

By Senator Hooper

16-00592-21

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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 by,
7 and instruments filed with, the clerk of the circuit
8 court which are not court records; amending s. 28.241,
9 F.S.; revising the distribution of revenue from filing
10 fees from the institution of certain appellate
11 proceedings; amending s. 40.29, F.S.; requiring the
12 clerks of the court to submit requests for
13 reimbursement for jury-related costs to the Florida
14 Clerks of Court Operations Corporation within
15 specified timeframes; requiring the corporation to
16 review such requests for reimbursement; requiring the
17 corporation to submit certain information to the
18 Justice Administrative Commission; requiring the
19 commission to review the information and submit a
20 request for payment to the Chief Financial Officer
21 under certain circumstances; removing a provision
22 authorizing the commission to apportion funds among
23 the counties for certain purposes; amending ss. 27.52,
24 28.22205, 28.246, 45.035, 55.141, 57.082, 197.502,
25 197.532, 197.542, 197.582, 569.23, and 712.06, F.S.;
26 conforming cross-references to changes made by the
27 act; providing an effective date.

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

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

28.222 Clerk to be county recorder.—

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

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

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

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

28.24 Service charges.—The clerk of the circuit court shall charge for services rendered manually or electronically by the clerk's office in recording documents and instruments and in performing other specified duties. These charges may not exceed those specified in this section, except as provided in s. 28.345.

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

(a) Progress dockets and other similar records generated to document activity in a case.

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- 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) For examining, comparing, correcting, verifying, and
66 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 a
76 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 record
86 presented for certification prepared by someone other than the
87 clerk, per page: 3.50.

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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.

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.

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

95 (a) That are court records:

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

111 (9) (a) ~~(8)~~ For writing any paper that is a court record
112 other than a paper otherwise herein specifically mentioned in
113 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

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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.

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

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

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

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

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

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

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

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

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

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

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

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

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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

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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

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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.

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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.

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.

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

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

278 (25) ~~(24)~~ For solemnizing matrimony:.....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 restitution
283 payments, per payment: 3.50, from which the clerk shall remit
284 0.50 per payment to the Department of Revenue for deposit into
285 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.

290 (c) For setting up a payment plan, a one-time

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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, a filing fee not to exceed \$280. and, in
313 addition to the filing fee required under s. 25.241 or s. 35.22,
314 \$100

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

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320 the General Revenue Fund. If the party is determined to be
321 indigent, the clerk shall defer payment of the fee otherwise
322 required by this subsection.

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

325 40.29 Payment of due-process costs.—

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

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

369 Section 5. Paragraph (i) of subsection (5) of section
370 27.52, Florida Statutes, is amended to read:

371 27.52 Determination of indigent status.—

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

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378 for the provision of due process services, as prescribed by ss.
379 29.006 and 29.007, funded by the state.

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

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

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

398 3. If the attorney or the pro se defendant fails to provide
399 a complete accounting of costs expended by the state and
400 consequently costs are omitted from the lien, the attorney or
401 pro se defendant may not receive reimbursement or any other form
402 of direct or indirect payment for those costs if the state has
403 not paid the costs. The attorney or pro se defendant shall repay
404 the state for those costs if the state has already paid the
405 costs. The clerk of the court may establish a payment plan under
406 s. 28.246 and may charge the attorney or pro se defendant a one-

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407 time administrative processing charge under s. 28.24(27)(c) ~~s.~~
408 ~~28.24(26)(e)~~.

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

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

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

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

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

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

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

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

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

451
 452 To offset processing costs, clerks may impose either a per-month
 453 service charge pursuant to s. 28.24(27)(b) ~~s. 28.24(26)(b)~~ or a
 454 one-time administrative processing service charge at the
 455 inception of the payment plan pursuant to s. 28.24(27)(c) ~~s.~~
 456 ~~28.24(26)(e)~~.

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

459 45.035 Clerk's fees.—In addition to other fees or service
 460 charges authorized by law, the clerk shall receive service
 461 charges related to the judicial sales procedure set forth in ss.
 462 45.031-45.033 ~~ss. 45.031-45.034~~ and this section:

463 (1) The clerk shall receive a service charge of \$70, from
 464 which the clerk shall remit \$10 to the Department of Revenue for

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465 deposit into the General Revenue Fund, for services in making,
466 recording, and certifying the sale and title, which service
467 charge shall be assessed as costs and shall be advanced by the
468 plaintiff before the sale.

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

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

475 (b) The clerk is entitled to a service charge of \$15 for
476 each disbursement of surplus proceeds, from which the clerk
477 shall remit \$5 to the Department of Revenue for deposit into the
478 General Revenue Fund.

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

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

492 55.141 Satisfaction of judgments and decrees; duties of
493 clerk.-

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

501 Section 10. Subsection (6) of section 57.082, Florida
502 Statutes, is amended to read:

503 57.082 Determination of civil indigent status.—

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

521 Section 11. Paragraph (c) of subsection (5) of section
522 197.502, Florida Statutes, is amended to read:

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

525 (5)

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

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

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

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

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

561 197.542 Sale at public auction.—

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

577 (4) (a) A clerk may conduct electronic tax deed sales in
578 lieu of public outcry. The clerk must comply with the procedures
579 provided in this chapter, except that electronic proxy bidding
580 shall be allowed and the clerk may require bidders to advance

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581 sufficient funds to pay the deposit required by subsection (2).
582 The clerk shall provide access to the electronic sale by
583 computer terminals open to the public at a designated location.
584 A clerk who conducts such electronic sales may receive
585 electronic deposits and payments related to the sale. The
586 portion of an advance deposit from a winning bidder required by
587 subsection (2) shall, upon acceptance of the winning bid, be
588 subject to the fee under s. 28.24(11) ~~s. 28.24(10)~~.

589 (b) This subsection does not restrict or limit the
590 authority of a charter county to conduct electronic tax deed
591 sales. In a charter county where the clerk of the circuit court
592 does not conduct all electronic sales, the charter county shall
593 be permitted to receive electronic deposits and payments related
594 to sales it conducts, as well as to subject the winning bidder
595 to a fee, consistent with the schedule in s. 28.24(11) ~~s.~~
596 ~~28.24(10)~~.

597 Section 14. Paragraph (b) of subsection (2) of section
598 197.582, Florida Statutes, is amended to read:

599 197.582 Disbursement of proceeds of sale.—

600 (2)

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

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610 payable or distributable on the date the notice is sent.

611 Section 15. Paragraph (d) of subsection (3) of section
612 569.23, Florida Statutes, is amended to read:

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

615 (3)

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

628 Section 16. Subsection (3) of section 712.06, Florida
629 Statutes, is amended to read:

630 712.06 Contents of notice; recording and indexing.—

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

634 (a) Cause the clerk of the circuit court to mail by
635 registered or certified mail to the purported owner of said
636 property, as stated in such notice, a copy thereof and shall
637 enter on the original, before recording the same, a certificate
638 showing such mailing. For preparing the certificate, the

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639 claimant shall pay to the clerk the service charge as prescribed
640 in s. 28.24(9) ~~s. 28.24(8)~~ and the necessary costs of mailing,
641 in addition to the recording charges as prescribed in s.
642 28.24(13) ~~s. 28.24(12)~~. If the notice names purported owners
643 having more than one address, the person filing the same shall
644 furnish a true copy for each of the several addresses stated,
645 and the clerk shall send one such copy to the purported owners
646 named at each respective address. Such certificate shall be
647 sufficient if the same reads substantially as follows:

648

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

652

653 ...(Clerk of the circuit court)...

654 of County, Florida,

655 By...(Deputy clerk)...

656

657 The clerk of the circuit court is not required to mail to the
658 purported owner of such property any such notice that pertains
659 solely to the preserving of any covenant or restriction or any
660 portion of a covenant or restriction; or

661 (b) Publish once a week, for 2 consecutive weeks, the
662 notice referred to in s. 712.05, with the official record book
663 and page number in which such notice was recorded, in a
664 newspaper as defined in chapter 50 in the county in which the
665 property is located.

666 Section 17. This act shall take effect July 1, 2021.