

CHAPTER 2025-163

Committee Substitute for Senate Bill No. 538

An act relating to the state courts system; amending s. 26.20, F.S.; revising the availability of judges to require at least one circuit judge in each circuit to be available for hearings with limited notice; amending s. 28.35, F.S.; revising the duty of the Florida Clerks of Court Operations Corporation to provide an annual budget request to be pursuant to specified provisions; amending s. 44.103, F.S.; deleting the per diem cap for arbitrators who participate in court-ordered, nonbinding arbitration; amending s. 92.50, F.S.; authorizing judges to authenticate a jurat, or certificate of proof or acknowledgment, by affixing their signature and printing their name, title, and court; amending ss. 741.30, 784.046, 784.0485, and 825.1035, F.S.; authorizing clerks of the court to submit to the Justice Administrative Commission, rather than the Office of the State Courts Administrator, certified requests for reimbursements for the filing of certain petitions; requiring that requests be submitted in the form and manner prescribed by the Justice Administrative Commission; reenacting ss. 28.2221(6)(b), 92.525(1), 110.12301(2)(a) and (d), and 112.181(2), F.S., relating to electronic access to official records restricted from public display, inspection, or copying; verification of documents; spouse and dependent eligibility verification by affidavit; and affidavits from firefighters, paramedics, emergency medical technicians, law enforcement officers, and correctional officers to be entitled to a certain presumption, respectively, to incorporate the amendment made to s. 92.50, F.S., in references thereto; providing an effective date.

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

Section 1. Section 26.20, Florida Statutes, is amended to read:

26.20 Availability of judge for hearings in chambers.—~~In circuits having more than one circuit judge, At least one circuit judge in each circuit must of said judges shall be available as nearly as possible at all times to hold and conduct hearings with limited notice in chambers.~~ In each circuit, there must be at least one judge available on Saturdays, Sundays, holidays, and after hours on weekdays to hear motions for a temporary injunction ex parte in domestic violence cases. The chief judge may assign a judge for this purpose.

Section 2. 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 ss. 40.29(6), 741.30(2)(a), 784.046(3)(b), 784.0485(2)(a), and 825.1035(4)(i) ~~s. 40.29(6)~~. The request for the anticipated reimbursement amount must ~~shall~~ 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 ~~shall~~ be submitted to the Governor for transmittal to the Legislature.

Section 3. Subsection (3) of section 44.103, Florida Statutes, is amended to read:

44.103 Court-ordered, nonbinding arbitration.—

(3) Arbitrators shall be selected and compensated in accordance with rules adopted by the Supreme Court. Arbitrators shall be compensated by the parties, or, upon a finding by the court that a party is indigent, an arbitrator may be partially or fully compensated from state funds according to the party's present ability to pay. ~~At no time may an arbitrator charge more than \$1,500 per diem, unless the parties agree otherwise.~~ Prior to approving the use of state funds to reimburse an arbitrator, the court must ensure that the party reimburses the portion of the total cost that the party is immediately able to pay and that the party has agreed to a payment plan established by the clerk of the court that will fully reimburse the state for the balance of all state costs for both the arbitrator and any costs of administering the payment plan and any collection efforts that may be necessary in the future. Whenever possible, qualified individuals who have volunteered their time to serve as arbitrators shall be appointed. If an arbitration program is funded pursuant to s. 44.108, volunteer arbitrators are ~~shall be~~ entitled to be reimbursed pursuant to s. 112.061 for all actual expenses necessitated by service as an arbitrator.

Section 4. Subsection (1) of section 92.50, Florida Statutes, is amended to read:

92.50 Oaths, affidavits, and acknowledgments; who may take or administer; requirements.—

(1) **IN THIS STATE.**—Oaths, affidavits, and acknowledgments required or authorized under the laws of this state (except oaths to jurors and witnesses in court and such other oaths, affidavits and acknowledgments as are required by law to be taken or administered by or before particular officers) may 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 within this state. The jurat, or certificate of proof or acknowledgment, shall be authenticated by the signature and official seal of such officer or person taking or administering the same; however, when taken or administered by or before any judge, clerk, or deputy clerk of a court of record, the seal of such court may be affixed as the seal of such officer or person. The jurat, or

certificate of proof or acknowledgment, may also be authenticated by a judge by affixing his or her signature and printing his or her name, title, and court.

Section 5. 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, subject to legislative appropriation, the clerk of the circuit court may, on a quarterly basis, submit to the Justice Administrative Commission Office of the State Courts Administrator 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 Office of the State Courts Administrator. 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 6. 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 against repeat violence, sexual violence, or dating violence. However, subject to legislative appropriation, the clerk of the court may, each quarter, submit to the Justice Administrative Commission Office of the State Courts Administrator a certified request for reimbursement for petitions for protection issued by the court under this section at the rate of \$40 per petition. The request for reimbursement must ~~shall~~ be submitted in the form and manner prescribed by the Justice Administrative Commission Office of the State Courts Administrator. From this reimbursement, the clerk shall pay the law enforcement agency serving the injunction the fee requested by the law enforcement agency; however, this fee may not exceed \$20.

Section 7. 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. However, subject to legislative appropriation, the clerk of the circuit court may, on a quarterly basis, submit to the Justice Administrative Commission Office of the State Courts Administrator 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 shall be submitted in the form and manner prescribed by the Justice Administrative Commission Office of the State Courts Administrator. 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 8. 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 of the circuit court may not assess an initial filing fee or service charge for petitions filed under this section. However, subject to legislative appropriation, the clerk of the circuit court may, on a quarterly basis, submit a certified request for reimbursement to the Justice Administrative Commission Office of the State Courts Administrator for the processing of such petitions, 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 office. From each reimbursement received, the clerk of the circuit court shall pay any law 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 9. For the purpose of incorporating the amendment made by this act to section 92.50, Florida Statutes, in a reference thereto, paragraph (b) of subsection (6) of section 28.2221, Florida Statutes, is reenacted to read:

28.2221 Electronic access to official records.—

(6)

(b)1. For the purpose of conducting a title search, as defined in s. 627.7711(4), of the Official Records, as described in s. 28.222(2), and upon presentation of photo identification and affirmation by sworn affidavit consistent with s. 92.50 to the county recorder, information restricted from public display, inspection, or copying under paragraph (5)(a) pursuant to a request for removal made under s. 119.071(4)(d) may be disclosed to:

a. A title insurer authorized pursuant to s. 624.401 and its affiliates as defined in s. 624.10;

b. A title insurance agent or title insurance agency as defined in s. 626.841(1) and (2), respectively; or

c. An attorney duly admitted to practice law in this state and in good standing with The Florida Bar.

2. The photo identification and affirmation by sworn affidavit may be delivered in person, by mail, or by electronic transmission to the county recorder.

3. The affiant requestor must attest to his or her authority and the authorized purpose to access exempt information pursuant to this section for the property specified within the sworn affidavit.

4. The affiant requestor must identify the Official Records book and page number, instrument number, or the clerk's file number for each document requested within the sworn affidavit and must include a description of the lawful purpose and identify the individual or property that is the subject of the search within the sworn affidavit.

5. Affidavits submitted by a title insurer, title insurance agent, or title insurance agency must include the Florida Company Code or the license number, as applicable, and an attestation to the affiant requestor's authorization to transact business in this state. Affidavits submitted by an attorney authorized under this section must include the affiant requestor's Florida Bar number and a statement that the affiant requestor has an agency agreement with a title insurer directly or through his or her law firm.

6. The county recorder must record such affidavit in the Official Records, as described in s. 28.222(2), but may not place the image or copy of the affidavit on a publicly available Internet website for general public display.

7. Upon providing a document disclosing redacted information to an affiant requestor under this section, the county recorder must provide a copy of the affidavit requesting disclosure of the redacted information to each affected party at the address listed on the document or on the request for removal made by the affected party under s. 119.071. The county recorder must prepare a certificate of mailing to be affixed to the affidavit and must receive the statutory service charges as prescribed by s. 28.24 from the affiant requestor.

8. Any party making a false attestation under this section is subject to the penalty of perjury under s. 837.012.

Section 10. For the purpose of incorporating the amendment made by this act to section 92.50, Florida Statutes, in a reference thereto, subsection (1) of section 92.525, Florida Statutes, is reenacted to read:

92.525 Verification of documents; perjury by false written declaration, penalty.—

(1) If authorized or required by law, by rule of an administrative agency, or by rule or order of court that a document be verified by a person, the verification may be accomplished in the following manner:

(a) Under oath or affirmation taken or administered before an officer authorized under s. 92.50 to administer oaths;

(b) Under oath or affirmation taken or administered by an officer authorized under s. 117.10 to administer oaths; or

(c) By the signing of the written declaration prescribed in subsection (2).

Section 11. For the purpose of incorporating the amendment made by this act to section 92.50, Florida Statutes, in references thereto, paragraphs (a) and (d) of subsection (2) of section 110.12301, Florida Statutes, are reenacted to read:

110.12301 Competitive procurement of postpayment claims review services and dependent eligibility verification services; public records exemption.—

(2) The department is directed to contract for dependent eligibility verification services for the state group insurance program.

(a) The department or the contractor providing dependent eligibility verification services may require the following information from subscribers:

1. To prove a spouse's eligibility:

a. If married less than 12 months and the subscriber and his or her spouse have not filed a joint federal income tax return, a government-issued marriage certificate;

b. If married for 12 or more months, a transcript of the most recently filed federal income tax return; or

c. If the documentation specified in sub-subparagraph a. or sub-subparagraph b. cannot be produced, an attestation of the marriage by sworn affidavit consistent with s. 92.50.

2. To prove a biological child's or a newborn grandchild's eligibility:

a. A government-issued birth certificate; or

b. If a birth certificate cannot be produced, an attestation of the subscriber-dependent relationship by sworn affidavit consistent with s. 92.50.

3. To prove an adopted child's eligibility:

- a. An adoption certificate;
 - b. An adoption placement agreement and a petition for adoption; or
 - c. If the documentation specified in sub-subparagraph a. or sub-subparagraph b. cannot be produced, an attestation of the subscriber-dependent relationship by sworn affidavit consistent with s. 92.50.
4. To prove a stepchild's eligibility:
 - a. A government-issued birth certificate for the stepchild; and
 - b. The transcript of the subscriber's most recently filed federal income tax return.
 5. To prove a child's eligibility under a guardianship, a copy of the court order naming the subscriber or the subscriber's spouse as the child's legal guardian or custodian.
 6. To prove a foster child's eligibility, a copy of the records showing the subscriber or the subscriber's spouse as the dependent's foster parent.
 7. To prove eligibility of an unmarried child age 26 to 30:
 - a. A copy of the child's government-issued birth certificate or adoption certificate naming the subscriber or the subscriber's spouse as the child's parent, or a copy of the court order naming the subscriber or the subscriber's spouse as the child's legal guardian or custodian;
 - b. A copy of the Certification of Over-Age Dependent Eligibility Form; and
 - c. A document confirming the child's current enrollment as a student, including the name of the child, the name of the school, and the school term; or a bill or statement in the child's name which is dated within the past 60 days and is mailed to the child at a Florida address.
 8. To prove eligibility for a disabled child age 26 or older:
 - a. A copy of the child's government-issued birth certificate or adoption certificate naming the subscriber or the subscriber's spouse as the child's parent, or a copy of the court order naming the subscriber or the subscriber's spouse as the child's legal guardian or custodian; and
 - b. A copy of the transcript of the subscriber's most recently filed federal income tax return listing the child's name and the last four digits of the child's social security number and identifying the child as the subscriber's dependent for tax purposes.
 - (d) Foreign-born subscribers unable to obtain the necessary documentation within the specified time period of producing verification documentation

may provide a sworn affidavit consistent with s. 92.50 attesting to eligibility requirements.

Section 12. For the purpose of incorporating the amendment made by this act to section 92.50, Florida Statutes, in a reference thereto, subsection (2) of section 112.181, Florida Statutes, is reenacted to read:

112.181 Firefighters, paramedics, emergency medical technicians, law enforcement officers, correctional officers; special provisions relative to certain communicable diseases.—

(2) PRESUMPTION; ELIGIBILITY CONDITIONS.—Any emergency rescue or public safety worker who suffers a condition or impairment of health that is caused by hepatitis, meningococcal meningitis, or tuberculosis, that requires medical treatment, and that results in total or partial disability or death shall be presumed to have a disability suffered in the line of duty, unless the contrary is shown by competent evidence; however, in order to be entitled to the presumption, the emergency rescue or public safety worker must, by written affidavit as provided in s. 92.50, verify by written declaration that, to the best of his or her knowledge and belief:

(a) In the case of a medical condition caused by or derived from hepatitis, he or she has not:

1. Been exposed, through transfer of bodily fluids, to any person known to have sickness or medical conditions derived from hepatitis, outside the scope of his or her employment;

2. Had a transfusion of blood or blood components, other than a transfusion arising out of an accident or injury happening in connection with his or her present employment, or received any blood products for the treatment of a coagulation disorder since last undergoing medical tests for hepatitis, which tests failed to indicate the presence of hepatitis;

3. Engaged in unsafe sexual practices or other high-risk behavior, as identified by the Centers for Disease Control and Prevention or the Surgeon General of the United States, or had sexual relations with a person known to him or her to have engaged in such unsafe sexual practices or other high-risk behavior; or

4. Used intravenous drugs not prescribed by a physician.

(b) In the case of meningococcal meningitis, in the 10 days immediately preceding diagnosis he or she was not exposed, outside the scope of his or her employment, to any person known to have meningococcal meningitis or known to be an asymptomatic carrier of the disease.

(c) In the case of tuberculosis, in the period of time since the worker's last negative tuberculosis skin test, he or she has not been exposed, outside the scope of his or her employment, to any person known by him or her to have tuberculosis.

Section 13. This act shall take effect July 1, 2025.

Approved by the Governor June 20, 2025.

Filed in Office Secretary of State June 20, 2025.