



314044

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2020	.	
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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



314044

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



314044

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



314044

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



314044

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



314044

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



314044

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



314044

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.





314044

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



314044

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.



314044

272  
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28.24, F.S.; defining the term "court records";  
specifying the amount for