

CS/HB 925

2026

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

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

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

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

126 Defense Trust Fund, to be used as appropriated by the
127 Legislature. The clerk may retain 10 percent of application fees
128 collected monthly for administrative costs before prior to
129 remitting the remainder to the Department of Revenue. If the
130 person cannot pay the application fee, the clerk shall enroll
131 the person in a payment plan pursuant to s. 28.246.

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

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

138 (e) The applicant may seek review of the clerk's
139 determination that the applicant is not indigent in the court
140 having jurisdiction over the matter by filing a petition to
141 review the clerk's determination of nonindigent status, for
142 which a filing fee may not be charged. However, pursuant to s.
143 40.29(6), the clerk may be reimbursed for the filing fee. If the
144 applicant seeks review of the clerk's determination of indigent
145 status, the court shall make a final determination as provided
146 in subsection (4).

147 (6) PROCESSING CHARGE; PAYMENT PLANS.—A person who the
148 clerk or the court determines is indigent for civil proceedings
149 under this section shall be enrolled in a payment plan under s.
150 28.246 and shall be charged a one-time administrative processing

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

165 **Section 4. Paragraph (g) of subsection (2) of section
166 318.21, Florida Statutes, is amended to read:**

167 318.21 Disposition of civil penalties by county courts.—
168 All civil penalties received by a county court pursuant to the
169 provisions of this chapter shall be distributed and paid monthly
170 as follows:

171 (2) Of the remainder:

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

176 2. If the violation occurred within a municipality, 28.2
177 ~~50.8~~ percent shall be paid to that municipality and 28.2 ~~5.6~~
178 percent shall be deposited into the fine and forfeiture ~~trust~~
179 fund established pursuant to s. 142.01.

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

187 **Section 5. Paragraph (d) of subsection (8) of section
188 394.459, Florida Statutes, is amended to read:**

189 394.459 Rights of patients.—
190 (8) HABEAS CORPUS.—
191 (d) A no fee may not shall be charged for the filing of a
192 petition under this subsection. However, pursuant to s.
193 40.29(6), the clerk may be reimbursed for filing the petition.

194 **Section 6. Paragraph (a) of subsection (2) of section
195 394.463, Florida Statutes, is amended to read:**

196 394.463 Involuntary examination.—
197 (2) INVOLUNTARY EXAMINATION.—
198 (a) An involuntary examination may be initiated by any one
199 of the following means:
200 1. A circuit or county court may enter an ex parte order

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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.

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CODING: Words **stricken** are deletions; words underlined are additions.

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226 2. A law enforcement officer may take a person who appears
227 to meet the criteria for involuntary examination into custody
228 and deliver the person or have him or her delivered to an
229 appropriate, or the nearest, facility within the designated
230 receiving system pursuant to s. 394.462 for examination. A law
231 enforcement officer transporting a person pursuant to this
232 section shall restrain the person in the least restrictive
233 manner available and appropriate under the circumstances. If
234 transporting a minor and the parent or legal guardian of the
235 minor is present, before departing, the law enforcement officer
236 must provide the parent or legal guardian of the minor with the
237 name, address, and contact information for the facility within
238 the designated receiving system to which the law enforcement
239 officer is transporting the minor, subject to any safety and
240 welfare concerns for the minor. The officer shall execute a
241 written report detailing the circumstances under which the
242 person was taken into custody, which must be made a part of the
243 patient's clinical record. The report must include all emergency
244 contact information for the person that is readily accessible to
245 the law enforcement officer, including information available
246 through electronic databases maintained by the Department of Law
247 Enforcement or by the Department of Highway Safety and Motor
248 Vehicles. Such emergency contact information may be used by a
249 receiving facility only for the purpose of informing listed
250 emergency contacts of a patient's whereabouts pursuant to s.

251 119.0712(2)(d). Any facility accepting the patient based on this
252 report must send a copy of the report to the department within 5
253 working days.

254 3. A physician, a physician assistant, a clinical
255 psychologist, a psychiatric nurse, an advanced practice
256 registered nurse registered under s. 464.0123, a mental health
257 counselor, a marriage and family therapist, or a clinical social
258 worker may execute a certificate stating that he or she has
259 examined a person within the preceding 48 hours and finds that
260 the person appears to meet the criteria for involuntary
261 examination and stating the observations upon which that
262 conclusion is based. If other less restrictive means, such as
263 voluntary appearance for outpatient evaluation, are not
264 available, a law enforcement officer must take into custody the
265 person named in the certificate and deliver him or her to the
266 appropriate, or nearest, facility within the designated
267 receiving system pursuant to s. 394.462 for involuntary
268 examination. The law enforcement officer shall execute a written
269 report detailing the circumstances under which the person was
270 taken into custody and include all emergency contact information
271 required under subparagraph 2. Such emergency contact
272 information may be used by a receiving facility only for the
273 purpose of informing listed emergency contacts of a patient's
274 whereabouts pursuant to s. 119.0712(2)(d). The report and
275 certificate must be made a part of the patient's clinical

276 record. Any facility accepting the patient based on this
277 certificate must send a copy of the certificate to the
278 department within 5 working days. The document may be submitted
279 electronically through existing data systems, if applicable.

280

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

286 **Section 7. Paragraph (f) of subsection (4) of section
287 394.467, Florida Statutes, is amended to read:**

288 394.467 Involuntary inpatient placement and involuntary
289 outpatient services.—

290 (4) PETITION FOR INVOLUNTARY SERVICES.—

291 (f) When the petition has been filed, the clerk of the
292 court shall provide copies of the petition and the recommended
293 services plan, if applicable, to the department, the managing
294 entity, the patient, the patient's guardian or representative,
295 the state attorney, and the public defender or the patient's
296 private counsel. A fee may not be charged for the filing of a
297 petition under this subsection. However, pursuant to s.
298 40.29(6), the clerk of the court may be reimbursed for filing
299 the petition.

300 **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

326 cases. Filing fees for indigent appeals under this section ~~act~~
327 are waived. However, pursuant to s. 40.29(6), the clerk of the
328 circuit court may be reimbursed for filing the appeal. Costs and
329 fees related to such appeals, including the amounts paid for
330 records, transcripts, and compensation of appointed counsel,
331 shall be authorized by the trial court and paid from state funds
332 that are appropriated for such purposes.

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

335 397.681 Involuntary petitions; general provisions; court
336 jurisdiction and right to counsel.—

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

347 **Section 11. Paragraph (a) of subsection (2) of section
348 741.30, Florida Statutes, is amended to read:**

349 741.30 Domestic violence; injunction; powers and duties of
350 court and clerk; petition; notice and hearing; temporary

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

353 (2) (a) Notwithstanding any other law, the assessment of a
354 filing fee for a petition for protection against domestic
355 violence is prohibited. However, pursuant to s. 40.29(6), the
356 clerk of the court may be reimbursed for filing the petition
357 ~~subject to legislative appropriation, the clerk of the circuit~~
358 ~~court may, on a quarterly basis, submit to the Justice~~
359 ~~Administrative Commission a certified request for reimbursement~~
360 ~~for petitions for protection against domestic violence issued by~~
361 ~~the court, at the rate of \$40 per petition. The request for~~
362 ~~reimbursement must be submitted in the form and manner~~
363 ~~prescribed by the Justice Administrative Commission.~~ From this
364 reimbursement, the clerk shall pay any law enforcement agency
365 serving the injunction the fee requested by the law enforcement
366 agency; however, this fee may not exceed \$20.

367 **Section 12. Paragraph (b) of subsection (3) of section
368 784.046, Florida Statutes, is amended to read:**

369 784.046 Action by victim of repeat violence, sexual
370 violence, or dating violence for protective injunction; dating
371 violence investigations, notice to victims, and reporting;
372 pretrial release violations; public records exemption.—

373 (3)

374 (b) Notwithstanding any other law, the clerk of the court
375 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

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

428 **Section 15. Paragraph (i) of subsection (2) of section**
429 **28.35, Florida Statutes, is amended to read:**

430 28.35 Florida Clerks of Court Operations Corporation.—
431 (2) The duties of the corporation shall include the
432 following:

433 (i) Annually preparing a budget request which,
434 notwithstanding the provisions of chapter 216 and in accordance
435 with s. 216.351, provides the anticipated amount necessary for
436 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).~~
437 The request for the anticipated reimbursement amount must be
438 submitted in the form and manner prescribed by the Justice
439 Administrative Commission. Such request is not subject to change
440 by the Justice Administrative Commission, except for technical
441 changes necessary to conform to the legislative budget
442 instructions, and must be submitted to the Governor for
443 transmittal to the Legislature.

445 **Section 16.** This act shall take effect July 1, 2026.