

1 A bill to be entitled
2 An act relating to clerks of the court; amending s.
3 40.29, F.S.; authorizing the Florida Clerks of Court
4 Operations Corporation, on behalf of the clerks, to
5 submit a request for reimbursement to reimburse the
6 clerks for filing certain petitions, orders, appeals,
7 and summons; increasing the rate at which the clerks
8 may be reimbursed for filing certain petitions,
9 orders, appeals, and summons; amending ss. 57.081,
10 57.082, 394.459, 394.463, 394.467, 394.914, 394.917,
11 397.681, 741.30, 784.046, 784.0485, and 825.1035,
12 F.S.; authorizing the clerk to be reimbursed for
13 certain fees and charges; amending s. 318.21, F.S.;
14 increasing the percentage of certain penalties that
15 must be deposited into the fine and forfeiture fund
16 and decreasing the percentage of certain penalties
17 that must be paid to a municipality; amending s.
18 28.35, F.S.; conforming a cross-reference; providing
19 an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 **Section 1. Subsection (6) of section 40.29, Florida**
24 **Statutes, is amended to read:**

25 40.29 Payment of due-process costs; reimbursement for

26 petitions and orders.—

27 (6) Subject to legislative appropriation, the Florida
28 Clerks of Court Operations Corporation ~~clerk of the circuit~~
29 ~~court~~ may, on behalf of the clerks of the circuit court, on a
30 quarterly basis, submit to the Justice Administrative Commission
31 a certified request for reimbursement to reimburse the clerks
32 for filing certain petitions, orders, appeals, and summons ~~for~~
33 ~~petitions and orders filed under ss. 394.459, 394.463, 394.467,~~
34 ~~and 394.917,~~ at the rate of \$195 ~~\$40~~ per petition, or order,
35 appeal, or summon filed. Such request for reimbursement shall be
36 submitted in the form and manner prescribed by the Justice
37 Administrative Commission pursuant to s. 28.35(2)(i).

38 **Section 2. Subsection (1) of section 57.081, Florida**
39 **Statutes, is amended to read:**

40 57.081 Costs; right to proceed where prepayment of costs
41 and payment of filing fees waived.—

42 (1) Any indigent person, except a prisoner as defined in
43 s. 57.085, who is a party or intervenor in any judicial or
44 administrative agency proceeding or who initiates such
45 proceeding shall receive the services of the courts, sheriffs,
46 and clerks, with respect to such proceedings, despite his or her
47 present inability to pay for these services. Such services are
48 limited to filing fees; service of process; certified copies of
49 orders or final judgments; a single photocopy of any court
50 pleading, record, or instrument filed with the clerk; examining

51 fees; mediation services and fees; private court-appointed
52 counsel fees; subpoena fees and services; service charges for
53 collecting and disbursing funds; and any other cost or service
54 arising out of pending litigation. In any appeal from an
55 administrative agency decision, for which the clerk is
56 responsible for preparing the transcript, the clerk shall record
57 the cost of preparing the transcripts and the cost for copies of
58 any exhibits in the record. A party who has obtained a
59 certification of indigence pursuant to s. 27.52 or s. 57.082
60 with respect to a proceeding is not required to prepay costs to
61 a court, clerk, or sheriff and is not required to pay filing
62 fees or charges for issuance of a summons. However, pursuant to
63 s. 40.29(6), the clerk may be reimbursed for filing fees and
64 charges for services provided under this subsection.

65 **Section 3. Subsection (1), paragraph (e) of subsection**
66 **(2), and subsection (6) of section 57.082, Florida Statutes, are**
67 **amended to read:**

68 57.082 Determination of civil indigent status.—

69 (1) APPLICATION TO THE CLERK.—A person seeking appointment
70 of an attorney in a civil case eligible for court-appointed
71 counsel, or seeking relief from payment of filing fees and
72 prepayment of costs under s. 57.081, based upon an inability to
73 pay must apply to the clerk of the court for a determination of
74 civil indigent status using an application form developed by the
75 Florida Clerks of Court Operations Corporation with final

76 approval by the Supreme Court.

77 (a) The application must include, at a minimum, the
78 following financial information:

79 1. Net income, consisting of total salary and wages, minus
80 deductions required by law, including court-ordered support
81 payments.

82 2. Other income, including, but not limited to, social
83 security benefits, union funds, veterans' benefits, workers'
84 compensation, other regular support from absent family members,
85 public or private employee pensions, reemployment assistance or
86 unemployment compensation, dividends, interest, rent, trusts,
87 and gifts.

88 3. Assets, including, but not limited to, cash, savings
89 accounts, bank accounts, stocks, bonds, certificates of deposit,
90 equity in real estate, and equity in a boat or a motor vehicle
91 or in other tangible property.

92 4. All liabilities and debts.
93

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

100 (b) The clerk shall assist a person who appears before the

101 clerk and requests assistance in completing the application, and
102 the clerk shall notify the court if a person is unable to
103 complete the application after the clerk has provided
104 assistance.

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

109 (d) A person who seeks appointment of an attorney in a
110 proceeding under chapter 39, at shelter hearings or during the
111 adjudicatory process, during the judicial review process, upon
112 the filing of a petition to terminate parental rights, or upon
113 the filing of any appeal, or if the person seeks appointment of
114 an attorney in a reopened proceeding, for which an indigent
115 person is eligible for court-appointed representation must pay a
116 \$50 application fee to the clerk for each application filed. A
117 person is not required to pay more than one application fee per
118 case. However, an appeal or the reopening of a proceeding shall
119 be deemed to be a distinct case. The applicant must pay the fee
120 within 7 days after submitting the application. If the applicant
121 has not paid the fee within 7 days, the court shall enter an
122 order requiring payment, and the clerk shall pursue collection
123 under s. 28.246. The clerk shall transfer monthly all
124 application fees collected under this paragraph to the
125 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 having jurisdiction over the matter by filing a petition to review the clerk's determination of nonindigent status, for which a filing fee may not be charged. However, pursuant to s. 40.29(6), the clerk may be reimbursed for the filing fee. If the applicant seeks review of the clerk's determination of indigent status, the court shall make a final determination as provided in subsection (4).

(6) PROCESSING CHARGE; PAYMENT PLANS.—A person who the clerk or the court determines is indigent for civil proceedings under this section shall be enrolled in a payment plan under s. 28.246 and shall be charged a one-time administrative processing

charge under s. 28.24(27)(c). A monthly payment amount, calculated based upon all fees and all anticipated costs, is presumed to correspond to the person's ability to pay if it does not exceed 2 percent of the person's annual net income, as defined in subsection (1), divided by 12. The person may seek review of the clerk's decisions regarding a payment plan established under s. 28.246 in the court having jurisdiction over the matter. A case may not be impeded in any way, delayed in filing, or delayed in its progress, including the final hearing and order, due to nonpayment of any fees or costs by an indigent person. Filing fees included in a request for reimbursement ~~waived from payment~~ under s. 57.081 may not be included in the calculation related to a payment plan established under this section.

Section 4. 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 5. Paragraph (d) of subsection (8) of section
394.459, Florida Statutes, is amended to read:**

394.459 Rights of patients.—

(8) HABEAS CORPUS.—

(d) A fee may not ~~shall~~ be charged for the filing of a
petition under this subsection. However, pursuant to s.
40.29(6), the clerk may be reimbursed for filing the petition.

**Section 6. Paragraph (a) of subsection (2) of section
394.463, Florida Statutes, is amended to read:**

394.463 Involuntary examination.—

(2) INVOLUNTARY EXAMINATION.—

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

1. A circuit or county court may enter an ex parte order

201 stating that a person appears to meet the criteria for
202 involuntary examination and specifying the findings on which
203 that conclusion is based. The ex parte order for involuntary
204 examination must be based on written or oral sworn testimony
205 that includes specific facts that support the findings. If other
206 less restrictive means are not available, such as voluntary
207 appearance for outpatient evaluation, a law enforcement officer,
208 or other designated agent of the court, must take the person
209 into custody and deliver him or her to an appropriate, or the
210 nearest, facility within the designated receiving system
211 pursuant to s. 394.462 for involuntary examination. The order of
212 the court must be made a part of the patient's clinical record.
213 A fee may not be charged for the filing of an order under this
214 subsection. However, pursuant to s. 40.29(6), the clerk of the
215 court may be reimbursed for filing the order. A facility
216 accepting the patient based on this order must send a copy of
217 the order to the department within 5 working days. Within 6
218 hours after the court issues an order, the clerk of the court
219 shall electronically submit the order to the sheriff or a law
220 enforcement agency in the county where the order is to be
221 served. The order is valid only until the person is delivered to
222 the facility or for the period specified in the order itself,
223 whichever comes first. If a time limit is not specified in the
224 order, the order is valid for 7 days after the date that the
225 order was signed.

2. A law enforcement officer may take a person who appears to meet the criteria for involuntary examination into custody and deliver the person or have him or her delivered to an 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 7. 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 8. Section 394.914, Florida Statutes, is amended

301 **to read:**

302 394.914 Petition; contents.—After receipt from the
303 multidisciplinary team of the written assessment and positive or
304 negative recommendation as to whether the person meets the
305 definition of a sexually violent predator, the state attorney,
306 in accordance with s. 394.913, may file a petition with the
307 circuit court alleging that the person is a sexually violent
308 predator and stating facts sufficient to support such
309 allegation. A fee may not be charged for the filing of a
310 petition under this section. However, pursuant to s. 40.29(6),
311 the clerk of the circuit court may be reimbursed for filing the
312 petition.

313 **Section 9. Subsection (3) of section 394.917, Florida**
314 **Statutes, is amended to read:**

315 394.917 Determination; commitment procedure; mistrials;
316 housing; counsel and costs in indigent appellate cases.—

317 (3) The public defender of the circuit in which a person
318 was determined to be a sexually violent predator shall be
319 appointed to represent the person on appeal. That public
320 defender may request the public defender who handles criminal
321 appeals for the circuit to represent the person on appeal in the
322 manner provided in s. 27.51(4). If the public defender is unable
323 to represent the person on appeal due to a conflict, the court
324 shall appoint other counsel, who shall be compensated at a rate
325 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 records, transcripts, and compensation of appointed counsel, shall be authorized by the trial court and paid from state funds that are appropriated for such purposes.

Section 10. Subsection (1) of section 397.681, Florida Statutes, is amended to read:

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

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

Section 11. Paragraph (a) of subsection (2) of section 741.30, Florida Statutes, is amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary

injunction; issuance of injunction; statewide verification system; enforcement; public records exemption.—

(2)(a) Notwithstanding any other law, the assessment of a filing fee for a petition for protection against domestic violence is prohibited. However, pursuant to s. 40.29(6), the clerk of the court may be reimbursed for filing the petition ~~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 domestic violence 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 12. Paragraph (b) of subsection (3) of section 784.046, Florida Statutes, is amended to read:

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

(3)

(b) Notwithstanding any other law, the clerk of the court may not assess a fee for filing a petition for protection

376 against repeat violence, sexual violence, or dating violence,
377 but, pursuant to s. 40.29(6), may be reimbursed for filing the
378 petition. ~~However, subject to legislative appropriation, the~~
379 ~~clerk of the court may, each quarter, submit to the Justice~~
380 ~~Administrative Commission a certified request for reimbursement~~
381 ~~for petitions for protection issued by the court under this~~
382 ~~section at the rate of \$40 per petition. The request for~~
383 ~~reimbursement must be submitted in the form and manner~~
384 ~~prescribed by the Justice Administrative Commission.~~ From this
385 reimbursement, the clerk shall pay the law enforcement agency
386 serving the injunction the fee requested by the law enforcement
387 agency; however, this fee may not exceed \$20.

388 **Section 13. Paragraph (a) of subsection (2) of section**
389 **784.0485, Florida Statutes, is amended to read:**

390 784.0485 Stalking; injunction; powers and duties of court
391 and clerk; petition; notice and hearing; temporary injunction;
392 issuance of injunction; statewide verification system;
393 enforcement.—

394 (2) (a) Notwithstanding any other law, the clerk of court
395 may not assess a filing fee to file a petition for protection
396 against stalking, but, pursuant to s. 40.29(6), may be
397 reimbursed for filing the petition. ~~However, subject to~~
398 ~~legislative appropriation, the clerk of the circuit court may,~~
399 ~~on a quarterly basis, submit to the Justice Administrative~~
400 ~~Commission a certified request for reimbursement for petitions~~

401 ~~for protection against stalking issued by the court, at the rate~~
402 ~~of \$40 per petition. The request for reimbursement must be~~
403 ~~submitted in the form and manner prescribed by the Justice~~
404 ~~Administrative Commission.~~ From this reimbursement, the clerk
405 shall pay any law enforcement agency serving the injunction the
406 fee requested by the law enforcement agency; however, this fee
407 may not exceed \$20.

408 **Section 14. Paragraph (i) of subsection (4) of section**
409 **825.1035, Florida Statutes, is amended to read:**

410 825.1035 Injunction for protection against exploitation of
411 a vulnerable adult.—

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

413 (i) Notwithstanding any other provision of law, the clerk
414 of the circuit court may not assess an initial filing fee or
415 service charge for petitions filed under this section, but,
416 pursuant to s. 40.29(6), may be reimbursed for filing the
417 petition. ~~However, subject to legislative appropriation, the~~
418 ~~clerk of the circuit court may, on a quarterly basis, submit a~~
419 ~~certified request for reimbursement to the Justice~~
420 ~~Administrative Commission for the processing of such petitions,~~
421 ~~at the rate of \$40 per petition. The request for reimbursement~~
422 ~~must be submitted in the form and manner prescribed by the~~
423 ~~Justice Administrative Commission.~~ From each reimbursement
424 received, the clerk of the circuit court shall pay any law
425 enforcement agency serving the injunction for protection against

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

Section 15. Paragraph (i) of subsection (2) of section 28.35, Florida Statutes, is amended to read:

28.35 Florida Clerks of Court Operations Corporation.—

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

(i) Annually preparing a budget request which, notwithstanding the provisions of chapter 216 and in accordance with s. 216.351, provides the anticipated amount necessary for reimbursement pursuant to 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 16. This act shall take effect July 1, 2026.