



195644

LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/23/2009 10:31 AM

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Senator Wise moved the following:

Senate Amendment (with title amendment)

Before line 16

insert:

Section 1. Paragraph (e) of subsection (12) of section 28.24, Florida Statutes, is amended to read:

28.24 Service charges by clerk of the circuit court.—The clerk of the circuit court shall charge for services rendered by the clerk's office in recording documents and instruments and in performing the duties enumerated in amounts not to exceed those specified in this section. Notwithstanding any other provision



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13 of this section, the clerk of the circuit court shall provide
14 without charge to the state attorney, public defender, guardian
15 ad litem, public guardian, attorney ad litem, criminal conflict
16 and civil regional counsel, and private court-appointed counsel
17 paid by the state, and to the authorized staff acting on behalf
18 of each, access to and a copy of any public record, if the
19 requesting party is entitled by law to view the exempt or
20 confidential record, as maintained by and in the custody of the
21 clerk of the circuit court as provided in general law and the
22 Florida Rules of Judicial Administration. The clerk of the
23 circuit court may provide the requested public record in an
24 electronic format in lieu of a paper format when capable of
25 being accessed by the requesting entity.

26
27

Charges

28 (12) For recording, indexing, and filing any instrument not
29 more than 14 inches by 8 1/2 inches, including required notice
30 to property appraiser where applicable:

31 (e) An additional service charge of \$4 per page shall be
32 paid to the clerk of the circuit court for each instrument
33 listed in s. 28.222, except judgments received from the courts
34 and notices of lis pendens, recorded in the official records.
35 From the additional \$4 service charge collected:

36 1. If the counties maintain legal responsibility for the
37 costs of the court-related technology needs as defined in s.
38 29.008(1)(f)2. and (h), 10 cents shall be distributed to the
39 Florida Association of Court Clerks and Comptroller, Inc., for
40 the cost of development, implementation, operation, and
41 maintenance of the clerks' Comprehensive Case Information



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42 System, in which system all clerks shall participate on or
43 before January 1, 2006; \$1.90 shall be retained by the clerk to
44 be deposited in the Public Records Modernization Trust Fund and
45 used exclusively for funding court-related technology needs of
46 the clerk as defined in s. 29.008(1)(f)2. and (h); and \$2 shall
47 be distributed to the board of county commissioners to be used
48 exclusively to fund court-related technology, and court
49 technology needs as defined in s. 29.008(1)(f)2. and (h) for the
50 state trial courts, state attorney, public defender, and
51 criminal conflict and civil regional counsel in that county. If
52 the counties maintain legal responsibility for the costs of the
53 court-related technology needs as defined in s. 29.008(1)(f)2.
54 and (h), ~~notwithstanding any other provision of law,~~ the county
55 is not required to provide additional funding beyond that
56 provided herein for the court-related technology needs of the
57 clerk as defined in s. 29.008(1)(f)2. and (h). All court records
58 and official records are the property of the State of Florida,
59 including any records generated as part of the Comprehensive
60 Case Information System funded pursuant to this paragraph and
61 the clerk of court is designated as the custodian of such
62 records, except in a county where the duty of maintaining
63 official records exists in a county office other than the clerk
64 of court or comptroller, such county office is designated the
65 custodian of all official records, and the clerk of court is
66 designated the custodian of all court records. The clerk of
67 court or any entity acting on behalf of the clerk of court,
68 including an association, shall not charge a fee to any agency
69 as defined in s. 119.011, the Legislature, or the State Court
70 System for copies of records generated by the Comprehensive Case



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71 Information System or held by the clerk of court or any entity
72 acting on behalf of the clerk of court, including an
73 association.

74 2. If the state becomes legally responsible for the costs
75 of court-related technology needs as defined in s.
76 29.008(1)(f)2. and (h), whether by operation of general law or
77 by court order, \$4 shall be remitted to the Department of
78 Revenue for deposit into the General Revenue Fund.

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80 ===== T I T L E A M E N D M E N T =====

81 And the title is amended as follows:

82 Delete line 2

83 and insert:

84 An act relating to clerks of court; amending s. 28.24, F.S.;
85 revising the responsibilities of counties to fund court-related
86 technology needs; amending s. 48.23,