



212474

LEGISLATIVE ACTION

Senate

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House

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The Committee on Appropriations (Hooper) recommended the following:

1           **Senate Substitute for Amendment (187280) (with title**  
2 **amendment)**

3  
4           Delete everything after the enacting clause  
5 and insert:

6           Section 1. Effective July 1, 2021, subsection (7) of  
7 section 28.222, Florida Statutes, is amended to read:

8           28.222 Clerk to be county recorder.—

9           (7) (a) All instruments recorded in the Official Records  
10 must remain ~~shall always be~~ open to the public, under the



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11 supervision of the clerk, for the purpose of inspection thereof  
12 and of making extracts therefrom. ~~;~~ ~~but~~

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

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

22 Section 2. Effective July 1, 2021, section 28.24, Florida  
23 Statutes, is amended to read:

24 28.24 Service charges.—The clerk of the circuit court shall  
25 charge for services rendered manually or electronically by the  
26 clerk's office in recording documents and instruments and in  
27 performing other specified duties. These charges may not exceed  
28 those specified in this section, except as provided in s.  
29 28.345.

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

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

34 (b) Transcripts filed with the clerk.

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

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

38 (e) Electronic records, video recordings, and stenographic  
39 tapes of court proceedings.



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40           (2) For examining, comparing, correcting, verifying, and  
41 certifying transcripts of record in appellate proceedings,  
42 prepared by attorney for appellant or someone else other than  
43 clerk, per page: 5.00, from which the clerk shall remit 0.50 per  
44 page to the Department of Revenue for deposit into the General  
45 Revenue Fund.

46           (3)~~(2)~~ For preparing, numbering, and indexing an original  
47 record of appellate proceedings, per instrument: 3.50, from  
48 which the clerk shall remit 0.50 per instrument to the  
49 Department of Revenue for deposit into the General Revenue Fund.

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

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

56           (5) (a)~~(4)~~ For verifying any instrument presented for  
57 certification prepared by someone other than clerk, per page:  
58 3.50, from which the clerk shall remit 0.50 per page to the  
59 Department of Revenue for deposit into the General Revenue Fund.

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

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

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



69        (7)~~(6)~~ For making microfilm copies of any public records:  
70        (a) That are court records:  
71        1. 16 mm 100' microfilm roll: 42.00, from which the clerk  
72 shall remit 4.50 to the Department of Revenue for deposit into  
73 the General Revenue Fund.  
74        2.~~(b)~~ 35 mm 100' microfilm roll: 60.00, from which the  
75 clerk shall remit 7.50 to the Department of Revenue for deposit  
76 into the General Revenue Fund.  
77        3.~~(c)~~ Microfiche, per fiche: 3.50, from which the clerk  
78 shall remit 0.50 to the Department of Revenue for deposit into  
79 the General Revenue Fund.  
80        (b) That are not court records:  
81        1. 16 mm 100' microfilm roll: 42.00.  
82        2. 35 mm 100' microfilm roll: 60.00.  
83        3. Microfiche, per fiche: 3.50.  
84        (8)~~(7)~~ For copying any instrument in the public records by  
85 other than photographic process, per page:.....6.00.  
86        (9) (a)~~(8)~~ For writing any paper that is a court record  
87 other than a paper otherwise herein specifically mentioned in  
88 this section, same as for copying, including signing and  
89 sealing: 7.00, from which the clerk shall remit 1.00 to the  
90 Department of Revenue for deposit into the General Revenue Fund.  
91        (b) For writing any paper that is not a court record other  
92 than a paper otherwise specifically mentioned in this section,  
93 including signing and sealing: 7.00.  
94        (10)~~(9)~~ For indexing each entry not recorded:.....1.00.  
95        (11)~~(10)~~ For receiving money into the registry of court:  
96        (a) 1. First \$500: 3~~7~~ percent.....3  
97        2. Each subsequent \$100: 1.5~~7~~ percent.....1.5



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

101 ~~(11)~~ (12) For examining, certifying, and recording plats and  
102 for recording condominium exhibits larger than 14 inches by 8  
103 1/2 inches:

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

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

106 ~~(12)~~ (13) For recording, indexing, and filing any instrument  
107 not more than 14 inches by 8 1/2 inches, including required  
108 notice to property appraiser where applicable:

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

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

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

114 (d) An additional service charge must be paid to the clerk  
115 of the circuit court to be deposited in the Public Records  
116 Modernization Trust Fund for each instrument listed in s.  
117 28.222, except judgments received from the courts and notices of  
118 lis pendens, recorded in the official records:

119 1. First page:.....1.00.

120 2. Each additional page:.....0.50.

121  
122 Said fund must be held in trust by the clerk and used  
123 exclusively for equipment and maintenance of equipment,  
124 personnel training, and technical assistance in modernizing the  
125 public records system of the office. In a county where the duty  
126 of maintaining official records exists in an office other than



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127 the office of the clerk of the circuit court, the clerk of the  
128 circuit court is entitled to 25 percent of the moneys deposited  
129 into the trust fund for equipment, maintenance of equipment,  
130 training, and technical assistance in modernizing the system for  
131 storing records in the office of the clerk of the circuit court.  
132 The fund may not be used for the payment of travel expenses,  
133 membership dues, bank charges, staff-recruitment costs, salaries  
134 or benefits of employees, construction costs, general operating  
135 expenses, or other costs not directly related to obtaining and  
136 maintaining equipment for public records systems or for the  
137 purchase of furniture or office supplies and equipment not  
138 related to the storage of records. On or before December 1,  
139 1995, and on or before December 1 of each year immediately  
140 preceding each year during which the trust fund is scheduled for  
141 legislative review under s. 19(f)(2), Art. III of the State  
142 Constitution, each clerk of the circuit court shall file a  
143 report on the Public Records Modernization Trust Fund with the  
144 President of the Senate and the Speaker of the House of  
145 Representatives. The report must itemize each expenditure made  
146 from the trust fund since the last report was filed; each  
147 obligation payable from the trust fund on that date; and the  
148 percentage of funds expended for each of the following:  
149 equipment, maintenance of equipment, personnel training, and  
150 technical assistance. The report must indicate the nature of the  
151 system each clerk uses to store, maintain, and retrieve public  
152 records and the degree to which the system has been upgraded  
153 since the creation of the trust fund.

154 (e) An additional service charge of \$4 per page shall be  
155 paid to the clerk of the circuit court for each instrument



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156 listed in s. 28.222, except judgments received from the courts  
157 and notices of lis pendens, recorded in the official records.  
158 From the additional \$4 service charge collected:

159       1. If the counties maintain legal responsibility for the  
160 costs of the court-related technology needs as defined in s.  
161 29.008(1)(f)2. and (h), 10 cents shall be distributed to the  
162 Florida Association of Court Clerks and Comptrollers, Inc., for  
163 the cost of development, implementation, operation, and  
164 maintenance of the clerks' Comprehensive Case Information  
165 System; \$1.90 shall be retained by the clerk to be deposited in  
166 the Public Records Modernization Trust Fund and used exclusively  
167 for funding court-related technology needs of the clerk as  
168 defined in s. 29.008(1)(f)2. and (h); and \$2 shall be  
169 distributed to the board of county commissioners to be used  
170 exclusively to fund court-related technology, and court  
171 technology needs as defined in s. 29.008(1)(f)2. and (h) for the  
172 state trial courts, state attorney, public defender, and  
173 criminal conflict and civil regional counsel in that county. If  
174 the counties maintain legal responsibility for the costs of the  
175 court-related technology needs as defined in s. 29.008(1)(f)2.  
176 and (h), notwithstanding any other provision of law, the county  
177 is not required to provide additional funding beyond that  
178 provided in this section ~~herein~~ for the court-related technology  
179 needs of the clerk as defined in s. 29.008(1)(f)2. and (h). All  
180 court records and official records are the property of the State  
181 of Florida, including any records generated as part of the  
182 Comprehensive Case Information System funded pursuant to this  
183 paragraph and the clerk of court is designated as the custodian  
184 of such records, except in a county where the duty of



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185 maintaining official records exists in a county office other  
186 than the clerk of court or comptroller, such county office is  
187 designated the custodian of all official records, and the clerk  
188 of court is designated the custodian of all court records. The  
189 clerk of court or any entity acting on behalf of the clerk of  
190 court, including an association, may not charge a fee to any  
191 agency as defined in s. 119.011, the Legislature, or the State  
192 Court System for copies of records generated by the  
193 Comprehensive Case Information System or held by the clerk of  
194 court or any entity acting on behalf of the clerk of court,  
195 including an association.

196 2. If the state becomes legally responsible for the costs  
197 of court-related technology needs as defined in s.  
198 29.008(1)(f)2. and (h), whether by operation of general law or  
199 by court order, \$4 shall be remitted to the Department of  
200 Revenue for deposit into the General Revenue Fund.

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

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

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

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





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214           ~~(16)-(15)~~ For preparing affidavit of domicile:.....5.00.

215           ~~(17)-(16)~~ For exemplified certificates, including the  
216 signing and sealing of them: 7.00, from which the clerk shall  
217 remit 1.00 to the Department of Revenue for deposit into the  
218 General Revenue Fund.

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

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

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

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

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

236           (b) For approving a bond: 8.50.

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

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



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243        (22)~~(21)~~ For processing an application for a tax deed sale  
244 (includes application, sale, issuance, and preparation of tax  
245 deed, and disbursement of proceeds of sale), other than excess  
246 proceeds:.....60.00.  
247        (23)~~(22)~~ For disbursement of excess proceeds of tax deed  
248 sale, first \$100 or fraction thereof:.....10.00.  
249        (24)~~(23)~~ Upon receipt of an application for a marriage  
250 license, for preparing and administering of oath; issuing,  
251 sealing, and recording of the marriage license; and providing a  
252 certified copy:.....30.00.  
253        (25)~~(24)~~ For solemnizing matrimony:.....30.00.  
254        (26)~~(25)~~ For sealing any court file or expungement of any  
255 record: 42.00, from which the clerk shall remit 4.50 to the  
256 Department of Revenue for deposit into the General Revenue Fund.  
257        (27) (a) ~~(26)~~ (a) For receiving and disbursing all restitution  
258 payments, per payment: 3.50, from which the clerk shall remit  
259 0.50 per payment to the Department of Revenue for deposit into  
260 the General Revenue Fund.  
261        (b) For receiving and disbursing all partial payments,  
262 other than restitution payments, for which an administrative  
263 processing service charge is not imposed pursuant to s. 28.246,  
264 per month:.....5.00.  
265        (c) For setting up a payment plan, a one-time  
266 administrative processing charge in lieu of a per month charge  
267 under paragraph (b):.....25.00.  
268        (28)~~(27)~~ Postal charges incurred by the clerk of the  
269 circuit court in any mailing by certified or registered mail  
270 must be paid by the party at whose instance the mailing is made.  
271        (29)~~(28)~~ For furnishing an electronic copy of information



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272 contained in a computer database: a fee as provided for in  
273 chapter 119.

274 Section 3. Effective July 1, 2021, subsection (2) of  
275 section 28.241, Florida Statutes, is amended to read:

276 28.241 Filing fees for trial and appellate proceedings.—

277 (2) Upon the institution of any appellate proceeding from  
278 any lower court to the circuit court of any such county,  
279 including appeals filed by a county or municipality as provided  
280 in s. 34.041(5), or from the county or circuit court to an  
281 appellate court of the state, the clerk shall charge and collect  
282 from the party or parties instituting such appellate proceedings  
283 a filing fee, as follows: not to exceed \$280, from which the  
284 clerk shall remit \$20 to the Department of Revenue for deposit  
285 into the General Revenue Fund,

286 (a) For filing a notice of appeal from the county court to  
287 the circuit court, a filing fee not to exceed \$280. and, in  
288 addition to the filing fee required under s. 25.241 or s. 35.22,  
289 \$100

290 (b) For filing a notice of appeal from the county or  
291 circuit court to the district court of appeal or to the Supreme  
292 Court, in addition to the filing fee required under s. 25.241 or  
293 s. 35.22, a filing fee not to exceed \$100, of which the clerk  
294 shall remit \$20 to the Department of Revenue for deposit into  
295 the General Revenue Fund. If the party is determined to be  
296 indigent, the clerk shall defer payment of the fee otherwise  
297 required by this subsection.

298 Section 4. Subsection (4) of section 28.246, Florida  
299 Statutes, is amended to read:

300 28.246 Payment of court-related fines or other monetary



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301 penalties, fees, charges, and costs; partial payments;  
302 distribution of funds.—

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

307 (b) An individual seeking to defer payment of fees, service  
308 charges, court costs, or fines imposed by operation of law or  
309 order of the court under any provision of general law shall  
310 apply to the clerk for enrollment in a payment plan. The clerk  
311 shall enter into a payment plan with an individual who the court  
312 determines is indigent for costs. It is the responsibility of an  
313 individual who is released from incarceration and has  
314 outstanding court obligations to contact the clerk within 30  
315 days after release to pay fees, service charges, court costs,  
316 and fines in full, or to apply for enrollment in a payment plan.

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

324 Section 5. Effective upon this act becoming a law,  
325 paragraph (f) of subsection (2) and paragraph (a) of subsection  
326 (3) of section 28.35, Florida Statutes, are amended to read:

327 28.35 Florida Clerks of Court Operations Corporation.—

328 (2) The duties of the corporation shall include the  
329 following:



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330 (f) Approving the proposed budgets submitted by clerks of  
331 the court pursuant to s. 28.36. The corporation must ensure that  
332 the total combined budgets of the clerks of the court do not  
333 exceed the total estimated revenues from fees, service charges,  
334 court costs, and fines for court-related functions available for  
335 court-related expenditures as determined by the most recent  
336 Revenue Estimating Conference, plus the total of unspent  
337 budgeted funds for court-related functions carried forward by  
338 the clerks of the court from the previous county fiscal year,  
339 ~~and~~ plus the balance of funds remaining in the Clerks of the  
340 Court Trust Fund after the transfer of funds to the General  
341 Revenue Fund required pursuant to s. 28.37(4)(b), and plus any  
342 appropriations for court-related functions ~~s. 28.37(3)(b)~~. The  
343 corporation may amend any individual clerk of the court budget  
344 to ensure compliance with this paragraph and must consider  
345 performance measures, workload performance standards, workload  
346 measures, and expense data before modifying the budget. As part  
347 of this process, the corporation shall:

348 1. Calculate the minimum amount of revenue necessary for  
349 each clerk of the court to efficiently perform the list of  
350 court-related functions specified in paragraph (3)(a). The  
351 corporation shall apply the workload measures appropriate for  
352 determining the individual level of review required to fund the  
353 clerk's budget.

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

358 3. Conduct an annual base budget review and an annual



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359 budget exercise examining the total budget of each clerk of the  
360 court. The review shall examine revenues from all sources,  
361 expenses of court-related functions, and expenses of noncourt-  
362 related functions as necessary to determine that court-related  
363 revenues are not being used for noncourt-related purposes. The  
364 review and exercise shall identify potential targeted budget  
365 reductions in the percentage amount provided in Schedule VIII-B  
366 of the state's previous year's legislative budget instructions,  
367 as referenced in s. 216.023(3), or an equivalent schedule or  
368 instruction as may be adopted by the Legislature.

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

372 5. Identify those clerks projected to have court-related  
373 revenues insufficient to fund their anticipated court-related  
374 expenditures.

375 6. Use revenue estimates based on the official estimate for  
376 funds from fees, service charges, court costs, and fines for  
377 court-related functions accruing to the clerks of the court made  
378 by the Revenue Estimating Conference, as well as any unspent  
379 budgeted funds for court-related functions carried forward by  
380 the clerks of the court from the previous county fiscal year and  
381 the balance of funds remaining in the Clerks of the Court Trust  
382 Fund after the transfer of funds to the General Revenue Fund  
383 required pursuant to s. 28.37(4)(b), plus any appropriations for  
384 the purpose of funding court-related functions ~~s. 28.37(3)(b)~~.

385 7. Identify pay and benefit increases in any proposed clerk  
386 budget, including, but not limited to, cost of living increases,  
387 merit increases, and bonuses.



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388           8. Identify increases in anticipated expenditures in any  
389 clerk budget that exceeds the current year budget by more than 3  
390 percent.

391           9. Identify the budget of any clerk which exceeds the  
392 average budget of similarly situated clerks by more than 10  
393 percent.

394

395 For the purposes of this paragraph, the term "unspent budgeted  
396 funds for court-related functions" means undisbursed funds  
397 included in the clerks of the courts budgets for court-related  
398 functions established pursuant to this section and s. 28.36.

399           (3) (a) The list of court-related functions that clerks may  
400 fund from filing fees, service charges, court costs, and fines  
401 is limited to those functions expressly authorized by law or  
402 court rule. Those functions include the following: case  
403 maintenance; records management; court preparation and  
404 attendance; processing the assignment, reopening, and  
405 reassignment of cases; processing of appeals; collection and  
406 distribution of fines, fees, service charges, and court costs;  
407 processing of bond forfeiture payments; data collection and  
408 reporting; determinations of indigent status; and paying  
409 reasonable administrative support costs to enable the clerk of  
410 the court to carry out these court-related functions.

411           Section 6. Effective upon this act becoming a law, present  
412 subsections (3) and (4) of section 28.36, Florida Statutes, are  
413 redesignated as subsections (4) and (5), respectively, a new  
414 subsection (3) is added to that section, and subsection (1),  
415 paragraph (b) of subsection (2), and present subsection (4) of  
416 that section are amended, to read:



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417           28.36 Budget procedure.—There is established a budget  
418 procedure for the court-related functions of the clerks of the  
419 court.

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

423           (2) Each proposed budget shall further conform to the  
424 following requirements:

425           (b) The proposed budget must be balanced such that the  
426 total of the estimated revenues available equals or exceeds the  
427 total of the anticipated expenditures. Such revenues include  
428 revenue projected to be received from fees, service charges,  
429 court costs, and fines for court-related functions during the  
430 fiscal period covered by the budget, plus the total of unspent  
431 budgeted funds for court-related functions carried forward by  
432 the clerk of the court from the previous county fiscal year and  
433 plus the portion of the balance of funds remaining in the Clerks  
434 of the Court Trust Fund after the transfer of funds to the  
435 General Revenue Fund required pursuant to s. 28.37(4)(b) ~~s.~~  
436 ~~28.37(3)(b)~~ which has been allocated to each respective clerk of  
437 the court by the Florida Clerks of Court Operations Corporation.  
438 For the purposes of this paragraph, the term "unspent budgeted  
439 funds for court-related functions" means undisbursed funds  
440 included in the clerk of the courts' budget for court related  
441 functions established pursuant to s. 28.35 and this section. The  
442 anticipated expenditures must be itemized as required by the  
443 corporation.

444           (3)(a) The Florida Clerks of Court Operations Corporation  
445 shall establish and manage a reserve for contingencies within





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446 the Clerks of the Court Trust Fund which must consist of an  
447 amount not to exceed 16 percent of the total budget authority  
448 for the clerks of court during the current county fiscal year,  
449 to be carried forward at the end of the fiscal year. Funds to be  
450 held in reserve include transfers of cumulative excess, as  
451 provided in s. 28.37(4) (b), from the Clerks of the Court Trust  
452 Fund and may also include revenues provided by law or moneys  
453 appropriated by the Legislature.

454 (b) The corporation shall provide a reporting of the  
455 balance and use of these funds during each county fiscal year as  
456 part of the corporation's annual report submitted under s.  
457 28.35(2) (h) .

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

463 1. To offset a current deficit between the revenue  
464 available and the original budget authority. A deficit is deemed  
465 to occur when the revenue available to the clerks of court falls  
466 below the original revenue projection for that county fiscal  
467 year.

468 2. To provide funding for an emergency, as defined in s.  
469 252.34(4). The emergency must have been declared by the  
470 Governor, pursuant to s. 252.36, or otherwise declared by law.

471 3. To provide funds in the development of the total  
472 aggregate budget of the clerks of court to ensure that a minimum  
473 continuation budget is met. For purposes of this subparagraph, a  
474 minimum continuation budget is the budget approved for the



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475 current county fiscal year or some lesser amount adopted by the  
476 corporation.

477 (d) To use the reserve, the corporation must request a  
478 budget amendment pursuant to s. 216.292.

479 (5)(4) The corporation may approve increases or decreases  
480 to the previously authorized budgets approved for ~~individual~~  
481 clerks of the court pursuant to s. 28.35 for court-related  
482 functions, if:

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

486 (b) The additional budget authority is necessary to pay the  
487 cost of supporting increases in the number of judges or  
488 magistrates authorized by the Legislature or increases in the  
489 use of hearing officers and senior judges assigned by the  
490 courts.

491 Section 7. Effective upon this act becoming a law, section  
492 28.37, Florida Statutes, is amended to read:

493 28.37 Fines, fees, service charges, and costs remitted to  
494 the state.—

495 (1) Pursuant to s. 14(b), Art. V of the State Constitution,  
496 selected salaries, costs, and expenses of the state courts  
497 system and court-related functions shall be funded from a  
498 portion of the revenues derived from statutory fines, fees,  
499 service charges, and court costs collected by the clerks of the  
500 court and from adequate and appropriate supplemental funding  
501 from state revenues as appropriated by the Legislature.

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

503 (a) "Cumulative excess" means revenues derived from fines,



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504 fees, service charges, and court costs collected by the clerks  
505 of the court which are greater than the original revenue  
506 projection.

507 (b) "Original revenue projection" means the official  
508 estimate, as determined by the Revenue Estimating Conference, of  
509 revenues from fines, fees, service charges, and court costs  
510 available for court-related functions for the county fiscal year  
511 covered by the projection.

512 (3) The Beginning November 1, 2013, that portion of all  
513 fines, fees, service charges, and costs collected by the clerks  
514 of the court for the previous month which is in excess of one-  
515 twelfth of the clerks' total budget for the performance of  
516 court-related functions must ~~shall~~ be remitted to the Department  
517 of Revenue for deposit into the Clerks of the Court Trust Fund.  
518 Such collections do not include funding received for the  
519 operation of the Title IV-D child support collections and  
520 disbursement program. The clerk of the court shall remit the  
521 revenues collected during the previous month due to the state on  
522 or before the 10th day of each month.

523 (4) (a) ~~(3) (a)~~ Each year, no later than January 25, for the  
524 previous county fiscal year, the clerks of court, in  
525 consultation with the Florida Clerks of Court Operations  
526 Corporation, shall remit to the Department of Revenue for  
527 deposit in the Clerks of the Court Trust Fund the cumulative  
528 excess of all fines, fees, service charges, and court costs  
529 retained by the clerks of the court, plus any funds received by  
530 the clerks of the court from the Clerks of the Court Trust Fund  
531 under s. 28.36(4) ~~s. 28.36(3)~~, which exceed the amount needed to  
532 meet their authorized budget amounts established under s. 28.35.



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533           (b) No later than February 1, 2022, and each February 1  
534 thereafter, the Department of Revenue shall transfer 50 percent  
535 of the cumulative excess of the original revenue projection from  
536 the Clerks of the Court Trust Fund to the General Revenue Fund.  
537 The remaining 50 percent in the Clerks of the Court Trust Fund  
538 may be used in the development of the total combined budgets of  
539 the clerks of the court as provided in s. 28.35(2)(f)6. However,  
540 a minimum of 10 percent of the clerk-retained portion of the  
541 cumulative excess amount must be held in reserve until such  
542 funds reach an amount equal to at least 16 percent of the total  
543 budget authority from the current county fiscal year, as  
544 provided in s. 28.36(3)(a)

545           ~~1. No later than February 1, 2020, the Department of~~  
546 ~~Revenue shall transfer from the Clerks of the Court Trust Fund~~  
547 ~~to the General Revenue Fund the sum of the cumulative excess of~~  
548 ~~all fines, fees, service charges, and costs submitted by the~~  
549 ~~clerks of court pursuant to subsection (2) and the cumulative~~  
550 ~~excess of all fines, fees, service charges, and costs remitted~~  
551 ~~by the clerks of court pursuant to paragraph (a) in excess of~~  
552 ~~\$10 million.~~

553           ~~2. No later than February 1, 2021, the Department of~~  
554 ~~Revenue shall transfer from the Clerks of the Court Trust Fund~~  
555 ~~to the General Revenue Fund not less than 50 percent of the sum~~  
556 ~~of the cumulative excess of all fines, fees, service charges,~~  
557 ~~and costs submitted by the clerks of court pursuant to~~  
558 ~~subsection (2) and the cumulative excess of all fines, fees,~~  
559 ~~service charges, and costs remitted by the clerks of court~~  
560 ~~pursuant to paragraph (a); provided however, the balance~~  
561 ~~remaining in the Clerks of Courts Trust Fund after such transfer~~



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562 ~~may not be more than \$20 million.~~

563 ~~3. No later than February 1, 2022, the Department of~~  
564 ~~Revenue shall transfer from the Clerks of the Court Trust Fund~~  
565 ~~to the General Revenue Fund not less than 50 percent of the sum~~  
566 ~~of the cumulative excess of all fines, fees, service charges,~~  
567 ~~and costs submitted by the clerks of court pursuant to~~  
568 ~~subsection (2) and the cumulative excess of all fines, fees,~~  
569 ~~service charges, and costs remitted by the clerks of court~~  
570 ~~pursuant to paragraph (a); provided however, the balance~~  
571 ~~remaining in the Clerks of Courts Trust Fund after such transfer~~  
572 ~~may not be more than \$20 million.~~

573 ~~4. No later than February 1, 2023, and each February 1~~  
574 ~~thereafter, the Department of Revenue shall transfer from the~~  
575 ~~Clerks of the Court Trust Fund to the General Revenue Fund the~~  
576 ~~cumulative excess of all fines, fees, service charges, and costs~~  
577 ~~submitted by the clerks of court pursuant to subsection (2) and~~  
578 ~~the cumulative excess of all fines, fees, service charges, and~~  
579 ~~costs remitted by the clerks of court pursuant to paragraph (a).~~

580 ~~(5)-(4)~~ The Department of Revenue shall collect any funds  
581 that the Florida Clerks of Court Operations Corporation  
582 determines upon investigation were due but not remitted to the  
583 Department of Revenue. The corporation shall notify the clerk of  
584 the court and the Department of Revenue of the amount due to the  
585 Department of Revenue. The clerk of the court shall remit the  
586 amount due no later than the 10th day of the month following the  
587 month in which notice is provided by the corporation to the  
588 clerk of the court.

589 ~~(6)-(5)~~ Ten percent of all court-related fines collected by  
590 the clerk, except for penalties or fines distributed to counties



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591 or municipalities under s. 316.0083(1)(b)3. or s. 318.18(15)(a),  
592 must ~~shall~~ be deposited into the fine and forfeiture fund to be  
593 used exclusively for clerk court-related functions, as provided  
594 in s. 28.35(3)(a).

595 Section 8. Section 28.42, Florida Statutes, is amended to  
596 read:

597 28.42 Manual of filing fees, charges, costs, and fines;  
598 payment plan form.—

599 (1) The clerks of court, through their association and in  
600 consultation with the Office of the State Courts Administrator,  
601 shall prepare and disseminate a manual of filing fees, service  
602 charges, costs, and fines imposed pursuant to state law, for  
603 each type of action and offense, and classified as mandatory or  
604 discretionary. The manual also shall classify the fee, charge,  
605 cost, or fine as court-related revenue or noncourt-related  
606 revenue. The clerks, through their association, shall  
607 disseminate this manual to the chief judge, state attorney,  
608 public defender, and court administrator in each circuit and to  
609 the clerk of the court in each county. The clerks, through their  
610 association and in consultation with the Office of the State  
611 Courts Administrator, shall at a minimum update and disseminate  
612 this manual on July 1 of each year.

613 (2) By October 1, 2021, the clerks of court, through the  
614 Florida Clerks of Court Operations Corporation, shall develop a  
615 uniform payment plan form for use by persons seeking to  
616 establish a payment plan in accordance with s. 28.246(4). The  
617 form must inform the person of the minimum payment due each  
618 month, the term of the plan, acceptable payment methods, and the  
619 circumstances under which a case may be sent to collections for



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620 nonpayment.

621 (3) By January 1, 2022, each clerk of court shall use the  
622 uniform payment plan form developed pursuant to subsection (2)  
623 when establishing payment plans.

624 Section 9. Effective July 1, 2021, subsection (5) of  
625 section 40.29, Florida Statutes, is amended to read:

626 40.29 Payment of due-process costs.-

627 (5) The Justice Administrative Commission shall reimburse  
628 ~~provide~~ funds to the clerks of the court to compensate jurors,  
629 to pay for meals or lodging provided to jurors, and to pay for  
630 jury-related personnel costs as provided in this section. Each  
631 clerk of the court must submit a request for reimbursement ~~shall~~  
632 ~~forward~~ to the Florida Clerks of Court Operations Corporation  
633 within 20 days after each quarter attesting to the clerk's  
634 actual costs ~~Justice Administrative Commission a quarterly~~  
635 ~~estimate of funds necessary~~ to compensate jurors, to and pay for  
636 meals or lodging provided to jurors, and to pay for jury-related  
637 personnel costs during the upcoming quarter. The Florida Clerks  
638 of Court Operations Corporation must review the request for  
639 reimbursement to ensure that the costs are reasonably and  
640 directly related to jury management. The Florida Clerks of Court  
641 Operations Corporation must ~~shall~~ forward to the Justice  
642 Administrative Commission ~~a quarterly estimate of the amount~~  
643 necessary to reimburse each clerk of the court for its personnel  
644 and other costs related to jury management unless the total  
645 request for reimbursement by the clerks exceeds the quarterly  
646 funds available to the Justice Administrative Commission, in  
647 which case the Florida Clerks of Court Operations Corporation  
648 shall adjust the cumulative total to match the available funds



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649 before submitting the request to the Justice Administrative  
650 Commission. Upon receipt of each request for reimbursement such  
651 estimates, the Justice Administrative Commission must review  
652 ~~shall determine~~ the amount deemed necessary for payment to the  
653 clerks of the court for the most recently completed during the  
654 ~~upcoming~~ quarter, determine if the total payment amount is  
655 available, and submit a request for payment to the Chief  
656 ~~Financial Officer. If the Justice Administrative Commission~~  
657 ~~believes that the amount appropriated by the Legislature is~~  
658 ~~insufficient to meet such costs during the remaining part of the~~  
659 ~~state fiscal year, the commission may apportion the funds~~  
660 ~~appropriated in the General Appropriations Act for those~~  
661 ~~purposes among the several counties, basing the apportionment~~  
662 ~~upon the amount expended for such purposes in each county during~~  
663 ~~the prior fiscal year, in which case, the Chief Financial~~  
664 ~~Officer shall issue the appropriate apportioned amount by~~  
665 ~~warrant to each county.~~ The clerks of the court are responsible  
666 for any compensation to jurors, for payments for meals or  
667 lodging provided to jurors, and for jury-related personnel costs  
668 that exceed the funding provided in the General Appropriations  
669 Act for these purposes.

670 Section 10. Paragraph (a) of subsection (1) of section  
671 318.15, Florida Statutes, is amended to read:

672 318.15 Failure to comply with civil penalty or to appear;  
673 penalty.—

674 (1) (a) If a person fails to comply with the civil penalties  
675 provided in s. 318.18 within the time period specified in s.  
676 318.14(4), fails to enter into or comply with the terms of a  
677 penalty payment plan with the clerk of the court in accordance





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678 with ss. 318.14 and 28.246, fails to attend driver improvement  
679 school, or fails to appear at a scheduled hearing, the clerk of  
680 the court must ~~shall~~ notify the Department of Highway Safety and  
681 Motor Vehicles of such failure within 10 days after such  
682 failure. Upon receipt of such notice, the department must ~~shall~~  
683 immediately issue an order suspending the driver license and  
684 privilege to drive of such person effective 20 days after the  
685 date the order of suspension is mailed in accordance with s.  
686 322.251(1), (2), and (6). The order also must inform the person  
687 that he or she may contact the clerk of the court to establish a  
688 payment plan pursuant to s. 28.246(4) to make partial payments  
689 for court-related fines, fees, service charges, and court costs.  
690 Any such suspension of the driving privilege which has not been  
691 reinstated, including a similar suspension imposed outside of  
692 this state Florida, must ~~shall~~ remain on the records of the  
693 department for a period of 7 years from the date imposed and  
694 must ~~shall~~ be removed from the records after the expiration of 7  
695 years from the date it is imposed. The department may not accept  
696 the resubmission of such suspension.

697 Section 11. Section 318.20, Florida Statutes, is amended to  
698 read:

699 318.20 Notification; duties of department.—The department  
700 shall prepare a notification form to be appended to, or  
701 incorporated as a part of, the Florida uniform traffic citation  
702 issued in accordance with s. 316.650. The notification form must  
703 ~~shall~~ contain language informing persons charged with  
704 infractions to which this chapter applies of the procedures  
705 available to them under this chapter. Such notification form  
706 must ~~shall~~ contain a statement that, if the official determines



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707 that no infraction has been committed, no costs or penalties may  
708 ~~shall~~ be imposed and any costs or penalties that ~~which~~ have been  
709 paid will ~~shall~~ be returned. Additionally, the notification form  
710 must include information on paying the civil penalty to the  
711 clerk of the court and the ability to establish a payment plan  
712 pursuant to s. 28.246(4). A uniform traffic citation that is  
713 produced electronically must also include the information  
714 required by this section.

715 Section 12. Subsections (1) and (3) and paragraph (a) of  
716 subsection (5) of section 322.245, Florida Statutes, are amended  
717 to read:

718 322.245 Suspension of license upon failure of person  
719 charged with specified offense under chapter 316, chapter 320,  
720 or this chapter to comply with directives ordered by traffic  
721 court or upon failure to pay child support in non-IV-D cases as  
722 provided in chapter 61 or failure to pay any financial  
723 obligation in any other criminal case.-

724 (1) If a person charged with a violation of any of the  
725 criminal offenses enumerated in s. 318.17 or with the commission  
726 of any offense constituting a misdemeanor under chapter 320 or  
727 this chapter fails to comply with all of the directives of the  
728 court within the time allotted by the court, the clerk of the  
729 ~~traffic court~~ must provide ~~shall mail to~~ the person, either  
730 electronically or by mail sent to ~~at~~ the address specified on  
731 the uniform traffic citation, a notice of such failure,  
732 notifying him or her that, if he or she does not comply with the  
733 directives of the court within 30 days after the date of the  
734 notice and pay a delinquency fee of up to \$25 to the clerk, from  
735 which the clerk shall remit \$10 to the Department of Revenue for



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736 deposit into the General Revenue Fund, his or her driver license  
737 will be suspended. The notice must ~~shall~~ be sent ~~mailed~~ no later  
738 than 5 days after such failure. The delinquency fee may be  
739 retained by the office of the clerk to defray the operating  
740 costs of the office.

741 (3) If the person fails to comply with the directives of  
742 the court within the 30-day period, or, in non-IV-D cases, fails  
743 to comply with the requirements of s. 61.13016 within the period  
744 specified in that statute, the depository or the clerk of the  
745 court must ~~shall~~ electronically notify the department of such  
746 failure within 10 days. Upon electronic receipt of the notice,  
747 the department shall immediately issue an order suspending the  
748 person's driver license and privilege to drive effective 20 days  
749 after the date the order of suspension is mailed in accordance  
750 with s. 322.251(1), (2), and (6). The order of suspension must  
751 also contain information specifying that the person may contact  
752 the clerk of the court to establish a payment plan pursuant to  
753 s. 28.246(4) to make partial payments for fines, fees, service  
754 charges, and court costs.

755 (5) (a) When the department receives notice from a clerk of  
756 the court that a person licensed to operate a motor vehicle in  
757 this state under the provisions of this chapter has failed to  
758 pay financial obligations for any criminal offense other than  
759 those specified in subsection (1), in full or in part under a  
760 payment plan pursuant to s. 28.246(4), the department must ~~shall~~  
761 suspend the license of the person named in the notice. The  
762 department shall mail an order of suspension in accordance with  
763 s. 322.251(1), (2), and (6), which must also contain information  
764 specifying that the person may contact the clerk of the court to



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765 establish a payment plan pursuant to s. 28.246(4) to make  
766 partial payments for fines, fees, service charges, and court  
767 costs.

768 Section 13. Present subsection (3) of section 775.083,  
769 Florida Statutes, is redesignated as subsection (4), and a new  
770 subsection (3) is added to that section, to read:

771 775.083 Fines.—

772 (3) The clerk of the court of each county is the entity  
773 responsible for collecting payment of fines, fees, service  
774 charges, and court costs. Unless otherwise designated by the  
775 court, a person who has been ordered to pay court obligations  
776 under this section shall immediately contact the clerk to pay  
777 fines, fees, service charges, and court costs in full or to  
778 apply for enrollment in a payment plan pursuant to s. 28.246(4).

779 Section 14. Effective July 1, 2021, paragraph (i) of  
780 subsection (5) of section 27.52, Florida Statutes, is amended to  
781 read:

782 27.52 Determination of indigent status.—

783 (5) INDIGENT FOR COSTS.—A person who is eligible to be  
784 represented by a public defender under s. 27.51 but who is  
785 represented by private counsel not appointed by the court for a  
786 reasonable fee as approved by the court or on a pro bono basis,  
787 or who is proceeding pro se, may move the court for a  
788 determination that he or she is indigent for costs and eligible  
789 for the provision of due process services, as prescribed by ss.  
790 29.006 and 29.007, funded by the state.

791 (i) A defendant who is found guilty of a criminal act by a  
792 court or jury or enters a plea of guilty or nolo contendere and  
793 who received due process services after being found indigent for



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794 costs under this subsection is liable for payment of due process  
795 costs expended by the state.

796 1. The attorney representing the defendant, or the  
797 defendant if he or she is proceeding pro se, shall provide an  
798 accounting to the court delineating all costs paid or to be paid  
799 by the state within 90 days after disposition of the case  
800 notwithstanding any appeals.

801 2. The court shall issue an order determining the amount of  
802 all costs paid by the state and any costs for which prepayment  
803 was waived under this section or s. 57.081. The clerk shall  
804 cause a certified copy of the order to be recorded in the  
805 official records of the county, at no cost. The recording  
806 constitutes a lien against the person in favor of the state in  
807 the county in which the order is recorded. The lien may be  
808 enforced in the same manner prescribed in s. 938.29.

809 3. If the attorney or the pro se defendant fails to provide  
810 a complete accounting of costs expended by the state and  
811 consequently costs are omitted from the lien, the attorney or  
812 pro se defendant may not receive reimbursement or any other form  
813 of direct or indirect payment for those costs if the state has  
814 not paid the costs. The attorney or pro se defendant shall repay  
815 the state for those costs if the state has already paid the  
816 costs. The clerk of the court may establish a payment plan under  
817 s. 28.246 and may charge the attorney or pro se defendant a one-  
818 time administrative processing charge under s. 28.24(27)(c) ~~s.~~  
819 ~~28.24(26)(c)~~.

820 Section 15. Effective July 1, 2021, section 28.22205,  
821 Florida Statutes, is amended to read:

822 28.22205 Electronic filing process.—Each clerk of court



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823 shall implement an electronic filing process. The purpose of the  
824 electronic filing process is to reduce judicial costs in the  
825 office of the clerk and the judiciary, increase timeliness in  
826 the processing of cases, and provide the judiciary with case-  
827 related information to allow for improved judicial case  
828 management. The Legislature requests that the Supreme Court set  
829 statewide standards for electronic filing to be used by the  
830 clerks of court to implement electronic filing. The standards  
831 should specify the required information for the duties of the  
832 clerks of court and the judiciary for case management. Revenues  
833 provided to counties and the clerk of court under s.

834 28.24(13)(e) ~~s. 28.24(12)(e)~~ for information technology may also  
835 be used to implement electronic filing processes.

836 Section 16. Effective July 1, 2021, subsection (5) of  
837 section 28.246, Florida Statutes, is amended to read:

838 28.246 Payment of court-related fines or other monetary  
839 penalties, fees, charges, and costs; partial payments;  
840 distribution of funds.—

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

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

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

851 (c) That portion of fees, service charges, court costs, and



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852 fines payable to state trust funds, allocated on a pro rata  
853 basis among the various authorized funds if the total collection  
854 amount is insufficient to fully fund all such funds as provided  
855 by law.

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

862  
863 To offset processing costs, clerks may impose either a per-month  
864 service charge pursuant to s. 28.24(27)(b) ~~s. 28.24(26)(b)~~ or a  
865 one-time administrative processing service charge at the  
866 inception of the payment plan pursuant to s. 28.24(27)(c) ~~s.~~  
867 ~~28.24(26)(c)~~.

868 Section 17. Effective July 1, 2021, section 45.035, Florida  
869 Statutes, is amended to read:

870 45.035 Clerk's fees.—In addition to other fees or service  
871 charges authorized by law, the clerk shall receive service  
872 charges related to the judicial sales procedure set forth in ss.  
873 45.031-45.033 ~~ss. 45.031-45.034~~ and this section:

874 (1) The clerk shall receive a service charge of \$70, from  
875 which the clerk shall remit \$10 to the Department of Revenue for  
876 deposit into the General Revenue Fund, for services in making,  
877 recording, and certifying the sale and title, which service  
878 charge shall be assessed as costs and shall be advanced by the  
879 plaintiff before the sale.

880 (2) If there is a surplus resulting from the sale, the



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881 clerk may receive the following service charges, which shall be  
882 deducted from the surplus:

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

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

890 (3) If the sale is conducted by electronic means, as  
891 provided in s. 45.031(10), the clerk shall receive an additional  
892 service charge not to exceed \$70 for services in conducting or  
893 contracting for the electronic sale, which service charge shall  
894 be assessed as costs and paid when filing for an electronic sale  
895 date. If the clerk requires advance electronic deposits to  
896 secure the right to bid, such deposits shall not be subject to  
897 the fee under s. 28.24(11) ~~s. 28.24(10)~~. The portion of an  
898 advance deposit from a winning bidder required by s. 45.031(3)  
899 shall, upon acceptance of the winning bid, be subject to the fee  
900 under s. 28.24(11) ~~s. 28.24(10)~~.

901 Section 18. Effective July 1, 2021, subsection (2) of  
902 section 55.141, Florida Statutes, is amended to read:

903 55.141 Satisfaction of judgments and decrees; duties of  
904 clerk.-

905 (2) Upon such payment, the clerk shall execute and record  
906 in the official records a satisfaction of judgment upon payment  
907 of the recording charge prescribed in s. 28.24(13) ~~s. 28.24(12)~~.  
908 Upon payment of the amount required in subsection (1) and the  
909 recording charge required by this subsection and execution and





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910 recordation of the satisfaction by the clerk, any lien created  
911 by the judgment is satisfied and discharged.

912 Section 19. Effective July 1, 2021, subsection (6) of  
913 section 57.082, Florida Statutes, is amended to read:

914 57.082 Determination of civil indigent status.—

915 (6) PROCESSING CHARGE; PAYMENT PLANS.—A person who the  
916 clerk or the court determines is indigent for civil proceedings  
917 under this section shall be enrolled in a payment plan under s.  
918 28.246 and shall be charged a one-time administrative processing  
919 charge under s. 28.24(27)(c) ~~s. 28.24(26)(e)~~. A monthly payment  
920 amount, calculated based upon all fees and all anticipated  
921 costs, is presumed to correspond to the person's ability to pay  
922 if it does not exceed 2 percent of the person's annual net  
923 income, as defined in subsection (1), divided by 12. The person  
924 may seek review of the clerk's decisions regarding a payment  
925 plan established under s. 28.246 in the court having  
926 jurisdiction over the matter. A case may not be impeded in any  
927 way, delayed in filing, or delayed in its progress, including  
928 the final hearing and order, due to nonpayment of any fees or  
929 costs by an indigent person. Filing fees waived from payment  
930 under s. 57.081 may not be included in the calculation related  
931 to a payment plan established under this section.

932 Section 20. Effective July 1, 2021, paragraph (c) of  
933 subsection (5) of section 197.502, Florida Statutes, is amended  
934 to read:

935 197.502 Application for obtaining tax deed by holder of tax  
936 sale certificate; fees.—

937 (5)

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



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939 collector, the clerk shall record a notice of tax deed  
940 application in the official records, which constitutes notice of  
941 the pendency of a tax deed application with respect to the  
942 property and remains effective for 1 year from the date of  
943 recording. A person acquiring an interest in the property after  
944 the tax deed application notice has been recorded is deemed to  
945 be on notice of the pending tax deed sale, and no additional  
946 notice is required. The sale of the property automatically  
947 releases any recorded notice of tax deed application for that  
948 property. If the property is redeemed, the clerk must record a  
949 release of the notice of tax deed application upon payment of  
950 the fees as authorized in s. 28.24(9) and (13) ~~s. 28.24(8) and~~  
951 ~~(12)~~. The contents of the notice shall be the same as the  
952 contents of the notice of publication required by s. 197.512.  
953 The cost of recording must be collected at the time of  
954 application under subsection (1), and added to the opening bid.

955 Section 21. Effective July 1, 2021, section 197.532,  
956 Florida Statutes, is amended to read:

957 197.532 Fees for mailing additional notices, when  
958 application is made by holder.—When the certificateholder makes  
959 a written request of the clerk and furnishes the names and  
960 addresses at the time of the filing of the application, the  
961 clerk shall send a copy of the notice referred to in s. 197.522  
962 to anyone to whom the certificateholder may request him or her  
963 to send it, and the clerk shall include in such notice the  
964 statement required in s. 197.522. The certificateholder shall  
965 pay the clerk the service charges as prescribed in s. 28.24(6)  
966 ~~s. 28.24(5)~~ for preparing and mailing each copy of notice  
967 requested by the holder. When the charges are made, they shall



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968 be added by the clerk to the amount required to redeem the land  
969 from sale.

970 Section 22. Effective July 1, 2021, subsection (3) and  
971 paragraphs (a) and (b) of subsection (4) of section 197.542,  
972 Florida Statutes, are amended to read:

973 197.542 Sale at public auction.—

974 (3) If the sale is canceled for any reason or the buyer  
975 fails to make full payment within the time required, the clerk  
976 shall readvertise the sale within 30 days after the buyer's  
977 nonpayment or, if canceled, within 30 days after the clerk  
978 receives the costs of resale. The sale shall be held within 30  
979 days after readvertising. Only one advertisement is necessary.  
980 The amount of the opening bid shall be increased by the cost of  
981 advertising, additional clerk's fees as provided for in s.  
982 28.24(22) ~~s. 28.24(21)~~, and interest as provided for in  
983 subsection (1). If, at the subsequent sale, there are no bidders  
984 at the tax deed sale and the certificateholder fails to pay the  
985 moneys due within 30 days after the sale, the clerk may not  
986 readvertise the sale and shall place the property on a list  
987 entitled "lands available for taxes." The clerk must receive  
988 full payment before the issuance of the tax deed.

989 (4) (a) A clerk may conduct electronic tax deed sales in  
990 lieu of public outcry. The clerk must comply with the procedures  
991 provided in this chapter, except that electronic proxy bidding  
992 shall be allowed and the clerk may require bidders to advance  
993 sufficient funds to pay the deposit required by subsection (2).  
994 The clerk shall provide access to the electronic sale by  
995 computer terminals open to the public at a designated location.  
996 A clerk who conducts such electronic sales may receive



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997 electronic deposits and payments related to the sale. The  
998 portion of an advance deposit from a winning bidder required by  
999 subsection (2) shall, upon acceptance of the winning bid, be  
1000 subject to the fee under s. 28.24(11) ~~s. 28.24(10)~~.

1001 (b) This subsection does not restrict or limit the  
1002 authority of a charter county to conduct electronic tax deed  
1003 sales. In a charter county where the clerk of the circuit court  
1004 does not conduct all electronic sales, the charter county shall  
1005 be permitted to receive electronic deposits and payments related  
1006 to sales it conducts, as well as to subject the winning bidder  
1007 to a fee, consistent with the schedule in s. 28.24(11) ~~s.~~  
1008 ~~28.24(10)~~.

1009 Section 23. Effective July 1, 2021, paragraph (b) of  
1010 subsection (2) of section 197.582, Florida Statutes, is amended  
1011 to read:

1012 197.582 Disbursement of proceeds of sale.—

1013 (2)

1014 (b) The mailed notice must include a form for making a  
1015 claim under subsection (3). Service charges at the rate set  
1016 forth in s. 28.24(11) ~~s. 28.24(10)~~ and the costs of mailing must  
1017 be paid out of the surplus funds held by the clerk. If the clerk  
1018 or comptroller certifies that the surplus funds are not  
1019 sufficient to cover the service charges and mailing costs, the  
1020 clerk shall receive the total amount of surplus funds as a  
1021 service charge. For purposes of identifying unclaimed property  
1022 pursuant to s. 717.113, excess proceeds shall be presumed  
1023 payable or distributable on the date the notice is sent.

1024 Section 24. Effective July 1, 2021, paragraph (d) of  
1025 subsection (3) of section of 569.23, Florida Statutes, is



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1026 amended to read:

1027           569.23 Security requirements for tobacco settlement  
1028 agreement signatories, successors, parents, and affiliates.—

1029           (3)

1030           (d) The clerk of the Supreme Court shall collect fees for  
1031 receipt of deposits under this subsection as authorized by ss.  
1032 28.231 and 28.24(11)(a) ~~28.24(10)(a)~~. In addition, for as long  
1033 as any cash remains on deposit with the clerk pursuant to this  
1034 subsection, the clerk of the Supreme Court is entitled to  
1035 regularly receive as an additional fee the net investment income  
1036 earned thereon. The clerk shall use the services of the Chief  
1037 Financial Officer, as needed, for the custody and management of  
1038 all bonds, other surety, or cash posted or deposited with the  
1039 clerk. All fees collected pursuant to this subsection shall be  
1040 deposited in the State Courts Revenue Trust Fund for use as  
1041 specified by law.

1042           Section 25. Effective July 1, 2021, subsection (3) of  
1043 section 712.06, Florida Statutes, is amended to read:

1044           712.06 Contents of notice; recording and indexing.—

1045           (3) The person providing the notice referred to in s.  
1046 712.05, other than a notice for preservation of a community  
1047 covenant or restriction, shall:

1048           (a) Cause the clerk of the circuit court to mail by  
1049 registered or certified mail to the purported owner of said  
1050 property, as stated in such notice, a copy thereof and shall  
1051 enter on the original, before recording the same, a certificate  
1052 showing such mailing. For preparing the certificate, the  
1053 claimant shall pay to the clerk the service charge as prescribed  
1054 in s. 28.24(9) ~~s. 28.24(8)~~ and the necessary costs of mailing,



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1055 in addition to the recording charges as prescribed in s.  
1056 28.24(13) ~~s. 28.24(12)~~. If the notice names purported owners  
1057 having more than one address, the person filing the same shall  
1058 furnish a true copy for each of the several addresses stated,  
1059 and the clerk shall send one such copy to the purported owners  
1060 named at each respective address. Such certificate shall be  
1061 sufficient if the same reads substantially as follows:

1062

1063 I hereby certify that I did on this ....., mail by  
1064 registered (or certified) mail a copy of the foregoing notice to  
1065 each of the following at the address stated:

1066

1067 ...(Clerk of the circuit court)...

1068 of .... County, Florida,

1069 By...(Deputy clerk)...

1070

1071 The clerk of the circuit court is not required to mail to the  
1072 purported owner of such property any such notice that pertains  
1073 solely to the preserving of any covenant or restriction or any  
1074 portion of a covenant or restriction; or

1075 (b) Publish once a week, for 2 consecutive weeks, the  
1076 notice referred to in s. 712.05, with the official record book  
1077 and page number in which such notice was recorded, in a  
1078 newspaper as defined in chapter 50 in the county in which the  
1079 property is located.

1080 Section 26. Except as otherwise expressly provided in this  
1081 act and except for this section, which shall take effect upon  
1082 this act becoming a law, this act shall take effect October 1,  
1083 2021.



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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to clerks of the circuit court;  
amending s. 28.222, F.S.; requiring certain service  
charges to be distributed in a specified manner;  
amending s. 28.24, F.S.; defining the term "court  
record"; specifying the amount of charges for certain  
services rendered by, and instruments filed with, the  
clerk of the circuit court which are not court  
records; amending s. 28.241, F.S.; revising the  
distribution of revenue from filing fees from the  
institution of certain appellate proceedings; amending  
s. 28.246, F.S.; clarifying the responsibility of an  
individual released from incarceration regarding  
enrolling in a payment plan for any outstanding court  
obligations; modifying the manner of calculating a  
monthly payment amount under a payment plan; requiring  
the clerk to establish all terms of a payment plan;  
amending s. 28.35, F.S.; conforming cross-references  
and provisions to changes made by the act; amending s.  
28.36, F.S.; conforming a cross-reference and a  
provision to changes made by the act; requiring the  
corporation to establish and manage a contingency  
reserve within the Clerks of the Court Trust Fund for  
specified purposes; prescribing reporting



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1113 requirements; specifying circumstances under which  
1114 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 to develop a uniform payment plan  
1123 form by a specified date; prescribing requirements for  
1124 the form; requiring the clerks to use such form by a  
1125 specified date; amending s. 40.29, F.S.; requiring the  
1126 clerks of the court to submit requests for  
1127 reimbursement for jury-related costs to the Florida  
1128 Clerks of Court Operations Corporation within  
1129 specified timeframes; requiring the corporation to  
1130 review such requests for reimbursement; requiring the  
1131 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 318.15, 318.20, and 322.245, F.S.; requiring orders  
1139 and notifications for certain traffic citations and  
1140 suspensions to include information regarding payment  
1141 plans; amending s. 775.083, F.S.; designating the





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1142 clerk as the entity responsible for collecting payment  
1143 of certain court obligations; requiring a person  
1144 ordered to pay such obligations to contact the clerk  
1145 in order to pay or establish a payment plan, unless  
1146 otherwise provided; amending ss. 27.52, 28.22205,  
1147 28.246, 45.035, 55.141, 57.082, 197.502, 197.532,  
1148 197.542, 197.582, 569.23, and 712.06, F.S.; conforming  
1149 cross-references; providing effective dates.