the Department of Financial
240 Services to fund clerk education provided by the Florida Clerks
241 of Court Operations Corporation. An additional filing fee of up
242 to \$18 shall be paid by the party seeking each severance that is
243 granted. The clerk may impose an additional filing fee of up to
244 \$85 for all proceedings of garnishment, attachment, replevin,
245 and distress. Postal charges incurred by the clerk of the
246 circuit court in making service by certified or registered mail
247 on defendants or other parties shall be paid by the party at
248 whose instance service is made. Additional fees, charges, or
249 costs may not be added to the filing fees imposed under this
250 section, except as authorized in this section or by general law.

251 (b) A party reopening any civil action, suit, or proceeding
252 in the circuit court shall pay to the clerk of court a filing
253 fee set by the clerk in an amount not to exceed \$50. For
254 purposes of this section, a case is reopened after all appeals
255 have been exhausted or time to file an appeal from a final order
256 or final judgment has expired. A reopen fee may be assessed by
257 the clerk for any motion filed by any party at least 90 days
258 after a final order or final judgment has been filed with the
259 clerk in the initial case. A reservation of jurisdiction by a
260 court does not cause a case to remain open for purposes of this
261 section or exempt a party from paying a reopen fee. A party is

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262 exempt from paying the fee for any of the following:

263 1. A writ of garnishment;

264 2. A writ of replevin;

265 3. A distress writ;

266 4. A writ of attachment;

267 5. A motion for rehearing filed within 10 days;

268 6. A motion for attorney's fees filed within 30 days after

269 entry of a judgment or final order;

270 7. A motion for dismissal filed after a mediation agreement

271 has been filed;

272 ~~8. A disposition of personal property without~~

273 ~~administration;~~

274 ~~9. Any probate case prior to the discharge of a personal~~

275 ~~representative;~~

276 8.10. Any guardianship pleading prior to discharge;

277 9.11. Any mental health pleading;

278 10.12. Motions to withdraw by attorneys;

279 11.13. Motions exclusively for the enforcement of child

280 support orders;

281 12.14. A petition for credit of child support;

282 13.15. A Notice of Intent to Relocate and any order issuing

283 as a result of an uncontested relocation;

284 14.16. Stipulations and motions to enforce stipulations;

285 15.17. Responsive pleadings;

286 16.18. Cases in which there is no initial filing fee; or

287 17.19. Motions for contempt.

288 (2) Upon the institution of any appellate proceeding from

289 any lower court to the circuit court of any such county,

290 including appeals filed by a county or municipality as provided

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291 in s. 34.041(5), or from the county or circuit court to an
292 appellate court of the state, the clerk shall charge and collect
293 from the party or parties instituting such appellate proceedings
294 a filing fee, as follows:

295 (b) For filing a notice of appeal from the county or
296 circuit court to the district court of appeal or to the Supreme
297 Court, in addition to the filing fee required under s. 25.241 or
298 s. 35.22, a filing fee not to exceed \$100, ~~of which the clerk~~
299 ~~shall remit \$20 to the Department of Revenue for deposit into~~
300 ~~the General Revenue Fund.~~ If the party is determined to be
301 indigent, the clerk shall defer payment of the fee otherwise
302 required by this subsection.

303 Section 3. Paragraph (b) of subsection (4) of section
304 28.37, Florida Statutes, is amended to read:

305 28.37 Fines, fees, service charges, and costs remitted to
306 the state.—

307 (4)

308 (b) ~~No later than February 1, 2022, and each February 1~~
309 ~~thereafter, the Department of Revenue shall transfer 50 percent~~
310 ~~of The cumulative excess of the original revenue projection from~~
311 ~~the Clerks of the Court Trust Fund to the General Revenue Fund.~~
312 ~~The remaining 50 percent in the Clerks of the Court Trust Fund~~
313 may be used in the development of the total combined budgets of
314 the clerks of the court as provided in s. 28.35(2)(f)6. However,
315 a minimum of 10 percent of ~~the clerk-retained portion of the~~
316 cumulative excess ~~amount~~ must be held in reserve until such
317 funds reach an amount equal to at least 16 percent of the total
318 budget authority from the current county fiscal year, as
319 provided in s. 28.36(3)(a).

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320 Section 4. Subsection (6) of section 40.29, Florida
321 Statutes, is amended to read:

322 40.29 Payment of due-process costs; reimbursement for
323 petitions and orders.—

324 (6) Subject to legislative appropriation, the Florida
325 Clerks of Court Operations Corporation ~~clerk of the circuit~~
326 ~~court~~ may, on behalf of the clerks of the circuit court, on a
327 quarterly basis, submit to the Justice Administrative Commission
328 a certified request for reimbursement to reimburse the clerks
329 for filing certain petitions, orders, appeals, and summons ~~for~~
330 ~~petitions and orders filed under ss. 394.459, 394.463, 394.467,~~
331 ~~and 394.917,~~ at the rate of \$195 ~~\$40~~ per petition, or order,
332 appeal, or summon filed. Such request for reimbursement shall be
333 submitted in the form and manner prescribed by the Justice
334 Administrative Commission pursuant to s. 28.35(2)(i).

335 Section 5. Paragraph (b) of subsection (2) of section
336 45.035, Florida Statutes, is amended to read:

337 45.035 Clerk's fees.—In addition to other fees or service
338 charges authorized by law, the clerk shall receive service
339 charges related to the judicial sales procedure set forth in ss.
340 45.031-45.033 and this section:

341 (2) If there is a surplus resulting from the sale, the
342 clerk may receive the following service charges, which shall be
343 deducted from the surplus:

344 (b) The clerk is entitled to a service charge of \$15 for
345 each disbursement of surplus proceeds, ~~from which the clerk~~
346 ~~shall remit \$5 to the Department of Revenue for deposit into the~~
347 ~~General Revenue Fund.~~

348 Section 6. Subsection (1) of section 57.081, Florida

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349 Statutes, is amended to read:

350 57.081 Costs; right to proceed where prepayment of costs
351 and payment of filing fees waived.—

352 (1) Any indigent person, except a prisoner as defined in s.
353 57.085, who is a party or intervenor in any judicial or
354 administrative agency proceeding or who initiates such
355 proceeding shall receive the services of the courts, sheriffs,
356 and clerks, with respect to such proceedings, despite his or her
357 present inability to pay for these services. Such services are
358 limited to filing fees; service of process; certified copies of
359 orders or final judgments; a single photocopy of any court
360 pleading, record, or instrument filed with the clerk; examining
361 fees; mediation services and fees; private court-appointed
362 counsel fees; subpoena fees and services; service charges for
363 collecting and disbursing funds; and any other cost or service
364 arising out of pending litigation. In any appeal from an
365 administrative agency decision, for which the clerk is
366 responsible for preparing the transcript, the clerk shall record
367 the cost of preparing the transcripts and the cost for copies of
368 any exhibits in the record. A party who has obtained a
369 certification of indigence pursuant to s. 27.52 or s. 57.082
370 with respect to a proceeding is not required to prepay costs to
371 a court, clerk, or sheriff and is not required to pay filing
372 fees or charges for issuance of a summons. However, pursuant to
373 s. 40.29(6), the clerk may be reimbursed for filing fees and
374 charges for services provided under this subsection.

375 Section 7. Subsection (1), paragraph (e) of subsection (2),
376 and subsection (6) of section 57.082, Florida Statutes, are
377 amended to read:

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378 57.082 Determination of civil indigent status.—

379 (1) APPLICATION TO THE CLERK.—A person seeking appointment
380 of an attorney in a civil case eligible for court-appointed
381 counsel, or seeking relief from payment of filing fees and
382 prepayment of costs under s. 57.081, based upon an inability to
383 pay must apply to the clerk of the court for a determination of
384 civil indigent status using an application form developed by the
385 Florida Clerks of Court Operations Corporation with final
386 approval by the Supreme Court.

387 (a) The application must include, at a minimum, the
388 following financial information:

389 1. Net income, consisting of total salary and wages, minus
390 deductions required by law, including court-ordered support
391 payments.

392 2. Other income, including, but not limited to, social
393 security benefits, union funds, veterans' benefits, workers'
394 compensation, other regular support from absent family members,
395 public or private employee pensions, reemployment assistance or
396 unemployment compensation, dividends, interest, rent, trusts,
397 and gifts.

398 3. Assets, including, but not limited to, cash, savings
399 accounts, bank accounts, stocks, bonds, certificates of deposit,
400 equity in real estate, and equity in a boat or a motor vehicle
401 or in other tangible property.

402 4. All liabilities and debts.

403

404 The application must include a signature by the applicant which
405 attests to the truthfulness of the information provided. The
406 application form developed by the corporation must include

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407 notice that the applicant may seek court review of a clerk's
408 determination that the applicant is not indigent, as provided in
409 this section.

410 (b) The clerk shall assist a person who appears before the
411 clerk and requests assistance in completing the application, and
412 the clerk shall notify the court if a person is unable to
413 complete the application after the clerk has provided
414 assistance.

415 (c) The clerk shall accept an application that is signed by
416 the applicant and submitted on his or her behalf by a private
417 attorney who is representing the applicant in the applicable
418 matter.

419 (d) A person who seeks appointment of an attorney in a
420 proceeding under chapter 39, at shelter hearings or during the
421 adjudicatory process, during the judicial review process, upon
422 the filing of a petition to terminate parental rights, or upon
423 the filing of any appeal, or if the person seeks appointment of
424 an attorney in a reopened proceeding, for which an indigent
425 person is eligible for court-appointed representation must pay a
426 \$50 application fee to the clerk for each application filed. A
427 person is not required to pay more than one application fee per
428 case. However, an appeal or the reopening of a proceeding shall
429 be deemed to be a distinct case. The applicant must pay the fee
430 within 7 days after submitting the application. If the applicant
431 has not paid the fee within 7 days, the court shall enter an
432 order requiring payment, and the clerk shall pursue collection
433 under s. 28.246. The clerk shall transfer monthly all
434 application fees collected under this paragraph to the
435 Department of Revenue for deposit into the Indigent Civil

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436 Defense Trust Fund, to be used as appropriated by the
437 Legislature. The clerk may retain 10 percent of application fees
438 collected monthly for administrative costs before ~~prior to~~
439 remitting the remainder to the Department of Revenue. If the
440 person cannot pay the application fee, the clerk shall enroll
441 the person in a payment plan pursuant to s. 28.246.

442 (e) Pursuant to s. 40.29(6), the clerk may be reimbursed
443 for applications submitted under this subsection.

444 (2) DETERMINATION BY THE CLERK.—The clerk of the court
445 shall determine whether an applicant seeking such designation is
446 indigent based upon the information provided in the application
447 and the criteria prescribed in this subsection.

448 (e) The applicant may seek review of the clerk's
449 determination that the applicant is not indigent in the court
450 having jurisdiction over the matter by filing a petition to
451 review the clerk's determination of nonindigent status, for
452 which a filing fee may not be charged. However, pursuant to s.
453 40.29(6), the clerk may be reimbursed for the filing fee. If the
454 applicant seeks review of the clerk's determination of indigent
455 status, the court shall make a final determination as provided
456 in subsection (4).

457 (6) PROCESSING CHARGE; PAYMENT PLANS.—A person who the
458 clerk or the court determines is indigent for civil proceedings
459 under this section shall be enrolled in a payment plan under s.
460 28.246 and shall be charged a one-time administrative processing
461 charge under s. 28.24(27)(c). A monthly payment amount,
462 calculated based upon all fees and all anticipated costs, is
463 presumed to correspond to the person's ability to pay if it does
464 not exceed 2 percent of the person's annual net income, as

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465 defined in subsection (1), divided by 12. The person may seek
466 review of the clerk's decisions regarding a payment plan
467 established under s. 28.246 in the court having jurisdiction
468 over the matter. A case may not be impeded in any way, delayed
469 in filing, or delayed in its progress, including the final
470 hearing and order, due to nonpayment of any fees or costs by an
471 indigent person. Filing fees included in a request for
472 reimbursement ~~waived from payment~~ under s. 57.081 may not be
473 included in the calculation related to a payment plan
474 established under this section.

475 Section 8. Paragraph (b) of subsection (10) of section
476 318.14, Florida Statutes, is amended to read:

477 318.14 Noncriminal traffic infractions; exception;
478 procedures.—

479 (10)

480 (b) Any person cited for an offense listed in this
481 subsection shall present proof of compliance before the
482 scheduled court appearance date. For the purposes of this
483 subsection, proof of compliance shall consist of a valid,
484 renewed, or reinstated driver license or registration
485 certificate and proper proof of maintenance of security as
486 required by s. 316.646. Notwithstanding waiver of fine, any
487 person establishing proof of compliance shall be assessed court
488 costs of \$25, except that a person charged with violation of s.
489 316.646(1)-(3) may be assessed court costs of \$8. One dollar of
490 such costs shall be remitted to the Department of Revenue for
491 deposit into the Child Welfare Training Trust Fund of the
492 Department of Children and Families. One dollar of such costs
493 shall be distributed to the Department of Juvenile Justice for

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494 deposit into the Juvenile Justice Training Trust Fund. Fourteen
495 dollars of such costs shall be distributed to the municipality
496 and \$9, ~~\$1 shall be remitted to the Department of Revenue for~~
497 ~~deposit into the General Revenue Fund and \$8~~ shall be deposited
498 by the clerk of the court into the fine and forfeiture fund
499 established pursuant to s. 142.01, if the offense was committed
500 within the municipality. If the offense was committed in an
501 unincorporated area of a county or if the citation was for a
502 violation of s. 316.646(1)-(3), the entire amount shall be
503 deposited by the clerk of the court into the fine and forfeiture
504 fund established pursuant to s. 142.01, except for the moneys to
505 be deposited into the Child Welfare Training Trust Fund and the
506 Juvenile Justice Training Trust Fund ~~and \$3 which the clerk~~
507 ~~shall remit to the Department of Revenue for deposit into the~~
508 ~~General Revenue Fund.~~ This subsection does not authorize the
509 operation of a vehicle without a valid driver license, without a
510 valid vehicle tag and registration, or without the maintenance
511 of required security.

512 Section 9. Paragraph (b) of subsection (1) of section
513 318.15, Florida Statutes, is amended to read:

514 318.15 Failure to comply with civil penalty or to appear;
515 penalty.—

516 (1)

517 (b) However, a person who elects to attend driver
518 improvement school and has paid the civil penalty as provided in
519 s. 318.14(9) but who subsequently fails to attend the driver
520 improvement school within the time specified by the court is
521 deemed to have admitted the infraction and shall be adjudicated
522 guilty. If the person received an 18-percent reduction pursuant

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523 to s. 318.14(9), the person must pay the clerk of the court that
524 amount and a processing fee of up to \$18, ~~from which the clerk~~
525 ~~shall remit \$3 to the Department of Revenue for deposit into the~~
526 ~~General Revenue Fund,~~ after which additional penalties, court
527 costs, or surcharges may not be imposed for the violation. In
528 all other such cases, the person must pay the clerk a processing
529 fee of up to \$18, ~~from which the clerk shall remit \$3 to the~~
530 ~~Department of Revenue for deposit into the General Revenue Fund,~~
531 after which additional penalties, court costs, or surcharges may
532 not be imposed for the violation. The clerk of the court shall
533 notify the department of the person's failure to attend driver
534 improvement school and points shall be assessed pursuant to s.
535 322.27.

536 Section 10. Paragraphs (b) and (c) of subsection (2),
537 paragraph (d) of subsection (3), paragraph (a) of subsection
538 (8), and paragraph (a) of subsection (12) of section 318.18,
539 Florida Statutes, are amended to read:

540 318.18 Amount of penalties.—The penalties required for a
541 noncriminal disposition pursuant to s. 318.14 or a criminal
542 offense listed in s. 318.17 are as follows:

543 (2) Thirty dollars for all nonmoving traffic violations
544 and:

545 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,
546 and 322.15(1). Any person who is cited for a violation of s.
547 320.07(1) shall be charged a delinquent fee pursuant to s.
548 320.07(4).

549 1. If a person who is cited for a violation of s. 320.0605
550 or s. 320.07 can show proof of having a valid registration at
551 the time of arrest, the clerk of the court may dismiss the case

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552 and may assess a dismissal fee of up to \$10, ~~from~~ which the
553 clerk shall retain ~~remit \$2.50 to the Department of Revenue for~~
554 ~~deposit into the General Revenue Fund.~~ A person who finds it
555 impossible or impractical to obtain a valid registration
556 certificate must submit an affidavit detailing the reasons for
557 the impossibility or impracticality. The reasons may include,
558 but are not limited to, the fact that the vehicle was sold,
559 stolen, or destroyed; that the state in which the vehicle is
560 registered does not issue a certificate of registration; or that
561 the vehicle is owned by another person.

562 2. If a person who is cited for a violation of s. 322.03,
563 s. 322.065, or s. 322.15 can show a driver license issued to him
564 or her and valid at the time of arrest, the clerk of the court
565 may dismiss the case and may assess a dismissal fee of up to
566 \$10, ~~from~~ which the clerk shall retain ~~remit \$2.50 to the~~
567 ~~Department of Revenue for deposit into the General Revenue Fund.~~

568 3. If a person who is cited for a violation of s. 316.646
569 can show proof of security as required by s. 627.733, issued to
570 the person and valid at the time of arrest, the clerk of the
571 court may dismiss the case and may assess a dismissal fee of up
572 to \$10, ~~from~~ which the clerk shall retain ~~remit \$2.50 to the~~
573 ~~Department of Revenue for deposit into the General Revenue Fund.~~
574 A person who finds it impossible or impractical to obtain proof
575 of security must submit an affidavit detailing the reasons for
576 the impracticality. The reasons may include, but are not limited
577 to, the fact that the vehicle has since been sold, stolen, or
578 destroyed; that the owner or registrant of the vehicle is not
579 required by s. 627.733 to maintain personal injury protection
580 insurance; or that the vehicle is owned by another person.

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581 (c) For all violations of ss. 316.2935 and 316.610.
582 However, for a violation of s. 316.2935 or s. 316.610, if the
583 person committing the violation corrects the defect and obtains
584 proof of such timely repair by an affidavit of compliance
585 executed by the law enforcement agency within 30 days from the
586 date upon which the traffic citation was issued, and pays \$4 to
587 the law enforcement agency, thereby completing the affidavit of
588 compliance, then upon presentation of said affidavit by the
589 defendant to the clerk within the 30-day time period set forth
590 under s. 318.14(4), the fine must be reduced to \$10, which the
591 clerk of the court shall retain ~~and from which the clerk shall~~
592 ~~remit \$2.50 to the Department of Revenue for deposit into the~~
593 ~~General Revenue Fund.~~

594 (3)

595 (d)1. Notwithstanding paragraphs (b) and (c), a person
596 cited for a violation of s. 316.1895(10) or s. 316.183 for
597 exceeding the speed limit in force at the time of the violation
598 on a roadway maintained as a school zone as provided in s.
599 316.1895, when enforced by a traffic infraction enforcement
600 officer pursuant to s. 316.1896, must pay a fine of \$100. Fines
601 collected under this paragraph must be distributed as follows:

602 a. Twenty dollars must be deposited by the clerk into
603 ~~remitted to the~~ fine and forfeiture fund established pursuant to
604 s. 142.01 ~~Department of Revenue for deposit into the General~~
605 ~~Revenue Fund.~~

606 b. Seventy-seven dollars must be distributed to the county
607 for any violations occurring in any unincorporated areas of the
608 county or to the municipality for any violations occurring in
609 the incorporated boundaries of the municipality in which the

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610 infraction occurred, to be used as provided in s. 316.1896(5).

611 c. Three dollars must be remitted to the Department of
612 Revenue for deposit into the Department of Law Enforcement
613 Criminal Justice Standards and Training Trust Fund to be used as
614 provided in s. 943.25.

615 2. If a person who is mailed a notice of violation or a
616 uniform traffic citation for a violation of s. 316.1895(10) or
617 s. 316.183, as enforced by a traffic infraction enforcement
618 officer under s. 316.1896, presents documentation from the
619 appropriate governmental entity that the notice of violation or
620 uniform traffic citation was in error, the clerk of court or
621 clerk to the local hearing officer may dismiss the case. The
622 clerk of court or clerk to the local hearing officer may not
623 charge for this service.

624 (8) (a) Any person who fails to comply with the court's
625 requirements or who fails to pay the civil penalties specified
626 in this section within the 30-day period provided for in s.
627 318.14 must pay an additional civil penalty of \$16, \$6.50 of
628 which must be deposited by the clerk into ~~remitted to the fine~~
629 and forfeiture fund established pursuant to s. 142.01 ~~Department~~
630 ~~of Revenue for deposit in the General Revenue Fund~~, and \$9.50 of
631 which must be remitted to the Department of Revenue for deposit
632 in the Highway Safety Operating Trust Fund. ~~Of this additional~~
633 ~~civil penalty of \$16, \$4 is not revenue for purposes of s. 28.36~~
634 ~~and may not be used in establishing the budget of the clerk of~~
635 ~~the court under that section or s. 28.35.~~ The department shall
636 contract with the Florida Association of Court Clerks, Inc., to
637 design, establish, operate, upgrade, and maintain an automated
638 statewide Uniform Traffic Citation Accounting System to be

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639 operated by the clerks of the court which shall include, but not
640 be limited to, the accounting for traffic infractions by type, a
641 record of the disposition of the citations, and an accounting
642 system for the fines assessed and the subsequent fine amounts
643 paid to the clerks of the court. The clerks of the court must
644 provide the information required by this chapter to be
645 transmitted to the department by electronic transmission
646 pursuant to the contract.

647 (12) (a) In addition to the stated fine, court costs must be
648 paid in the following amounts and shall be deposited by the
649 clerk into the fine and forfeiture fund established pursuant to
650 s. 142.01 ~~except as provided in this paragraph:~~

651 1. For pedestrian infractions: \$4, ~~from which the clerk~~
652 ~~shall remit \$1 to the Department of Revenue for deposit into the~~
653 ~~General Revenue Fund.~~

654 2. For nonmoving traffic infractions: \$18, ~~from which the~~
655 ~~clerk shall remit \$2 to the Department of Revenue for deposit~~
656 ~~into the General Revenue Fund.~~

657 3. For moving traffic infractions: \$35, ~~from which the~~
658 ~~clerk shall remit \$5 to the Department of Revenue for deposit~~
659 ~~into the General Revenue Fund.~~

660 Section 11. Paragraph (g) of subsection (2) of section
661 318.21, Florida Statutes, is amended to read:

662 318.21 Disposition of civil penalties by county courts.—All
663 civil penalties received by a county court pursuant to the
664 provisions of this chapter shall be distributed and paid monthly
665 as follows:

666 (2) Of the remainder:

667 (g)1. If the violation occurred within a special

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668 improvement district of the Seminole Indian Tribe or Miccosukee
669 Indian Tribe, 56.4 percent shall be paid to that special
670 improvement district.

671 2. If the violation occurred within a municipality, 28.2
672 ~~50.8~~ percent shall be paid to that municipality and 28.2 ~~5.6~~
673 percent shall be deposited into the fine and forfeiture ~~trust~~
674 fund established pursuant to s. 142.01.

675 3. If the violation occurred within the unincorporated area
676 of a county, including the unincorporated areas, if any, of a
677 government created pursuant to s. 6(e), Art. VIII of the State
678 Constitution, that is not within a special improvement district
679 of the Seminole Indian Tribe or Miccosukee Indian Tribe, 56.4
680 percent shall be deposited into the fine and forfeiture fund
681 established pursuant to s. 142.01.

682 Section 12. Subsection (1) of section 322.245, Florida
683 Statutes, is amended to read:

684 322.245 Suspension of license upon failure of person
685 charged with specified offense under chapter 316, chapter 320,
686 or this chapter to comply with directives ordered by traffic
687 court or upon failure to pay child support in non-IV-D cases as
688 provided in chapter 61 or failure to pay any financial
689 obligation in any other criminal case.—

690 (1) If a person charged with a violation of any of the
691 criminal offenses enumerated in s. 318.17 or with the commission
692 of any offense constituting a misdemeanor under chapter 320 or
693 this chapter fails to comply with all of the directives of the
694 court within the time allotted by the court, the clerk of the
695 court must provide the person, either electronically or by mail
696 sent to the address specified on the uniform traffic citation, a

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697 notice of such failure, notifying him or her that, if he or she
 698 does not comply with the directives of the court within 30 days
 699 after the date of the notice and pay a delinquency fee of up to
 700 \$25 to the clerk, from which the clerk shall deposit ~~remit~~ \$10
 701 into to the fine and forfeiture fund established pursuant to s.
 702 142.01 Department of Revenue for deposit into the General
 703 Revenue Fund, his or her driver license will be suspended. The
 704 notice must be sent no later than 5 days after such failure. The
 705 delinquency fee may be retained by the office of the clerk to
 706 defray the operating costs of the office.

707 Section 13. Paragraph (d) of subsection (8) of section
 708 394.459, Florida Statutes, is amended to read:

709 394.459 Rights of patients.—

710 (8) HABEAS CORPUS.—

711 (d) A ~~no~~ fee may not shall be charged for the filing of a
 712 petition under this subsection. However, pursuant to s.
 713 40.29(6), the clerk may be reimbursed for filing the petition.

714 Section 14. Paragraph (a) of subsection (2) of section
 715 394.463, Florida Statutes, is amended to read:

716 394.463 Involuntary examination.—

717 (2) INVOLUNTARY EXAMINATION.—

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

720 1. A circuit or county court may enter an ex parte order
 721 stating that a person appears to meet the criteria for
 722 involuntary examination and specifying the findings on which
 723 that conclusion is based. The ex parte order for involuntary
 724 examination must be based on written or oral sworn testimony
 725 that includes specific facts that support the findings. If other

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726 less restrictive means are not available, such as voluntary
727 appearance for outpatient evaluation, a law enforcement officer,
728 or other designated agent of the court, must take the person
729 into custody and deliver him or her to an appropriate, or the
730 nearest, facility within the designated receiving system
731 pursuant to s. 394.462 for involuntary examination. The order of
732 the court must be made a part of the patient's clinical record.
733 A fee may not be charged for the filing of an order under this
734 subsection. However, pursuant to s. 40.29(6), the clerk of the
735 court may be reimbursed for filing the order. A facility
736 accepting the patient based on this order must send a copy of
737 the order to the department within 5 working days. Within 6
738 hours after the court issues an order, the clerk of the court
739 shall electronically submit the order to the sheriff or a law
740 enforcement agency in the county where the order is to be
741 served. The order is valid only until the person is delivered to
742 the facility or for the period specified in the order itself,
743 whichever comes first. If a time limit is not specified in the
744 order, the order is valid for 7 days after the date that the
745 order was signed.

746 2. A law enforcement officer may take a person who appears
747 to meet the criteria for involuntary examination into custody
748 and deliver the person or have him or her delivered to an
749 appropriate, or the nearest, facility within the designated
750 receiving system pursuant to s. 394.462 for examination. A law
751 enforcement officer transporting a person pursuant to this
752 section shall restrain the person in the least restrictive
753 manner available and appropriate under the circumstances. If
754 transporting a minor and the parent or legal guardian of the

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755 minor is present, before departing, the law enforcement officer
756 must provide the parent or legal guardian of the minor with the
757 name, address, and contact information for the facility within
758 the designated receiving system to which the law enforcement
759 officer is transporting the minor, subject to any safety and
760 welfare concerns for the minor. The officer shall execute a
761 written report detailing the circumstances under which the
762 person was taken into custody, which must be made a part of the
763 patient's clinical record. The report must include all emergency
764 contact information for the person that is readily accessible to
765 the law enforcement officer, including information available
766 through electronic databases maintained by the Department of Law
767 Enforcement or by the Department of Highway Safety and Motor
768 Vehicles. Such emergency contact information may be used by a
769 receiving facility only for the purpose of informing listed
770 emergency contacts of a patient's whereabouts pursuant to s.
771 119.0712(2)(d). Any facility accepting the patient based on this
772 report must send a copy of the report to the department within 5
773 working days.

774 3. A physician, a physician assistant, a clinical
775 psychologist, a psychiatric nurse, an advanced practice
776 registered nurse registered under s. 464.0123, a mental health
777 counselor, a marriage and family therapist, or a clinical social
778 worker may execute a certificate stating that he or she has
779 examined a person within the preceding 48 hours and finds that
780 the person appears to meet the criteria for involuntary
781 examination and stating the observations upon which that
782 conclusion is based. If other less restrictive means, such as
783 voluntary appearance for outpatient evaluation, are not

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784 available, a law enforcement officer must take into custody the
785 person named in the certificate and deliver him or her to the
786 appropriate, or nearest, facility within the designated
787 receiving system pursuant to s. 394.462 for involuntary
788 examination. The law enforcement officer shall execute a written
789 report detailing the circumstances under which the person was
790 taken into custody and include all emergency contact information
791 required under subparagraph 2. Such emergency contact
792 information may be used by a receiving facility only for the
793 purpose of informing listed emergency contacts of a patient's
794 whereabouts pursuant to s. 119.0712(2)(d). The report and
795 certificate must be made a part of the patient's clinical
796 record. Any facility accepting the patient based on this
797 certificate must send a copy of the certificate to the
798 department within 5 working days. The document may be submitted
799 electronically through existing data systems, if applicable.

800
801 When sending the order, report, or certificate to the
802 department, a facility shall, at a minimum, provide information
803 about which action was taken regarding the patient under
804 paragraph (g), which information must also be made a part of the
805 patient's clinical record.

806 Section 15. Paragraph (f) of subsection (4) of section
807 394.467, Florida Statutes, is amended to read:

808 394.467 Involuntary inpatient placement and involuntary
809 outpatient services.—

810 (4) PETITION FOR INVOLUNTARY SERVICES.—

811 (f) When the petition has been filed, the clerk of the
812 court shall provide copies of the petition and the recommended

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813 services plan, if applicable, to the department, the managing
814 entity, the patient, the patient's guardian or representative,
815 the state attorney, and the public defender or the patient's
816 private counsel. A fee may not be charged for the filing of a
817 petition under this subsection. However, pursuant to s.
818 40.29(6), the clerk of the court may be reimbursed for filing
819 the petition.

820 Section 16. Section 394.914, Florida Statutes, is amended
821 to read:

822 394.914 Petition; contents.—After receipt from the
823 multidisciplinary team of the written assessment and positive or
824 negative recommendation as to whether the person meets the
825 definition of a sexually violent predator, the state attorney,
826 in accordance with s. 394.913, may file a petition with the
827 circuit court alleging that the person is a sexually violent
828 predator and stating facts sufficient to support such
829 allegation. A fee may not be charged for the filing of a
830 petition under this section. However, pursuant to s. 40.29(6),
831 the clerk of the circuit court may be reimbursed for filing the
832 petition.

833 Section 17. Subsection (3) of section 394.917, Florida
834 Statutes, is amended to read:

835 394.917 Determination; commitment procedure; mistrials;
836 housing; counsel and costs in indigent appellate cases.—

837 (3) The public defender of the circuit in which a person
838 was determined to be a sexually violent predator shall be
839 appointed to represent the person on appeal. That public
840 defender may request the public defender who handles criminal
841 appeals for the circuit to represent the person on appeal in the

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842 manner provided in s. 27.51(4). If the public defender is unable
843 to represent the person on appeal due to a conflict, the court
844 shall appoint other counsel, who shall be compensated at a rate
845 not less than that provided for appointed counsel in criminal
846 cases. Filing fees for indigent appeals under this section ~~act~~
847 are waived. However, pursuant to s. 40.29(6), the clerk of the
848 circuit court may be reimbursed for filing the appeal. Costs and
849 fees related to such appeals, including the amounts paid for
850 records, transcripts, and compensation of appointed counsel,
851 shall be authorized by the trial court and paid from state funds
852 that are appropriated for such purposes.

853 Section 18. Subsection (1) of section 397.681, Florida
854 Statutes, is amended to read:

855 397.681 Involuntary petitions; general provisions; court
856 jurisdiction and right to counsel.—

857 (1) JURISDICTION.—The courts have jurisdiction of
858 involuntary treatment petitions for substance abuse impaired
859 persons, and such petitions must be filed with the clerk of the
860 court in the county where the person is located. The clerk of
861 the court may not charge a fee for the filing of a petition
862 under this section, but, pursuant to s. 40.29(6), may be
863 reimbursed for filing the petition. The chief judge may appoint
864 a general or special magistrate to preside over all or part of
865 the proceedings. The alleged impaired person is named as the
866 respondent.

867 Section 19. Subsection (3) of section 721.83, Florida
868 Statutes, is amended to read:

869 721.83 Consolidation of judicial foreclosure actions.—

870 (3) A consolidated timeshare foreclosure action shall be

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871 considered a single action, suit, or proceeding for the payment
872 of filing fees and service charges pursuant to general law. In
873 addition to the payment of such filing fees and service charges,
874 an additional filing fee of up to \$10, ~~from which the clerk~~
875 ~~shall remit \$5 to the Department of Revenue for deposit into the~~
876 ~~General Revenue Fund,~~ for each timeshare interest joined in that
877 action shall be paid to the clerk of court.

878 Section 20. Paragraph (a) of subsection (2) of section
879 741.30, Florida Statutes, is amended to read:

880 741.30 Domestic violence; injunction; powers and duties of
881 court and clerk; petition; notice and hearing; temporary
882 injunction; issuance of injunction; statewide verification
883 system; enforcement; public records exemption.—

884 (2)(a) Notwithstanding any other law, the assessment of a
885 filing fee for a petition for protection against domestic
886 violence is prohibited. However, pursuant to s. 40.29(6), the
887 clerk of the court may be reimbursed for filing the petition
888 ~~subject to legislative appropriation, the clerk of the circuit~~
889 ~~court may, on a quarterly basis, submit to the Justice~~
890 ~~Administrative Commission a certified request for reimbursement~~
891 ~~for petitions for protection against domestic violence issued by~~
892 ~~the court, at the rate of \$40 per petition. The request for~~
893 ~~reimbursement must be submitted in the form and manner~~
894 ~~prescribed by the Justice Administrative Commission.~~ From this
895 reimbursement, the clerk shall pay any law enforcement agency
896 serving the injunction the fee requested by the law enforcement
897 agency; however, this fee may not exceed \$20.

898 Section 21. Subsection (4) of section 744.3678, Florida
899 Statutes, is amended to read:

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900 744.3678 Annual accounting.—

901 (4) The guardian shall pay from the ward's estate to the
902 clerk of the circuit court a fee based upon the following
903 graduated fee schedule, upon the filing of the annual financial
904 return, for the auditing of the return:

905 (a) For estates with a value of \$25,000 or less the clerk
906 of the court may charge a fee of up to \$20, ~~from which the clerk~~
907 ~~shall remit \$5 to the Department of Revenue for deposit into the~~
908 ~~General Revenue Fund.~~

909 (b) For estates with a value of more than \$25,000 up to and
910 including \$100,000 the clerk of the court may charge a fee of up
911 to \$85, ~~from which the clerk shall remit \$10 to the Department~~
912 ~~of Revenue for deposit into the General Revenue Fund.~~

913 (c) For estates with a value of more than \$100,000 up to
914 and including \$500,000 the clerk of the court may charge a fee
915 of up to \$170, ~~from which the clerk shall remit \$20 to the~~
916 ~~Department of Revenue for deposit into the General Revenue Fund.~~

917 (d) For estates with a value in excess of \$500,000 the
918 clerk of the court may charge a fee of up to \$250, ~~from which~~
919 ~~the clerk shall remit \$25 to the Department of Revenue for~~
920 ~~deposit into the General Revenue Fund.~~

921

922 Upon petition by the guardian, the court may waive the auditing
923 fee upon a showing of insufficient funds in the ward's estate.
924 Any guardian unable to pay the auditing fee may petition the
925 court for a waiver of the fee. The court may waive the fee after
926 it has reviewed the documentation filed by the guardian in
927 support of the waiver.

928 Section 22. Paragraph (b) of subsection (3) of section

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929 784.046, Florida Statutes, is amended to read:

930 784.046 Action by victim of repeat violence, sexual
931 violence, or dating violence for protective injunction; dating
932 violence investigations, notice to victims, and reporting;
933 pretrial release violations; public records exemption.—

934 (3)

935 (b) Notwithstanding any other law, the clerk of the court
936 may not assess a fee for filing a petition for protection
937 against repeat violence, sexual violence, or dating violence,
938 but, pursuant to s. 40.29(6), may be reimbursed for filing the
939 petition. ~~However, subject to legislative appropriation, the~~
940 ~~clerk of the court may, each quarter, submit to the Justice~~
941 ~~Administrative Commission a certified request for reimbursement~~
942 ~~for petitions for protection issued by the court under this~~
943 ~~section at the rate of \$40 per petition. The request for~~
944 ~~reimbursement must be submitted in the form and manner~~
945 ~~prescribed by the Justice Administrative Commission.~~ From this
946 reimbursement, the clerk shall pay the law enforcement agency
947 serving the injunction the fee requested by the law enforcement
948 agency; however, this fee may not exceed \$20.

949 Section 23. Paragraph (a) of subsection (2) of section
950 784.0485, Florida Statutes, is amended to read:

951 784.0485 Stalking; injunction; powers and duties of court
952 and clerk; petition; notice and hearing; temporary injunction;
953 issuance of injunction; statewide verification system;
954 enforcement.—

955 (2) (a) Notwithstanding any other law, the clerk of court
956 may not assess a filing fee to file a petition for protection
957 against stalking, but, pursuant to s. 40.29(6), may be

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958 reimbursed for filing the petition. ~~However, subject to~~
959 ~~legislative appropriation, the clerk of the circuit court may,~~
960 ~~on a quarterly basis, submit to the Justice Administrative~~
961 ~~Commission a certified request for reimbursement for petitions~~
962 ~~for protection against stalking issued by the court, at the rate~~
963 ~~of \$40 per petition. The request for reimbursement must be~~
964 ~~submitted in the form and manner prescribed by the Justice~~
965 ~~Administrative Commission.~~ From this reimbursement, the clerk
966 shall pay any law enforcement agency serving the injunction the
967 fee requested by the law enforcement agency; however, this fee
968 may not exceed \$20.

969 Section 24. Paragraph (i) of subsection (4) of section
970 825.1035, Florida Statutes, is amended to read:

971 825.1035 Injunction for protection against exploitation of
972 a vulnerable adult.—

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

974 (i) Notwithstanding any other provision of law, the clerk
975 of the circuit court may not assess an initial filing fee or
976 service charge for petitions filed under this section, but,
977 pursuant to s. 40.29(6), may be reimbursed for filing the
978 petition. ~~However, subject to legislative appropriation, the~~
979 ~~clerk of the circuit court may, on a quarterly basis, submit a~~
980 ~~certified request for reimbursement to the Justice~~
981 ~~Administrative Commission for the processing of such petitions,~~
982 ~~at the rate of \$40 per petition. The request for reimbursement~~
983 ~~must be submitted in the form and manner prescribed by the~~
984 ~~Justice Administrative Commission.~~ From each reimbursement
985 received, the clerk of the circuit court shall pay any law
986 enforcement agency serving the injunction for protection against

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987 exploitation of a vulnerable adult the fee requested by the law
988 enforcement agency, to not exceed \$20.

989 Section 25. Paragraph (c) of subsection (1) of section
990 938.05, Florida Statutes, is amended to read:

991 938.05 Additional court costs for felonies, misdemeanors,
992 and criminal traffic offenses.—

993 (1) Any person pleading nolo contendere to a misdemeanor or
994 criminal traffic offense under s. 318.14(10)(a) or pleading
995 guilty or nolo contendere to, or being found guilty of, any
996 felony, misdemeanor, or criminal traffic offense under the laws
997 of this state or the violation of any municipal or county
998 ordinance which adopts by reference any misdemeanor under state
999 law, shall pay as a cost in the case, in addition to any other
1000 cost required to be imposed by law, a sum in accordance with the
1001 following schedule:

1002 (c) Criminal traffic offenses: \$60, from which the clerk
1003 shall deposit ~~remit~~ \$10 into to the fine and forfeiture fund
1004 established pursuant to s. 142.01 Department of Revenue for
1005 deposit into the General Revenue Fund.

1006 Section 26. Paragraphs (f) and (i) of subsection (2) of
1007 section 28.35, Florida Statutes, are amended to read:

1008 28.35 Florida Clerks of Court Operations Corporation.—

1009 (2) The duties of the corporation shall include the
1010 following:

1011 (f) Approving the proposed budgets submitted by clerks of
1012 the court pursuant to s. 28.36. The corporation must ensure that
1013 the total combined budgets of the clerks of the court do not
1014 exceed the total estimated revenues from fees, service charges,
1015 court costs, and fines for court-related functions available for

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1016 court-related expenditures as determined by the most recent
1017 Revenue Estimating Conference, plus the total of unspent
1018 budgeted funds for court-related functions carried forward by
1019 the clerks of the court from the previous county fiscal year,
1020 plus the cumulative excess as provided in ~~balance of funds~~
1021 ~~remaining in the Clerks of the Court Trust Fund after the~~
1022 ~~transfer of funds to the General Revenue Fund required pursuant~~
1023 ~~to~~ s. 28.37(4) (b), and plus any appropriations for court-related
1024 functions. The corporation may amend any individual clerk of the
1025 court budget to ensure compliance with this paragraph and must
1026 consider performance measures, workload performance standards,
1027 workload measures, and expense data before modifying the budget.
1028 As part of this process, the corporation shall:

1029 1. Calculate the minimum amount of revenue necessary for
1030 each clerk of the court to efficiently perform the list of
1031 court-related functions specified in paragraph (3) (a). The
1032 corporation shall apply the workload measures appropriate for
1033 determining the individual level of review required to fund the
1034 clerk's budget.

1035 2. Prepare a cost comparison of similarly situated clerks
1036 of the court, based on county population and numbers of filings,
1037 using the standard list of court-related functions specified in
1038 paragraph (3) (a).

1039 3. Conduct an annual base budget review and an annual
1040 budget exercise examining the total budget of each clerk of the
1041 court. The review shall examine revenues from all sources,
1042 expenses of court-related functions, and expenses of noncourt-
1043 related functions as necessary to determine that court-related
1044 revenues are not being used for noncourt-related purposes. The

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1045 review and exercise shall identify potential targeted budget
1046 reductions in the percentage amount provided in Schedule VIII-B
1047 of the state's previous year's legislative budget instructions,
1048 as referenced in s. 216.023(3), or an equivalent schedule or
1049 instruction as may be adopted by the Legislature.

1050 4. Identify those proposed budgets containing funding for
1051 items not included on the standard list of court-related
1052 functions specified in paragraph (3)(a).

1053 5. Identify those clerks projected to have court-related
1054 revenues insufficient to fund their anticipated court-related
1055 expenditures.

1056 6. Use revenue estimates based on the official estimate for
1057 funds from fees, service charges, court costs, and fines for
1058 court-related functions accruing to the clerks of the court made
1059 by the Revenue Estimating Conference, as well as any unspent
1060 budgeted funds for court-related functions carried forward by
1061 the clerks of the court from the previous county fiscal year and
1062 the cumulative excess as provided in ~~balance of funds remaining~~
1063 ~~in the Clerks of the Court Trust Fund after the transfer of~~
1064 ~~funds to the General Revenue Fund required pursuant to s.~~
1065 28.37(4)(b), plus any appropriations for the purpose of funding
1066 court-related functions.

1067 7. Identify pay and benefit increases in any proposed clerk
1068 budget, including, but not limited to, cost of living increases,
1069 merit increases, and bonuses.

1070 8. Identify increases in anticipated expenditures in any
1071 clerk budget that exceeds the current year budget by more than 3
1072 percent.

1073 9. Identify the budget of any clerk which exceeds the

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1074 average budget of similarly situated clerks by more than 10
1075 percent.

1076

1077 For the purposes of this paragraph, the term "unspent budgeted
1078 funds for court-related functions" means undisbursed funds
1079 included in the clerks of the courts budgets for court-related
1080 functions established pursuant to this section and s. 28.36.

1081 (i) Annually preparing a budget request which,
1082 notwithstanding the provisions of chapter 216 and in accordance
1083 with s. 216.351, provides the anticipated amount necessary for
1084 reimbursement pursuant to s. 40.29(6) ~~ss. 40.29(6),~~
1085 ~~741.30(2)(a), 784.046(3)(b), 784.0485(2)(a), and 825.1035(4)(i).~~

1086 The request for the anticipated reimbursement amount must be
1087 submitted in the form and manner prescribed by the Justice
1088 Administrative Commission. Such request is not subject to change
1089 by the Justice Administrative Commission, except for technical
1090 changes necessary to conform to the legislative budget
1091 instructions, and must be submitted to the Governor for
1092 transmittal to the Legislature.

1093 Section 27. Paragraph (b) of subsection (2) and subsection
1094 (3) of section 28.36, Florida Statutes, are amended to read:

1095 28.36 Budget procedure.—There is established a budget
1096 procedure for the court-related functions of the clerks of the
1097 court.

1098 (2) Each proposed budget shall further conform to the
1099 following requirements:

1100 (b) The proposed budget must be balanced such that the
1101 total of the estimated revenues available equals or exceeds the
1102 total of the anticipated expenditures. Such revenues include

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1103 revenue projected to be received from fees, service charges,
 1104 court costs, and fines for court-related functions during the
 1105 fiscal period covered by the budget, plus the total of unspent
 1106 budgeted funds for court-related functions carried forward by
 1107 the clerk of the court from the previous county fiscal year and
 1108 the cumulative excess as provided in ~~plus the portion of the~~
 1109 ~~balance of funds remaining in the Clerks of the Court Trust Fund~~
 1110 ~~after the transfer of funds to the General Revenue Fund required~~
 1111 ~~pursuant to~~ s. 28.37(4) (b) which has been allocated to each
 1112 respective clerk of the court by the Florida Clerks of Court
 1113 Operations Corporation. For the purposes of this paragraph, the
 1114 term "unspent budgeted funds for court-related functions" means
 1115 undisbursed funds included in the clerk of the courts' budget
 1116 for court related functions established pursuant to s. 28.35 and
 1117 this section. The anticipated expenditures must be itemized as
 1118 required by the corporation.

1119 (3) (a) The Florida Clerks of Court Operations Corporation
 1120 shall establish and manage a reserve for contingencies within
 1121 the Clerks of the Court Trust Fund which must consist of an
 1122 amount not to exceed 16 percent of the total budget authority
 1123 for the clerks of court during the current county fiscal year,
 1124 to be carried forward at the end of the fiscal year. Funds to be
 1125 held in reserve include the ~~transfers of~~ cumulative excess, as
 1126 provided in s. 28.37(4) (b), ~~from the Clerks of the Court Trust~~
 1127 ~~Fund~~ and may also include revenues provided by law or moneys
 1128 appropriated by the Legislature.

1129 Section 28. Paragraph (a) of subsection (1) of section
 1130 142.01, Florida Statutes, is amended to read:

1131 142.01 Fine and forfeiture fund; disposition of revenue;

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1132 clerk of the circuit court.—

1133 (1) (a) There shall be established by the clerk of the
1134 circuit court in each county of this state a separate fund to be
1135 known as the fine and forfeiture fund for use by the clerk of
1136 the circuit court in performing court-related functions. The
1137 fund shall consist of the following:

1138 1. Fines and penalties pursuant to ss. 28.2402(2),
1139 34.045(2), 316.193, 322.245(1), 327.35, 327.72, 379.2203(1), and
1140 775.083(1).

1141 2. That portion of civil penalties directed to this fund
1142 pursuant to s. 318.21.

1143 3. Court costs pursuant to ss. 28.2402(1)(b), 34.045(1)(b),
1144 318.14(10)(b), 318.15(1)(b), 318.18(12)(a), 327.73(9)(a) and
1145 (11)(a), and 938.05(1)(c) and (3) 938.05(3).

1146 4. Proceeds from forfeited bail bonds, unclaimed bonds,
1147 unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a),
1148 379.2203(1), and 903.26(3)(a).

1149 5. Fines and forfeitures pursuant to s. 34.191.

1150 6. Filing fees received pursuant to ss. 28.241 and 34.041,
1151 unless the disposition of such fees is otherwise required by
1152 law.

1153 7. All other revenues received by the clerk as revenue
1154 authorized by law to be retained by the clerk.

1155 Section 29. This act shall take effect July 1, 2026.