

1 A bill to be entitled  
2 An act relating to clerks of the court; amending s.  
3 28.222, F.S.; requiring certain service charges to be  
4 distributed in a specified manner; amending s. 28.24,  
5 F.S.; defining the term "court record"; specifying the  
6 amount of charges for certain services rendered and  
7 instruments that are not court records filed by the  
8 clerk of the circuit court; amending s. 28.241, F.S.;  
9 revising the distribution of revenue from filing fees  
10 from the institution of certain appellate proceedings;  
11 amending s. 40.29, F.S.; requiring the clerks of the  
12 court to submit requests for reimbursement for jury-  
13 related costs to the Florida Clerks of Court  
14 Operations Corporation within specified timeframes;  
15 requiring the corporation to review the requests for  
16 reimbursement; requiring the corporation to submit  
17 certain information to the Justice Administrative  
18 Commission; requiring the commission to review the  
19 information and submit a request for payment to the  
20 Chief Financial Officer under certain circumstances;  
21 removing a provision authorizing the commission to  
22 apportion funds among the counties for certain  
23 purposes; amending ss. 27.52, 28.22205, 28.246,  
24 45.035, 55.141, 57.082, 197.502, 197.532, 197.542,  
25 197.582, 569.23, and 712.06, F.S.; conforming cross-

HB 31

2021

26 |           references to changes made by the act; providing an  
 27 |           effective date.

28 |  
 29 | Be It Enacted by the Legislature of the State of Florida:  
 30 |

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

33 |           28.222 Clerk to be county recorder.—

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

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

41 |           (c) The clerk, in his or her capacity as county recorder,  
 42 | must retain the service charge payments under s. 28.24, except  
 43 | that those service charge payments that relate to court records  
 44 | or functions and meet the description of court-related functions  
 45 | in s. 28.35(3)(a) must be distributed for those court-related  
 46 | functions.

47 |           Section 2. Section 28.24, Florida Statutes, is amended to  
 48 | read:

49 |           28.24 Service charges.—The clerk of the circuit court  
 50 | shall charge for services rendered manually or electronically by

51 the clerk's office in recording documents and instruments and in  
52 performing other specified duties. These charges may not exceed  
53 those specified in this section, except as provided in s.  
54 28.345.

55 (1) For purposes of this section, the term "court record"  
56 means the contents of a court file and includes:

57 (a) Progress docket and other similar records generated  
58 to document activity in a case.

59 (b) Transcripts filed with the clerk.

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

61 (d) Electronic records, video recordings, and stenographic  
62 tapes of depositions or other proceedings filed with the clerk.

63 (e) Electronic records, video recordings, and stenographic  
64 tapes of court proceedings.

65 ~~(2)~~~~(1)~~ For examining, comparing, correcting, verifying,  
66 and certifying transcripts of record in appellate proceedings,  
67 prepared by attorney for appellant or someone else other than  
68 clerk, per page: 5.00, from which the clerk shall remit 0.50 per  
69 page to the Department of Revenue for deposit into the General  
70 Revenue Fund.

71 ~~(3)~~~~(2)~~ For preparing, numbering, and indexing an original  
72 record of appellate proceedings, per instrument: 3.50, from  
73 which the clerk shall remit 0.50 per instrument to the  
74 Department of Revenue for deposit into the General Revenue Fund.

75 (4) (a)~~(3)~~ For certifying copies of any instrument that is

76 | a court record in the public records: 2.00, from which the clerk  
 77 | shall remit 0.50 to the Department of Revenue for deposit into  
 78 | the General Revenue Fund.

79 | (b) For certifying copies of any instrument that is not a  
 80 | court record in the public records, per page: 2.00.

81 | (5) (a) ~~(4)~~ For verifying any instrument presented for  
 82 | certification prepared by someone other than clerk, per page:  
 83 | 3.50, from which the clerk shall remit 0.50 per page to the  
 84 | Department of Revenue for deposit into the General Revenue Fund.

85 | (b) For verifying any instrument that is not a court  
 86 | record presented for certification prepared by someone other  
 87 | than the clerk, per page: 3.50.

88 | (6) (a) ~~(5) (a)~~ For making copies by photographic process of  
 89 | any instrument in the public records consisting of pages of not  
 90 | more than 14 inches by 8 1/2 inches, per page: 1.00.....~~1.00~~

91 | (b) For making copies by photographic process of any  
 92 | instrument in the public records of more than 14 inches by 8 1/2  
 93 | inches, per page: 5.00.....~~5.00~~

94 | (7) ~~(6)~~ For making microfilm copies of any public records:

95 | (a) That are court records:

96 | 1. ~~(a)~~ 16 mm 100' microfilm roll: 42.00, from which the  
 97 | clerk shall remit 4.50 to the Department of Revenue for deposit  
 98 | into the General Revenue Fund.

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

101 into the General Revenue Fund.

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

105 (b) That are not court records:

106 1. 16 mm 100' microfilm roll: 42.00.

107 2. 35 mm 100' microfilm roll: 60.00.

108 3. Microfiche, per fiche: 3.50.

109 (8)~~(7)~~ For copying any instrument in the public records by  
 110 other than photographic process, per page: 6.00~~.....6.00~~

111 (9) (a)~~(8)~~ For writing any paper that is a court record  
 112 other than a paper otherwise than herein specifically mentioned  
 113 in this section, same as for copying, including signing and  
 114 sealing: 7.00, from which the clerk shall remit 1.00 to the  
 115 Department of Revenue for deposit into the General Revenue Fund.

116 (b) For writing any paper that is not a court record other  
 117 than a paper otherwise specifically mentioned in this section,  
 118 including signing and sealing: 7.00.

119 (10)~~(9)~~ For indexing each entry not recorded: 1.00~~.....1.00~~

120 (11)~~(10)~~ For receiving money into the registry of court:

121 (a)1. First \$500: 3~~7~~ percent~~.....3~~

122 2. Each subsequent \$100: 1.5~~7~~ percent~~.....1.5~~

123 (b) Eminent domain actions, per deposit: 170.00, from  
 124 which the clerk shall remit 20.00 per deposit to the Department  
 125 of Revenue for deposit into the General Revenue Fund.

126        (12)~~(11)~~ For examining, certifying, and recording plats  
127 and for recording condominium exhibits larger than 14 inches by  
128 8 1/2 inches:

129        (a) First page: 30.00.....30.00

130        (b) Each additional page: 15.00.....15.00

131        (13)~~(12)~~ For recording, indexing, and filing any  
132 instrument not more than 14 inches by 8 1/2 inches, including  
133 required notice to property appraiser where applicable:

134        (a) First page or fraction thereof: 5.00.....5.00

135        (b) Each additional page or fraction thereof: 4.00.....4.00

136        (c) For indexing instruments recorded in the official  
137 records which contain more than four names, per additional name:  
138 1.00.....1.00

139        (d) An additional service charge must be paid to the clerk  
140 of the circuit court to be deposited in the Public Records  
141 Modernization Trust Fund for each instrument listed in s.  
142 28.222, except judgments received from the courts and notices of  
143 lis pendens, recorded in the official records:

144        1. First page: 1.00.....1.00

145        2. Each additional page: 0.50.....0.50

146  
147 Said fund must be held in trust by the clerk and used  
148 exclusively for equipment and maintenance of equipment,  
149 personnel training, and technical assistance in modernizing the  
150 public records system of the office. In a county where the duty

151 of maintaining official records exists in an office other than  
152 the office of the clerk of the circuit court, the clerk of the  
153 circuit court is entitled to 25 percent of the moneys deposited  
154 into the trust fund for equipment, maintenance of equipment,  
155 training, and technical assistance in modernizing the system for  
156 storing records in the office of the clerk of the circuit court.  
157 The fund may not be used for the payment of travel expenses,  
158 membership dues, bank charges, staff-recruitment costs, salaries  
159 or benefits of employees, construction costs, general operating  
160 expenses, or other costs not directly related to obtaining and  
161 maintaining equipment for public records systems or for the  
162 purchase of furniture or office supplies and equipment not  
163 related to the storage of records. On or before December 1,  
164 1995, and on or before December 1 of each year immediately  
165 preceding each year during which the trust fund is scheduled for  
166 legislative review under s. 19(f)(2), Art. III of the State  
167 Constitution, each clerk of the circuit court shall file a  
168 report on the Public Records Modernization Trust Fund with the  
169 President of the Senate and the Speaker of the House of  
170 Representatives. The report must itemize each expenditure made  
171 from the trust fund since the last report was filed; each  
172 obligation payable from the trust fund on that date; and the  
173 percentage of funds expended for each of the following:  
174 equipment, maintenance of equipment, personnel training, and  
175 technical assistance. The report must indicate the nature of the

176 system each clerk uses to store, maintain, and retrieve public  
177 records and the degree to which the system has been upgraded  
178 since the creation of the trust fund.

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

184 1. If the counties maintain legal responsibility for the  
185 costs of the court-related technology needs as defined in s.  
186 29.008(1)(f)2. and (h), 10 cents shall be distributed to the  
187 Florida Association of Court Clerks and Comptrollers, Inc., for  
188 the cost of development, implementation, operation, and  
189 maintenance of the clerks' Comprehensive Case Information  
190 System; \$1.90 shall be retained by the clerk to be deposited in  
191 the Public Records Modernization Trust Fund and used exclusively  
192 for funding court-related technology needs of the clerk as  
193 defined in s. 29.008(1)(f)2. and (h); and \$2 shall be  
194 distributed to the board of county commissioners to be used  
195 exclusively to fund court-related technology, and court  
196 technology needs as defined in s. 29.008(1)(f)2. and (h) for the  
197 state trial courts, state attorney, public defender, and  
198 criminal conflict and civil regional counsel in that county. If  
199 the counties maintain legal responsibility for the costs of the  
200 court-related technology needs as defined in s. 29.008(1)(f)2.



201 and (h), notwithstanding any other provision of law, the county  
202 is not required to provide additional funding beyond that  
203 provided in this section ~~herein~~ for the court-related technology  
204 needs of the clerk as defined in s. 29.008(1)(f)2. and (h). All  
205 court records and official records are the property of the State  
206 of Florida, including any records generated as part of the  
207 Comprehensive Case Information System funded pursuant to this  
208 paragraph and the clerk of court is designated as the custodian  
209 of such records, except in a county where the duty of  
210 maintaining official records exists in a county office other  
211 than the clerk of court or comptroller, such county office is  
212 designated the custodian of all official records, and the clerk  
213 of court is designated the custodian of all court records. The  
214 clerk of court or any entity acting on behalf of the clerk of  
215 court, including an association, may not charge a fee to any  
216 agency as defined in s. 119.011, the Legislature, or the State  
217 Court System for copies of records generated by the  
218 Comprehensive Case Information System or held by the clerk of  
219 court or any entity acting on behalf of the clerk of court,  
220 including an association.

221 2. If the state becomes legally responsible for the costs  
222 of court-related technology needs as defined in s.  
223 29.008(1)(f)2. and (h), whether by operation of general law or  
224 by court order, \$4 shall be remitted to the Department of  
225 Revenue for deposit into the General Revenue Fund.

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

230        (b) Oath, administering, attesting, and sealing of records  
 231 that are not court records not otherwise provided for in this  
 232 section: 3.50.

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

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

239        (16) ~~(15)~~ For preparing affidavit of domicile: 5.00.....~~5.00~~

240        (17) ~~(16)~~ For exemplified certificates, including the  
 241 signing and sealing of them: 7.00, from which the clerk shall  
 242 remit 1.00 to the Department of Revenue for deposit into the  
 243 General Revenue Fund.

244        (18) (a) ~~(17)~~ For authenticated certificates that are court  
 245 records, including the signing and sealing of them: 7.00, from  
 246 which the clerk shall remit 1.00 to the Department of Revenue  
 247 for deposit into the General Revenue Fund.

248        (b) For authenticated certificates that are not court  
 249 records, including the signing and sealing of them: 7.00.

250        (19) (a) ~~(18) (a)~~ For issuing and filing a subpoena for a

251 witness, not otherwise provided for in this section, including  
 252 the herein (includes writing, preparing, signing, and sealing of  
 253 it): 7.00, from which the clerk shall remit 1.00 to the  
 254 Department of Revenue for deposit into the General Revenue Fund.

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

258 (20) (a) (19) For approving a court bond: 8.50, from which  
 259 the clerk shall remit 1.00 to the Department of Revenue for  
 260 deposit into the General Revenue Fund.

261 (b) For approving a bond: 8.50.

262 (21) (a) (20) For searching court ~~of~~ records, for each  
 263 year's search: 2.00, from which the clerk shall remit 0.50 for  
 264 each year's search to the Department of Revenue for deposit into  
 265 the General Revenue Fund.

266 (b) For searching records that are not court records, for  
 267 each year's search: 2.00.

268 (22) (21) For processing an application for a tax deed sale  
 269 (includes application, sale, issuance, and preparation of tax  
 270 deed, and disbursement of proceeds of sale), other than excess  
 271 proceeds: 60.00.....60.00

272 (23) (22) For disbursement of excess proceeds of tax deed  
 273 sale, first \$100 or fraction thereof: 10.00.....10.00

274 (24) (23) Upon receipt of an application for a marriage  
 275 license, for preparing and administering of oath; issuing,

276 sealing, and recording of the marriage license; and providing a  
 277 certified copy: 30.00.....30.00.  
 278 ~~(25)-(24)~~ For solemnizing matrimony: 30.00.....30.00  
 279 ~~(26)-(25)~~ For sealing any court file or expungement of any  
 280 record: 42.00, from which the clerk shall remit 4.50 to the  
 281 Department of Revenue for deposit into the General Revenue Fund.  
 282 ~~(27) (a)-(26) (a)~~ For receiving and disbursing all  
 283 restitution payments, per payment: 3.50, from which the clerk  
 284 shall remit 0.50 per payment to the Department of Revenue for  
 285 deposit into the General Revenue Fund.  
 286 (b) For receiving and disbursing all partial payments,  
 287 other than restitution payments, for which an administrative  
 288 processing service charge is not imposed pursuant to s. 28.246,  
 289 per month: 5.00.....5.00  
 290 (c) For setting up a payment plan, a one-time  
 291 administrative processing charge in lieu of a per month charge  
 292 under paragraph (b): .....25.00.  
 293 ~~(28)-(27)~~ Postal charges incurred by the clerk of the  
 294 circuit court in any mailing by certified or registered mail  
 295 must be paid by the party at whose instance the mailing is made.  
 296 ~~(29)-(28)~~ For furnishing an electronic copy of information  
 297 contained in a computer database: a fee as provided for in  
 298 chapter 119.  
 299 Section 3. Subsection (2) of section 28.241, Florida  
 300 Statutes, is amended to read:

301 28.241 Filing fees for trial and appellate proceedings.—

302 (2) Upon the institution of any appellate proceeding from  
 303 any lower court to the circuit court of any such county,  
 304 including appeals filed by a county or municipality as provided  
 305 in s. 34.041(5), or from the county or circuit court to an  
 306 appellate court of the state, the clerk shall charge and collect  
 307 from the party or parties instituting such appellate proceedings  
 308 a filing fee, as follows: not to exceed \$280, from which the  
 309 clerk shall remit \$20 to the Department of Revenue for deposit  
 310 into the General Revenue Fund,

311 (a) For filing a notice of appeal from the county court to  
 312 the circuit court, not to exceed \$280. and, in addition to the  
 313 filing fee required under s. 25.241 or s. 35.22, \$100

314 (b) For filing a notice of appeal from the county or  
 315 circuit court to the district court of appeal or to the Supreme  
 316 Court, in addition to the filing fee required under s. 25.241 or  
 317 s. 35.22, a filing fee not to exceed \$100, of which the clerk  
 318 shall remit \$20 to the Department of Revenue for deposit into  
 319 the General Revenue Fund. If the party is determined to be  
 320 indigent, the clerk shall defer payment of the fee otherwise  
 321 required by this subsection.

322 Section 4. Subsection (5) of section 40.29, Florida  
 323 Statutes, is amended to read:

324 40.29 Payment of due-process costs.—

325 (5) The Justice Administrative Commission shall reimburse

326 ~~provide~~ funds to the clerks of the court to compensate jurors,  
327 to pay for meals or lodging provided to jurors, and to pay for  
328 jury-related personnel costs as provided in this section. Each  
329 clerk of the court must submit a request for reimbursement ~~shall~~  
330 ~~forward~~ to the Florida Clerks of Court Operations Corporation  
331 within 20 days after each quarter attesting to the clerk's  
332 actual costs ~~Justice Administrative Commission a quarterly~~  
333 ~~estimate of funds necessary~~ to compensate jurors, to and pay for  
334 meals or lodging provided to jurors, and to pay for jury-related  
335 personnel costs ~~during the upcoming quarter~~. The Florida Clerks  
336 of Court Operations Corporation must review the request for  
337 reimbursement to ensure that the costs are reasonably and  
338 directly related to jury management. The Florida Clerks of Court  
339 Operations Corporation must ~~shall~~ forward to the Justice  
340 Administrative Commission ~~a quarterly estimate of the amount~~  
341 necessary to reimburse each clerk of the court for its personnel  
342 and other costs related to jury management unless the total  
343 request for reimbursement by the clerks exceeds the quarterly  
344 funds available to the Justice Administrative Commission, in  
345 which case the Florida Clerks of Court Operations Corporation  
346 shall adjust the cumulative total to match the available funds  
347 before submitting the request to the Justice Administrative  
348 Commission. Upon receipt of each request for reimbursement ~~such~~  
349 ~~estimates~~, the Justice Administrative Commission must review  
350 ~~shall determine~~ the amount deemed necessary for payment to the

351 clerks of the court for the most recently completed ~~during the~~  
352 ~~upcoming~~ quarter, determine if the total payment amount is  
353 available, and submit a request for payment to the Chief  
354 Financial Officer. ~~If the Justice Administrative Commission~~  
355 ~~believes that the amount appropriated by the Legislature is~~  
356 ~~insufficient to meet such costs during the remaining part of the~~  
357 ~~state fiscal year, the commission may apportion the funds~~  
358 ~~appropriated in the General Appropriations Act for those~~  
359 ~~purposes among the several counties, basing the apportionment~~  
360 ~~upon the amount expended for such purposes in each county during~~  
361 ~~the prior fiscal year, in which case, the Chief Financial~~  
362 ~~Officer shall issue the appropriate apportioned amount by~~  
363 ~~warrant to each county.~~ The clerks of the court are responsible  
364 for any compensation to jurors, for payments for meals or  
365 lodging provided to jurors, and for jury-related personnel costs  
366 that exceed the funding provided in the General Appropriations  
367 Act for these purposes.

368 Section 5. Paragraph (i) of subsection (5) of section  
369 27.52, Florida Statutes, is amended to read:

370 27.52 Determination of indigent status.—

371 (5) INDIGENT FOR COSTS.—A person who is eligible to be  
372 represented by a public defender under s. 27.51 but who is  
373 represented by private counsel not appointed by the court for a  
374 reasonable fee as approved by the court or on a pro bono basis,  
375 or who is proceeding pro se, may move the court for a

376 determination that he or she is indigent for costs and eligible  
377 for the provision of due process services, as prescribed by ss.  
378 29.006 and 29.007, funded by the state.

379 (i) A defendant who is found guilty of a criminal act by a  
380 court or jury or enters a plea of guilty or nolo contendere and  
381 who received due process services after being found indigent for  
382 costs under this subsection is liable for payment of due process  
383 costs expended by the state.

384 1. The attorney representing the defendant, or the  
385 defendant if he or she is proceeding pro se, shall provide an  
386 accounting to the court delineating all costs paid or to be paid  
387 by the state within 90 days after disposition of the case  
388 notwithstanding any appeals.

389 2. The court shall issue an order determining the amount  
390 of all costs paid by the state and any costs for which  
391 prepayment was waived under this section or s. 57.081. The clerk  
392 shall cause a certified copy of the order to be recorded in the  
393 official records of the county, at no cost. The recording  
394 constitutes a lien against the person in favor of the state in  
395 the county in which the order is recorded. The lien may be  
396 enforced in the same manner prescribed in s. 938.29.

397 3. If the attorney or the pro se defendant fails to  
398 provide a complete accounting of costs expended by the state and  
399 consequently costs are omitted from the lien, the attorney or  
400 pro se defendant may not receive reimbursement or any other form



401 of direct or indirect payment for those costs if the state has  
402 not paid the costs. The attorney or pro se defendant shall repay  
403 the state for those costs if the state has already paid the  
404 costs. The clerk of the court may establish a payment plan under  
405 s. 28.246 and may charge the attorney or pro se defendant a one-  
406 time administrative processing charge under s. 28.24(27)(c) ~~s.~~  
407 ~~28.24(26)(e)~~.

408 Section 6. Section 28.22205, Florida Statutes, is amended  
409 to read:

410 28.22205 Electronic filing process.—Each clerk of court  
411 shall implement an electronic filing process. The purpose of the  
412 electronic filing process is to reduce judicial costs in the  
413 office of the clerk and the judiciary, increase timeliness in  
414 the processing of cases, and provide the judiciary with case-  
415 related information to allow for improved judicial case  
416 management. The Legislature requests that the Supreme Court set  
417 statewide standards for electronic filing to be used by the  
418 clerks of court to implement electronic filing. The standards  
419 should specify the required information for the duties of the  
420 clerks of court and the judiciary for case management. Revenues  
421 provided to counties and the clerk of court under s.  
422 28.24(13)(e) ~~s. 28.24(12)(e)~~ for information technology may also  
423 be used to implement electronic filing processes.

424 Section 7. Subsection (5) of section 28.246, Florida  
425 Statutes, is amended to read:

426           28.246 Payment of court-related fines or other monetary  
427 penalties, fees, charges, and costs; partial payments;  
428 distribution of funds.-

429           (5) When receiving partial payment of fees, service  
430 charges, court costs, and fines, clerks shall distribute funds  
431 according to the following order of priority:

432           (a) That portion of fees, service charges, court costs,  
433 and fines to be remitted to the state for deposit into the  
434 General Revenue Fund.

435           (b) That portion of fees, service charges, court costs,  
436 and fines required to be retained by the clerk of the court or  
437 deposited into the Clerks of the Court Trust Fund within the  
438 Department of Revenue.

439           (c) That portion of fees, service charges, court costs,  
440 and fines payable to state trust funds, allocated on a pro rata  
441 basis among the various authorized funds if the total collection  
442 amount is insufficient to fully fund all such funds as provided  
443 by law.

444           (d) That portion of fees, service charges, court costs,  
445 and fines payable to counties, municipalities, or other local  
446 entities, allocated on a pro rata basis among the various  
447 authorized recipients if the total collection amount is  
448 insufficient to fully fund all such recipients as provided by  
449 law.

450

451 To offset processing costs, clerks may impose either a per-month  
452 service charge pursuant to s. 28.24(27)(b) ~~s. 28.24(26)(b)~~ or a  
453 one-time administrative processing service charge at the  
454 inception of the payment plan pursuant to s. 28.24(27)(c) ~~s.~~  
455 ~~28.24(26)(c)~~.

456 Section 8. Section 45.035, Florida Statutes, is amended to  
457 read:

458 45.035 Clerk's fees.—In addition to other fees or service  
459 charges authorized by law, the clerk shall receive service  
460 charges related to the judicial sales procedure set forth in ss.  
461 45.031-45.033 ~~ss. 45.031-45.034~~ and this section:

462 (1) The clerk shall receive a service charge of \$70, from  
463 which the clerk shall remit \$10 to the Department of Revenue for  
464 deposit into the General Revenue Fund, for services in making,  
465 recording, and certifying the sale and title, which service  
466 charge shall be assessed as costs and shall be advanced by the  
467 plaintiff before the sale.

468 (2) If there is a surplus resulting from the sale, the  
469 clerk may receive the following service charges, which shall be  
470 deducted from the surplus:

471 (a) The clerk may withhold the sum of \$28 from the surplus  
472 which may only be used for purposes of educating the public as  
473 to the rights of homeowners regarding foreclosure proceedings.

474 (b) The clerk is entitled to a service charge of \$15 for  
475 each disbursement of surplus proceeds, from which the clerk

476 shall remit \$5 to the Department of Revenue for deposit into the  
477 General Revenue Fund.

478 (3) If the sale is conducted by electronic means, as  
479 provided in s. 45.031(10), the clerk shall receive an additional  
480 service charge not to exceed \$70 for services in conducting or  
481 contracting for the electronic sale, which service charge shall  
482 be assessed as costs and paid when filing for an electronic sale  
483 date. If the clerk requires advance electronic deposits to  
484 secure the right to bid, such deposits shall not be subject to  
485 the fee under s. 28.24(11) ~~s. 28.24(10)~~. The portion of an  
486 advance deposit from a winning bidder required by s. 45.031(3)  
487 shall, upon acceptance of the winning bid, be subject to the fee  
488 under s. 28.24(11) ~~s. 28.24(10)~~.

489 Section 9. Subsection (2) of section 55.141, Florida  
490 Statutes, is amended to read:

491 55.141 Satisfaction of judgments and decrees; duties of  
492 clerk.—

493 (2) Upon such payment, the clerk shall execute and record  
494 in the official records a satisfaction of judgment upon payment  
495 of the recording charge prescribed in s. 28.24(13) ~~s. 28.24(12)~~.  
496 Upon payment of the amount required in subsection (1) and the  
497 recording charge required by this subsection and execution and  
498 recordation of the satisfaction by the clerk, any lien created  
499 by the judgment is satisfied and discharged.

500 Section 10. Subsection (6) of section 57.082, Florida

501 Statutes, is amended to read:

502 57.082 Determination of civil indigent status.—

503 (6) PROCESSING CHARGE; PAYMENT PLANS.—A person who the  
 504 clerk or the court determines is indigent for civil proceedings  
 505 under this section shall be enrolled in a payment plan under s.  
 506 28.246 and shall be charged a one-time administrative processing  
 507 charge under s. 28.24(27)(c) ~~s. 28.24(26)(c)~~. A monthly payment  
 508 amount, calculated based upon all fees and all anticipated  
 509 costs, is presumed to correspond to the person's ability to pay  
 510 if it does not exceed 2 percent of the person's annual net  
 511 income, as defined in subsection (1), divided by 12. The person  
 512 may seek review of the clerk's decisions regarding a payment  
 513 plan established under s. 28.246 in the court having  
 514 jurisdiction over the matter. A case may not be impeded in any  
 515 way, delayed in filing, or delayed in its progress, including  
 516 the final hearing and order, due to nonpayment of any fees or  
 517 costs by an indigent person. Filing fees waived from payment  
 518 under s. 57.081 may not be included in the calculation related  
 519 to a payment plan established under this section.

520 Section 11. Paragraph (c) of subsection (5) of section  
 521 197.502, Florida Statutes, is amended to read:

522 197.502 Application for obtaining tax deed by holder of  
 523 tax sale certificate; fees.—

524 (5)

525 (c) Upon receiving the tax deed application from the tax

526 collector, the clerk shall record a notice of tax deed  
527 application in the official records, which constitutes notice of  
528 the pendency of a tax deed application with respect to the  
529 property and remains effective for 1 year from the date of  
530 recording. A person acquiring an interest in the property after  
531 the tax deed application notice has been recorded is deemed to  
532 be on notice of the pending tax deed sale, and no additional  
533 notice is required. The sale of the property automatically  
534 releases any recorded notice of tax deed application for that  
535 property. If the property is redeemed, the clerk must record a  
536 release of the notice of tax deed application upon payment of  
537 the fees as authorized in s. 28.24(9) and (13) ~~s. 28.24(8) and~~  
538 ~~(12)~~. The contents of the notice shall be the same as the  
539 contents of the notice of publication required by s. 197.512.  
540 The cost of recording must be collected at the time of  
541 application under subsection (1), and added to the opening bid.

542 Section 12. Section 197.532, Florida Statutes, is amended  
543 to read:

544 197.532 Fees for mailing additional notices, when  
545 application is made by holder.—When the certificateholder makes  
546 a written request of the clerk and furnishes the names and  
547 addresses at the time of the filing of the application, the  
548 clerk shall send a copy of the notice referred to in s. 197.522  
549 to anyone to whom the certificateholder may request him or her  
550 to send it, and the clerk shall include in such notice the

551 statement required in s. 197.522. The certificateholder shall  
552 pay the clerk the service charges as prescribed in s. 28.24(6)  
553 ~~s. 28.24(5)~~ for preparing and mailing each copy of notice  
554 requested by the holder. When the charges are made, they shall  
555 be added by the clerk to the amount required to redeem the land  
556 from sale.

557 Section 13. Subsection (3) and paragraphs (a) and (b) of  
558 subsection (4) of section 197.542, Florida Statutes, are amended  
559 to read:

560 197.542 Sale at public auction.—

561 (3) If the sale is canceled for any reason or the buyer  
562 fails to make full payment within the time required, the clerk  
563 shall readvertise the sale within 30 days after the buyer's  
564 nonpayment or, if canceled, within 30 days after the clerk  
565 receives the costs of resale. The sale shall be held within 30  
566 days after readvertising. Only one advertisement is necessary.  
567 The amount of the opening bid shall be increased by the cost of  
568 advertising, additional clerk's fees as provided for in s.  
569 28.24(22) ~~s. 28.24(21)~~, and interest as provided for in  
570 subsection (1). If, at the subsequent sale, there are no bidders  
571 at the tax deed sale and the certificateholder fails to pay the  
572 moneys due within 30 days after the sale, the clerk may not  
573 readvertise the sale and shall place the property on a list  
574 entitled "lands available for taxes." The clerk must receive  
575 full payment before the issuance of the tax deed.

576 (4) (a) A clerk may conduct electronic tax deed sales in  
 577 lieu of public outcry. The clerk must comply with the procedures  
 578 provided in this chapter, except that electronic proxy bidding  
 579 shall be allowed and the clerk may require bidders to advance  
 580 sufficient funds to pay the deposit required by subsection (2).  
 581 The clerk shall provide access to the electronic sale by  
 582 computer terminals open to the public at a designated location.  
 583 A clerk who conducts such electronic sales may receive  
 584 electronic deposits and payments related to the sale. The  
 585 portion of an advance deposit from a winning bidder required by  
 586 subsection (2) shall, upon acceptance of the winning bid, be  
 587 subject to the fee under s. 28.24(11) ~~s. 28.24(10)~~.

588 (b) This subsection does not restrict or limit the  
 589 authority of a charter county to conduct electronic tax deed  
 590 sales. In a charter county where the clerk of the circuit court  
 591 does not conduct all electronic sales, the charter county shall  
 592 be permitted to receive electronic deposits and payments related  
 593 to sales it conducts, as well as to subject the winning bidder  
 594 to a fee, consistent with the schedule in s. 28.24(11) ~~s.~~  
 595 ~~28.24(10)~~.

596 Section 14. Paragraph (b) of subsection (2) of section  
 597 197.582, Florida Statutes, is amended to read:

598 197.582 Disbursement of proceeds of sale.—

599 (2)

600 (b) The mailed notice must include a form for making a



601 claim under subsection (3). Service charges at the rate set  
602 forth in s. 28.24(11) ~~s. 28.24(10)~~ and the costs of mailing must  
603 be paid out of the surplus funds held by the clerk. If the clerk  
604 or comptroller certifies that the surplus funds are not  
605 sufficient to cover the service charges and mailing costs, the  
606 clerk shall receive the total amount of surplus funds as a  
607 service charge. For purposes of identifying unclaimed property  
608 pursuant to s. 717.113, excess proceeds shall be presumed  
609 payable or distributable on the date the notice is sent.

610 Section 15. Paragraph (d) of subsection (3) of section  
611 569.23, Florida Statutes, is amended to read:

612 569.23 Security requirements for tobacco settlement  
613 agreement signatories, successors, parents, and affiliates.—

614 (3)

615 (d) The clerk of the Supreme Court shall collect fees for  
616 receipt of deposits under this subsection as authorized by ss.  
617 28.231 and 28.24(11)(a) ~~28.24(10)(a)~~. In addition, for as long  
618 as any cash remains on deposit with the clerk pursuant to this  
619 subsection, the clerk of the Supreme Court is entitled to  
620 regularly receive as an additional fee the net investment income  
621 earned thereon. The clerk shall use the services of the Chief  
622 Financial Officer, as needed, for the custody and management of  
623 all bonds, other surety, or cash posted or deposited with the  
624 clerk. All fees collected pursuant to this subsection shall be  
625 deposited in the State Courts Revenue Trust Fund for use as

626 | specified by law.

627 |       Section 16. Paragraph (a) of subsection (3) of section  
628 | 712.06, Florida Statutes, is amended to read:

629 |       712.06 Contents of notice; recording and indexing.—

630 |       (3) The person providing the notice referred to in s.  
631 | 712.05, other than a notice for preservation of a community  
632 | covenant or restriction, shall:

633 |       (a) Cause the clerk of the circuit court to mail by  
634 | registered or certified mail to the purported owner of said  
635 | property, as stated in such notice, a copy thereof and shall  
636 | enter on the original, before recording the same, a certificate  
637 | showing such mailing. For preparing the certificate, the  
638 | claimant shall pay to the clerk the service charge as prescribed  
639 | in s. 28.24(9) ~~s. 28.24(8)~~ and the necessary costs of mailing,  
640 | in addition to the recording charges as prescribed in s.  
641 | 28.24(13) ~~s. 28.24(12)~~. If the notice names purported owners  
642 | having more than one address, the person filing the same shall  
643 | furnish a true copy for each of the several addresses stated,  
644 | and the clerk shall send one such copy to the purported owners  
645 | named at each respective address. Such certificate shall be  
646 | sufficient if the same reads substantially as follows:

647 |       I hereby certify that I did on this ....., mail by  
648 | registered (or certified) mail a copy of the foregoing notice to  
649 | each of the following at the address stated:

650 |       ...(Clerk of the circuit court)...

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651 | of .... County, Florida,  
652 | By...(Deputy clerk) ...  
653 | The clerk of the circuit court is not required to mail to the  
654 | purported owner of such property any such notice that pertains  
655 | solely to the preserving of any covenant or restriction or any  
656 | portion of a covenant or restriction; or  
657 |       Section 17. This act shall take effect July 1, 2021.