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LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Hooper) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Effective upon this act becoming a law,
paragraph (i) of subsection (5) of section 27.52, Florida
Statutes, is amended to read:

27.52 Determination of indigent status.—

(5) INDIGENT FOR COSTS.—A person who is eligible to be
represented by a public defender under s. 27.51 but who is



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11 represented by private counsel not appointed by the court for a
12 reasonable fee as approved by the court or on a pro bono basis,
13 or who is proceeding pro se, may move the court for a
14 determination that he or she is indigent for costs and eligible
15 for the provision of due process services, as prescribed by ss.
16 29.006 and 29.007, funded by the state.

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

22 1. The attorney representing the defendant, or the
23 defendant if he or she is proceeding pro se, shall provide an
24 accounting to the court delineating all costs paid or to be paid
25 by the state within 90 days after disposition of the case
26 notwithstanding any appeals.

27 2. The court shall issue an order determining the amount of
28 all costs paid by the state and any costs for which prepayment
29 was waived under this section or s. 57.081. The clerk shall
30 cause a certified copy of the order to be recorded in the
31 official records of the county, at no cost. The recording
32 constitutes a lien against the person in favor of the state in
33 the county in which the order is recorded. The lien may be
34 enforced in the same manner prescribed in s. 938.29.

35 3. If the attorney or the pro se defendant fails to provide
36 a complete accounting of costs expended by the state and
37 consequently costs are omitted from the lien, the attorney or
38 pro se defendant may not receive reimbursement or any other form
39 of direct or indirect payment for those costs if the state has



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40 not paid the costs. The attorney or pro se defendant shall repay
41 the state for those costs if the state has already paid the
42 costs. The clerk of the court may establish a payment plan under
43 s. 28.246 and may charge the attorney or pro se defendant a one-
44 time administrative processing charge under s. 28.24(27)(c) ~~s.~~
45 ~~28.24(26)(c)~~.

46 Section 2. Effective upon this act becoming a law,
47 subsection (7) of section 28.222, Florida Statutes, is amended
48 to read:

49 28.222 Clerk to be county recorder.—

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

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

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

63 Section 3. Effective upon this act becoming a law, section
64 28.22205, Florida Statutes, is amended to read:

65 28.22205 Electronic filing process.—Each clerk of court
66 shall implement an electronic filing process. The purpose of the
67 electronic filing process is to reduce judicial costs in the
68 office of the clerk and the judiciary, increase timeliness in



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69 the processing of cases, and provide the judiciary with case-
70 related information to allow for improved judicial case
71 management. The Legislature requests that the Supreme Court set
72 statewide standards for electronic filing to be used by the
73 clerks of court to implement electronic filing. The standards
74 should specify the required information for the duties of the
75 clerks of court and the judiciary for case management. Revenues
76 provided to counties and the clerk of court under s.
77 28.24(13)(e) ~~s. 28.24(12)(e)~~ for information technology may also
78 be used to implement electronic filing processes.

79 Section 4. Effective upon this act becoming a law, section
80 28.24, Florida Statutes, is amended to read:

81 28.24 Service charges.—The clerk of the circuit court shall
82 charge for services rendered manually or electronically by the
83 clerk's office in recording documents and instruments and in
84 performing other specified duties. These charges may not exceed
85 those specified in this section, except as provided in s.
86 28.345.

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

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

91 (b) Transcripts filed with the clerk.

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

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

95 (e) Electronic records, video recordings, and stenographic
96 tapes of court proceedings.

97 (2) For examining, comparing, correcting, verifying, and



98 certifying transcripts of record in appellate proceedings,
99 prepared by attorney for appellant or someone else other than
100 clerk, per page: 5.00, from which the clerk shall remit 0.50 per
101 page to the Department of Revenue for deposit into the General
102 Revenue Fund.

103 (3)~~(2)~~ For preparing, numbering, and indexing an original
104 record of appellate proceedings, per instrument: 3.50, from
105 which the clerk shall remit 0.50 per instrument to the
106 Department of Revenue for deposit into the General Revenue Fund.

107 (4) (a)~~(3)~~ For certifying copies of any instrument that is a
108 court record in the public records: 2.00, from which the clerk
109 shall remit 0.50 to the Department of Revenue for deposit into
110 the General Revenue Fund.

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

113 (5) (a)~~(4)~~ For verifying any instrument presented for
114 certification prepared by someone other than clerk, per page:
115 3.50, from which the clerk shall remit 0.50 per page to the
116 Department of Revenue for deposit into the General Revenue Fund.

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

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

123 (b) For making copies by photographic process of any
124 instrument in the public records of more than 14 inches by 8 1/2
125 inches, per page:.....5.00.

126 (7)~~(6)~~ For making microfilm copies of any public records:



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- 127 (a) That are court records:
- 128 1. 16 mm 100' microfilm roll: 42.00, from which the clerk
129 shall remit 4.50 to the Department of Revenue for deposit into
130 the General Revenue Fund.
- 131 2. ~~(b)~~ 35 mm 100' microfilm roll: 60.00, from which the
132 clerk shall remit 7.50 to the Department of Revenue for deposit
133 into the General Revenue Fund.
- 134 3. ~~(e)~~ Microfiche, per fiche: 3.50, from which the clerk
135 shall remit 0.50 to the Department of Revenue for deposit into
136 the General Revenue Fund.
- 137 (b) That are not court records:
- 138 1. 16 mm 100' microfilm roll: 42.00.
- 139 2. 35 mm 100' microfilm roll: 60.00.
- 140 3. Microfiche, per fiche: 3.50.
- 141 ~~(8)~~ ~~(7)~~ For copying any instrument in the public records by
142 other than photographic process, per page:.....6.00.
- 143 ~~(9)~~ (a) ~~(8)~~ For writing any paper that is a court record
144 other than a paper otherwise herein specifically mentioned in
145 this section, same as for copying, including signing and
146 sealing: 7.00, from which the clerk shall remit 1.00 to the
147 Department of Revenue for deposit into the General Revenue Fund.
- 148 (b) For writing any paper that is not a court record other
149 than a paper otherwise specifically mentioned in this section,
150 including signing and sealing: 7.00.
- 151 ~~(10)~~ ~~(9)~~ For indexing each entry not recorded:.....1.00.
- 152 ~~(11)~~ ~~(10)~~ For receiving money into the registry of court:
- 153 (a) 1. First \$500: 3 percent.....3
- 154 2. Each subsequent \$100: 1.5 percent.....1.5
- 155 (b) Eminent domain actions, per deposit: 170.00, from which



156 the clerk shall remit 20.00 per deposit to the Department of
157 Revenue for deposit into the General Revenue Fund.

158 ~~(12)(11)~~ For examining, certifying, and recording plats and
159 for recording condominium exhibits larger than 14 inches by 8
160 1/2 inches:

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

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

163 ~~(13)(12)~~ For recording, indexing, and filing any instrument
164 not more than 14 inches by 8 1/2 inches, including required
165 notice to property appraiser where applicable:

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

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

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

171 (d) An additional service charge must be paid to the clerk
172 of the circuit court to be deposited in the Public Records
173 Modernization Trust Fund for each instrument listed in s.

174 28.222, except judgments received from the courts and notices of
175 lis pendens, recorded in the official records:

176 1. First page:.....1.00.

177 2. Each additional page:.....0.50.

178
179 Said fund must be held in trust by the clerk and used
180 exclusively for equipment and maintenance of equipment,
181 personnel training, and technical assistance in modernizing the
182 public records system of the office. In a county where the duty
183 of maintaining official records exists in an office other than
184 the office of the clerk of the circuit court, the clerk of the



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185 circuit court is entitled to 25 percent of the moneys deposited
186 into the trust fund for equipment, maintenance of equipment,
187 training, and technical assistance in modernizing the system for
188 storing records in the office of the clerk of the circuit court.
189 The fund may not be used for the payment of travel expenses,
190 membership dues, bank charges, staff-recruitment costs, salaries
191 or benefits of employees, construction costs, general operating
192 expenses, or other costs not directly related to obtaining and
193 maintaining equipment for public records systems or for the
194 purchase of furniture or office supplies and equipment not
195 related to the storage of records. On or before December 1,
196 1995, and on or before December 1 of each year immediately
197 preceding each year during which the trust fund is scheduled for
198 legislative review under s. 19(f)(2), Art. III of the State
199 Constitution, each clerk of the circuit court shall file a
200 report on the Public Records Modernization Trust Fund with the
201 President of the Senate and the Speaker of the House of
202 Representatives. The report must itemize each expenditure made
203 from the trust fund since the last report was filed; each
204 obligation payable from the trust fund on that date; and the
205 percentage of funds expended for each of the following:
206 equipment, maintenance of equipment, personnel training, and
207 technical assistance. The report must indicate the nature of the
208 system each clerk uses to store, maintain, and retrieve public
209 records and the degree to which the system has been upgraded
210 since the creation of the trust fund.

211 (e) An additional service charge of \$4 per page shall be
212 paid to the clerk of the circuit court for each instrument
213 listed in s. 28.222, except judgments received from the courts



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214 and notices of lis pendens, recorded in the official records.
215 From the additional \$4 service charge collected:
216 1. If the counties maintain legal responsibility for the
217 costs of the court-related technology needs as defined in s.
218 29.008(1)(f)2. and (h), 10 cents shall be distributed to the
219 Florida Association of Court Clerks and Comptrollers, Inc., for
220 the cost of development, implementation, operation, and
221 maintenance of the clerks' Comprehensive Case Information
222 System; \$1.90 shall be retained by the clerk to be deposited in
223 the Public Records Modernization Trust Fund and used exclusively
224 for funding court-related technology needs of the clerk as
225 defined in s. 29.008(1)(f)2. and (h); and \$2 shall be
226 distributed to the board of county commissioners to be used
227 exclusively to fund court-related technology, and court
228 technology needs as defined in s. 29.008(1)(f)2. and (h) for the
229 state trial courts, state attorney, public defender, and
230 criminal conflict and civil regional counsel in that county. If
231 the counties maintain legal responsibility for the costs of the
232 court-related technology needs as defined in s. 29.008(1)(f)2.
233 and (h), notwithstanding any other provision of law, the county
234 is not required to provide additional funding beyond that
235 provided in this section ~~herein~~ for the court-related technology
236 needs of the clerk as defined in s. 29.008(1)(f)2. and (h). All
237 court records and official records are the property of the State
238 of Florida, including any records generated as part of the
239 Comprehensive Case Information System funded pursuant to this
240 paragraph and the clerk of court is designated as the custodian
241 of such records, except in a county where the duty of
242 maintaining official records exists in a county office other



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243 than the clerk of court or comptroller, such county office is
244 designated the custodian of all official records, and the clerk
245 of court is designated the custodian of all court records. The
246 clerk of court or any entity acting on behalf of the clerk of
247 court, including an association, may not charge a fee to any
248 agency as defined in s. 119.011, the Legislature, or the State
249 Court System for copies of records generated by the
250 Comprehensive Case Information System or held by the clerk of
251 court or any entity acting on behalf of the clerk of court,
252 including an association.

253 2. If the state becomes legally responsible for the costs
254 of court-related technology needs as defined in s.
255 29.008(1)(f)2. and (h), whether by operation of general law or
256 by court order, \$4 shall be remitted to the Department of
257 Revenue for deposit into the General Revenue Fund.

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

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

265 (15)(a)-(14) For validating certificates or any authorized
266 bonds that are court records, each: 3.50, from which the clerk
267 shall remit 0.50 each to the Department of Revenue for deposit
268 into the General Revenue Fund.

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

271 (16)-(15) For preparing affidavit of domicile:.....5.00.



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272 (17)-(16) For exemplified certificates, including the
273 signing and sealing of them: 7.00, from which the clerk shall
274 remit 1.00 to the Department of Revenue for deposit into the
275 General Revenue Fund.

276 (18) (a)-(17) For authenticated certificates that are court
277 records, including the signing and sealing of them: 7.00, from
278 which the clerk shall remit 1.00 to the Department of Revenue
279 for deposit into the General Revenue Fund.

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

282 (19) (a)-(18) (a) For issuing and filing a subpoena for a
283 witness, not otherwise provided for in this section, including
284 the herein ~~(includes~~ writing, preparing, signing, and sealing of
285 it): 7.00, from which the clerk shall remit 1.00 to the
286 Department of Revenue for deposit into the General Revenue Fund.

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

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

293 (b) For approving a bond: 8.50.

294 (21) (a)-(20) For searching court ~~of~~ records, for each year's
295 search: 2.00, from which the clerk shall remit 0.50 for each
296 year's search to the Department of Revenue for deposit into the
297 General Revenue Fund.

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

300 (22)-(21) For processing an application for a tax deed sale



301 (includes application, sale, issuance, and preparation of tax
302 deed, and disbursement of proceeds of sale), other than excess
303 proceeds:.....60.00.
304 ~~(23)~~ For disbursement of excess proceeds of tax deed
305 sale, first \$100 or fraction thereof:.....10.00.
306 ~~(24)~~ Upon receipt of an application for a marriage
307 license, for preparing and administering of oath; issuing,
308 sealing, and recording of the marriage license; and providing a
309 certified copy:.....30.00.
310 ~~(25)~~ For solemnizing matrimony:.....30.00.
311 ~~(26)~~ For sealing any court file or expungement of any
312 record: 42.00, from which the clerk shall remit 4.50 to the
313 Department of Revenue for deposit into the General Revenue Fund.
314 ~~(27) (a)~~ For receiving and disbursing all restitution
315 payments, per payment: 3.50, from which the clerk shall remit
316 0.50 per payment to the Department of Revenue for deposit into
317 the General Revenue Fund.
318 (b) For receiving and disbursing all partial payments,
319 other than restitution payments, for which an administrative
320 processing service charge is not imposed pursuant to s. 28.246,
321 per month:.....5.00.
322 (c) For setting up a payment plan, a one-time
323 administrative processing charge in lieu of a per month charge
324 under paragraph (b):.....25.00.
325 ~~(28)~~ Postal charges incurred by the clerk of the
326 circuit court in any mailing by certified or registered mail
327 must be paid by the party at whose instance the mailing is made.
328 ~~(29)~~ For furnishing an electronic copy of information
329 contained in a computer database: a fee as provided for in



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330 chapter 119.

331 Section 5. Subsection (2) of section 28.241, Florida
332 Statutes, is amended to read:

333 28.241 Filing fees for trial and appellate proceedings.—

334 (2) Upon the institution of any appellate proceeding from
335 any lower court to the circuit court of any such county,
336 including appeals filed by a county or municipality as provided
337 in s. 34.041(5), or from the county or circuit court to an
338 appellate court of the state, the clerk shall charge and collect
339 from the party or parties instituting such appellate proceedings
340 a filing fee, as follows: not to exceed \$280, from which the
341 clerk shall remit \$20 to the Department of Revenue for deposit
342 into the General Revenue Fund,

343 (a) For filing a notice of appeal from the county court to
344 the circuit court, a filing fee not to exceed \$280. and, in
345 addition to the filing fee required under s. 25.241 or s. 35.22,
346 \$100

347 (b) For filing a notice of appeal from the county or
348 circuit court to the district court of appeal or to the Supreme
349 Court, in addition to the filing fee required under s. 25.241 or
350 s. 35.22, a filing fee not to exceed \$100, of which the clerk
351 shall remit \$20 to the Department of Revenue for deposit into
352 the General Revenue Fund. If the party is determined to be
353 indigent, the clerk shall defer payment of the fee otherwise
354 required by this subsection.

355 Section 6. Subsections (4) and (5) of section 28.246,
356 Florida Statutes, are amended to read:

357 28.246 Payment of court-related fines or other monetary
358 penalties, fees, charges, and costs; partial payments;



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359 distribution of funds.-

360 (4) (a) Each ~~The~~ clerk of the circuit court shall accept
361 partial payments for each case type for court-related fees,
362 service charges, court costs, and fines in accordance with the
363 terms of an established payment plan developed by the clerk.

364 (b) An individual seeking to defer payment of fees, service
365 charges, court costs, or fines imposed by operation of law or
366 order of the court under any provision of general law shall
367 apply to the clerk for enrollment in a payment plan. The clerk
368 shall enter into a payment plan with an individual who the court
369 determines is indigent for costs. It is the responsibility of an
370 individual who is released from incarceration and has
371 outstanding court obligations to contact the clerk within 30
372 days after release to pay fees, service charges, court costs,
373 and fines in full, or to apply for enrollment in a payment plan.

374 A monthly payment amount, calculated based upon all fees and all
375 anticipated fees, service charges, court costs, and fines, is
376 presumed to correspond to the person's ability to pay if the
377 amount does not exceed 2 percent of the person's annual net
378 income, as defined in s. 27.52(1), divided by 12. The clerk
379 shall establish all terms of a payment plan, and the court may
380 review the reasonableness of the payment plan.

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

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

387 (b) That portion of fees, service charges, court costs, and



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388 fines required to be retained by the clerk of the court or
389 deposited into the Clerks of the Court Trust Fund within the
390 Department of Revenue.

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

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

402

403 To offset processing costs, clerks may impose either a per-month
404 service charge pursuant to s. 28.24(27)(b) ~~s. 28.24(26)(b)~~ or a
405 one-time administrative processing service charge at the
406 inception of the payment plan pursuant to s. 28.24(27)(c) ~~s.~~
407 ~~28.24(26)(c)~~.

408 Section 7. Effective upon this act becoming a law,
409 paragraph (f) of subsection (2) and paragraph (a) of subsection
410 (3) of section 28.35, Florida Statutes, are amended to read:

411 28.35 Florida Clerks of Court Operations Corporation.—

412 (2) The duties of the corporation shall include the
413 following:

414 (f) Approving the proposed budgets submitted by clerks of
415 the court pursuant to s. 28.36. The corporation must ensure that
416 the total combined budgets of the clerks of the court do not



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417 exceed the total estimated revenues from fees, service charges,
418 court costs, and fines for court-related functions available for
419 court-related expenditures as determined by the most recent
420 Revenue Estimating Conference, plus the total of unspent
421 budgeted funds for court-related functions carried forward by
422 the clerks of the court from the previous county fiscal year,
423 ~~and~~ plus the balance of funds remaining in the Clerks of the
424 Court Trust Fund after the transfer of funds to the General
425 Revenue Fund required pursuant to s. 28.37(4)(b), and plus any
426 appropriations for court-related functions ~~s. 28.37(3)(b)~~. The
427 corporation may amend any individual clerk of the court budget
428 to ensure compliance with this paragraph and must consider
429 performance measures, workload performance standards, workload
430 measures, and expense data before modifying the budget. As part
431 of this process, the corporation shall:

432 1. Calculate the minimum amount of revenue necessary for
433 each clerk of the court to efficiently perform the list of
434 court-related functions specified in paragraph (3)(a). The
435 corporation shall apply the workload measures appropriate for
436 determining the individual level of review required to fund the
437 clerk's budget.

438 2. Prepare a cost comparison of similarly situated clerks
439 of the court, based on county population and numbers of filings,
440 using the standard list of court-related functions specified in
441 paragraph (3)(a).

442 3. Conduct an annual base budget review and an annual
443 budget exercise examining the total budget of each clerk of the
444 court. The review shall examine revenues from all sources,
445 expenses of court-related functions, and expenses of noncourt-



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446 related functions as necessary to determine that court-related
447 revenues are not being used for noncourt-related purposes. The
448 review and exercise shall identify potential targeted budget
449 reductions in the percentage amount provided in Schedule VIII-B
450 of the state's previous year's legislative budget instructions,
451 as referenced in s. 216.023(3), or an equivalent schedule or
452 instruction as may be adopted by the Legislature.

453 4. Identify those proposed budgets containing funding for
454 items not included on the standard list of court-related
455 functions specified in paragraph (3)(a).

456 5. Identify those clerks projected to have court-related
457 revenues insufficient to fund their anticipated court-related
458 expenditures.

459 6. Use revenue estimates based on the official estimate for
460 funds from fees, service charges, court costs, and fines for
461 court-related functions accruing to the clerks of the court made
462 by the Revenue Estimating Conference, as well as any unspent
463 budgeted funds for court-related functions carried forward by
464 the clerks of the court from the previous county fiscal year and
465 the balance of funds remaining in the Clerks of the Court Trust
466 Fund after the transfer of funds to the General Revenue Fund
467 required pursuant to s. 28.37(4)(b), plus any appropriations for
468 the purpose of funding court-related functions ~~s. 28.37(3)(b)~~.

469 7. Identify pay and benefit increases in any proposed clerk
470 budget, including, but not limited to, cost of living increases,
471 merit increases, and bonuses.

472 8. Identify increases in anticipated expenditures in any
473 clerk budget that exceeds the current year budget by more than 3
474 percent.



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475 9. Identify the budget of any clerk which exceeds the
476 average budget of similarly situated clerks by more than 10
477 percent.

478
479 For the purposes of this paragraph, the term "unspent budgeted
480 funds for court-related functions" means undisbursed funds
481 included in the clerks of the courts budgets for court-related
482 functions established pursuant to this section and s. 28.36.

483 (3) (a) The list of court-related functions that clerks may
484 fund from filing fees, service charges, court costs, and fines
485 is limited to those functions expressly authorized by law or
486 court rule. Those functions include the following: case
487 maintenance; records management; court preparation and
488 attendance; processing the assignment, reopening, and
489 reassignment of cases; processing of appeals; collection and
490 distribution of fines, fees, service charges, and court costs;
491 processing of bond forfeiture payments; data collection and
492 reporting; determinations of indigent status; and paying
493 reasonable administrative support costs to enable the clerk of
494 the court to carry out these court-related functions.

495 Section 8. Effective upon this act becoming a law, present
496 subsections (3) and (4) of section 28.36, Florida Statutes, are
497 redesignated as subsections (4) and (5), respectively, a new
498 subsection (3) is added to that section, and subsection (1),
499 paragraph (b) of subsection (2), and present subsection (4) of
500 that section are amended, to read:

501 28.36 Budget procedure.—There is established a budget
502 procedure for the court-related functions of the clerks of the
503 court.



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504 (1) Only those functions listed in s. 28.35(3)(a) may be
505 funded from fees, service charges, court costs, and fines
506 retained by the clerks of the court.

507 (2) Each proposed budget shall further conform to the
508 following requirements:

509 (b) The proposed budget must be balanced such that the
510 total of the estimated revenues available equals or exceeds the
511 total of the anticipated expenditures. Such revenues include
512 revenue projected to be received from fees, service charges,
513 court costs, and fines for court-related functions during the
514 fiscal period covered by the budget, plus the total of unspent
515 budgeted funds for court-related functions carried forward by
516 the clerk of the court from the previous county fiscal year and
517 plus the portion of the balance of funds remaining in the Clerks
518 of the Court Trust Fund after the transfer of funds to the
519 General Revenue Fund required pursuant to s. 28.37(4)(b) ~~s.~~
520 ~~28.37(3)(b)~~ which has been allocated to each respective clerk of
521 the court by the Florida Clerks of Court Operations Corporation.
522 For the purposes of this paragraph, the term "unspent budgeted
523 funds for court-related functions" means undisbursed funds
524 included in the clerk of the courts' budget for court related
525 functions established pursuant to s. 28.35 and this section. The
526 anticipated expenditures must be itemized as required by the
527 corporation.

528 (3)(a) The Florida Clerks of Court Operations Corporation
529 shall establish and manage a reserve for contingencies within
530 the Clerks of the Court Trust Fund which must consist of an
531 amount not to exceed 16 percent of the total budget authority
532 for the clerks of court during the current county fiscal year,



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533 to be carried forward at the end of the fiscal year. Funds to be
534 held in reserve include transfers of cumulative excess, as
535 provided in s. 28.37(4)(b), from the Clerks of the Court Trust
536 Fund and may also include revenues provided by law or moneys
537 appropriated by the Legislature.

538 (b) The corporation shall provide a reporting of the
539 balance and use of these funds during each county fiscal year as
540 part of the corporation's annual report submitted under s.
541 28.35(2)(h).

542 (c) The corporation may use the reserve to ensure the
543 clerks of court can perform the court-related functions as
544 provided in s. 28.35(3)(a). Moneys in the Clerks of the Court
545 Trust Fund which are held in reserve may be used by the
546 corporation under the following circumstances:

547 1. To offset a current deficit between the revenue
548 available and the original budget authority. A deficit is deemed
549 to occur when the revenue available to the clerks of court falls
550 below the original revenue projection for that county fiscal
551 year.

552 2. To provide funding for an emergency, as defined in s.
553 252.34(4). The emergency must have been declared by the
554 Governor, pursuant to s. 252.36, or otherwise declared by law.

555 3. To provide funds in the development of the total
556 aggregate budget of the clerks of court to ensure that a minimum
557 continuation budget is met. For purposes of this subparagraph, a
558 minimum continuation budget is the budget approved for the
559 current county fiscal year or some lesser amount adopted by the
560 corporation.

561 (d) To use the reserve, the corporation must request a



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562 budget amendment pursuant to s. 216.292.

563 (5)~~(4)~~ The corporation may approve increases or decreases
564 to the previously authorized budgets approved for individual
565 clerks of the court pursuant to s. 28.35 for court-related
566 functions, if:

567 (a) The additional budget authority is necessary to pay the
568 cost of performing new or additional functions required by
569 changes in law or court rule; or

570 (b) The additional budget authority is necessary to pay the
571 cost of supporting increases in the number of judges or
572 magistrates authorized by the Legislature, or for increases in
573 the use of hearing officers and senior judges assigned by the
574 courts.

575 Section 9. Effective upon this act becoming a law, section
576 28.37, Florida Statutes, is amended to read:

577 28.37 Fines, fees, service charges, and costs remitted to
578 the state.—

579 (1) Pursuant to s. 14(b), Art. V of the State Constitution,
580 selected salaries, costs, and expenses of the state courts
581 system and court-related functions shall be funded from a
582 portion of the revenues derived from statutory fines, fees,
583 service charges, and court costs collected by the clerks of the
584 court and from adequate and appropriate supplemental funding
585 from state revenues as appropriated by the Legislature.

586 (2) As used in this section, the term:

587 (a) "Cumulative excess" means revenues derived from fines,
588 fees, service charges, and court costs collected by the clerks
589 of the court which are greater than the original revenue
590 projection.



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591 (b) "Original revenue projection" means the official
592 estimate, as determined by the Revenue Estimating Conference, of
593 revenues from fines, fees, service charges, and court costs
594 available for court-related functions for the county fiscal year
595 covered by the projection.

596 (3) The Beginning November 1, 2013, that portion of all
597 fines, fees, service charges, and costs collected by the clerks
598 of the court for the previous month which is in excess of one-
599 twelfth of the clerks' total budget for the performance of
600 court-related functions must ~~shall~~ be remitted to the Department
601 of Revenue for deposit into the Clerks of the Court Trust Fund.
602 Such collections do not include funding received for the
603 operation of the Title IV-D child support collections and
604 disbursement program. The clerk of the court shall remit the
605 revenues collected during the previous month due to the state on
606 or before the 10th day of each month.

607 (4) (a) ~~(3) (a)~~ Each year, no later than January 25, for the
608 previous county fiscal year, the clerks of court, in
609 consultation with the Florida Clerks of Court Operations
610 Corporation, shall remit to the Department of Revenue for
611 deposit in the Clerks of the Court Trust Fund the cumulative
612 excess of all fines, fees, service charges, and court costs
613 retained by the clerks of the court, plus any funds received by
614 the clerks of the court from the Clerks of the Court Trust Fund
615 under s. 28.36(4) ~~s. 28.36(3)~~, which exceed the amount needed to
616 meet their authorized budget amounts established under s. 28.35.

617 (b) No later than February 1, 2022, and each February 1
618 thereafter, the Department of Revenue shall transfer 50 percent
619 of the cumulative excess of the original revenue projection from



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620 the Clerks of the Court Trust Fund to the General Revenue Fund.
621 The remaining 50 percent in the Clerks of the Court Trust Fund
622 may be used in the development of the total combined budgets of
623 the clerks of the court as provided in s. 28.35(2)(f)6. However,
624 a minimum of 10 percent of the clerk-retained portion of the
625 cumulative excess amount must be held in reserve until such
626 funds reach an amount equal to at least 16 percent of the total
627 budget authority from the current county fiscal year, as
628 provided in s. 28.36(3)(a)

629 ~~1. No later than February 1, 2020, the Department of~~
630 ~~Revenue shall transfer from the Clerks of the Court Trust Fund~~
631 ~~to the General Revenue Fund the sum of the cumulative excess of~~
632 ~~all fines, fees, service charges, and costs submitted by the~~
633 ~~clerks of court pursuant to subsection (2) and the cumulative~~
634 ~~excess of all fines, fees, service charges, and costs remitted~~
635 ~~by the clerks of court pursuant to paragraph (a) in excess of~~
636 ~~\$10 million.~~

637 ~~2. No later than February 1, 2021, the Department of~~
638 ~~Revenue shall transfer from the Clerks of the Court Trust Fund~~
639 ~~to the General Revenue Fund not less than 50 percent of the sum~~
640 ~~of the cumulative excess of all fines, fees, service charges,~~
641 ~~and costs submitted by the clerks of court pursuant to~~
642 ~~subsection (2) and the cumulative excess of all fines, fees,~~
643 ~~service charges, and costs remitted by the clerks of court~~
644 ~~pursuant to paragraph (a); provided however, the balance~~
645 ~~remaining in the Clerks of Courts Trust Fund after such transfer~~
646 ~~may not be more than \$20 million.~~

647 ~~3. No later than February 1, 2022, the Department of~~
648 ~~Revenue shall transfer from the Clerks of the Court Trust Fund~~



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649 ~~to the General Revenue Fund not less than 50 percent of the sum~~
650 ~~of the cumulative excess of all fines, fees, service charges,~~
651 ~~and costs submitted by the clerks of court pursuant to~~
652 ~~subsection (2) and the cumulative excess of all fines, fees,~~
653 ~~service charges, and costs remitted by the clerks of court~~
654 ~~pursuant to paragraph (a); provided however, the balance~~
655 ~~remaining in the Clerks of Courts Trust Fund after such transfer~~
656 ~~may not be more than \$20 million.~~

657 ~~4. No later than February 1, 2023, and each February 1~~
658 ~~thereafter, the Department of Revenue shall transfer from the~~
659 ~~Clerks of the Court Trust Fund to the General Revenue Fund the~~
660 ~~cumulative excess of all fines, fees, service charges, and costs~~
661 ~~submitted by the clerks of court pursuant to subsection (2) and~~
662 ~~the cumulative excess of all fines, fees, service charges, and~~
663 ~~costs remitted by the clerks of court pursuant to paragraph (a).~~

664 ~~(5)~~(4) The Department of Revenue shall collect any funds
665 that the Florida Clerks of Court Operations Corporation
666 determines upon investigation were due but not remitted to the
667 Department of Revenue. The corporation shall notify the clerk of
668 the court and the Department of Revenue of the amount due to the
669 Department of Revenue. The clerk of the court shall remit the
670 amount due no later than the 10th day of the month following the
671 month in which notice is provided by the corporation to the
672 clerk of the court.

673 ~~(6)~~(5) Ten percent of all court-related fines collected by
674 the clerk, except for penalties or fines distributed to counties
675 or municipalities under s. 316.0083(1)(b)3. or s. 318.18(15)(a),
676 must ~~shall~~ be deposited into the fine and forfeiture fund to be
677 used exclusively for clerk court-related functions, as provided



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678 in s. 28.35(3)(a).

679 Section 10. Section 28.42, Florida Statutes, is amended to
680 read:

681 28.42 Manual of filing fees, charges, costs, and fines;
682 payment plan form.—

683 (1) The clerks of court, through their association and in
684 consultation with the Office of the State Courts Administrator,
685 shall prepare and disseminate a manual of filing fees, service
686 charges, costs, and fines imposed pursuant to state law, for
687 each type of action and offense, and classified as mandatory or
688 discretionary. The manual also shall classify the fee, charge,
689 cost, or fine as court-related revenue or noncourt-related
690 revenue. The clerks, through their association, shall
691 disseminate this manual to the chief judge, state attorney,
692 public defender, and court administrator in each circuit and to
693 the clerk of the court in each county. The clerks, through their
694 association and in consultation with the Office of the State
695 Courts Administrator, shall at a minimum update and disseminate
696 this manual on July 1 of each year.

697 (2) By October 1, 2021, the clerks of court, through the
698 Florida Clerks of Court Operations Corporation, shall develop a
699 uniform payment plan form for use by persons seeking to
700 establish a payment plan in accordance with s. 28.246(4). The
701 form must inform the person of the minimum payment due each
702 month, the term of the plan, acceptable payment methods, and the
703 circumstances under which a case may be sent to collections for
704 nonpayment.

705 (3) By January 1, 2022, each clerk of court shall use the
706 uniform payment plan form developed pursuant to subsection (2)



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707 when establishing payment plans.

708 Section 11. Effective upon this act becoming law,
709 subsection (5) of section 40.29, Florida Statutes, is amended to
710 read:

711 40.29 Payment of due-process costs.—

712 (5) The Justice Administrative Commission shall reimburse
713 ~~provide~~ funds to the clerks of the court to compensate jurors,
714 to pay for meals or lodging provided to jurors, and to pay for
715 jury-related personnel costs as provided in this section. Each
716 clerk of the court must submit a request for reimbursement shall
717 ~~forward~~ to the Florida Clerks of Court Operations Corporation
718 within 20 days after each quarter attesting to the clerk's
719 actual costs ~~Justice Administrative Commission a quarterly~~
720 ~~estimate of funds necessary~~ to compensate jurors, to and pay for
721 meals or lodging provided to jurors, and to pay for jury-related
722 personnel costs during the upcoming quarter. The Florida Clerks
723 of Court Operations Corporation must review the request for
724 reimbursement to ensure that the costs are reasonably and
725 directly related to jury management. The Florida Clerks of Court
726 Operations Corporation must ~~shall~~ forward to the Justice
727 Administrative Commission ~~a quarterly estimate of~~ the amount
728 necessary to reimburse each clerk of the court for its personnel
729 and other costs related to jury management unless the total
730 request for reimbursement by the clerks exceeds the quarterly
731 funds available to the Justice Administrative Commission, in
732 which case the Florida Clerks of Court Operations Corporation
733 shall adjust the cumulative total to match the available funds
734 before submitting the request to the Justice Administrative
735 Commission. Upon receipt of each request for reimbursement such



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736 ~~estimates~~, the Justice Administrative Commission must review
737 ~~shall determine~~ the amount deemed necessary for payment to the
738 clerks of the court for the most recently completed during the
739 ~~upcoming~~ quarter, determine if the total payment amount is
740 available, and submit a request for payment to the Chief
741 Financial Officer. ~~If the Justice Administrative Commission~~
742 ~~believes that the amount appropriated by the Legislature is~~
743 ~~insufficient to meet such costs during the remaining part of the~~
744 ~~state fiscal year, the commission may apportion the funds~~
745 ~~appropriated in the General Appropriations Act for those~~
746 ~~purposes among the several counties, basing the apportionment~~
747 ~~upon the amount expended for such purposes in each county during~~
748 ~~the prior fiscal year, in which case, the Chief Financial~~
749 ~~Officer shall issue the appropriate apportioned amount by~~
750 ~~warrant to each county.~~ The clerks of the court are responsible
751 for any compensation to jurors, for payments for meals or
752 lodging provided to jurors, and for jury-related personnel costs
753 that exceed the funding provided in the General Appropriations
754 Act for these purposes.

755 Section 12. Effective upon this act becoming a law, section
756 45.035, Florida Statutes, is amended to read:

757 45.035 Clerk's fees.—In addition to other fees or service
758 charges authorized by law, the clerk shall receive service
759 charges related to the judicial sales procedure set forth in ss.
760 45.031-45.033 ~~ss. 45.031-45.034~~ and this section:

761 (1) The clerk shall receive a service charge of \$70, from
762 which the clerk shall remit \$10 to the Department of Revenue for
763 deposit into the General Revenue Fund, for services in making,
764 recording, and certifying the sale and title, which service



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765 charge shall be assessed as costs and shall be advanced by the
766 plaintiff before the sale.

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

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

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

777 (3) If the sale is conducted by electronic means, as
778 provided in s. 45.031(10), the clerk shall receive an additional
779 service charge not to exceed \$70 for services in conducting or
780 contracting for the electronic sale, which service charge shall
781 be assessed as costs and paid when filing for an electronic sale
782 date. If the clerk requires advance electronic deposits to
783 secure the right to bid, such deposits shall not be subject to
784 the fee under s. 28.24(11) ~~s. 28.24(10)~~. The portion of an
785 advance deposit from a winning bidder required by s. 45.031(3)
786 shall, upon acceptance of the winning bid, be subject to the fee
787 under s. 28.24(11) ~~s. 28.24(10)~~.

788 Section 13. Effective upon this act becoming a law,
789 subsection (2) of section 55.141, Florida Statutes, is amended
790 to read:

791 55.141 Satisfaction of judgments and decrees; duties of
792 clerk.—

793 (2) Upon such payment, the clerk shall execute and record



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794 in the official records a satisfaction of judgment upon payment
795 of the recording charge prescribed in s. 28.24(13) ~~s. 28.24(12)~~.
796 Upon payment of the amount required in subsection (1) and the
797 recording charge required by this subsection and execution and
798 recordation of the satisfaction by the clerk, any lien created
799 by the judgment is satisfied and discharged.

800 Section 14. Effective upon this act becoming a law,
801 subsection (6) of section 57.082, Florida Statutes, is amended
802 to read:

803 57.082 Determination of civil indigent status.—

804 (6) PROCESSING CHARGE; PAYMENT PLANS.—A person who the
805 clerk or the court determines is indigent for civil proceedings
806 under this section shall be enrolled in a payment plan under s.
807 28.246 and shall be charged a one-time administrative processing
808 charge under s. 28.24(27)(c) ~~s. 28.24(26)(c)~~. A monthly payment
809 amount, calculated based upon all fees and all anticipated
810 costs, is presumed to correspond to the person's ability to pay
811 if it does not exceed 2 percent of the person's annual net
812 income, as defined in subsection (1), divided by 12. The person
813 may seek review of the clerk's decisions regarding a payment
814 plan established under s. 28.246 in the court having
815 jurisdiction over the matter. A case may not be impeded in any
816 way, delayed in filing, or delayed in its progress, including
817 the final hearing and order, due to nonpayment of any fees or
818 costs by an indigent person. Filing fees waived from payment
819 under s. 57.081 may not be included in the calculation related
820 to a payment plan established under this section.

821 Section 15. Effective upon this act becoming a law,
822 paragraph (c) of subsection (5) of section 197.502, Florida



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823 Statutes, is amended to read:

824 197.502 Application for obtaining tax deed by holder of tax
825 sale certificate; fees.—

826 (5)

827 (c) Upon receiving the tax deed application from the tax
828 collector, the clerk shall record a notice of tax deed
829 application in the official records, which constitutes notice of
830 the pendency of a tax deed application with respect to the
831 property and remains effective for 1 year from the date of
832 recording. A person acquiring an interest in the property after
833 the tax deed application notice has been recorded is deemed to
834 be on notice of the pending tax deed sale, and no additional
835 notice is required. The sale of the property automatically
836 releases any recorded notice of tax deed application for that
837 property. If the property is redeemed, the clerk must record a
838 release of the notice of tax deed application upon payment of
839 the fees as authorized in s. 28.24(9) and (13) ~~s. 28.24(8) and~~
840 ~~(12)~~. The contents of the notice shall be the same as the
841 contents of the notice of publication required by s. 197.512.
842 The cost of recording must be collected at the time of
843 application under subsection (1), and added to the opening bid.

844 Section 16. Effective upon this act becoming a law, section
845 197.532, Florida Statutes, is amended to read:

846 197.532 Fees for mailing additional notices, when
847 application is made by holder.—When the certificateholder makes
848 a written request of the clerk and furnishes the names and
849 addresses at the time of the filing of the application, the
850 clerk shall send a copy of the notice referred to in s. 197.522
851 to anyone to whom the certificateholder may request him or her



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852 to send it, and the clerk shall include in such notice the
853 statement required in s. 197.522. The certificateholder shall
854 pay the clerk the service charges as prescribed in s. 28.24(6)
855 ~~s. 28.24(5)~~ for preparing and mailing each copy of notice
856 requested by the holder. When the charges are made, they shall
857 be added by the clerk to the amount required to redeem the land
858 from sale.

859 Section 17. Effective upon this act becoming a law,
860 subsection (3) and paragraphs (a) and (b) of subsection (4) of
861 section 197.542, Florida Statutes, are amended to read:

862 197.542 Sale at public auction.—

863 (3) If the sale is canceled for any reason or the buyer
864 fails to make full payment within the time required, the clerk
865 shall readvertise the sale within 30 days after the buyer's
866 nonpayment or, if canceled, within 30 days after the clerk
867 receives the costs of resale. The sale shall be held within 30
868 days after readvertising. Only one advertisement is necessary.
869 The amount of the opening bid shall be increased by the cost of
870 advertising, additional clerk's fees as provided for in s.
871 28.24(22) ~~s. 28.24(21)~~, and interest as provided for in
872 subsection (1). If, at the subsequent sale, there are no bidders
873 at the tax deed sale and the certificateholder fails to pay the
874 moneys due within 30 days after the sale, the clerk may not
875 readvertise the sale and shall place the property on a list
876 entitled "lands available for taxes." The clerk must receive
877 full payment before the issuance of the tax deed.

878 (4) (a) A clerk may conduct electronic tax deed sales in
879 lieu of public outcry. The clerk must comply with the procedures
880 provided in this chapter, except that electronic proxy bidding



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881 shall be allowed and the clerk may require bidders to advance
882 sufficient funds to pay the deposit required by subsection (2).
883 The clerk shall provide access to the electronic sale by
884 computer terminals open to the public at a designated location.
885 A clerk who conducts such electronic sales may receive
886 electronic deposits and payments related to the sale. The
887 portion of an advance deposit from a winning bidder required by
888 subsection (2) shall, upon acceptance of the winning bid, be
889 subject to the fee under s. 28.24(11) ~~s. 28.24(10)~~.

890 (b) This subsection does not restrict or limit the
891 authority of a charter county to conduct electronic tax deed
892 sales. In a charter county where the clerk of the circuit court
893 does not conduct all electronic sales, the charter county shall
894 be permitted to receive electronic deposits and payments related
895 to sales it conducts, as well as to subject the winning bidder
896 to a fee, consistent with the schedule in s. 28.24(11) ~~s.~~
897 ~~28.24(10)~~.

898 Section 18. Effective upon this act becoming a law,
899 paragraph (b) of subsection (2) of section 197.582, Florida
900 Statutes, is amended to read:

901 197.582 Disbursement of proceeds of sale.—

902 (2)

903 (b) The mailed notice must include a form for making a
904 claim under subsection (3). Service charges at the rate set
905 forth in s. 28.24(11) ~~s. 28.24(10)~~ and the costs of mailing must
906 be paid out of the surplus funds held by the clerk. If the clerk
907 or comptroller certifies that the surplus funds are not
908 sufficient to cover the service charges and mailing costs, the
909 clerk shall receive the total amount of surplus funds as a



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910 service charge. For purposes of identifying unclaimed property
911 pursuant to s. 717.113, excess proceeds shall be presumed
912 payable or distributable on the date the notice is sent.

913 Section 19. Paragraph (a) of subsection (1) of section
914 318.15, Florida Statutes, is amended to read:

915 318.15 Failure to comply with civil penalty or to appear;
916 penalty.-

917 (1) (a) If a person fails to comply with the civil penalties
918 provided in s. 318.18 within the time period specified in s.
919 318.14(4), fails to enter into or comply with the terms of a
920 penalty payment plan with the clerk of the court in accordance
921 with ss. 318.14 and 28.246, fails to attend driver improvement
922 school, or fails to appear at a scheduled hearing, the clerk of
923 the court must ~~shall~~ notify the Department of Highway Safety and
924 Motor Vehicles of such failure within 10 days after such
925 failure. Upon receipt of such notice, the department must ~~shall~~
926 immediately issue an order suspending the driver license and
927 privilege to drive of such person effective 20 days after the
928 date the order of suspension is mailed in accordance with s.
929 322.251(1), (2), and (6). The order also must inform the person
930 that he or she may contact the clerk of the court to establish a
931 payment plan pursuant to s. 28.246(4) to make partial payments
932 for court-related fines, fees, service charges, and court costs.
933 Any such suspension of the driving privilege which has not been
934 reinstated, including a similar suspension imposed outside of
935 this state Florida, must ~~shall~~ remain on the records of the
936 department for a period of 7 years from the date imposed and
937 must ~~shall~~ be removed from the records after the expiration of 7
938 years from the date it is imposed. The department may not accept



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939 the resubmission of such suspension.

940 Section 20. Section 318.20, Florida Statutes, is amended to
941 read:

942 318.20 Notification; duties of department.—The department
943 shall prepare a notification form to be appended to, or
944 incorporated as a part of, the Florida uniform traffic citation
945 issued in accordance with s. 316.650. The notification form must
946 ~~shall~~ contain language informing persons charged with
947 infractions to which this chapter applies of the procedures
948 available to them under this chapter. Such notification form
949 must ~~shall~~ contain a statement that, if the official determines
950 that no infraction has been committed, no costs or penalties may
951 ~~shall~~ be imposed and any costs or penalties that ~~which~~ have been
952 paid will ~~shall~~ be returned. Additionally, the notification form
953 must include information on paying the civil penalty to the
954 clerk of the court and the ability to establish a payment plan
955 pursuant to s. 28.246(4). A uniform traffic citation that is
956 produced electronically must also include the information
957 required by this section.

958 Section 21. Subsections (1) and (3) and paragraph (a) of
959 subsection (5) of section 322.245, Florida Statutes, are amended
960 to read:

961 322.245 Suspension of license upon failure of person
962 charged with specified offense under chapter 316, chapter 320,
963 or this chapter to comply with directives ordered by traffic
964 court or upon failure to pay child support in non-IV-D cases as
965 provided in chapter 61 or failure to pay any financial
966 obligation in any other criminal case.—

967 (1) If a person charged with a violation of any of the



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968 criminal offenses enumerated in s. 318.17 or with the commission
969 of any offense constituting a misdemeanor under chapter 320 or
970 this chapter fails to comply with all of the directives of the
971 court within the time allotted by the court, the clerk of the
972 ~~traffic~~ court must provide ~~shall mail to~~ the person, either
973 electronically or by mail sent to ~~at~~ the address specified on
974 the uniform traffic citation, a notice of such failure,
975 notifying him or her that, if he or she does not comply with the
976 directives of the court within 30 days after the date of the
977 notice and pay a delinquency fee of up to \$25 to the clerk, from
978 which the clerk shall remit \$10 to the Department of Revenue for
979 deposit into the General Revenue Fund, his or her driver license
980 will be suspended. The notice must ~~shall~~ be sent ~~mailed~~ no later
981 than 5 days after such failure. The delinquency fee may be
982 retained by the office of the clerk to defray the operating
983 costs of the office.

984 (3) If the person fails to comply with the directives of
985 the court within the 30-day period, or, in non-IV-D cases, fails
986 to comply with the requirements of s. 61.13016 within the period
987 specified in that statute, the depository or the clerk of the
988 court must ~~shall~~ electronically notify the department of such
989 failure within 10 days. Upon electronic receipt of the notice,
990 the department shall immediately issue an order suspending the
991 person's driver license and privilege to drive effective 20 days
992 after the date the order of suspension is mailed in accordance
993 with s. 322.251(1), (2), and (6). The order of suspension must
994 also contain information specifying that the person may contact
995 the clerk of the court to establish a payment plan pursuant to
996 s. 28.246(4) to make partial payments for fines, fees, service



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997 charges, and court costs.

998 (5) (a) When the department receives notice from a clerk of
999 the court that a person licensed to operate a motor vehicle in
1000 this state under the provisions of this chapter has failed to
1001 pay financial obligations for any criminal offense other than
1002 those specified in subsection (1), in full or in part under a
1003 payment plan pursuant to s. 28.246(4), the department must ~~shall~~
1004 suspend the license of the person named in the notice. The
1005 department shall mail an order of suspension in accordance with
1006 s. 322.251(1), (2), and (6), which must also contain information
1007 specifying that the person may contact the clerk of the court to
1008 establish a payment plan pursuant to s. 28.246(4) to make
1009 partial payments for fines, fees, service charges, and court
1010 costs.

1011 Section 22. Effective upon this act becoming a law,
1012 paragraph (d) of subsection (3) of section 569.23, Florida
1013 Statutes, is amended to read:

1014 569.23 Security requirements for tobacco settlement
1015 agreement signatories, successors, parents, and affiliates.—

1016 (3)

1017 (d) The clerk of the Supreme Court shall collect fees for
1018 receipt of deposits under this subsection as authorized by ss.
1019 28.231 and 28.24(11) (a) ~~28.24(10) (a)~~. In addition, for as long
1020 as any cash remains on deposit with the clerk pursuant to this
1021 subsection, the clerk of the Supreme Court is entitled to
1022 regularly receive as an additional fee the net investment income
1023 earned thereon. The clerk shall use the services of the Chief
1024 Financial Officer, as needed, for the custody and management of
1025 all bonds, other surety, or cash posted or deposited with the



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1026 clerk. All fees collected pursuant to this subsection shall be
1027 deposited in the State Courts Revenue Trust Fund for use as
1028 specified by law.

1029 Section 23. Effective upon this act becoming a law,
1030 subsection (3) of section 712.06, Florida Statutes, is amended
1031 to read:

1032 712.06 Contents of notice; recording and indexing.—

1033 (3) The person providing the notice referred to in s.
1034 712.05, other than a notice for preservation of a community
1035 covenant or restriction, shall:

1036 (a) Cause the clerk of the circuit court to mail by
1037 registered or certified mail to the purported owner of said
1038 property, as stated in such notice, a copy thereof and shall
1039 enter on the original, before recording the same, a certificate
1040 showing such mailing. For preparing the certificate, the
1041 claimant shall pay to the clerk the service charge as prescribed
1042 in s. 28.24(9) ~~s. 28.24(8)~~ and the necessary costs of mailing,
1043 in addition to the recording charges as prescribed in s.
1044 28.24(13) ~~s. 28.24(12)~~. If the notice names purported owners
1045 having more than one address, the person filing the same shall
1046 furnish a true copy for each of the several addresses stated,
1047 and the clerk shall send one such copy to the purported owners
1048 named at each respective address. Such certificate shall be
1049 sufficient if the same reads substantially as follows:

1050
1051 I hereby certify that I did on this, mail by
1052 registered (or certified) mail a copy of the foregoing notice to
1053 each of the following at the address stated:

1054



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1055 ... (Clerk of the circuit court)...
1056 of County, Florida,
1057 By... (Deputy clerk)...

1058
1059 The clerk of the circuit court is not required to mail to the
1060 purported owner of such property any such notice that pertains
1061 solely to the preserving of any covenant or restriction or any
1062 portion of a covenant or restriction; or

1063 (b) Publish once a week, for 2 consecutive weeks, the
1064 notice referred to in s. 712.05, with the official record book
1065 and page number in which such notice was recorded, in a
1066 newspaper as defined in chapter 50 in the county in which the
1067 property is located.

1068 Section 24. Present subsection (3) of section 775.083,
1069 Florida Statutes, is redesignated as subsection (4), and a new
1070 subsection (3) is added to that section, to read:

1071 775.083 Fines.—

1072 (3) The clerk of the court of each county is the entity
1073 responsible for collecting payment of fines, fees, service
1074 charges, and court costs. Unless otherwise designated by the
1075 court, a person who has been ordered to pay court obligations
1076 under this section shall immediately contact the clerk to pay
1077 fines, fees, service charges, and court costs in full or to
1078 apply for enrollment in a payment plan pursuant to s. 28.246(4).

1079 Section 25. Except as otherwise expressly provided in this
1080 act and except for this section, which shall take effect upon
1081 this act becoming a law, this act shall take effect October 1,
1082 2021.

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1084 ===== T I T L E A M E N D M E N T =====

1085 And the title is amended as follows:

1086 Delete everything before the enacting clause

1087 and insert:

1088 A bill to be entitled

1089 An act relating to clerks of the court; amending s.
1090 27.52, F.S.; conforming a cross-reference; amending s.
1091 28.222, F.S.; requiring certain service charges to be
1092 distributed in a specified manner; amending s.
1093 28.22205, F.S.; conforming a cross-reference; amending
1094 s. 28.24, F.S.; defining the term "court record";
1095 specifying the amount of charges for certain services
1096 rendered by, and instruments filed with, the clerk of
1097 the circuit court which are not court records;
1098 amending s. 28.241, F.S.; revising the distribution of
1099 revenue from filing fees from the institution of
1100 certain appellate proceedings; amending s. 28.246,
1101 F.S.; clarifying the responsibility of an individual
1102 released from incarceration regarding enrolling in a
1103 payment plan for any outstanding court obligations;
1104 modifying the manner of calculating a monthly payment
1105 amount under a payment plan; requiring the clerk to
1106 establish all terms of a payment plan; conforming
1107 cross-references; amending s. 28.35, F.S.; conforming
1108 cross-references and provisions to changes made by the
1109 act; amending s. 28.36, F.S.; conforming a cross-
1110 reference; requiring the corporation to establish and
1111 manage a contingency reserve within the Clerks of the
1112 Court Trust Fund for specified purposes; prescribing



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1113 reporting requirements; specifying circumstances under
1114 which moneys held in reserve may be used; prescribing
1115 procedures for the release of such funds; amending s.
1116 28.37, F.S.; modifying a provision regarding state
1117 court system funding; defining terms; conforming a
1118 cross-reference; revising provisions governing the
1119 transfer of certain funds from the Clerks of the Court
1120 Trust Fund to the General Revenue Fund by the
1121 Department of Revenue; amending s. 28.42, F.S.;
1122 requiring the clerks of court to develop a uniform
1123 payment plan form by a specified date; prescribing
1124 requirements for the form; requiring the clerks to use
1125 such form by a specified date; amending s. 40.29,
1126 F.S.; requiring the clerks of the court to submit
1127 requests for reimbursement for jury-related costs to
1128 the Florida Clerks of Court Operations Corporation
1129 within specified timeframes; requiring the corporation
1130 to review such requests for reimbursement; requiring
1131 the corporation to submit certain information to the
1132 Justice Administrative Commission; requiring the
1133 commission to review the information and submit a
1134 request for payment to the Chief Financial Officer
1135 under certain circumstances; removing a provision
1136 authorizing the commission to apportion funds among
1137 the counties for certain purposes; amending ss.
1138 45.035, 55.141, 57.082, 197.502, 197.532, 197.542, and
1139 197.582, F.S.; conforming cross-references; amending
1140 ss. 318.15, 318.20, and 322.245, F.S.; requiring
1141 orders and notifications for certain traffic citations



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1142 and suspensions to include information regarding
1143 payment plans; amending ss. 569.23 and 712.06, F.S.;
1144 conforming cross-references; amending s. 775.083,
1145 F.S.; specifying that the clerk of the court of each
1146 county is responsible for collecting fines, fees,
1147 service charges, and court costs; requiring a person
1148 ordered to pay court obligations to contact the clerk
1149 to arrange for payment; providing effective dates.