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1 A bill to be entitled  
2 An act relating to clerks of court; amending s. 28.13,  
3 F.S.; providing requirements for storage of electronic  
4 filings; requiring papers and electronic filings to be  
5 electronically time stamped; amending s. 28.222, F.S.;  
6 authorizing the clerk to remove sealed or expunged  
7 court records from the Official Records; amending s.  
8 28.24, F.S.; clarifying provisions concerning free  
9 copies of records to specified officials and their  
10 staffs; defining the term "copy of a public record"  
11 for specified purposes; amending s. 28.244, F.S.;  
12 increasing the threshold amount for automatic  
13 repayment of overpayments; amending s. 28.345, F.S.;  
14 clarifying the application of an exemption from  
15 payment of fees and charges assessed by clerks of  
16 circuit courts; amending s. 50.041, F.S.; authorizing  
17 the use of electronic proof of publication affidavits;  
18 amending s. 119.071, F.S.; requiring certain persons  
19 to provide specific information to the clerk to  
20 maintain the public records exemption status of  
21 certain information; amending s. 197.542, F.S.;  
22 authorizing the clerk to issue a refund to the  
23 depositor for redeemed property subject to a tax sale;  
24 providing an effective date.

25  
26 Be It Enacted by the Legislature of the State of Florida:  
27

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28 Section 1. Section 28.13, Florida Statutes, is amended to  
 29 read:

30 28.13 ~~To keep~~ Papers and electronic filings.—The clerk of  
 31 the circuit court shall keep all papers and electronic filings  
 32 ~~filed~~ in the clerk's office with the utmost care and security,  
 33 storing them in association with related case arranged in  
 34 appropriate files and affixing a stamp to the submission  
 35 indicating ~~(endorsing upon each~~ the date and time when the  
 36 submission ~~same~~ was filed. The clerk ~~), and~~ shall not permit any  
 37 attorney or other person to remove documents, ~~take papers~~ once  
 38 filed, from the control or custody ~~out of the office~~ of the  
 39 clerk without leave of the court, except as otherwise is  
 40 ~~hereinafter~~ provided by law.

41 Section 2. Subsections (4) through (6) of section 28.222,  
 42 Florida Statutes, are renumbered as subsections (5) through (7),  
 43 respectively, and a new subsection (4) is added to that section  
 44 to read:

45 28.222 Clerk to be county recorder.—

46 (4) The county recorder shall remove recorded court  
 47 documents from the Official Records pursuant to a sealing or  
 48 expunction order.

49 Section 3. Section 28.24, Florida Statutes, is amended to  
 50 read:

51 28.24 ~~Service charges by clerk of the circuit court.~~—The  
 52 clerk of the circuit court shall charge for services rendered by  
 53 the clerk's office in recording documents and instruments and in  
 54 performing the duties enumerated in amounts not to exceed those  
 55 specified in this section. Notwithstanding any other provision

56 of this section, the clerk of the circuit court shall provide  
 57 without charge to the state attorney, public defender, guardian  
 58 ad litem, public guardian, attorney ad litem, criminal conflict  
 59 and civil regional counsel, and private court-appointed counsel  
 60 paid by the state, and to the authorized staff acting on behalf  
 61 of each, access to and a copy of any public record as provided  
 62 in s. 28.345, if the requesting party is entitled by law to view  
 63 the exempt or confidential record, as maintained by and in the  
 64 custody of the clerk of the circuit court as provided in general  
 65 law and the Florida Rules of Judicial Administration. The clerk  
 66 of the circuit court may provide the requested public record in  
 67 an electronic format in lieu of a paper format when capable of  
 68 being accessed by the requesting entity. For purposes of this  
 69 section, the term "copy of public a record" means any facsimile,  
 70 replica, photograph, or other reproduction of a record.

Charges

71  
 72 (1) For examining, comparing, correcting, verifying, and  
 73 certifying transcripts of record in appellate proceedings,  
 74 prepared by attorney for appellant or someone else other than  
 75 clerk, per page 5.00

76 (2) For preparing, numbering, and indexing an original  
 77 record of appellate proceedings, per instrument 3.50

78 (3) For certifying copies of any instrument in the public  
 79 records 2.00

80 (4) For verifying any instrument presented for  
 81 certification prepared by someone other than clerk, per page  
 82 3.50

83 (5) (a) For making copies by photographic process of any

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84 instrument in the public records consisting of pages of not more  
 85 than 14 inches by 8 1/2 inches, per page 1.00  
 86 (b) For making copies by photographic process of any  
 87 instrument in the public records of more than 14 inches by 8 1/2  
 88 inches, per page 5.00  
 89 (6) For making microfilm copies of any public records:  
 90 (a) 16 mm 100' microfilm roll 42.00  
 91 (b) 35 mm 100' microfilm roll 60.00  
 92 (c) Microfiche, per fiche 3.50  
 93 (7) For copying any instrument in the public records by  
 94 other than photographic process, per page 6.00  
 95 (8) For writing any paper other than herein specifically  
 96 mentioned, same as for copying, including signing and sealing  
 97 7.00  
 98 (9) For indexing each entry not recorded 1.00  
 99 (10) For receiving money into the registry of court:  
 100 (a)1. First \$500, percent 3  
 101 2. Each subsequent \$100, percent 1.5  
 102 (b) Eminent domain actions, per deposit 170.00  
 103 (11) For examining, certifying, and recording plats and  
 104 for recording condominium exhibits larger than 14 inches by 8  
 105 1/2 inches:  
 106 (a) First page 30.00  
 107 (b) Each additional page 15.00  
 108 (12) For recording, indexing, and filing any instrument  
 109 not more than 14 inches by 8 1/2 inches, including required  
 110 notice to property appraiser where applicable:  
 111 (a) First page or fraction thereof 5.00

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112 (b) Each additional page or fraction thereof 4.00

113 (c) For indexing instruments recorded in the official  
 114 records which contain more than four names, per additional name  
 115 1.00

116 (d) An additional service charge shall be paid to the  
 117 clerk of the circuit court to be deposited in the Public Records  
 118 Modernization Trust Fund for each instrument listed in s.

119 28.222, except judgments received from the courts and notices of  
 120 lis pendens, recorded in the official records:

- 121 1. First page 1.00
- 122 2. Each additional page 0.50

123  
 124 Said fund shall be held in trust by the clerk and used  
 125 exclusively for equipment and maintenance of equipment,  
 126 personnel training, and technical assistance in modernizing the  
 127 public records system of the office. In a county where the duty  
 128 of maintaining official records exists in an office other than  
 129 the office of the clerk of the circuit court, the clerk of the  
 130 circuit court is entitled to 25 percent of the moneys deposited  
 131 into the trust fund for equipment, maintenance of equipment,  
 132 training, and technical assistance in modernizing the system for  
 133 storing records in the office of the clerk of the circuit court.  
 134 The fund may not be used for the payment of travel expenses,  
 135 membership dues, bank charges, staff-recruitment costs, salaries  
 136 or benefits of employees, construction costs, general operating  
 137 expenses, or other costs not directly related to obtaining and  
 138 maintaining equipment for public records systems or for the  
 139 purchase of furniture or office supplies and equipment not

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140 related to the storage of records. On or before December 1,  
141 1995, and on or before December 1 of each year immediately  
142 preceding each year during which the trust fund is scheduled for  
143 legislative review under s. 19(f)(2), Art. III of the State  
144 Constitution, each clerk of the circuit court shall file a  
145 report on the Public Records Modernization Trust Fund with the  
146 President of the Senate and the Speaker of the House of  
147 Representatives. The report must itemize each expenditure made  
148 from the trust fund since the last report was filed; each  
149 obligation payable from the trust fund on that date; and the  
150 percentage of funds expended for each of the following:  
151 equipment, maintenance of equipment, personnel training, and  
152 technical assistance. The report must indicate the nature of the  
153 system each clerk uses to store, maintain, and retrieve public  
154 records and the degree to which the system has been upgraded  
155 since the creation of the trust fund.

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

161 1. If the counties maintain legal responsibility for the  
162 costs of the court-related technology needs as defined in s.  
163 29.008(1)(f)2. and (h), 10 cents shall be distributed to the  
164 Florida Association of Court Clerks and Comptroller, Inc., for  
165 the cost of development, implementation, operation, and  
166 maintenance of the clerks' Comprehensive Case Information  
167 System, in which system all clerks shall participate on or

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168 before January 1, 2006; \$1.90 shall be retained by the clerk to  
169 be deposited in the Public Records Modernization Trust Fund and  
170 used exclusively for funding court-related technology needs of  
171 the clerk as defined in s. 29.008(1)(f)2. and (h); and \$2 shall  
172 be distributed to the board of county commissioners to be used  
173 exclusively to fund court-related technology, and court  
174 technology needs as defined in s. 29.008(1)(f)2. and (h) for the  
175 state trial courts, state attorney, public defender, and  
176 criminal conflict and civil regional counsel in that county. If  
177 the counties maintain legal responsibility for the costs of the  
178 court-related technology needs as defined in s. 29.008(1)(f)2.  
179 and (h), notwithstanding any other provision of law, the county  
180 is not required to provide additional funding beyond that  
181 provided herein for the court-related technology needs of the  
182 clerk as defined in s. 29.008(1)(f)2. and (h). All court records  
183 and official records are the property of the State of Florida,  
184 including any records generated as part of the Comprehensive  
185 Case Information System funded pursuant to this paragraph and  
186 the clerk of court is designated as the custodian of such  
187 records, except in a county where the duty of maintaining  
188 official records exists in a county office other than the clerk  
189 of court or comptroller, such county office is designated the  
190 custodian of all official records, and the clerk of court is  
191 designated the custodian of all court records. The clerk of  
192 court or any entity acting on behalf of the clerk of court,  
193 including an association, shall not charge a fee to any agency  
194 as defined in s. 119.011, the Legislature, or the State Court  
195 System for copies of records generated by the Comprehensive Case

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196 Information System or held by the clerk of court or any entity  
 197 acting on behalf of the clerk of court, including an  
 198 association.

199 2. If the state becomes legally responsible for the costs  
 200 of court-related technology needs as defined in s.  
 201 29.008(1)(f)2. and (h), whether by operation of general law or  
 202 by court order, \$4 shall be remitted to the Department of  
 203 Revenue for deposit into the General Revenue Fund.

204 (13) Oath, administering, attesting, and sealing, not  
 205 otherwise provided for herein 3.50

206 (14) For validating certificates, any authorized bonds,  
 207 each 3.50

208 (15) For preparing affidavit of domicile 5.00

209 (16) For exemplified certificates, including signing and  
 210 sealing 7.00

211 (17) For authenticated certificates, including signing and  
 212 sealing 7.00

213 (18)(a) For issuing and filing a subpoena for a witness,  
 214 not otherwise provided for herein (includes writing, preparing,  
 215 signing, and sealing) 7.00

216 (b) For signing and sealing only 2.00

217 (19) For approving bond 8.50

218 (20) For searching of records, for each year's search 2.00

219 (21) For processing an application for a tax deed sale  
 220 (includes application, sale, issuance, and preparation of tax  
 221 deed, and disbursement of proceeds of sale), other than excess  
 222 proceeds 60.00

223 (22) For disbursement of excess proceeds of tax deed sale,

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224 first \$100 or fraction thereof 10.00  
 225 (23) Upon receipt of an application for a marriage  
 226 license, for preparing and administering of oath; issuing,  
 227 sealing, and recording of the marriage license; and providing a  
 228 certified copy 30.00  
 229 (24) For solemnizing matrimony 30.00  
 230 (25) For sealing any court file or expungement of any  
 231 record 42.00  
 232 (26) (a) For receiving and disbursing all restitution  
 233 payments, per payment 3.50  
 234 (b) For receiving and disbursing all partial payments,  
 235 other than restitution payments, for which an administrative  
 236 processing service charge is not imposed pursuant to s. 28.246,  
 237 per month 5.00  
 238 (c) For setting up a payment plan, a one-time  
 239 administrative processing charge in lieu of a per month charge  
 240 under paragraph (b) 25.00  
 241 (27) Postal charges incurred by the clerk of the circuit  
 242 court in any mailing by certified or registered mail shall be  
 243 paid by the party at whose instance the mailing is made.  
 244 (28) For furnishing an electronic copy of information  
 245 contained in a computer database: a fee as provided for in  
 246 chapter 119.  
 247 Section 4. Section 28.244, Florida Statutes, is amended to  
 248 read:  
 249 28.244 Refunds.—A clerk of the circuit court or a filing  
 250 officer of another office where records are filed who receives  
 251 payment for services provided and thereafter determines that an

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252 overpayment has occurred shall refund to the person who made the  
 253 payment the amount of any overpayment that exceeds \$10 ~~\$5~~. If  
 254 the amount of the overpayment is \$10 ~~\$5~~ or less, the clerk of  
 255 the circuit court or a filing officer of another office where  
 256 records are filed is not required to refund the amount of the  
 257 overpayment unless the person who made the overpayment makes a  
 258 written request.

259 Section 5. Section 28.345, Florida Statutes, is amended to  
 260 read:

261 28.345 Exemption from court-related fees and charges.—

262 (1) Notwithstanding any other ~~provision of this chapter or~~  
 263 law to the contrary, judges and those court staff acting on  
 264 behalf of judges, state attorneys, guardians ad litem, public  
 265 guardians, attorneys ad litem, court-appointed private counsel,  
 266 criminal conflict and civil regional counsel, and public  
 267 defenders, acting in their official capacity, and state  
 268 agencies, are exempt from all court-related fees and charges  
 269 assessed by the clerks of the circuit courts.

270 (2) The exemption provided in subsection (1) for state  
 271 agencies applies only to the state agency and the party it is  
 272 representing. The clerk of court shall collect the filing fees  
 273 and services charges as required in this chapter from all other  
 274 parties.

275 Section 6. Subsection (2) of section 50.041, Florida  
 276 Statutes, is amended to read:

277 50.041 Proof of publication; uniform affidavits required.—

278 (2) Each such affidavit shall be printed upon white bond  
 279 paper containing at least 25 percent rag material and shall be 8

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280 1/2 inches in width and of convenient length, not less than 5  
 281 1/2 inches. A white margin of not less than 2 1/2 inches shall  
 282 be left at the right side of each affidavit form and upon or in  
 283 this space shall be substantially pasted a clipping which shall  
 284 be a true copy of the public notice or legal advertisement for  
 285 which proof is executed. Alternatively, each such affidavit may  
 286 be provided in electronic rather than paper form, provided the  
 287 notarization of the affidavit complies with the requirements of  
 288 s. 117.021.

289 Section 7. Paragraph (d) of subsection (4) of section  
 290 119.071, Florida Statutes, is amended to read:

291 119.071 General exemptions from inspection or copying of  
 292 public records.—

293 (4) AGENCY PERSONNEL INFORMATION.—

294 (d)1.a. The home addresses, telephone numbers, social  
 295 security numbers, and photographs of active or former law  
 296 enforcement personnel, including correctional and correctional  
 297 probation officers, personnel of the Department of Children and  
 298 Family Services whose duties include the investigation of abuse,  
 299 neglect, exploitation, fraud, theft, or other criminal  
 300 activities, personnel of the Department of Health whose duties  
 301 are to support the investigation of child abuse or neglect, and  
 302 personnel of the Department of Revenue or local governments  
 303 whose responsibilities include revenue collection and  
 304 enforcement or child support enforcement; the home addresses,  
 305 telephone numbers, social security numbers, photographs, and  
 306 places of employment of the spouses and children of such  
 307 personnel; and the names and locations of schools and day care

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308 facilities attended by the children of such personnel are exempt  
309 from s. 119.07(1).

310 b. The home addresses, telephone numbers, and photographs  
311 of firefighters certified in compliance with s. 633.35; the home  
312 addresses, telephone numbers, photographs, and places of  
313 employment of the spouses and children of such firefighters; and  
314 the names and locations of schools and day care facilities  
315 attended by the children of such firefighters are exempt from s.  
316 119.07(1).

317 c. The home addresses and telephone numbers of justices of  
318 the Supreme Court, district court of appeal judges, circuit  
319 court judges, and county court judges; the home addresses,  
320 telephone numbers, and places of employment of the spouses and  
321 children of justices and judges; and the names and locations of  
322 schools and day care facilities attended by the children of  
323 justices and judges are exempt from s. 119.07(1).

324 d. The home addresses, telephone numbers, social security  
325 numbers, and photographs of current or former state attorneys,  
326 assistant state attorneys, statewide prosecutors, or assistant  
327 statewide prosecutors; the home addresses, telephone numbers,  
328 social security numbers, photographs, and places of employment  
329 of the spouses and children of current or former state  
330 attorneys, assistant state attorneys, statewide prosecutors, or  
331 assistant statewide prosecutors; and the names and locations of  
332 schools and day care facilities attended by the children of  
333 current or former state attorneys, assistant state attorneys,  
334 statewide prosecutors, or assistant statewide prosecutors are  
335 exempt from s. 119.07(1) and s. 24(a), Art. I of the State

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336 Constitution.

337 e. The home addresses and telephone numbers of general  
338 magistrates, special magistrates, judges of compensation claims,  
339 administrative law judges of the Division of Administrative  
340 Hearings, and child support enforcement hearing officers; the  
341 home addresses, telephone numbers, and places of employment of  
342 the spouses and children of general magistrates, special  
343 magistrates, judges of compensation claims, administrative law  
344 judges of the Division of Administrative Hearings, and child  
345 support enforcement hearing officers; and the names and  
346 locations of schools and day care facilities attended by the  
347 children of general magistrates, special magistrates, judges of  
348 compensation claims, administrative law judges of the Division  
349 of Administrative Hearings, and child support enforcement  
350 hearing officers are exempt from s. 119.07(1) and s. 24(a), Art.  
351 I of the State Constitution if the general magistrate, special  
352 magistrate, judge of compensation claims, administrative law  
353 judge of the Division of Administrative Hearings, or child  
354 support hearing officer provides a written statement that the  
355 general magistrate, special magistrate, judge of compensation  
356 claims, administrative law judge of the Division of  
357 Administrative Hearings, or child support hearing officer has  
358 made reasonable efforts to protect such information from being  
359 accessible through other means available to the public. This  
360 sub-subparagraph is subject to the Open Government Sunset Review  
361 Act in accordance with s. 119.15, and shall stand repealed on  
362 October 2, 2013, unless reviewed and saved from repeal through  
363 reenactment by the Legislature.

364 f. The home addresses, telephone numbers, and photographs  
365 of current or former human resource, labor relations, or  
366 employee relations directors, assistant directors, managers, or  
367 assistant managers of any local government agency or water  
368 management district whose duties include hiring and firing  
369 employees, labor contract negotiation, administration, or other  
370 personnel-related duties; the names, home addresses, telephone  
371 numbers, and places of employment of the spouses and children of  
372 such personnel; and the names and locations of schools and day  
373 care facilities attended by the children of such personnel are  
374 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
375 Constitution.

376 g. The home addresses, telephone numbers, and photographs  
377 of current or former code enforcement officers; the names, home  
378 addresses, telephone numbers, and places of employment of the  
379 spouses and children of such personnel; and the names and  
380 locations of schools and day care facilities attended by the  
381 children of such personnel are exempt from s. 119.07(1) and s.  
382 24(a), Art. I of the State Constitution.

383 h. The home addresses, telephone numbers, places of  
384 employment, and photographs of current or former guardians ad  
385 litem, as defined in s. 39.820; the names, home addresses,  
386 telephone numbers, and places of employment of the spouses and  
387 children of such persons; and the names and locations of schools  
388 and day care facilities attended by the children of such persons  
389 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
390 Constitution, if the guardian ad litem provides a written  
391 statement that the guardian ad litem has made reasonable efforts

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392 to protect such information from being accessible through other  
393 means available to the public. This sub-subparagraph is subject  
394 to the Open Government Sunset Review Act in accordance with s.  
395 119.15 and shall stand repealed on October 2, 2015, unless  
396 reviewed and saved from repeal through reenactment by the  
397 Legislature.

398 i. The home addresses, telephone numbers, and photographs  
399 of current or former juvenile probation officers, juvenile  
400 probation supervisors, detention superintendents, assistant  
401 detention superintendents, juvenile justice detention officers I  
402 and II, juvenile justice detention officer supervisors, juvenile  
403 justice residential officers, juvenile justice residential  
404 officer supervisors I and II, juvenile justice counselors,  
405 juvenile justice counselor supervisors, human services counselor  
406 administrators, senior human services counselor administrators,  
407 rehabilitation therapists, and social services counselors of the  
408 Department of Juvenile Justice; the names, home addresses,  
409 telephone numbers, and places of employment of spouses and  
410 children of such personnel; and the names and locations of  
411 schools and day care facilities attended by the children of such  
412 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
413 the State Constitution.

414 j. The home addresses, telephone numbers, and photographs  
415 of current or former public defenders, assistant public  
416 defenders, criminal conflict and civil regional counsel, and  
417 assistant criminal conflict and civil regional counsel; the home  
418 addresses, telephone numbers, and places of employment of the  
419 spouses and children of such defenders or counsel; and the names

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420 and locations of schools and day care facilities attended by the  
421 children of such defenders or counsel are exempt from s.  
422 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
423 sub-subparagraph is subject to the Open Government Sunset Review  
424 Act in accordance with s. 119.15 and shall stand repealed on  
425 October 2, 2015, unless reviewed and saved from repeal through  
426 reenactment by the Legislature.

427 2. An agency that is the custodian of the information  
428 specified in subparagraph 1. and that is not the employer of the  
429 officer, employee, justice, judge, or other person specified in  
430 subparagraph 1. shall maintain the exempt status of that  
431 information only if the officer, employee, justice, judge, other  
432 person, or employing agency of the designated employee submits a  
433 written request for maintenance of the exemption to the  
434 custodial agency. The request must specify the document type,  
435 name, identification number, and page number of the record that  
436 contains the exempt or confidential information.

437 Section 8. Subsection (2) of section 197.542, Florida  
438 Statutes, is amended to read:

439 197.542 Sale at public auction.—

440 (2) The certificateholder has the right to bid as others  
441 present may bid, and the property shall be struck off and sold  
442 to the highest bidder. The high bidder shall post with the clerk  
443 a nonrefundable deposit of 5 percent of the bid or \$200,  
444 whichever is greater, at the time of the sale, to be applied to  
445 the sale price at the time of full payment. Notice of the  
446 deposit requirement must be posted at the auction site, and the  
447 clerk may require bidders to show their willingness and ability

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448 | to post the deposit. If full payment of the final bid and of  
449 | documentary stamp tax and recording fees is not made within 24  
450 | hours, excluding weekends and legal holidays, the clerk shall  
451 | cancel all bids, readvertise the sale as provided in this  
452 | section, and pay all costs of the sale from the deposit. Any  
453 | remaining funds must be applied toward the opening bid. If the  
454 | property is redeemed prior to the clerk receiving full payment  
455 | for the issuance of a tax deed, in order to receive a refund of  
456 | the deposit described in this subsection, the high bidder must  
457 | submit a request for such refund in writing to the clerk. Upon  
458 | receipt of the refund request, the clerk shall refund the cash  
459 | deposit consistent with s. 197.182(1)(c). The clerk may refuse  
460 | to recognize the bid of any person who has previously bid and  
461 | refused, for any reason, to honor such bid.

462 |       Section 9. This act shall take effect upon becoming a law.