

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**  
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  
35 shall charge for services rendered manually or electronically by  
36 the 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.~~

59 (11) For receiving money into the registry of court:

60 (b) Eminent domain actions, per deposit: 170.00, ~~from~~  
61 ~~which the clerk shall remit 20.00 per deposit to the Department~~  
62 ~~of 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, ~~from~~  
65 ~~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  
68 bonds that are court records, each: 3.50, ~~from which the clerk~~  
69 ~~shall remit 0.50 each to the Department of Revenue for deposit~~  
70 ~~into 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~~  
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  
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

expenditures conducted by the Department of Financial Services.

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

c. An additional filing fee of \$4 shall be paid to the clerk. The clerk shall remit \$3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk education provided by the Florida Clerks 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.  
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



expenditures conducted by the Department of Financial Services;

(II) Nine hundred dollars in all cases in which the value of the claim is more than \$50,000 but less than \$250,000 and in which there are not more than five defendants. The party shall pay an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first \$355 in filing fees, \$350 shall be retained ~~must be remitted~~ by the clerk ~~to the Department of Revenue for deposit into the General Revenue Fund~~, \$4 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services and used to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services; or

(III) One thousand nine hundred dollars in all cases in which the value of the claim is \$250,000 or more and in which there are not more than five defendants. The party shall pay an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first \$1,705 in filing fees, \$930 shall be retained ~~must be remitted~~ by the clerk ~~to the Department of Revenue for deposit into the General Revenue Fund~~, \$770 must be remitted to the Department of Revenue for deposit into the State

Courts Revenue Trust Fund, \$4 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services.

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

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

1. A writ of garnishment;
2. A writ of replevin;
3. A distress writ;
4. A writ of attachment;
5. A motion for rehearing filed within 10 days;
6. A motion for attorney's fees filed within 30 days after entry of a judgment or final order;
7. A motion for dismissal filed after a mediation agreement has been filed;
- ~~8. A disposition of personal property without~~
- ~~administration;~~
- ~~9. Any probate case prior to the discharge of a personal~~

~~representative;~~

~~8.10.~~ Any guardianship pleading prior to discharge;

~~9.11.~~ Any mental health pleading;

~~10.12.~~ Motions to withdraw by attorneys;

~~11.13.~~ Motions exclusively for the enforcement of child support orders;

~~12.14.~~ A petition for credit of child support;

~~13.15.~~ A Notice of Intent to Relocate and any order issuing as a result of an uncontested relocation;

~~14.16.~~ Stipulations and motions to enforce stipulations;

~~15.17.~~ Responsive pleadings;

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

~~17.19.~~ Motions for contempt.

(2) Upon the institution of any appellate proceeding from any lower court to the circuit court of any such county, including appeals filed by a county or municipality as provided in s. 34.041(5), or from the county or circuit court to an appellate court of the state, the clerk shall charge and collect from the party or parties instituting such appellate proceedings a filing fee, as follows:

(b) For filing a notice of appeal from the county or circuit court to the district court of appeal or to the Supreme Court, in addition to the filing fee required under s. 25.241 or s. 35.22, a filing fee not to exceed \$100, ~~of which the clerk shall remit \$20 to the Department of Revenue for deposit into~~

the General Revenue Fund. If the party is determined to be indigent, the clerk shall defer payment of the fee otherwise required by this subsection.

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

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

(4)

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

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

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

(6) Subject to legislative appropriation, the Florida

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

336 **Section 5. Paragraph (b) of subsection (2) of section**  
337 **45.035, Florida Statutes, is amended to read:**

338 45.035 Clerk's fees.—In addition to other fees or service  
339 charges authorized by law, the clerk shall receive service  
340 charges related to the judicial sales procedure set forth in ss.  
341 45.031-45.033 and this section:

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

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

349 **Section 6. Subsection (1) of section 57.081, Florida**  
350 **Statutes, is amended to read:**

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

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

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

379       57.082 Determination of civil indigent status.—

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

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

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

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

399       3. Assets, including, but not limited to, cash, savings  
400       accounts, bank accounts, stocks, bonds, certificates of deposit,



equity in real estate, and equity in a boat or a motor vehicle  
or in other tangible property.

4. All liabilities and debts.

The application must include a signature by the applicant which  
attests to the truthfulness of the information provided. The  
application form developed by the corporation must include  
notice that the applicant may seek court review of a clerk's  
determination that the applicant is not indigent, as provided in  
this section.

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

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

(d) A person who seeks appointment of an attorney in a  
proceeding under chapter 39, at shelter hearings or during the  
adjudicatory process, during the judicial review process, upon  
the filing of a petition to terminate parental rights, or upon  
the filing of any appeal, or if the person seeks appointment of  
an attorney in a reopened proceeding, for which an indigent

person is eligible for court-appointed representation must pay a \$50 application fee to the clerk for each application filed. A person is not required to pay more than one application fee per case. However, an appeal or the reopening of a proceeding shall be deemed to be a distinct case. The applicant must pay the fee within 7 days after submitting the application. If the applicant has not paid the fee within 7 days, the court shall enter an order requiring payment, and the clerk shall pursue collection under s. 28.246. The clerk shall transfer monthly all application fees collected under this paragraph to the Department of Revenue for deposit into the Indigent Civil Defense Trust Fund, to be used as appropriated by the Legislature. The clerk may retain 10 percent of application fees collected monthly for administrative costs before ~~prior to~~ remitting the remainder to the Department of Revenue. If the person cannot pay the application fee, the clerk shall enroll the person in a payment plan pursuant to s. 28.246.

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

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

(e) The applicant may seek review of the clerk's determination that the applicant is not indigent in the court

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

458 (6) PROCESSING CHARGE; PAYMENT PLANS.—A person who the  
459 clerk or the court determines is indigent for civil proceedings  
460 under this section shall be enrolled in a payment plan under s.  
461 28.246 and shall be charged a one-time administrative processing  
462 charge under s. 28.24(27)(c). A monthly payment amount,  
463 calculated based upon all fees and all anticipated costs, is  
464 presumed to correspond to the person's ability to pay if it does  
465 not exceed 2 percent of the person's annual net income, as  
466 defined in subsection (1), divided by 12. The person may seek  
467 review of the clerk's decisions regarding a payment plan  
468 established under s. 28.246 in the court having jurisdiction  
469 over the matter. A case may not be impeded in any way, delayed  
470 in filing, or delayed in its progress, including the final  
471 hearing and order, due to nonpayment of any fees or costs by an  
472 indigent person. Filing fees included in a request for  
473 reimbursement ~~waived from payment~~ under s. 57.081 may not be  
474 included in the calculation related to a payment plan  
475 established under this section.

476       **Section 8. Paragraph (b) of subsection (10) of section**  
477       **318.14, Florida Statutes, is amended to read:**

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

480       (10)

481       (b) Any person cited for an offense listed in this  
482       subsection shall present proof of compliance before the  
483       scheduled court appearance date. For the purposes of this  
484       subsection, proof of compliance shall consist of a valid,  
485       renewed, or reinstated driver license or registration  
486       certificate and proper proof of maintenance of security as  
487       required by s. 316.646. Notwithstanding waiver of fine, any  
488       person establishing proof of compliance shall be assessed court  
489       costs of \$25, except that a person charged with violation of s.  
490       316.646(1)-(3) may be assessed court costs of \$8. One dollar of  
491       such costs shall be remitted to the Department of Revenue for  
492       deposit into the Child Welfare Training Trust Fund of the  
493       Department of Children and Families. One dollar of such costs  
494       shall be distributed to the Department of Juvenile Justice for  
495       deposit into the Juvenile Justice Training Trust Fund. Fourteen  
496       dollars of such costs shall be distributed to the municipality,  
497       \$9 ~~\$1 shall be remitted to the Department of Revenue for deposit~~  
498       ~~into the General Revenue Fund and \$8 shall be deposited by the~~  
499       clerk of the court into the fine and forfeiture fund established  
500       pursuant to s. 142.01, if the offense was committed within the

municipality. If the offense was committed in an unincorporated area of a county or if the citation was for a violation of s. 316.646(1)-(3), the entire amount shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, except for the moneys to be deposited into the Child Welfare Training Trust Fund and the Juvenile Justice Training Trust Fund ~~and \$3 which the clerk shall remit to the Department of Revenue for deposit into the General Revenue Fund.~~ This subsection does not authorize the operation of a vehicle without a valid driver license, without a valid vehicle tag and registration, or without the maintenance of required security.

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

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

(1)

(b) However, a person who elects to attend driver improvement school and has paid the civil penalty as provided in s. 318.14(9) but who subsequently fails to attend the driver improvement school within the time specified by the court is deemed to have admitted the infraction and shall be adjudicated guilty. If the person received an 18-percent reduction pursuant to s. 318.14(9), the person must pay the clerk of the court that amount and a processing fee of up to \$18, ~~from which the clerk~~

~~shall remit \$3 to the Department of Revenue for deposit into the~~  
~~General Revenue Fund,~~ after which additional penalties, court  
costs, or surcharges may not be imposed for the violation. In  
all other such cases, the person must pay the clerk a processing  
fee of up to \$18, ~~from which the clerk shall remit \$3 to the~~  
~~Department of Revenue for deposit into the General Revenue Fund,~~  
after which additional penalties, court costs, or surcharges may  
not be imposed for the violation. The clerk of the court shall  
notify the department of the person's failure to attend driver  
improvement school and points shall be assessed pursuant to s.  
322.27.

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

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

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

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

1. If a person who is cited for a violation of s. 320.0605

551 or s. 320.07 can show proof of having a valid registration at  
552 the time of arrest, the clerk of the court may dismiss the case  
553 and may assess a dismissal fee of up to \$10, ~~from~~ which the  
554 clerk shall retain ~~remit \$2.50 to the Department of Revenue for~~  
555 ~~deposit into the General Revenue Fund.~~ A person who finds it  
556 impossible or impractical to obtain a valid registration  
557 certificate must submit an affidavit detailing the reasons for  
558 the impossibility or impracticality. The reasons may include,  
559 but are not limited to, the fact that the vehicle was sold,  
560 stolen, or destroyed; that the state in which the vehicle is  
561 registered does not issue a certificate of registration; or that  
562 the vehicle is owned by another person.

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

569 3. If a person who is cited for a violation of s. 316.646  
570 can show proof of security as required by s. 627.733, issued to  
571 the person and valid at the time of arrest, the clerk of the  
572 court may dismiss the case and may assess a dismissal fee of up  
573 to \$10, ~~from~~ which the clerk shall retain ~~remit \$2.50 to the~~  
574 ~~Department of Revenue for deposit into the General Revenue Fund.~~  
575 A person who finds it impossible or impractical to obtain proof

of security must submit an affidavit detailing the reasons for the impracticality. The reasons may include, but are not limited to, the fact that the vehicle has since been sold, stolen, or destroyed; that the owner or registrant of the vehicle is not required by s. 627.733 to maintain personal injury protection insurance; or that the vehicle is owned by another person.

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

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

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

(8)(a) Any person who fails to comply with the court's

requirements or who fails to pay the civil penalties specified in this section within the 30-day period provided for in s. 318.14 must pay an additional civil penalty of \$16, \$6.50 of which 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 in the General Revenue Fund,~~ and \$9.50 of which must be remitted to the Department of Revenue for deposit in the Highway Safety Operating Trust Fund. ~~Of this additional civil penalty of \$16, \$4 is not revenue for purposes of s. 28.36 and may not be used in establishing the budget of the clerk of the court under that section or s. 28.35.~~ The department shall contract with the Florida Association of Court Clerks, Inc., to design, establish, operate, upgrade, and maintain an automated statewide Uniform Traffic Citation Accounting System to be operated by the clerks of the court which shall include, but not be limited to, the accounting for traffic infractions by type, a record of the disposition of the citations, and an accounting system for the fines assessed and the subsequent fine amounts paid to the clerks of the court. The clerks of the court must provide the information required by this chapter to be transmitted to the department by electronic transmission pursuant to the contract.

(12) (a) In addition to the stated fine, court costs must be paid in the following amounts and shall be deposited by the clerk into the fine and forfeiture fund established pursuant to

s. 142.01 ~~except as provided in this paragraph:~~

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

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

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

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

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

(2) Of the remainder:

(g)1. If the violation occurred within a special improvement district of the Seminole Indian Tribe or Miccosukee Indian Tribe, 56.4 percent shall be paid to that special improvement district.

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

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

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

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

(1) If a person charged with a violation of any of the criminal offenses enumerated in s. 318.17 or with the commission of any offense constituting a misdemeanor under chapter 320 or this chapter fails to comply with all of the directives of the court within the time allotted by the court, the clerk of the court must provide the person, either electronically or by mail sent to the address specified on the uniform traffic citation, a notice of such failure, notifying him or her that, if he or she does not comply with the directives of the court within 30 days after the date of the notice and pay a delinquency fee of up to

701 \$25 to the clerk, from which the clerk shall deposit ~~remit~~ \$10  
702 into ~~to~~ the fine and forfeiture fund established pursuant to s.  
703 142.01 Department of Revenue for deposit into the General  
704 Revenue Fund, his or her driver license will be suspended. The  
705 notice must be sent no later than 5 days after such failure. The  
706 delinquency fee may be retained by the office of the clerk to  
707 defray the operating costs of the office.

708 **Section 13. Paragraph (d) of subsection (8) of section**  
709 **394.459, Florida Statutes, is amended to read:**

710 394.459 Rights of patients.—

711 (8) HABEAS CORPUS.—

712 (d) A ~~no~~ fee may not ~~shall~~ be charged for the filing of a  
713 petition under this subsection. However, pursuant to s.  
714 40.29(6), the clerk may be reimbursed for filing the petition.

715 **Section 14. Paragraph (a) of subsection (2) of section**  
716 **394.463, Florida Statutes, is amended to read:**

717 394.463 Involuntary examination.—

718 (2) INVOLUNTARY EXAMINATION.—

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

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

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

747 2. A law enforcement officer may take a person who appears  
748 to meet the criteria for involuntary examination into custody  
749 and deliver the person or have him or her delivered to an  
750 appropriate, or the nearest, facility within the designated

receiving system pursuant to s. 394.462 for examination. A law enforcement officer transporting a person pursuant to this section shall restrain the person in the least restrictive manner available and appropriate under the circumstances. If transporting a minor and the parent or legal guardian of the minor is present, before departing, the law enforcement officer must provide the parent or legal guardian of the minor with the name, address, and contact information for the facility within the designated receiving system to which the law enforcement officer is transporting the minor, subject to any safety and welfare concerns for the minor. The officer shall execute a written report detailing the circumstances under which the person was taken into custody, which must be made a part of the patient's clinical record. The report must include all emergency contact information for the person that is readily accessible to the law enforcement officer, including information available through electronic databases maintained by the Department of Law Enforcement or by the Department of Highway Safety and Motor Vehicles. Such emergency contact information may be used by a receiving facility only for the purpose of informing listed emergency contacts of a patient's whereabouts pursuant to s. 119.0712(2)(d). Any facility accepting the patient based on this report must send a copy of the report to the department within 5 working days.

3. A physician, a physician assistant, a clinical

psychologist, a psychiatric nurse, an advanced practice registered nurse registered under s. 464.0123, a mental health counselor, a marriage and family therapist, or a clinical social worker may execute a certificate stating that he or she has examined a person within the preceding 48 hours and finds that the person appears to meet the criteria for involuntary examination and stating the observations upon which that conclusion is based. If other less restrictive means, such as voluntary appearance for outpatient evaluation, are not available, a law enforcement officer must take into custody the person named in the certificate and deliver him or her to the appropriate, or nearest, facility within the designated receiving system pursuant to s. 394.462 for involuntary examination. The law enforcement officer shall execute a written report detailing the circumstances under which the person was taken into custody and include all emergency contact information required under subparagraph 2. Such emergency contact information may be used by a receiving facility only for the purpose of informing listed emergency contacts of a patient's whereabouts pursuant to s. 119.0712(2)(d). The report and certificate must be made a part of the patient's clinical record. Any facility accepting the patient based on this certificate must send a copy of the certificate to the department within 5 working days. The document may be submitted electronically through existing data systems, if applicable.



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

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

394.467 Involuntary inpatient placement and involuntary outpatient services.—

(4) PETITION FOR INVOLUNTARY SERVICES.—

(f) When the petition has been filed, the clerk of the court shall provide copies of the petition and the recommended services plan, if applicable, to the department, the managing entity, the patient, the patient's guardian or representative, the state attorney, and the public defender or the patient's private counsel. A fee may not be charged for the filing of a petition under this subsection. However, pursuant to s. 40.29(6), the clerk of the court may be reimbursed for filing the petition.

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

394.914 Petition; contents.—After receipt from the multidisciplinary team of the written assessment and positive or negative recommendation as to whether the person meets the

definition of a sexually violent predator, the state attorney, in accordance with s. 394.913, may file a petition with the circuit court alleging that the person is a sexually violent predator and stating facts sufficient to support such allegation. A fee may not be charged for the filing of a petition under this section. However, pursuant to s. 40.29(6), the clerk of the circuit court may be reimbursed for filing the petition.

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

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

(3) The public defender of the circuit in which a person was determined to be a sexually violent predator shall be appointed to represent the person on appeal. That public defender may request the public defender who handles criminal appeals for the circuit to represent the person on appeal in the manner provided in s. 27.51(4). If the public defender is unable to represent the person on appeal due to a conflict, the court shall appoint other counsel, who shall be compensated at a rate not less than that provided for appointed counsel in criminal cases. Filing fees for indigent appeals under this section ~~act~~ are waived. However, pursuant to s. 40.29(6), the clerk of the circuit court may be reimbursed for filing the appeal. Costs and fees related to such appeals, including the amounts paid for

851 records, transcripts, and compensation of appointed counsel,  
852 shall be authorized by the trial court and paid from state funds  
853 that are appropriated for such purposes.

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

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

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

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

870 721.83 Consolidation of judicial foreclosure actions.—

871 (3) A consolidated timeshare foreclosure action shall be  
872 considered a single action, suit, or proceeding for the payment  
873 of filing fees and service charges pursuant to general law. In  
874 addition to the payment of such filing fees and service charges,  
875 an additional filing fee of up to \$10, ~~from which the clerk~~

876 ~~shall remit \$5 to the Department of Revenue for deposit into the~~  
877 ~~General Revenue Fund,~~ for each timeshare interest joined in that  
878 action shall be paid to the clerk of court.

879 **Section 20. Paragraph (a) of subsection (2) of section**  
880 **741.30, Florida Statutes, is amended to read:**

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

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

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

744.3678 Annual accounting.—

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

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

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

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

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

Upon petition by the guardian, the court may waive the auditing fee upon a showing of insufficient funds in the ward's estate. Any guardian unable to pay the auditing fee may petition the

926 court for a waiver of the fee. The court may waive the fee after  
927 it has reviewed the documentation filed by the guardian in  
928 support of the waiver.

929 **Section 22. Paragraph (b) of subsection (3) of section**  
930 **784.046, Florida Statutes, is amended to read:**

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

935 (3)

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

950 **Section 23. Paragraph (a) of subsection (2) of section**

**784.0485, Florida Statutes, is amended to read:**

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

(2) (a) Notwithstanding any other law, the clerk of court may not assess a filing fee to file a petition for protection against stalking, but, pursuant to s. 40.29(6), may be reimbursed for filing the petition. ~~However, subject to legislative appropriation, the clerk of the circuit court may, on a quarterly basis, submit to the Justice Administrative Commission a certified request for reimbursement for petitions for protection against stalking issued by the court, at the rate of \$40 per petition. The request for reimbursement must be submitted in the form and manner prescribed by the Justice Administrative Commission.~~ From this reimbursement, the clerk shall pay any law enforcement agency serving the injunction the fee requested by the law enforcement agency; however, this fee may not exceed \$20.

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

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

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

(i) Notwithstanding any other provision of law, the clerk

976 of the circuit court may not assess an initial filing fee or  
977 service charge for petitions filed under this section, but,  
978 pursuant to s. 40.29(6), may be reimbursed for filing the  
979 petition. ~~However, subject to legislative appropriation, the~~  
980 ~~clerk of the circuit court may, on a quarterly basis, submit a~~  
981 ~~certified request for reimbursement to the Justice~~  
982 ~~Administrative Commission for the processing of such petitions,~~  
983 ~~at the rate of \$40 per petition. The request for reimbursement~~  
984 ~~must be submitted in the form and manner prescribed by the~~  
985 ~~Justice Administrative Commission.~~ From each reimbursement  
986 received, the clerk of the circuit court shall pay any law  
987 enforcement agency serving the injunction for protection against  
988 exploitation of a vulnerable adult the fee requested by the law  
989 enforcement agency, to not exceed \$20.

990 **Section 25. Paragraph (c) of subsection (1) of section**  
991 **938.05, Florida Statutes, is amended to read:**

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

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



cost required to be imposed by law, a sum in accordance with the following schedule:

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

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

28.35 Florida Clerks of Court Operations Corporation.—

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

(f) Approving the proposed budgets submitted by clerks of the court pursuant to s. 28.36. The corporation must ensure that the total combined budgets of the clerks of the court do not exceed the total estimated revenues from fees, service charges, court costs, and fines for court-related functions available for court-related expenditures as determined by the most recent Revenue Estimating Conference, plus the total of unspent budgeted funds for court-related functions carried forward by the clerks of the court from the previous county fiscal year, plus the cumulative excess as provided in ~~balance of funds remaining in the Clerks of the Court Trust Fund after the transfer of funds to the General Revenue Fund required pursuant to~~ s. 28.37(4)(b), and plus any appropriations for court-related functions. The corporation may amend any individual clerk of the

1026 court budget to ensure compliance with this paragraph and must  
1027 consider performance measures, workload performance standards,  
1028 workload measures, and expense data before modifying the budget.  
1029 As part of this process, the corporation shall:

1030       1. Calculate the minimum amount of revenue necessary for  
1031 each clerk of the court to efficiently perform the list of  
1032 court-related functions specified in paragraph (3)(a). The  
1033 corporation shall apply the workload measures appropriate for  
1034 determining the individual level of review required to fund the  
1035 clerk's budget.

1036       2. Prepare a cost comparison of similarly situated clerks  
1037 of the court, based on county population and numbers of filings,  
1038 using the standard list of court-related functions specified in  
1039 paragraph (3)(a).

1040       3. Conduct an annual base budget review and an annual  
1041 budget exercise examining the total budget of each clerk of the  
1042 court. The review shall examine revenues from all sources,  
1043 expenses of court-related functions, and expenses of noncourt-  
1044 related functions as necessary to determine that court-related  
1045 revenues are not being used for noncourt-related purposes. The  
1046 review and exercise shall identify potential targeted budget  
1047 reductions in the percentage amount provided in Schedule VIII-B  
1048 of the state's previous year's legislative budget instructions,  
1049 as referenced in s. 216.023(3), or an equivalent schedule or  
1050 instruction as may be adopted by the Legislature.

1051           4. Identify those proposed budgets containing funding for  
1052 items not included on the standard list of court-related  
1053 functions specified in paragraph (3)(a).

1054           5. Identify those clerks projected to have court-related  
1055 revenues insufficient to fund their anticipated court-related  
1056 expenditures.

1057           6. Use revenue estimates based on the official estimate  
1058 for funds from fees, service charges, court costs, and fines for  
1059 court-related functions accruing to the clerks of the court made  
1060 by the Revenue Estimating Conference, as well as any unspent  
1061 budgeted funds for court-related functions carried forward by  
1062 the clerks of the court from the previous county fiscal year and  
1063 the cumulative excess as provided in ~~balance of funds remaining~~  
1064 ~~in the Clerks of the Court Trust Fund after the transfer of~~  
1065 ~~funds to the General Revenue Fund required pursuant to s.~~  
1066 28.37(4)(b), plus any appropriations for the purpose of funding  
1067 court-related functions.

1068           7. Identify pay and benefit increases in any proposed  
1069 clerk budget, including, but not limited to, cost of living  
1070 increases, merit increases, and bonuses.

1071           8. Identify increases in anticipated expenditures in any  
1072 clerk budget that exceeds the current year budget by more than 3  
1073 percent.

1074           9. Identify the budget of any clerk which exceeds the  
1075 average budget of similarly situated clerks by more than 10

percent.

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

(i) Annually preparing a budget request which, notwithstanding the provisions of chapter 216 and in accordance with s. 216.351, provides the anticipated amount necessary for reimbursement pursuant to 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).~~

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

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

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

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

1101 (b) The proposed budget must be balanced such that the  
1102 total of the estimated revenues available equals or exceeds the  
1103 total of the anticipated expenditures. Such revenues include  
1104 revenue projected to be received from fees, service charges,  
1105 court costs, and fines for court-related functions during the  
1106 fiscal period covered by the budget, plus the total of unspent  
1107 budgeted funds for court-related functions carried forward by  
1108 the clerk of the court from the previous county fiscal year and  
1109 the cumulative excess as provided in ~~plus the portion of the~~  
1110 ~~balance of funds remaining in the Clerks of the Court Trust Fund~~  
1111 ~~after the transfer of funds to the General Revenue Fund required~~  
1112 ~~pursuant to~~ s. 28.37(4)(b) which has been allocated to each  
1113 respective clerk of the court by the Florida Clerks of Court  
1114 Operations Corporation. For the purposes of this paragraph, the  
1115 term "unspent budgeted funds for court-related functions" means  
1116 undisbursed funds included in the clerk of the courts' budget  
1117 for court related functions established pursuant to s. 28.35 and  
1118 this section. The anticipated expenditures must be itemized as  
1119 required by the corporation.

1120 (3)(a) The Florida Clerks of Court Operations Corporation  
1121 shall establish and manage a reserve for contingencies within  
1122 the Clerks of the Court Trust Fund which must consist of an  
1123 amount not to exceed 16 percent of the total budget authority  
1124 for the clerks of court during the current county fiscal year,  
1125 to be carried forward at the end of the fiscal year. Funds to be

held in reserve include the ~~transfers of~~ cumulative excess, as provided in s. 28.37(4)(b), ~~from the Clerks of the Court Trust Fund~~ and may also include revenues provided by law or moneys appropriated by the Legislature.

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

142.01 Fine and forfeiture fund; disposition of revenue; clerk of the circuit court.—

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

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

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

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

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

5. Fines and forfeitures pursuant to s. 34.191.

1151           6. Filing fees received pursuant to ss. 28.241 and 34.041,  
1152 unless the disposition of such fees is otherwise required by  
1153 law.

1154           7. All other revenues received by the clerk as revenue  
1155 authorized by law to be retained by the clerk.

1156           **Section 29.** This act shall take effect July 1, 2026.