

By Senator Brandes

24-00830-20

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1                   A bill to be entitled  
2       An act relating to clerks of the circuit court;  
3       amending s. 28.24, F.S.; specifying that certain  
4       revenues from service charges collected by the clerk  
5       for remittance to the Department of Revenue include  
6       only revenues for court-related functions; defining  
7       the term "court-related functions"; providing for  
8       revenues for county operations to be retained by the  
9       clerk; amending s. 28.241, F.S.; revising the  
10      distribution of revenue from filing fees from the  
11      institution of certain appellate proceedings; amending  
12      chapter 2019-58, Laws of Florida; revising retroactive  
13      application regarding the collection of revenue for  
14      court-related functions for remittance to the  
15      department; defining the term "court-related  
16      functions"; providing for revenues for county  
17      operations to be retained by the clerk; providing an  
18      effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

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22       Section 1. Subsection (29) is added to section 28.24,  
23 Florida Statutes, to 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.

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30 (29) Moneys required by this section to be remitted to the  
31 Department of Revenue for deposit into the General Revenue Fund  
32 include only those revenues collected for court-related  
33 functions. For purposes of this subsection, the term "court-  
34 related functions" has the same meaning as provided in s.  
35 28.35(3). Any other revenues that, by law, are collected for  
36 county operations must continue to be retained by the clerk.

37 Section 2. Subsection (2) of section 28.241, Florida  
38 Statutes, is amended to read:

39 28.241 Filing fees for trial and appellate proceedings.—

40 (2) Upon the institution of any appellate proceeding from  
41 any lower court to the circuit court of any such county,  
42 including appeals filed by a county or municipality as provided  
43 in s. 34.041(5), ~~or from the county or circuit court to an~~  
44 ~~appellate court of the state,~~ the clerk shall charge and collect  
45 from the party or parties instituting such appellate proceedings  
46 a filing fee not to exceed \$280, ~~from which the clerk shall~~  
47 ~~remit \$20 to the Department of Revenue for deposit into the~~  
48 ~~General Revenue Fund,~~ for filing a notice of appeal from the  
49 county court to the circuit court. For any appellate proceedings  
50 from the county or circuit court to an appellate court and, in  
51 addition to the filing fee required under s. 25.241 or s. 35.22,  
52 the clerk shall charge and collect from the party or parties  
53 instituting such appellate proceedings \$100 for filing a notice  
54 of appeal from the county or circuit court to the district court  
55 of appeal or to the Supreme Court. The clerk shall remit \$20 of  
56 the \$100 filing fee to the Department of Revenue for deposit  
57 into the General Revenue Fund. If the party is determined to be  
58 indigent, the clerk must ~~shall~~ defer payment of the fee

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59 otherwise required by this subsection.

60 Section 3. Section 30 of chapter 2019-58, Laws of Florida,  
61 is amended to read:

62 Section 30. The amendments made by this act to ss. 27.52,  
63 28.24, 28.2401, 28.241, 34.041, 45.035, 55.505, 61.14, 316.193,  
64 318.14, 318.15, 318.18, 322.245, 327.35, 327.73, 379.401,  
65 713.24, 721.83, 744.365, 744.3678, 766.104, and 938.05, Florida  
66 Statutes, which relate to revenues collected for court-related  
67 functions for remittance to the Department of Revenue for  
68 deposit in the General Revenue Fund are remedial and clarifying  
69 in nature and apply retroactively to July 1, 2008. For purposes  
70 of this section, the term "court-related functions" has the same  
71 meaning as provided in s. 28.35(3), Florida Statutes 2019.  
72 Amendments to the revenues collected pursuant to those sections  
73 which, by law, are to be provided for county operations must  
74 continue to be retained by the clerk.

75 Section 4. This act shall take effect upon becoming a law.