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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (1) and (2) of section
28.001, Florida Statutes, are renumbered as subsections (2) and
(3), respectively, and a new subsection (1) is added to that
section, to read:

28.001 Definitions.—As used in this chapter:

(1) "Court records" means the contents of a court file and



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11 also includes:

12 (a) The progress docket and other similar records generated
13 to document activity in a case.

14 (b) Transcripts filed with the clerk.

15 (c) Documentary exhibits in the custody of the clerk.

16 (d) Electronic records, videotapes, or stenographic tapes
17 of depositions or other proceedings filed with the clerk.

18 (e) Electronic records, videotapes, and stenographic tapes
19 of court proceedings.

20 Section 2. Subsection (7) of section 28.222, Florida
21 Statutes, is amended to read:

22 28.222 Clerk to be county recorder.—

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

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

30 (c) The payment of the service charges under s. 28.24 must
31 be retained by the clerk of the circuit court in his or her
32 capacity as county recorder, except that service charges under
33 s. 28.24 relating to court records or functions meeting the
34 description of court-related functions in s. 28.35(3) (a) must be
35 distributed for the specified functions.

36 Section 3. Subsections (3), (4), (6), (8), (13), (14),
37 (17), and (20) of section 28.24, Florida Statutes, are amended
38 to read:

39 28.24 Service charges.—The clerk of the circuit court shall



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40 charge for services rendered manually or electronically by the
41 clerk's office in recording documents and instruments and in
42 performing other specified duties. These charges may not exceed
43 those specified in this section, except as provided in s.
44 28.345.

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

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

51 (4) (a) For verifying any instrument that is a court record
52 which is presented for certification prepared by someone other
53 than the clerk, per page: 3.50, from which the clerk shall remit
54 0.50 per page to the Department of Revenue for deposit into the
55 General Revenue Fund.

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

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

60 (a) That are court records:

61 1. 16 mm 100' microfilm roll: 42.00, from which the clerk
62 shall remit 4.50 to the Department of Revenue for deposit into
63 the General Revenue Fund.

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

67 3. ~~(e)~~ Microfiche, per fiche: 3.50, from which the clerk
68 shall remit 0.50 to the Department of Revenue for deposit into



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69 the General Revenue Fund.

70 (b) That are not court records:

71 1. 16 mm 100' microfilm roll: 42.00.

72 2. 35 mm 100' microfilm roll: 60.00.

73 3. Microfiche, per fiche: 3.50.

74 (8) (a) For writing any paper that is a court record other
75 than a paper otherwise herein specifically identified in this
76 section mentioned, same as for copying, including signing and
77 sealing: 7.00, from which the clerk shall remit 1.00 to the
78 Department of Revenue for deposit into the General Revenue Fund.

79 (b) For writing any paper that is not a court record other
80 than a paper otherwise specifically identified in this section,
81 including signing and sealing: 7.00.

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

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

88 (14) (a) For validating certificates or~~7~~ any authorized
89 bonds that are court records, each: 3.50, from which the clerk
90 shall remit 0.50 each to the Department of Revenue for deposit
91 into the General Revenue Fund.

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

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



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

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

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

106 Section 4. Subsection (2) of section 28.241, Florida
107 Statutes, is amended to read:

108 28.241 Filing fees for trial and appellate proceedings.—

109 (2) Upon the institution of any appellate proceeding from
110 any lower court to the circuit court of any such county,
111 including appeals filed by a county or municipality as provided
112 in s. 34.041(5), or from the county or circuit court to an
113 appellate court of the state, the clerk shall charge and collect
114 from the party or parties instituting such appellate proceedings
115 a filing fee, as follows:

116 ~~(a) not to exceed \$280, from which the clerk shall remit~~
117 ~~\$20 to the Department of Revenue for deposit into the General~~
118 ~~Revenue Fund, For filing a notice of appeal from the county~~
119 ~~court to the circuit court, a filing fee not to exceed \$280.~~
120 ~~and, in addition to the filing fee required under s. 25.241 or~~
121 ~~s. 35.22, \$100~~

122 (b) For filing a notice of appeal from the county or
123 circuit court to the district court of appeal or to the Supreme
124 Court, in addition to the filing fee required under s. 25.241 or
125 s. 35.22, a filing fee not to exceed \$100, of which the clerk
126 shall remit \$20 to the Department of Revenue for deposit into



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127 the General Revenue Fund.

128
129 If the party is determined to be indigent, the clerk shall defer
130 payment of the fee otherwise required by this subsection.

131 Section 5. This act shall take effect July 1, 2020.

132
133 ===== T I T L E A M E N D M E N T =====

134 And the title is amended as follows:

135 Delete everything before the enacting clause
136 and insert:

137 A bill to be entitled
138 An act relating to clerks of the circuit court;
139 amending s. 28.001, F.S.; defining the term "court
140 records"; amending s. 28.222, F.S.; specifying the
141 manner in which the clerk of court must retain and
142 distribute proceeds from specified service charges;
143 amending s. 28.24, F.S.; specifying the amount for
144 service charges for certain services rendered, and
145 noncourt records filed, by the clerk of court;
146 amending s. 28.241, F.S.; specifying the portion of
147 the filing fee for specified appellate proceedings
148 which must be deposited into the General Revenue Fund;
149 providing an effective date.