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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to clerks of the circuit court;
amending s. 28.222, F.S.; specifying the manner in
which the clerk of court must retain and distribute
proceeds from specified service charges; amending s.
28.24, F.S.; defining the term "court records";
specifying the amount for service charges for certain
services rendered, and noncourt records filed, by the
clerk of court; amending s. 28.241, F.S.; specifying
the portion of the filing fee for specified appellate
proceedings which must be deposited into the General
Revenue Fund; providing an effective date.

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

Section 1. Subsection (7) of section 28.222, Florida
Statutes, is amended to read:

28.222 Clerk to be county recorder.—

(7) (a) All instruments recorded in the Official Records
shall always be open to the public, under the supervision of the
clerk, for the purpose of inspection thereof and of making
extracts therefrom. ~~;~~ ~~but~~

(b) The clerk is ~~shall~~ not be required to perform any
service in connection with such inspection or making of extracts
without payment of service charges as provided in s. 28.24.

(c) The payment of the service charges under s. 28.24 must
be retained by the clerk of the circuit court in his or her



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28 capacity as county recorder, except that service charges under
29 s. 28.24 relating to court records or functions meeting the
30 description of court-related functions in s. 28.35(3)(a) must be
31 distributed for the specified functions.

32 Section 2. Section 28.24, Florida Statutes, is amended to
33 read:

34 28.24 Service charges.—The clerk of the circuit court shall
35 charge for services rendered manually or electronically by the
36 clerk's office in recording documents and instruments and in
37 performing other specified duties. These charges may not exceed
38 those specified in this section, except as provided in s.
39 28.345. For purposes of this section, the term "court records"
40 has the same meaning as provided in the Florida Rules of
41 Judicial Administration.

42 (1) For examining, comparing, correcting, verifying, and
43 certifying transcripts of record in appellate proceedings,
44 prepared by attorney for appellant or someone else other than
45 clerk, per page: 5.00, from which the clerk shall remit 0.50 per
46 page to the Department of Revenue for deposit into the General
47 Revenue Fund.

48 (2) For preparing, numbering, and indexing an original
49 record of appellate proceedings, per instrument: 3.50, from
50 which the clerk shall remit 0.50 per instrument to the
51 Department of Revenue for deposit into the General Revenue Fund.

52 (3) (a) For certifying copies of any instrument that is a
53 court record in the public records: 2.00, from which the clerk
54 shall remit 0.50 to the Department of Revenue for deposit into
55 the General Revenue Fund.

56 (b) For certifying copies of any instrument that is not a



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57 court record in the public records: 2.00.

58 (4) (a) For verifying any instrument that is a court record
59 which is presented for certification prepared by someone other
60 than the clerk, per page: 3.50, from which the clerk shall remit
61 0.50 per page to the Department of Revenue for deposit into the
62 General Revenue Fund.

63 (b) For verifying any instrument that is not a court record
64 which is presented for certification prepared by someone other
65 than the clerk, per page: 3.50.

66 (5) (a) For making copies by photographic process of any
67 instrument in the public records consisting of pages of not more
68 than 14 inches by 8 1/2 inches, per page.....1.00

69 (b) For making copies by photographic process of any
70 instrument in the public records of more than 14 inches by 8 1/2
71 inches, per page.....5.00

72 (6) For making microfilm copies of any public records:

73 (a) That are court records:

74 1. 16 mm 100' microfilm roll: 42.00, from which the clerk
75 shall remit 4.50 to the Department of Revenue for deposit into
76 the General Revenue Fund.

77 2. ~~(b)~~ 35 mm 100' microfilm roll: 60.00, from which the
78 clerk shall remit 7.50 to the Department of Revenue for deposit
79 into the General Revenue Fund.

80 3. ~~(e)~~ Microfiche, per fiche: 3.50, from which the clerk
81 shall remit 0.50 to the Department of Revenue for deposit into
82 the General Revenue Fund.

83 (b) That are not court records:

84 1. 16 mm 100' microfilm roll: 42.00.

85 2. 35 mm 100' microfilm roll: 60.00.



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- 86 3. Microfiche, per fiche: 3.50.
- 87 (7) For copying any instrument in the public records by
- 88 other than photographic process, per page.....6.00
- 89 (8) (a) For writing any paper that is a court record other
- 90 than a paper otherwise herein specifically identified in this
- 91 section mentioned, same as for copying, including signing and
- 92 sealing: 7.00, from which the clerk shall remit 1.00 to the
- 93 Department of Revenue for deposit into the General Revenue Fund.
- 94 (b) For writing any paper that is not a court record other
- 95 than a paper otherwise specifically identified in this section,
- 96 including signing and sealing: 7.00.
- 97 (9) For indexing each entry not recorded.....1.00
- 98 (10) For receiving money into the registry of court:
- 99 (a) 1. First \$500, percent.....3
- 100 2. Each subsequent \$100, percent.....1.5
- 101 (b) Eminent domain actions, per deposit: 170.00, from which
- 102 the clerk shall remit 20.00 per deposit to the Department of
- 103 Revenue for deposit into the General Revenue Fund.
- 104 (11) For examining, certifying, and recording plats and for
- 105 recording condominium exhibits larger than 14 inches by 8 1/2
- 106 inches:
- 107 (a) First page.....30.00
- 108 (b) Each additional page.....15.00
- 109 (12) For recording, indexing, and filing any instrument not
- 110 more than 14 inches by 8 1/2 inches, including required notice
- 111 to property appraiser where applicable:
- 112 (a) First page or fraction thereof.....5.00
- 113 (b) Each additional page or fraction thereof.....4.00
- 114 (c) For indexing instruments recorded in the official



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115 records which contain more than four names, per additional
116 name.....1.00

117 (d) An additional service charge must be paid to the clerk
118 of the circuit court to be deposited in the Public Records
119 Modernization Trust Fund for each instrument listed in s.
120 28.222, except judgments received from the courts and notices of
121 lis pendens, recorded in the official records:

122 1. First page.....1.00

123 2. Each additional page.....0.50

124
125 Said fund must be held in trust by the clerk and used
126 exclusively for equipment and maintenance of equipment,
127 personnel training, and technical assistance in modernizing the
128 public records system of the office. In a county where the duty
129 of maintaining official records exists in an office other than
130 the office of the clerk of the circuit court, the clerk of the
131 circuit court is entitled to 25 percent of the moneys deposited
132 into the trust fund for equipment, maintenance of equipment,
133 training, and technical assistance in modernizing the system for
134 storing records in the office of the clerk of the circuit court.
135 The fund may not be used for the payment of travel expenses,
136 membership dues, bank charges, staff-recruitment costs, salaries
137 or benefits of employees, construction costs, general operating
138 expenses, or other costs not directly related to obtaining and
139 maintaining equipment for public records systems or for the
140 purchase of furniture or office supplies and equipment not
141 related to the storage of records. On or before December 1,
142 1995, and on or before December 1 of each year immediately
143 preceding each year during which the trust fund is scheduled for



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

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

162 1. If the counties maintain legal responsibility for the
163 costs of the court-related technology needs as defined in s.
164 29.008(1)(f)2. and (h), 10 cents shall be distributed to the
165 Florida Association of Court Clerks and Comptrollers, Inc., for
166 the cost of development, implementation, operation, and
167 maintenance of the clerks' Comprehensive Case Information
168 System; \$1.90 shall be retained by the clerk to be deposited in
169 the Public Records Modernization Trust Fund and used exclusively
170 for funding court-related technology needs of the clerk as
171 defined in s. 29.008(1)(f)2. and (h); and \$2 shall be
172 distributed to the board of county commissioners to be used



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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, may not charge a fee to any agency as
194 defined in s. 119.011, the Legislature, or the State Court
195 System for copies of records generated by the Comprehensive Case
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



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202 by court order, \$4 shall be remitted to the Department of
203 Revenue for deposit into the General Revenue Fund.

204 (13) (a) Oath, administering, attesting, and sealing of
205 court records, not otherwise provided for in this section
206 ~~herein~~: 3.50, from which the clerk shall remit 0.50 to the
207 Department of Revenue for deposit into the General Revenue Fund.

208 (b) Oath, administering, attesting, and sealing of noncourt
209 records not otherwise provided for in this section: 3.50.

210 (14) (a) For validating certificates ~~or~~ any authorized
211 bonds that are court records, each: 3.50, from which the clerk
212 shall remit 0.50 each to the Department of Revenue for deposit
213 into the General Revenue Fund.

214 (b) For validating certificates or any authorized bonds
215 that are not court records, each: 3.50.

216 (15) For preparing affidavit of domicile.....5.00

217 (16) For exemplified certificates, including signing and
218 sealing: 7.00, from which the clerk shall remit 1.00 to the
219 Department of Revenue for deposit into the General Revenue Fund.

220 (17) (a) For authenticated certificates, including the
221 signing and sealing of court records: 7.00, from which the clerk
222 shall remit 1.00 to the Department of Revenue for deposit into
223 the General Revenue Fund.

224 (b) For authenticated certificates, including the signing
225 and sealing of noncourt records: 7.00.

226 (18) (a) For issuing and filing a subpoena for a witness,
227 not otherwise provided for herein (includes writing, preparing,
228 signing, and sealing): 7.00, from which the clerk shall remit
229 1.00 to the Department of Revenue for deposit into the General
230 Revenue Fund.



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231 (b) For signing and sealing only: 2.00, from which the
232 clerk shall remit 0.50 to the Department of Revenue for deposit
233 into the General Revenue Fund.

234 (19) For approving bond: 8.50, from which the clerk shall
235 remit 1.00 to the Department of Revenue for deposit into the
236 General Revenue Fund.

237 (20) (a) For searching of court records, for each year's
238 search: 2.00, from which the clerk shall remit 0.50 for each
239 year's search to the Department of Revenue for deposit into the
240 General Revenue Fund.

241 (b) For searching of noncourt records, for each year's
242 search: 2.00.

243 (21) For processing an application for a tax deed sale
244 (includes application, sale, issuance, and preparation of tax
245 deed, and disbursement of proceeds of sale), other than excess
246 proceeds.....60.00

247 (22) For disbursement of excess proceeds of tax deed sale,
248 first \$100 or fraction thereof.....10.00

249 (23) Upon receipt of an application for a marriage license,
250 for preparing and administering of oath; issuing, sealing, and
251 recording of the marriage license; and providing a certified
252 copy.....30.00

253 (24) For solemnizing matrimony.....30.00

254 (25) For sealing any court file or expungement of any
255 record: 42.00, from which the clerk shall remit 4.50 to the
256 Department of Revenue for deposit into the General Revenue Fund.

257 (26) (a) For receiving and disbursing all restitution
258 payments, per payment: 3.50, from which the clerk shall remit
259 0.50 per payment to the Department of Revenue for deposit into



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260 the General Revenue Fund.

261 (b) For receiving and disbursing all partial payments,
262 other than restitution payments, for which an administrative
263 processing service charge is not imposed pursuant to s. 28.246,
264 per month.....5.00

265 (c) For setting up a payment plan, a one-time
266 administrative processing charge in lieu of a per month charge
267 under paragraph (b).....25.00

268 (27) Postal charges incurred by the clerk of the circuit
269 court in any mailing by certified or registered mail must be
270 paid by the party at whose instance the mailing is made.

271 (28) For furnishing an electronic copy of information
272 contained in a computer database: a fee as provided for in
273 chapter 119.

274 Section 3. Subsection (2) of section 28.241, Florida
275 Statutes, is amended to read:

276 28.241 Filing fees for trial and appellate proceedings.—

277 (2) Upon the institution of any appellate proceeding from
278 any lower court to the circuit court of any such county,
279 including appeals filed by a county or municipality as provided
280 in s. 34.041(5), or from the county or circuit court to an
281 appellate court of the state, the clerk shall charge and collect
282 from the party or parties instituting such appellate proceedings
283 a filing fee, as follows:

284 ~~(a) not to exceed \$280, from which the clerk shall remit~~
285 ~~\$20 to the Department of Revenue for deposit into the General~~
286 ~~Revenue Fund, For filing a notice of appeal from the county~~
287 ~~court to the circuit court, a filing fee not to exceed \$280.~~
288 ~~and, in addition to the filing fee required under s. 25.241 or~~



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289 ~~s. 35.22, \$100~~

290 (b) For filing a notice of appeal from the county or
291 circuit court to the district court of appeal or to the Supreme
292 Court, in addition to the filing fee required under s. 25.241 or
293 s. 35.22, a filing fee not to exceed \$100, of which the clerk
294 shall remit \$20 to the Department of Revenue for deposit into
295 the General Revenue Fund.

296

297 If the party is determined to be indigent, the clerk shall defer
298 payment of the fee otherwise required by this subsection.

299 Section 4. This act shall take effect July 1, 2020.