

**By Senator Martin**

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A bill to be entitled

An act relating to clerks of the court; amending ss. 28.24, 28.241, 28.37, 45.035, 318.14, 318.15, 318.18, 322.245, 721.83, 744.3678, and 938.05, F.S.; requiring the clerk to retain certain funds or deposit the funds into the fine and forfeiture fund; amending s. 40.29, F.S.; authorizing the Florida Clerks of Court Operations Corporation, on behalf of the clerks, to submit a request for reimbursement to reimburse the clerks for filing certain petitions, orders, appeals, and summons; increasing the fee for filing certain petitions, orders, appeals, and summons; amending ss. 57.081, 57.082, 394.459, 394.463, 394.467, 394.914, 394.917, 397.681, 741.30, 784.046, 784.0485, and 825.1035, F.S.; authorizing the clerk to be reimbursed for certain fees and charges; amending s. 318.21, F.S.; increasing the percentage of certain penalties that must be deposited into the fine and forfeiture fund and decreasing the percentage of certain penalties that must be paid to a municipality; amending ss. 28.35, 28.36, and 142.01, F.S.; conforming cross-references and provisions to changes made by the act; providing an effective date.

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

Section 1. Subsections (2) and (3), paragraph (a) of subsection (5), paragraph (a) of subsection (9), paragraph (b) 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.

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

(3)

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

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

b. Seventy-seven dollars must be distributed to the county for any violations occurring in any unincorporated areas of the county or to the municipality for any violations occurring in 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 ~~are~~  
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),~~  
~~741.30(2)(a), 784.046(3)(b), 784.0485(2)(a), and 825.1035(4)(i).~~  
1085 The request for the anticipated reimbursement amount must be  
1086 submitted in the form and manner prescribed by the Justice  
1087 Administrative Commission. Such request is not subject to change  
1088 by the Justice Administrative Commission, except for technical  
1089 changes necessary to conform to the legislative budget  
1090 instructions, and must be submitted to the Governor for  
1091 transmittal to the Legislature.

1092 Section 27. Paragraph (b) of subsection (2) and subsection  
1093 (3) of section 28.36, Florida Statutes, are amended to read:

1094 28.36 Budget procedure.—There is established a budget  
1095 procedure for the court-related functions of the clerks of the  
1096 court.

1097 (2) Each proposed budget shall further conform to the  
1098 following requirements:

1099 (b) The proposed budget must be balanced such that the  
1100 total of the estimated revenues available equals or exceeds the  
1101 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.