

# FLORIDA HOUSE OF REPRESENTATIVES

## FINAL BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/HB 813](#)

**TITLE:** Courts

**SPONSOR(S):** Tuck

**COMPANION BILL:** [CS/SB 538](#) (Bradley)

**LINKED BILLS:** None

**RELATED BILLS:** None

**FINAL HOUSE FLOOR ACTION:** 115 Y's

0 N's

**GOVERNOR'S ACTION:** Approved

### SUMMARY

#### Effect of the Bill:

The bill makes several changes that impact court administration. The bill changes the requirements for duty judges, to mandate that at least one circuit judge in each judicial circuit be available at all times to hold and conduct hearings, but allows such hearings to be held and conducted in a location other than the judge's chambers.

The bill requires the Florida Clerks of Court Operations Corporation to include in its annual budget request to the Justice Administrative Commission the anticipated amount necessary for reimbursement for petitions for protective injunction against domestic violence; repeat, sexual, or dating violence; stalking; and exploitation of a vulnerable adult.

Additionally, the bill removes the statutory cap on arbitrator compensation, providing broader discretion to the chief judge of each judicial circuit to set the fees for arbitrator services.

Lastly, the bill provides an alternative means for a judge to authenticate a certificate of proof or acknowledgment, by providing his or her signature and printing his or her name, title, and court.

#### Fiscal or Economic Impact:

The bill may have an indeterminate fiscal impact on state government and an indeterminate positive impact on the private sector.

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## ANALYSIS

### EFFECT OF THE BILL:

CS/HB 813 passed as [CS/SB 538](#). (Please note that bill section parentheticals do not contain hyperlinks to bill sections for Senate bills)

The bill requires at least one circuit judge in each [judicial circuit](#), regardless of the number of judges in the circuit, to act as a [duty judge](#) and be available at all times to hold and conduct hearings with limited notice. Practically speaking, each judicial circuit is already required to meet this obligation as every judicial circuit currently has more than one circuit judge. The bill also removes the limitation requiring such an emergency hearing to be held in chambers, providing for greater flexibility in the hearing location or the ability to conduct [remote proceedings](#). (Section 1)

The bill requires the [Florida Clerks of Court Operations Corporation](#) to include in its annual budget request to the Justice Administrative Commission (JAC) the anticipated amount necessary for [reimbursement](#) for petitions for protective injunction against domestic violence; repeat, sexual, or dating violence; stalking; and exploitation of a vulnerable adult. This change will streamline a portion of the budgetary process for the clerks of the circuit courts by allowing them to submit such reimbursement requests together with other funding requests to JAC, instead of partially to JAC and partially to the Office of the State Courts Administrator. (Section 2)

The bill also removes the [statutory cap](#) on [arbitrator compensation](#), which allows broader discretion of the chief judge of each judicial circuit to set the fees for arbitration services. (Section 3)

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Additionally, the bill provides an alternative means for [judicial notarization](#) by allowing a judge to authenticate a certificate of proof or acknowledgment by providing his or her signature and printing his or her name, title, and court. This change allows a judge to authenticate such a certificate or acknowledgment without the use of his or her seal of office or seal of his or her court. (Section 4)

The bill makes conforming changes and reenacts certain sections of law to incorporate the changes made by the bill. (Multiple sections)

The bill was approved by the Governor on June 20, 2025, ch. 2025-163, L.O.F., and will become effective on July 1, 2025. (Section 13)

## **FISCAL OR ECONOMIC IMPACT:**

### **STATE GOVERNMENT:**

The bill may have an indeterminate negative fiscal impact on state government by removing the statutory cap on arbitrator compensation and allowing for increased arbitrator costs to be charged to the parties. This may require the state to cover all or a portion of such increased costs for an indigent party until such time as that party completes a payment plan to reimburse the state.

Additionally, the bill may also have an indeterminate positive fiscal impact on state government by allowing duty judges greater flexibility in hearing location and the ability to conduct remote proceedings. In turn, the expenditure of resources associated with staffing on-call law enforcement and an on-call clerk to physically attend such hearings after hours will be eliminated.

### **PRIVATE SECTOR:**

The bill may have an indeterminate positive fiscal impact on persons who serve as arbitrators as removal of the statutory cap on arbitration fees may allow arbitrators to charge and collect higher fees for their services.

## **RELEVANT INFORMATION**

### **SUBJECT OVERVIEW:**

#### **[Judicial Circuits](#)**

The Florida Constitution requires that there be a circuit court serving each of Florida's twenty judicial circuits.<sup>1</sup> The number of judges required to serve in each circuit varies depending on the population and caseload of the area<sup>2</sup> and is codified in statute by the Legislature based on recommendations from the Florida Supreme Court (FSC) as to current need.<sup>3, 4</sup> Section [26.031, F.S.](#), currently provides that the number of judges in each judicial circuit shall be as follows:

- First Judicial Circuit – 26
- Second Judicial Circuit – 16
- Third Judicial Circuit – 7
- Fourth Judicial Circuit – 35
- Fifth Judicial Circuit – 31
- Sixth Judicial Circuit – 45
- Seventh Judicial Circuit – 27
- Eighth Judicial Circuit – 13
- Ninth Judicial Circuit – 46

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<sup>1</sup> [Art. V, s. 5\(a\), Fla. Const.](#); s. [26.021, F.S.](#)

<sup>2</sup> Office of the State Courts Administrator (OSCA), *Trial Courts – Circuit*, <https://www.flcourts.gov/Florida-Courts/Trial-Courts-Circuit> (last visited Mar. 20, 2025).

<sup>3</sup> [Art. V, s. 9, Fla. Const.](#)

<sup>4</sup> The Legislature may reject the FSC's recommendations or implement them in whole or in part; however, the Legislature may only increase or decrease the number of judicial offices beyond the recommendations of the FSC upon a finding by two-thirds membership of both houses of the Legislature that such a need exists. *Id.*

- Tenth Judicial Circuit – 28
- Eleventh Judicial Circuit – 80
- Twelfth Judicial Circuit – 22
- Thirteenth Judicial Circuit – 45
- Fourteenth Judicial Circuit – 13
- Fifteenth Judicial Circuit – 35
- Sixteenth Judicial Circuit – 4
- Seventeenth Judicial Circuit – 58
- Eighteenth Judicial Circuit – 26
- Nineteenth Judicial Circuit – 19
- Twentieth Judicial Circuit – 32<sup>5</sup>

### Duty Judges

Section [26.20, F.S.](#), requires each judicial circuit that has more than one circuit judge to make at least one judge available as nearly as possible at all times to hold and conduct hearings in his or her chambers.<sup>6</sup> Practically speaking, each judicial circuit is already required to meet this obligation as every judicial circuit currently has more than one circuit judge. Additionally, in each circuit there must be at least one judge available on Saturdays, Sundays, holidays, and after hours on weekdays to hear motions for temporary ex parte domestic violence injunctions.

### Remote Court Proceedings

In 2022, the FSC amended Florida Rule of General Practice and Judicial Administration 2.530, to expressly provide general authorization for the conduct of court proceedings through communication technology unless the proceedings are governed by a contrary general law.<sup>7</sup>

### Florida Clerks of Court Operations Corporation

In 2003, the Florida Legislature created the Florida Clerks of Court Operations Corporation (CCOC) to provide budget support to the clerks. All clerks of the circuit courts are members of the CCOC and hold their positions and authority in an ex officio capacity.<sup>8</sup> CCOC is funded through appropriations by general law pursuant to a contract with the Chief Financial Officer.<sup>9</sup>

The CCOC is responsible for approving the combined budgets submitted by the clerks, and ensuring that the total combined budgets of all 67 clerks does not exceed the total estimated revenues from fees, service charges, court costs, and fines for court-related functions available for court-related expenditures; plus the balance of funds remaining in the Clerks of Court Trust Fund after the transfer of funds to the General Revenue Fund; and plus any appropriations for court-related functions.<sup>10</sup> Additional CCOC duties include, but are not limited to:

- Adopting a plan of operations.
- Recommending to the Legislature changes in the amounts and distribution of various court-related fines, fees, service charges, and costs to ensure reasonable and adequate funding of the clerks in the performance of their court-related functions.
- Entering into a contract with the Department of Financial Services for the department to audit the court-related expenditures of individual clerks.
- Preparing and submitting a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees by January 1 of each year on the operations and activities of the CCOC and detailing the budget development for the clerks of the court

<sup>5</sup> The number of judicial offices was last increased in the 2024 Legislative Session. Ch. 2024-194, L.O.F.

<sup>6</sup> Such a judge is commonly referred to as a “duty judge.”

<sup>7</sup> *In re Amends. To Fla. Rules of Civ. Proc., Fla. Rules of Gen. Prac. & Jud. Admin., Fla. Rules of Crim. Proc., Fla. Prob. Rules, Fla. Rules of Traffic Ct., Fla. Small Claims Rules, & Fla. Rules of App. Proc.*, 346 So. 3d 1105, 1108 (Fla. 2022); Fla. R. Gen. Prac. and Jud. Admin. 2.530.

<sup>8</sup> S. [28.35\(1\)\(a\), F.S.](#)

<sup>9</sup> S. [28.35\(4\), F.S.](#)

<sup>10</sup> S. [28.35\(2\)\(f\), F.S.](#)

and the end-of-year reconciliation of actual expenditures versus projected expenditures for each clerk of court.

- Preparing an annual budget request which provides the anticipated amount necessary for reimbursement pursuant to [s. 40.29\(6\), F.S.](#), for certain petitions and orders.<sup>11</sup> The request for reimbursement must be submitted to the Governor for transmittal to the Legislature.<sup>12</sup>
- Participating in the Florida Retirement System for its eligible employees.<sup>13</sup>

### **No Fee Court Functions**

There are certain filings for which clerks may not charge a filing fee, including:

- A filing by an indigent party;<sup>14</sup>
- A petition for habeas corpus filed by a person detained as a mental health patient;<sup>15</sup>
- An ex parte order for an involuntary examination;<sup>16</sup>
- A petition for an involuntary commitment;<sup>17</sup>
- Appellate filings for an indigent person determined to be, and involuntarily committed as, a sexually violent predator;<sup>18</sup>
- A petition for involuntary assessment and stabilization for substance abuse impairment;<sup>19</sup>
- A petition for a risk protection order;<sup>20</sup>
- A petition for a protective injunction against domestic violence;<sup>21</sup> repeat, sexual, or dating violence;<sup>22</sup> or stalking;<sup>23</sup> and
- A petition for an injunction for protection against exploitation of a vulnerable adult.<sup>24</sup>

However, subject to legislative appropriation, clerks may, on a quarterly basis, submit to the Office of the State Courts Administrator a certified request for reimbursement for petitions for protection against domestic violence; repeat, sexual, or dating violence; or stalking issued by the court, at the rate of \$40 per petition. From this reimbursement, if any, the clerk must pay any law enforcement agency that served such an injunction a fee requested by the agency, not to exceed \$20.<sup>25</sup>

### **Arbitrator Compensation**

A court, pursuant to rules adopted by the FSC, may refer any contested civil action filed in a circuit or county court to nonbinding arbitration.<sup>26</sup> Arbitration is a method of dispute resolution that aims to resolve a case without the need for a trial by utilizing a neutral third-party, an arbitrator, to assist in resolving a dispute between parties. Arbitrators are selected and compensated in accordance with rules adopted by the FSC.<sup>27</sup> Arbitrator compensation is paid by the parties, or if the court finds that a party is indigent<sup>28</sup> and unable to pay, an arbitrator may be partially or fully compensated from state funds according to the party's present ability to pay.<sup>29</sup>

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<sup>11</sup> JAC is not authorized to make changes to the budget request except for technical changes necessary to conform to the legislative budget instructions. S. [28.35\(2\)\(i\), F.S.](#)

<sup>12</sup> S. [28.35\(2\), F.S.](#)

<sup>13</sup> S. [28.35\(4\), F.S.](#)

<sup>14</sup> Ss. [57.081](#) and [57.082, F.S.](#) This does not include prisoners as defined in s. [57.085, F.S.](#)

<sup>15</sup> S. [394.459, F.S.](#)

<sup>16</sup> S. [394.463, F.S.](#)

<sup>17</sup> S. [394.467, F.S.](#)

<sup>18</sup> S. [394.917, F.S.](#)

<sup>19</sup> S. [397.6814, F.S.](#)

<sup>20</sup> S. [790.401, F.S.](#)

<sup>21</sup> S. [741.30, F.S.](#)

<sup>22</sup> S. [784.046, F.S.](#)

<sup>23</sup> S. [784.0485, F.S.](#)

<sup>24</sup> S. [825.1035, F.S.](#)

<sup>25</sup> Ss. [741.30\(2\)\(a\)](#), s. [784.046\(3\)\(b\)](#), [784.0485\(2\)\(a\)](#), [825.1035\(4\)\(i\)](#), F.S.

<sup>26</sup> S. [44.103\(2\), F.S.](#); Fla. R. Civ. P. 1.820.

<sup>27</sup> Fla. R. Civ. P. 1.810.

<sup>28</sup> S. [57.082, F.S.](#)

<sup>29</sup> An indigent party must reimburse the portion of the total cost that he or she is immediately able to pay and enter into a payment plan with the clerk of court that will fully reimburse the state for the balance of all state costs for the arbitrator, any

### Arbitrator Compensation Cap

The chief judge of each judicial circuit is authorized to establish the fee for arbitration services subject to the statutory cap of \$1,500 per day, unless the parties agree to waive this cap.<sup>30</sup> This statutory cap was last adjusted in 2005.<sup>31</sup> The FSC Committee on Alternative Dispute Resolution Rules and Policy reports that the current statutory cap is lower than the reasonable market rate for arbitration services in several circuits and counties.<sup>32</sup>

### Judicial Notarization

Section [92.50, F.S.](#), allows for oaths, affidavits, and acknowledgments to be taken or administered by or before any judge, clerk, or deputy clerk of any court of record within this state, including federal courts, or by or before any United States commissioner or any notary public in this state. The certificate of proof or acknowledgment, otherwise known as a jurat, must be authenticated by the signature and official seal of any officer or person taking or administering the oath, affidavit, or acknowledgment; however, if such is taken or administered by a judge, clerk, or deputy clerk of a court of record, the seal of such court may be used as the seal of such officer.<sup>33</sup>

### Notarization by a Commissioned Officer of the United States Armed Forces

Section [92.51, F.S.](#), provides that oaths, affidavits and acknowledgments may be taken or administered by certain commissioned officers in active service of the United States Armed Forces<sup>34</sup> if the person required or authorized to make and execute the oath, affidavit, or acknowledgment is:

- A member of the Armed Forces of the United States;
- The spouse of such member; or
- A person whose duties require the person's presence with the Armed Forces of the United States.<sup>35</sup>

Authentication of oaths, affidavits, or acknowledgements of such persons, taken or administered by a commissioned officer, is achieved by:

- Including the date of the oath, affidavit, or acknowledgment;
- Stating that the person appearing before the officer acknowledged the instrument as the person's act or made or signed the instrument under oath; and
- Affixing the signature, rank, and branch of service or subdivision thereof of the officer upon the instrument, document, or certificate of proof.<sup>36</sup>

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costs of administering the payment plan, and any debt collection efforts that may become necessary in the future. S. [44.103\(3\), F.S.](#)

<sup>30</sup> Fla. R. Civ. P. 1.810; s. [44.103\(3\), F.S.](#)

<sup>31</sup> Ch. 2005-236, L.O.F.

<sup>32</sup> OSCA, *Repeal of Arbitrator Compensation Cap Issue Brief* (on file with the House Civil Justice and Claims Subcommittee).

<sup>33</sup> S. [92.50\(1\), F.S.](#)

<sup>34</sup> The officer must have the rank of second lieutenant or higher in the Army, Air Force, Space Force, or Marine Corps or ensign or higher in the Navy or Coast Guard. S. [92.51\(1\), F.S.](#)

<sup>35</sup> *Id.*

<sup>36</sup> S. [92.51\(2\) and \(3\), F.S.](#)