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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Criminal and Civil Justice
(Brandes) recommended the following:

1 **Senate Amendment to Amendment (476652) (with title**
2 **amendment)**

3
4 Delete lines 5 - 105
5 and insert:

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

8 28.222 Clerk to be county recorder.—

9 (7) (a) All instruments recorded in the Official Records
10 shall always be open to the public, under the supervision of the



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11 clerk, for the purpose of inspection thereof and of making
12 extracts therefrom. ~~;~~ ~~but~~

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

16 (c) The payment of the service charges under s. 28.24 must
17 be retained by the clerk of the circuit court in his or her
18 capacity as county recorder, except that service charges under
19 s. 28.24 relating to court records or functions meeting the
20 description of court-related functions in s. 28.35(3)(a) must be
21 distributed for the specified functions.

22 Section 2. Section 28.24, Florida Statutes, is amended to
23 read:

24 28.24 Service charges.—The clerk of the circuit court shall
25 charge for services rendered manually or electronically by the
26 clerk's office in recording documents and instruments and in
27 performing other specified duties. These charges may not exceed
28 those specified in this section, except as provided in s.
29 28.345. For purposes of this section, the term "court records"
30 has the same meaning as provided in the Florida Rules of
31 Judicial Administration.

32 (1) For examining, comparing, correcting, verifying, and
33 certifying transcripts of record in appellate proceedings,
34 prepared by attorney for appellant or someone else other than
35 clerk, per page: 5.00, from which the clerk shall remit 0.50 per
36 page to the Department of Revenue for deposit into the General
37 Revenue Fund.

38 (2) For preparing, numbering, and indexing an original
39 record of appellate proceedings, per instrument: 3.50, from



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40 which the clerk shall remit 0.50 per instrument to the
41 Department of Revenue for deposit into the General Revenue Fund.

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

46 (b) For certifying copies of any instrument that is not a
47 court record in the public records: 2.00.

48 (4) (a) For verifying any instrument that is a court record
49 which is presented for certification prepared by someone other
50 than the clerk, per page: 3.50, from which the clerk shall remit
51 0.50 per page to the Department of Revenue for deposit into the
52 General Revenue Fund.

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

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

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

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

63 (a) That are court records:

64 1. 16 mm 100' microfilm roll: 42.00, from which the clerk
65 shall remit 4.50 to the Department of Revenue for deposit into
66 the General Revenue Fund.

67 2. ~~(b)~~ 35 mm 100' microfilm roll: 60.00, from which the
68 clerk shall remit 7.50 to the Department of Revenue for deposit



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69 into the General Revenue Fund.
70 3.-(e) Microfiche, per fiche: 3.50, from which the clerk
71 shall remit 0.50 to the Department of Revenue for deposit into
72 the General Revenue Fund.
73 (b) That are not court records:
74 1. 16 mm 100' microfilm roll: 42.00.
75 2. 35 mm 100' microfilm roll: 60.00.
76 3. Microfiche, per fiche: 3.50.
77 (7) For copying any instrument in the public records by
78 other than photographic process, per page.....6.00
79 (8) (a) For writing any paper that is a court record other
80 than a paper otherwise herein specifically identified in this
81 section mentioned, same as for copying, including signing and
82 sealing: 7.00, from which the clerk shall remit 1.00 to the
83 Department of Revenue for deposit into the General Revenue Fund.
84 (b) For writing any paper that is not a court record other
85 than a paper otherwise specifically identified in this section,
86 including signing and sealing: 7.00.
87 (9) For indexing each entry not recorded.....1.00
88 (10) For receiving money into the registry of court:
89 (a)1. First \$500, percent.....3
90 2. Each subsequent \$100, percent.....1.5
91 (b) Eminent domain actions, per deposit: 170.00, from which
92 the clerk shall remit 20.00 per deposit to the Department of
93 Revenue for deposit into the General Revenue Fund.
94 (11) For examining, certifying, and recording plats and for
95 recording condominium exhibits larger than 14 inches by 8 1/2
96 inches:
97 (a) First page.....30.00



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98 (b) Each additional page.....15.00
99 (12) For recording, indexing, and filing any instrument not
100 more than 14 inches by 8 1/2 inches, including required notice
101 to property appraiser where applicable:
102 (a) First page or fraction thereof.....5.00
103 (b) Each additional page or fraction thereof.....4.00
104 (c) For indexing instruments recorded in the official
105 records which contain more than four names, per additional
106 name.....1.00
107 (d) An additional service charge must be paid to the clerk
108 of the circuit court to be deposited in the Public Records
109 Modernization Trust Fund for each instrument listed in s.
110 28.222, except judgments received from the courts and notices of
111 lis pendens, recorded in the official records:
112 1. First page.....1.00
113 2. Each additional page.....0.50
114
115 Said fund must be held in trust by the clerk and used
116 exclusively for equipment and maintenance of equipment,
117 personnel training, and technical assistance in modernizing the
118 public records system of the office. In a county where the duty
119 of maintaining official records exists in an office other than
120 the office of the clerk of the circuit court, the clerk of the
121 circuit court is entitled to 25 percent of the moneys deposited
122 into the trust fund for equipment, maintenance of equipment,
123 training, and technical assistance in modernizing the system for
124 storing records in the office of the clerk of the circuit court.
125 The fund may not be used for the payment of travel expenses,
126 membership dues, bank charges, staff-recruitment costs, salaries



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127 or benefits of employees, construction costs, general operating
128 expenses, or other costs not directly related to obtaining and
129 maintaining equipment for public records systems or for the
130 purchase of furniture or office supplies and equipment not
131 related to the storage of records. On or before December 1,
132 1995, and on or before December 1 of each year immediately
133 preceding each year during which the trust fund is scheduled for
134 legislative review under s. 19(f)(2), Art. III of the State
135 Constitution, each clerk of the circuit court shall file a
136 report on the Public Records Modernization Trust Fund with the
137 President of the Senate and the Speaker of the House of
138 Representatives. The report must itemize each expenditure made
139 from the trust fund since the last report was filed; each
140 obligation payable from the trust fund on that date; and the
141 percentage of funds expended for each of the following:
142 equipment, maintenance of equipment, personnel training, and
143 technical assistance. The report must indicate the nature of the
144 system each clerk uses to store, maintain, and retrieve public
145 records and the degree to which the system has been upgraded
146 since the creation of the trust fund.

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

152 1. If the counties maintain legal responsibility for the
153 costs of the court-related technology needs as defined in s.
154 29.008(1)(f)2. and (h), 10 cents shall be distributed to the
155 Florida Association of Court Clerks and Comptrollers, Inc., for



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156 the cost of development, implementation, operation, and
157 maintenance of the clerks' Comprehensive Case Information
158 System; \$1.90 shall be retained by the clerk to be deposited in
159 the Public Records Modernization Trust Fund and used exclusively
160 for funding court-related technology needs of the clerk as
161 defined in s. 29.008(1)(f)2. and (h); and \$2 shall be
162 distributed to the board of county commissioners to be used
163 exclusively to fund court-related technology, and court
164 technology needs as defined in s. 29.008(1)(f)2. and (h) for the
165 state trial courts, state attorney, public defender, and
166 criminal conflict and civil regional counsel in that county. If
167 the counties maintain legal responsibility for the costs of the
168 court-related technology needs as defined in s. 29.008(1)(f)2.
169 and (h), notwithstanding any other provision of law, the county
170 is not required to provide additional funding beyond that
171 provided herein for the court-related technology needs of the
172 clerk as defined in s. 29.008(1)(f)2. and (h). All court records
173 and official records are the property of the State of Florida,
174 including any records generated as part of the Comprehensive
175 Case Information System funded pursuant to this paragraph and
176 the clerk of court is designated as the custodian of such
177 records, except in a county where the duty of maintaining
178 official records exists in a county office other than the clerk
179 of court or comptroller, such county office is designated the
180 custodian of all official records, and the clerk of court is
181 designated the custodian of all court records. The clerk of
182 court or any entity acting on behalf of the clerk of court,
183 including an association, may not charge a fee to any agency as
184 defined in s. 119.011, the Legislature, or the State Court



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185 System for copies of records generated by the Comprehensive Case
186 Information System or held by the clerk of court or any entity
187 acting on behalf of the clerk of court, including an
188 association.

189 2. If the state becomes legally responsible for the costs
190 of court-related technology needs as defined in s.
191 29.008(1)(f)2. and (h), whether by operation of general law or
192 by court order, \$4 shall be remitted to the Department of
193 Revenue for deposit into the General Revenue Fund.

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

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

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

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

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

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

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



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

216 (18) (a) For issuing and filing a subpoena for a witness,
217 not otherwise provided for herein (includes writing, preparing,
218 signing, and sealing): 7.00, from which the clerk shall remit
219 1.00 to the Department of Revenue for deposit into the General
220 Revenue Fund.

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

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

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

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

233 (21) For processing an application for a tax deed sale
234 (includes application, sale, issuance, and preparation of tax
235 deed, and disbursement of proceeds of sale), other than excess
236 proceeds.....60.00

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

239 (23) Upon receipt of an application for a marriage license,
240 for preparing and administering of oath; issuing, sealing, and
241 recording of the marriage license; and providing a certified
242 copy.....30.00



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

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

247 (26) (a) For receiving and disbursing all restitution
248 payments, per payment: 3.50, from which the clerk shall remit
249 0.50 per payment to the Department of Revenue for deposit into
250 the General Revenue Fund.

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

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

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

261 (28) For furnishing an electronic copy of information
262 contained in a computer database: a fee as provided for in
263 chapter 119.

264
265 ===== T I T L E A M E N D M E N T =====

266 And the title is amended as follows:

267 Delete lines 139 - 143

268 and insert:

269 amending s. 28.222, F.S.; specifying the manner in
270 which the clerk of court must retain and distribute
271 proceeds from specified service charges; amending s.



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28.24, F.S.; defining the term "court records";
specifying the amount for