

2021838er

1  
2 An act relating to clerks of the circuit court;  
3 amending s. 28.222, F.S.; requiring certain service  
4 charges to be distributed in a specified manner;  
5 amending s. 28.24, F.S.; defining the term "court  
6 record"; specifying the amount of charges for certain  
7 services rendered by, and instruments filed with, the  
8 clerk of the circuit court which are not court  
9 records; amending s. 28.241, F.S.; revising the  
10 distribution of revenue from filing fees from the  
11 institution of certain appellate proceedings; amending  
12 s. 28.246, F.S.; clarifying the responsibility of an  
13 individual released from incarceration regarding  
14 enrolling in a payment plan for any outstanding court  
15 obligations; modifying the manner of calculating a  
16 monthly payment amount under a payment plan; requiring  
17 the clerk to establish all terms of a payment plan;  
18 amending s. 28.35, F.S.; conforming cross-references  
19 and provisions to changes made by the act; amending s.  
20 28.36, F.S.; conforming a cross-reference and a  
21 provision to changes made by the act; requiring the  
22 corporation to establish and manage a contingency  
23 reserve within the Clerks of the Court Trust Fund for  
24 specified purposes; prescribing reporting  
25 requirements; specifying circumstances under which  
26 moneys held in reserve may be used; prescribing  
27 procedures for the release of such funds; amending s.  
28 28.37, F.S.; modifying a provision regarding state  
29 court system funding; defining terms; conforming a

2021838er

30 cross-reference; revising provisions governing the  
31 transfer of certain funds from the Clerks of the Court  
32 Trust Fund to the General Revenue Fund by the  
33 Department of Revenue; amending s. 28.42, F.S.;  
34 requiring the clerks to develop a uniform payment plan  
35 form by a specified date; prescribing requirements for  
36 the form; requiring the clerks to use such form by a  
37 specified date; amending s. 40.29, F.S.; requiring the  
38 clerks of the court to submit requests for  
39 reimbursement for jury-related costs to the Florida  
40 Clerks of Court Operations Corporation within  
41 specified timeframes; requiring the corporation to  
42 review such requests for reimbursement; requiring the  
43 corporation to submit certain information to the  
44 Justice Administrative Commission; requiring the  
45 commission to review the information and submit a  
46 request for payment to the Chief Financial Officer  
47 under certain circumstances; removing a provision  
48 authorizing the commission to apportion funds among  
49 the counties for certain purposes; amending ss.  
50 318.15, 318.20, and 322.245, F.S.; requiring orders  
51 and notifications for certain traffic citations and  
52 suspensions to include information regarding payment  
53 plans; amending s. 775.083, F.S.; designating the  
54 clerk as the entity responsible for collecting payment  
55 of certain court obligations; requiring a person  
56 ordered to pay such obligations to contact the clerk  
57 in order to pay or establish a payment plan, unless  
58 otherwise provided; amending ss. 27.52, 28.22205,

2021838er

59 28.246, 45.035, 55.141, 57.082, 197.502, 197.532,  
60 197.542, 197.582, 569.23, and 712.06, F.S.; conforming  
61 cross-references; providing effective dates.

62

63 Be It Enacted by the Legislature of the State of Florida:

64

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

67 28.222 Clerk to be county recorder.—

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

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

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

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

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

2021838er

88 28.345.

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

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

93 (b) Transcripts filed with the clerk.

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

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

97 (e) Electronic records, video recordings, and stenographic  
98 tapes of court proceedings.

99 (2) For examining, comparing, correcting, verifying, and  
100 certifying transcripts of record in appellate proceedings,  
101 prepared by attorney for appellant or someone else other than  
102 clerk, per page: 5.00, from which the clerk shall remit 0.50 per  
103 page to the Department of Revenue for deposit into the General  
104 Revenue Fund.

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

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

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

115 (5) (a)~~(4)~~ For verifying any instrument presented for  
116 certification prepared by someone other than clerk, per page:

2021838er

117 3.50, from which the clerk shall remit 0.50 per page to the  
118 Department of Revenue for deposit into the General Revenue Fund.

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

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

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

128 (7) ~~(6)~~ For making microfilm copies of any public records:

129 (a) That are court records:

130 1. 16 mm 100' microfilm roll: 42.00, from which the clerk  
131 shall remit 4.50 to the Department of Revenue for deposit into  
132 the General Revenue Fund.

133 2. ~~(b)~~ 35 mm 100' microfilm roll: 60.00, from which the  
134 clerk shall remit 7.50 to the Department of Revenue for deposit  
135 into the General Revenue Fund.

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

139 (b) That are not court records:

140 1. 16 mm 100' microfilm roll: 42.00.

141 2. 35 mm 100' microfilm roll: 60.00.

142 3. Microfiche, per fiche: 3.50.

143 (8) ~~(7)~~ For copying any instrument in the public records by  
144 other than photographic process, per page:.....6.00.

145 (9) (a) ~~(8)~~ For writing any paper that is a court record

2021838er

146 other than a paper otherwise ~~herein~~ specifically mentioned in  
147 this section, ~~same as for copying,~~ including signing and  
148 sealing: 7.00, from which the clerk shall remit 1.00 to the  
149 Department of Revenue for deposit into the General Revenue Fund.

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

153 (10)~~(9)~~ For indexing each entry not recorded:.....1.00.

154 (11)~~(10)~~ For receiving money into the registry of court:

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

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

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

160 (12)~~(11)~~ For examining, certifying, and recording plats and  
161 for recording condominium exhibits larger than 14 inches by 8  
162 1/2 inches:

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

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

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

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

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

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

173 (d) An additional service charge must be paid to the clerk  
174 of the circuit court to be deposited in the Public Records

2021838er

175 Modernization Trust Fund for each instrument listed in s.  
176 28.222, except judgments received from the courts and notices of  
177 lis pendens, recorded in the official records:

- 178 1. First page:.....1.00.  
179 2. Each additional page:.....0.50.

180  
181 Said fund must be held in trust by the clerk and used  
182 exclusively for equipment and maintenance of equipment,  
183 personnel training, and technical assistance in modernizing the  
184 public records system of the office. In a county where the duty  
185 of maintaining official records exists in an office other than  
186 the office of the clerk of the circuit court, the clerk of the  
187 circuit court is entitled to 25 percent of the moneys deposited  
188 into the trust fund for equipment, maintenance of equipment,  
189 training, and technical assistance in modernizing the system for  
190 storing records in the office of the clerk of the circuit court.  
191 The fund may not be used for the payment of travel expenses,  
192 membership dues, bank charges, staff-recruitment costs, salaries  
193 or benefits of employees, construction costs, general operating  
194 expenses, or other costs not directly related to obtaining and  
195 maintaining equipment for public records systems or for the  
196 purchase of furniture or office supplies and equipment not  
197 related to the storage of records. On or before December 1,  
198 1995, and on or before December 1 of each year immediately  
199 preceding each year during which the trust fund is scheduled for  
200 legislative review under s. 19(f)(2), Art. III of the State  
201 Constitution, each clerk of the circuit court shall file a  
202 report on the Public Records Modernization Trust Fund with the  
203 President of the Senate and the Speaker of the House of

2021838er

204 Representatives. The report must itemize each expenditure made  
205 from the trust fund since the last report was filed; each  
206 obligation payable from the trust fund on that date; and the  
207 percentage of funds expended for each of the following:  
208 equipment, maintenance of equipment, personnel training, and  
209 technical assistance. The report must indicate the nature of the  
210 system each clerk uses to store, maintain, and retrieve public  
211 records and the degree to which the system has been upgraded  
212 since the creation of the trust fund.

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

218 1. If the counties maintain legal responsibility for the  
219 costs of the court-related technology needs as defined in s.  
220 29.008(1)(f)2. and (h), 10 cents shall be distributed to the  
221 Florida Association of Court Clerks and Comptrollers, Inc., for  
222 the cost of development, implementation, operation, and  
223 maintenance of the clerks' Comprehensive Case Information  
224 System; \$1.90 shall be retained by the clerk to be deposited in  
225 the Public Records Modernization Trust Fund and used exclusively  
226 for funding court-related technology needs of the clerk as  
227 defined in s. 29.008(1)(f)2. and (h); and \$2 shall be  
228 distributed to the board of county commissioners to be used  
229 exclusively to fund court-related technology, and court  
230 technology needs as defined in s. 29.008(1)(f)2. and (h) for the  
231 state trial courts, state attorney, public defender, and  
232 criminal conflict and civil regional counsel in that county. If

2021838er

233 the counties maintain legal responsibility for the costs of the  
234 court-related technology needs as defined in s. 29.008(1)(f)2.  
235 and (h), notwithstanding any other provision of law, the county  
236 is not required to provide additional funding beyond that  
237 provided in this section ~~herein~~ for the court-related technology  
238 needs of the clerk as defined in s. 29.008(1)(f)2. and (h). All  
239 court records and official records are the property of the State  
240 of Florida, including any records generated as part of the  
241 Comprehensive Case Information System funded pursuant to this  
242 paragraph and the clerk of court is designated as the custodian  
243 of such records, except in a county where the duty of  
244 maintaining official records exists in a county office other  
245 than the clerk of court or comptroller, such county office is  
246 designated the custodian of all official records, and the clerk  
247 of court is designated the custodian of all court records. The  
248 clerk of court or any entity acting on behalf of the clerk of  
249 court, including an association, may not charge a fee to any  
250 agency as defined in s. 119.011, the Legislature, or the State  
251 Court System for copies of records generated by the  
252 Comprehensive Case Information System or held by the clerk of  
253 court or any entity acting on behalf of the clerk of court,  
254 including an association.

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

260 (14) (a) (13) Oath, administering, attesting, and sealing of  
261 court records, not otherwise provided for in this section

2021838er

262 ~~herein~~: 3.50, from which the clerk shall remit 0.50 to the  
263 Department of Revenue for deposit into the General Revenue Fund.

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

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

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

273 (16) ~~(15)~~ For preparing affidavit of domicile: .....5.00.

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

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

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

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

289 (b) For signing and sealing only: 2.00, from which the  
290 clerk shall remit 0.50 to the Department of Revenue for deposit

2021838er

291 into the General Revenue Fund.

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

295 (b) For approving a bond: 8.50.

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

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

302 (22) ~~(21)~~ For processing an application for a tax deed sale  
303 (includes application, sale, issuance, and preparation of tax  
304 deed, and disbursement of proceeds of sale), other than excess  
305 proceeds:.....60.00.

306 (23) ~~(22)~~ For disbursement of excess proceeds of tax deed  
307 sale, first \$100 or fraction thereof:.....10.00.

308 (24) ~~(23)~~ Upon receipt of an application for a marriage  
309 license, for preparing and administering of oath; issuing,  
310 sealing, and recording of the marriage license; and providing a  
311 certified copy:.....30.00.

312 (25) ~~(24)~~ For solemnizing matrimony:.....30.00.

313 (26) ~~(25)~~ For sealing any court file or expungement of any  
314 record: 42.00, from which the clerk shall remit 4.50 to the  
315 Department of Revenue for deposit into the General Revenue Fund.

316 (27) (a) ~~(26) (a)~~ For receiving and disbursing all restitution  
317 payments, per payment: 3.50, from which the clerk shall remit  
318 0.50 per payment to the Department of Revenue for deposit into  
319 the General Revenue Fund.

2021838er

320 (b) For receiving and disbursing all partial payments,  
321 other than restitution payments, for which an administrative  
322 processing service charge is not imposed pursuant to s. 28.246,  
323 per month:.....5.00.

324 (c) For setting up a payment plan, a one-time  
325 administrative processing charge in lieu of a per month charge  
326 under paragraph (b):.....25.00.

327 (28)~~(27)~~ Postal charges incurred by the clerk of the  
328 circuit court in any mailing by certified or registered mail  
329 must be paid by the party at whose instance the mailing is made.

330 (29)~~(28)~~ For furnishing an electronic copy of information  
331 contained in a computer database: a fee as provided for in  
332 chapter 119.

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

335 28.241 Filing fees for trial and appellate proceedings.—

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

345 (a) For filing a notice of appeal from the county court to  
346 the circuit court, a filing fee not to exceed \$280. ~~and, in~~  
347 ~~addition to the filing fee required under s. 25.241 or s. 35.22,~~  
348 ~~\$100~~

2021838er

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

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

359        28.246 Payment of court-related fines or other monetary  
360 penalties, fees, charges, and costs; partial payments;  
361 distribution of funds.—

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

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

2021838er

378 presumed to correspond to the person's ability to pay if the  
379 amount does not exceed 2 percent of the person's annual net  
380 income, as defined in s. 27.52(1), divided by 12. The clerk  
381 shall establish all terms of a payment plan, and the court may  
382 review the reasonableness of the payment plan.

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

386 28.35 Florida Clerks of Court Operations Corporation.—

387 (2) The duties of the corporation shall include the  
388 following:

389 (f) Approving the proposed budgets submitted by clerks of  
390 the court pursuant to s. 28.36. The corporation must ensure that  
391 the total combined budgets of the clerks of the court do not  
392 exceed the total estimated revenues from fees, service charges,  
393 court costs, and fines for court-related functions available for  
394 court-related expenditures as determined by the most recent  
395 Revenue Estimating Conference, plus the total of unspent  
396 budgeted funds for court-related functions carried forward by  
397 the clerks of the court from the previous county fiscal year,  
398 and plus the balance of funds remaining in the Clerks of the  
399 Court Trust Fund after the transfer of funds to the General  
400 Revenue Fund required pursuant to s. 28.37(4)(b), and plus any  
401 appropriations for court-related functions ~~s. 28.37(3)(b)~~. The  
402 corporation may amend any individual clerk of the court budget  
403 to ensure compliance with this paragraph and must consider  
404 performance measures, workload performance standards, workload  
405 measures, and expense data before modifying the budget. As part  
406 of this process, the corporation shall:

2021838er

407           1. Calculate the minimum amount of revenue necessary for  
408 each clerk of the court to efficiently perform the list of  
409 court-related functions specified in paragraph (3) (a). The  
410 corporation shall apply the workload measures appropriate for  
411 determining the individual level of review required to fund the  
412 clerk's budget.

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

417           3. Conduct an annual base budget review and an annual  
418 budget exercise examining the total budget of each clerk of the  
419 court. The review shall examine revenues from all sources,  
420 expenses of court-related functions, and expenses of noncourt-  
421 related functions as necessary to determine that court-related  
422 revenues are not being used for noncourt-related purposes. The  
423 review and exercise shall identify potential targeted budget  
424 reductions in the percentage amount provided in Schedule VIII-B  
425 of the state's previous year's legislative budget instructions,  
426 as referenced in s. 216.023(3), or an equivalent schedule or  
427 instruction as may be adopted by the Legislature.

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

431           5. Identify those clerks projected to have court-related  
432 revenues insufficient to fund their anticipated court-related  
433 expenditures.

434           6. Use revenue estimates based on the official estimate for  
435 funds from fees, service charges, court costs, and fines for

2021838er

436 court-related functions accruing to the clerks of the court made  
437 by the Revenue Estimating Conference, as well as any unspent  
438 budgeted funds for court-related functions carried forward by  
439 the clerks of the court from the previous county fiscal year and  
440 the balance of funds remaining in the Clerks of the Court Trust  
441 Fund after the transfer of funds to the General Revenue Fund  
442 required pursuant to s. 28.37(4)(b), plus any appropriations for  
443 the purpose of funding court-related functions ~~s. 28.37(3)(b)~~.

444 7. Identify pay and benefit increases in any proposed clerk  
445 budget, including, but not limited to, cost of living increases,  
446 merit increases, and bonuses.

447 8. Identify increases in anticipated expenditures in any  
448 clerk budget that exceeds the current year budget by more than 3  
449 percent.

450 9. Identify the budget of any clerk which exceeds the  
451 average budget of similarly situated clerks by more than 10  
452 percent.

453  
454 For the purposes of this paragraph, the term "unspent budgeted  
455 funds for court-related functions" means undisbursed funds  
456 included in the clerks of the courts budgets for court-related  
457 functions established pursuant to this section and s. 28.36.

458 (3)(a) The list of court-related functions that clerks may  
459 fund from filing fees, service charges, court costs, and fines  
460 is limited to those functions expressly authorized by law or  
461 court rule. Those functions include the following: case  
462 maintenance; records management; court preparation and  
463 attendance; processing the assignment, reopening, and  
464 reassignment of cases; processing of appeals; collection and

2021838er

465 distribution of fines, fees, service charges, and court costs;  
466 processing of bond forfeiture payments; data collection and  
467 reporting; determinations of indigent status; and paying  
468 reasonable administrative support costs to enable the clerk of  
469 the court to carry out these court-related functions.

470 Section 6. Effective upon this act becoming a law, present  
471 subsections (3) and (4) of section 28.36, Florida Statutes, are  
472 redesignated as subsections (4) and (5), respectively, a new  
473 subsection (3) is added to that section, and subsection (1),  
474 paragraph (b) of subsection (2), and present subsection (4) of  
475 that section are amended, to read:

476 28.36 Budget procedure.—There is established a budget  
477 procedure for the court-related functions of the clerks of the  
478 court.

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

482 (2) Each proposed budget shall further conform to the  
483 following requirements:

484 (b) The proposed budget must be balanced such that the  
485 total of the estimated revenues available equals or exceeds the  
486 total of the anticipated expenditures. Such revenues include  
487 revenue projected to be received from fees, service charges,  
488 court costs, and fines for court-related functions during the  
489 fiscal period covered by the budget, plus the total of unspent  
490 budgeted funds for court-related functions carried forward by  
491 the clerk of the court from the previous county fiscal year and  
492 plus the portion of the balance of funds remaining in the Clerks  
493 of the Court Trust Fund after the transfer of funds to the

2021838er

494 General Revenue Fund required pursuant to s. 28.37(4)(b) ~~s.~~  
495 ~~28.37(3)(b)~~ which has been allocated to each respective clerk of  
496 the court by the Florida Clerks of Court Operations Corporation.  
497 For the purposes of this paragraph, the term "unspent budgeted  
498 funds for court-related functions" means undisbursed funds  
499 included in the clerk of the courts' budget for court related  
500 functions established pursuant to s. 28.35 and this section. The  
501 anticipated expenditures must be itemized as required by the  
502 corporation.

503 (3)(a) The Florida Clerks of Court Operations Corporation  
504 shall establish and manage a reserve for contingencies within  
505 the Clerks of the Court Trust Fund which must consist of an  
506 amount not to exceed 16 percent of the total budget authority  
507 for the clerks of court during the current county fiscal year,  
508 to be carried forward at the end of the fiscal year. Funds to be  
509 held in reserve include transfers of cumulative excess, as  
510 provided in s. 28.37(4)(b), from the Clerks of the Court Trust  
511 Fund and may also include revenues provided by law or moneys  
512 appropriated by the Legislature.

513 (b) The corporation shall provide a reporting of the  
514 balance and use of these funds during each county fiscal year as  
515 part of the corporation's annual report submitted under s.  
516 28.35(2)(h).

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

522 1. To offset a current deficit between the revenue

2021838er

523 available and the original budget authority. A deficit is deemed  
524 to occur when the revenue available to the clerks of court falls  
525 below the original revenue projection for that county fiscal  
526 year.

527 2. To provide funding for an emergency, as defined in s.  
528 252.34(4). The emergency must have been declared by the  
529 Governor, pursuant to s. 252.36, or otherwise declared by law.

530 3. To provide funds in the development of the total  
531 aggregate budget of the clerks of court to ensure that a minimum  
532 continuation budget is met. For purposes of this subparagraph, a  
533 minimum continuation budget is the budget approved for the  
534 current county fiscal year or some lesser amount adopted by the  
535 corporation.

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

538 (5)(4) The corporation may approve increases or decreases  
539 to the previously authorized budgets approved for ~~individual~~  
540 clerks of the court pursuant to s. 28.35 for court-related  
541 functions, if:

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

545 (b) The additional budget authority is necessary to pay the  
546 cost of supporting increases in the number of judges or  
547 magistrates authorized by the Legislature or increases in the  
548 use of hearing officers and senior judges assigned by the  
549 courts.

550 Section 7. Effective upon this act becoming a law, section  
551 28.37, Florida Statutes, is amended to read:

2021838er

552 28.37 Fines, fees, service charges, and costs remitted to  
553 the state.—

554 (1) Pursuant to s. 14(b), Art. V of the State Constitution,  
555 selected salaries, costs, and expenses of the state courts  
556 system and court-related functions shall be funded from a  
557 portion of the revenues derived from statutory fines, fees,  
558 service charges, and court costs collected by the clerks of the  
559 court and from adequate and appropriate supplemental funding  
560 from state revenues as appropriated by the Legislature.

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

562 (a) "Cumulative excess" means revenues derived from fines,  
563 fees, service charges, and court costs collected by the clerks  
564 of the court which are greater than the original revenue  
565 projection.

566 (b) "Original revenue projection" means the official  
567 estimate, as determined by the Revenue Estimating Conference, of  
568 revenues from fines, fees, service charges, and court costs  
569 available for court-related functions for the county fiscal year  
570 covered by the projection.

571 (3) The Beginning November 1, 2013, ~~that~~ portion of all  
572 fines, fees, service charges, and costs collected by the clerks  
573 of the court for the previous month which is in excess of one-  
574 twelfth of the clerks' total budget for the performance of  
575 court-related functions must ~~shall~~ be remitted to the Department  
576 of Revenue for deposit into the Clerks of the Court Trust Fund.  
577 Such collections do not include funding received for the  
578 operation of the Title IV-D child support collections and  
579 disbursement program. The clerk of the court shall remit the  
580 revenues collected during the previous month due to the state on

2021838er

581 or before the 10th day of each month.

582 (4) (a) ~~(3) (a)~~ Each year, no later than January 25, for the  
583 previous county fiscal year, the clerks of court, in  
584 consultation with the Florida Clerks of Court Operations  
585 Corporation, shall remit to the Department of Revenue for  
586 deposit in the Clerks of the Court Trust Fund the cumulative  
587 excess of all fines, fees, service charges, and court costs  
588 retained by the clerks of the court, plus any funds received by  
589 the clerks of the court from the Clerks of the Court Trust Fund  
590 under s. 28.36(4) ~~s. 28.36(3)~~, which exceed the amount needed to  
591 meet their authorized budget amounts established under s. 28.35.

592 (b) No later than February 1, 2022, and each February 1  
593 thereafter, the Department of Revenue shall transfer 50 percent  
594 of the cumulative excess of the original revenue projection from  
595 the Clerks of the Court Trust Fund to the General Revenue Fund.  
596 The remaining 50 percent in the Clerks of the Court Trust Fund  
597 may be used in the development of the total combined budgets of  
598 the clerks of the court as provided in s. 28.35(2)(f)6. However,  
599 a minimum of 10 percent of the clerk-retained portion of the  
600 cumulative excess amount must be held in reserve until such  
601 funds reach an amount equal to at least 16 percent of the total  
602 budget authority from the current county fiscal year, as  
603 provided in s. 28.36(3)(a)

604 ~~1. No later than February 1, 2020, the Department of~~  
605 ~~Revenue shall transfer from the Clerks of the Court Trust Fund~~  
606 ~~to the General Revenue Fund the sum of the cumulative excess of~~  
607 ~~all fines, fees, service charges, and costs submitted by the~~  
608 ~~clerks of court pursuant to subsection (2) and the cumulative~~  
609 ~~excess of all fines, fees, service charges, and costs remitted~~

2021838er

610 ~~by the clerks of court pursuant to paragraph (a) in excess of~~  
611 ~~\$10 million.~~

612 ~~2. No later than February 1, 2021, the Department of~~  
613 ~~Revenue shall transfer from the Clerks of the Court Trust Fund~~  
614 ~~to the General Revenue Fund not less than 50 percent of the sum~~  
615 ~~of the cumulative excess of all fines, fees, service charges,~~  
616 ~~and costs submitted by the clerks of court pursuant to~~  
617 ~~subsection (2) and the cumulative excess of all fines, fees,~~  
618 ~~service charges, and costs remitted by the clerks of court~~  
619 ~~pursuant to paragraph (a); provided however, the balance~~  
620 ~~remaining in the Clerks of Courts Trust Fund after such transfer~~  
621 ~~may not be more than \$20 million.~~

622 ~~3. No later than February 1, 2022, the Department of~~  
623 ~~Revenue shall transfer from the Clerks of the Court Trust Fund~~  
624 ~~to the General Revenue Fund not less than 50 percent of the sum~~  
625 ~~of the cumulative excess of all fines, fees, service charges,~~  
626 ~~and costs submitted by the clerks of court pursuant to~~  
627 ~~subsection (2) and the cumulative excess of all fines, fees,~~  
628 ~~service charges, and costs remitted by the clerks of court~~  
629 ~~pursuant to paragraph (a); provided however, the balance~~  
630 ~~remaining in the Clerks of Courts Trust Fund after such transfer~~  
631 ~~may not be more than \$20 million.~~

632 ~~4. No later than February 1, 2023, and each February 1~~  
633 ~~thereafter, the Department of Revenue shall transfer from the~~  
634 ~~Clerks of the Court Trust Fund to the General Revenue Fund the~~  
635 ~~cumulative excess of all fines, fees, service charges, and costs~~  
636 ~~submitted by the clerks of court pursuant to subsection (2) and~~  
637 ~~the cumulative excess of all fines, fees, service charges, and~~  
638 ~~costs remitted by the clerks of court pursuant to paragraph (a).~~

2021838er

639        (5)~~(4)~~ The Department of Revenue shall collect any funds  
640 that the Florida Clerks of Court Operations Corporation  
641 determines upon investigation were due but not remitted to the  
642 Department of Revenue. The corporation shall notify the clerk of  
643 the court and the Department of Revenue of the amount due to the  
644 Department of Revenue. The clerk of the court shall remit the  
645 amount due no later than the 10th day of the month following the  
646 month in which notice is provided by the corporation to the  
647 clerk of the court.

648        (6)~~(5)~~ Ten percent of all court-related fines collected by  
649 the clerk, except for penalties or fines distributed to counties  
650 or municipalities under s. 316.0083(1)(b)3. or s. 318.18(15)(a),  
651 must ~~shall~~ be deposited into the fine and forfeiture fund to be  
652 used exclusively for clerk court-related functions, as provided  
653 in s. 28.35(3)(a).

654        Section 8. Section 28.42, Florida Statutes, is amended to  
655 read:

656        28.42 Manual of filing fees, charges, costs, and fines;  
657 payment plan form.—

658        (1) The clerks of court, through their association and in  
659 consultation with the Office of the State Courts Administrator,  
660 shall prepare and disseminate a manual of filing fees, service  
661 charges, costs, and fines imposed pursuant to state law, for  
662 each type of action and offense, and classified as mandatory or  
663 discretionary. The manual also shall classify the fee, charge,  
664 cost, or fine as court-related revenue or noncourt-related  
665 revenue. The clerks, through their association, shall  
666 disseminate this manual to the chief judge, state attorney,  
667 public defender, and court administrator in each circuit and to

2021838er

668 the clerk of the court in each county. The clerks, through their  
669 association and in consultation with the Office of the State  
670 Courts Administrator, shall at a minimum update and disseminate  
671 this manual on July 1 of each year.

672 (2) By October 1, 2021, the clerks of court, through the  
673 Florida Clerks of Court Operations Corporation, shall develop a  
674 uniform payment plan form for use by persons seeking to  
675 establish a payment plan in accordance with s. 28.246(4). The  
676 form must inform the person of the minimum payment due each  
677 month, the term of the plan, acceptable payment methods, and the  
678 circumstances under which a case may be sent to collections for  
679 nonpayment.

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

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

685 40.29 Payment of due-process costs.—

686 (5) The Justice Administrative Commission shall reimburse  
687 ~~provide~~ funds to the clerks of the court to compensate jurors,  
688 to pay for meals or lodging provided to jurors, and to pay for  
689 jury-related personnel costs as provided in this section. Each  
690 clerk of the court must submit a request for reimbursement ~~shall~~  
691 ~~forward~~ to the Florida Clerks of Court Operations Corporation  
692 within 20 days after each quarter attesting to the clerk's  
693 actual costs ~~Justice Administrative Commission a quarterly~~  
694 ~~estimate of funds necessary to compensate jurors, to~~ and pay for  
695 meals or lodging provided to jurors, and to pay for jury-related  
696 personnel costs ~~during the upcoming quarter~~. The Florida Clerks

2021838er

697 of Court Operations Corporation must review the request for  
698 reimbursement to ensure that the costs are reasonably and  
699 directly related to jury management. The Florida Clerks of Court  
700 Operations Corporation must ~~shall~~ forward to the Justice  
701 Administrative Commission ~~a quarterly estimate of the amount~~  
702 necessary to reimburse each clerk of the court for its personnel  
703 and other costs related to jury management unless the total  
704 request for reimbursement by the clerks exceeds the quarterly  
705 funds available to the Justice Administrative Commission, in  
706 which case the Florida Clerks of Court Operations Corporation  
707 shall adjust the cumulative total to match the available funds  
708 before submitting the request to the Justice Administrative  
709 Commission. Upon receipt of each request for reimbursement such  
710 estimates, the Justice Administrative Commission must review  
711 ~~shall determine~~ the amount deemed necessary for payment to the  
712 clerks of the court for the most recently completed during the  
713 ~~upcoming~~ quarter, determine if the total payment amount is  
714 available, and submit a request for payment to the Chief  
715 ~~Financial Officer. If the Justice Administrative Commission~~  
716 ~~believes that the amount appropriated by the Legislature is~~  
717 ~~insufficient to meet such costs during the remaining part of the~~  
718 ~~state fiscal year, the commission may apportion the funds~~  
719 ~~appropriated in the General Appropriations Act for those~~  
720 ~~purposes among the several counties, basing the apportionment~~  
721 ~~upon the amount expended for such purposes in each county during~~  
722 ~~the prior fiscal year, in which case, the Chief Financial~~  
723 ~~Officer shall issue the appropriate apportioned amount by~~  
724 ~~warrant to each county.~~ The clerks of the court are responsible  
725 for any compensation to jurors, for payments for meals or

2021838er

726 lodging provided to jurors, and for jury-related personnel costs  
727 that exceed the funding provided in the General Appropriations  
728 Act for these purposes.

729 Section 10. Paragraph (a) of subsection (1) of section  
730 318.15, Florida Statutes, is amended to read:

731 318.15 Failure to comply with civil penalty or to appear;  
732 penalty.—

733 (1) (a) If a person fails to comply with the civil penalties  
734 provided in s. 318.18 within the time period specified in s.  
735 318.14(4), fails to enter into or comply with the terms of a  
736 penalty payment plan with the clerk of the court in accordance  
737 with ss. 318.14 and 28.246, fails to attend driver improvement  
738 school, or fails to appear at a scheduled hearing, the clerk of  
739 the court must ~~shall~~ notify the Department of Highway Safety and  
740 Motor Vehicles of such failure within 10 days after such  
741 failure. Upon receipt of such notice, the department must ~~shall~~  
742 immediately issue an order suspending the driver license and  
743 privilege to drive of such person effective 20 days after the  
744 date the order of suspension is mailed in accordance with s.  
745 322.251(1), (2), and (6). The order also must inform the person  
746 that he or she may contact the clerk of the court to establish a  
747 payment plan pursuant to s. 28.246(4) to make partial payments  
748 for court-related fines, fees, service charges, and court costs.  
749 Any such suspension of the driving privilege which has not been  
750 reinstated, including a similar suspension imposed outside of  
751 this state Florida, must ~~shall~~ remain on the records of the  
752 department for a period of 7 years from the date imposed and  
753 must ~~shall~~ be removed from the records after the expiration of 7  
754 years from the date it is imposed. The department may not accept

2021838er

755 the resubmission of such suspension.

756 Section 11. Section 318.20, Florida Statutes, is amended to  
757 read:

758 318.20 Notification; duties of department.—The department  
759 shall prepare a notification form to be appended to, or  
760 incorporated as a part of, the Florida uniform traffic citation  
761 issued in accordance with s. 316.650. The notification form must  
762 ~~shall~~ contain language informing persons charged with  
763 infractions to which this chapter applies of the procedures  
764 available to them under this chapter. Such notification form  
765 must ~~shall~~ contain a statement that, if the official determines  
766 that no infraction has been committed, no costs or penalties may  
767 ~~shall~~ be imposed and any costs or penalties that ~~which~~ have been  
768 paid will ~~shall~~ be returned. Additionally, the notification form  
769 must include information on paying the civil penalty to the  
770 clerk of the court and the ability to establish a payment plan  
771 pursuant to s. 28.246(4). A uniform traffic citation that is  
772 produced electronically must also include the information  
773 required by this section.

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

777 322.245 Suspension of license upon failure of person  
778 charged with specified offense under chapter 316, chapter 320,  
779 or this chapter to comply with directives ordered by traffic  
780 court or upon failure to pay child support in non-IV-D cases as  
781 provided in chapter 61 or failure to pay any financial  
782 obligation in any other criminal case.—

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

2021838er

784 criminal offenses enumerated in s. 318.17 or with the commission  
785 of any offense constituting a misdemeanor under chapter 320 or  
786 this chapter fails to comply with all of the directives of the  
787 court within the time allotted by the court, the clerk of the  
788 ~~traffic~~ court must provide ~~shall mail to~~ the person, either  
789 electronically or by mail sent to ~~at~~ the address specified on  
790 the uniform traffic citation, a notice of such failure,  
791 notifying him or her that, if he or she does not comply with the  
792 directives of the court within 30 days after the date of the  
793 notice and pay a delinquency fee of up to \$25 to the clerk, from  
794 which the clerk shall remit \$10 to the Department of Revenue for  
795 deposit into the General Revenue Fund, his or her driver license  
796 will be suspended. The notice must ~~shall~~ be sent ~~mailed~~ no later  
797 than 5 days after such failure. The delinquency fee may be  
798 retained by the office of the clerk to defray the operating  
799 costs of the office.

800 (3) If the person fails to comply with the directives of  
801 the court within the 30-day period, or, in non-IV-D cases, fails  
802 to comply with the requirements of s. 61.13016 within the period  
803 specified in that statute, the depository or the clerk of the  
804 court must ~~shall~~ electronically notify the department of such  
805 failure within 10 days. Upon electronic receipt of the notice,  
806 the department shall immediately issue an order suspending the  
807 person's driver license and privilege to drive effective 20 days  
808 after the date the order of suspension is mailed in accordance  
809 with s. 322.251(1), (2), and (6). The order of suspension must  
810 also contain information specifying that the person may contact  
811 the clerk of the court to establish a payment plan pursuant to  
812 s. 28.246(4) to make partial payments for fines, fees, service

2021838er

813 charges, and court costs.

814 (5) (a) When the department receives notice from a clerk of  
815 the court that a person licensed to operate a motor vehicle in  
816 this state under the provisions of this chapter has failed to  
817 pay financial obligations for any criminal offense other than  
818 those specified in subsection (1), in full or in part under a  
819 payment plan pursuant to s. 28.246(4), the department must ~~shall~~  
820 suspend the license of the person named in the notice. The  
821 department shall mail an order of suspension in accordance with  
822 s. 322.251(1), (2), and (6), which must also contain information  
823 specifying that the person may contact the clerk of the court to  
824 establish a payment plan pursuant to s. 28.246(4) to make  
825 partial payments for fines, fees, service charges, and court  
826 costs.

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

830 775.083 Fines.—

831 (3) The clerk of the court of each county is the entity  
832 responsible for collecting payment of fines, fees, service  
833 charges, and court costs. Unless otherwise designated by the  
834 court, a person who has been ordered to pay court obligations  
835 under this section shall immediately contact the clerk to pay  
836 fines, fees, service charges, and court costs in full or to  
837 apply for enrollment in a payment plan pursuant to s. 28.246(4).

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

841 27.52 Determination of indigent status.—

2021838er

842 (5) INDIGENT FOR COSTS.—A person who is eligible to be  
843 represented by a public defender under s. 27.51 but who is  
844 represented by private counsel not appointed by the court for a  
845 reasonable fee as approved by the court or on a pro bono basis,  
846 or who is proceeding pro se, may move the court for a  
847 determination that he or she is indigent for costs and eligible  
848 for the provision of due process services, as prescribed by ss.  
849 29.006 and 29.007, funded by the state.

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

855 1. The attorney representing the defendant, or the  
856 defendant if he or she is proceeding pro se, shall provide an  
857 accounting to the court delineating all costs paid or to be paid  
858 by the state within 90 days after disposition of the case  
859 notwithstanding any appeals.

860 2. The court shall issue an order determining the amount of  
861 all costs paid by the state and any costs for which prepayment  
862 was waived under this section or s. 57.081. The clerk shall  
863 cause a certified copy of the order to be recorded in the  
864 official records of the county, at no cost. The recording  
865 constitutes a lien against the person in favor of the state in  
866 the county in which the order is recorded. The lien may be  
867 enforced in the same manner prescribed in s. 938.29.

868 3. If the attorney or the pro se defendant fails to provide  
869 a complete accounting of costs expended by the state and  
870 consequently costs are omitted from the lien, the attorney or

2021838er

871 pro se defendant may not receive reimbursement or any other form  
872 of direct or indirect payment for those costs if the state has  
873 not paid the costs. The attorney or pro se defendant shall repay  
874 the state for those costs if the state has already paid the  
875 costs. The clerk of the court may establish a payment plan under  
876 s. 28.246 and may charge the attorney or pro se defendant a one-  
877 time administrative processing charge under s. 28.24(27)(c) ~~s.~~  
878 ~~28.24(26)(e)~~.

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

881 28.22205 Electronic filing process.—Each clerk of court  
882 shall implement an electronic filing process. The purpose of the  
883 electronic filing process is to reduce judicial costs in the  
884 office of the clerk and the judiciary, increase timeliness in  
885 the processing of cases, and provide the judiciary with case-  
886 related information to allow for improved judicial case  
887 management. The Legislature requests that the Supreme Court set  
888 statewide standards for electronic filing to be used by the  
889 clerks of court to implement electronic filing. The standards  
890 should specify the required information for the duties of the  
891 clerks of court and the judiciary for case management. Revenues  
892 provided to counties and the clerk of court under s.  
893 28.24(13)(e) ~~s. 28.24(12)(e)~~ for information technology may also  
894 be used to implement electronic filing processes.

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

897 28.246 Payment of court-related fines or other monetary  
898 penalties, fees, charges, and costs; partial payments;  
899 distribution of funds.—

2021838er

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

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

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

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

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

921  
922 To offset processing costs, clerks may impose either a per-month  
923 service charge pursuant to s. 28.24(27)(b) ~~s. 28.24(26)(b)~~ or a  
924 one-time administrative processing service charge at the  
925 inception of the payment plan pursuant to s. 28.24(27)(c) ~~s.~~  
926 ~~28.24(26)(c)~~.

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

2021838er

929           45.035 Clerk's fees.—In addition to other fees or service  
930 charges authorized by law, the clerk shall receive service  
931 charges related to the judicial sales procedure set forth in ss.  
932 45.031-45.033 ~~ss. 45.031-45.034~~ and this section:

933           (1) The clerk shall receive a service charge of \$70, from  
934 which the clerk shall remit \$10 to the Department of Revenue for  
935 deposit into the General Revenue Fund, for services in making,  
936 recording, and certifying the sale and title, which service  
937 charge shall be assessed as costs and shall be advanced by the  
938 plaintiff before the sale.

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

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

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

949           (3) If the sale is conducted by electronic means, as  
950 provided in s. 45.031(10), the clerk shall receive an additional  
951 service charge not to exceed \$70 for services in conducting or  
952 contracting for the electronic sale, which service charge shall  
953 be assessed as costs and paid when filing for an electronic sale  
954 date. If the clerk requires advance electronic deposits to  
955 secure the right to bid, such deposits are ~~shall~~ not be subject  
956 to the fee under s. 28.24(11) ~~s. 28.24(10)~~. The portion of an  
957 advance deposit from a winning bidder required by s. 45.031(3)

2021838er

958 shall, upon acceptance of the winning bid, be subject to the fee  
959 under s. 28.24(11) ~~s. 28.24(10)~~.

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

962 55.141 Satisfaction of judgments and decrees; duties of  
963 clerk.—

964 (2) Upon such payment, the clerk shall execute and record  
965 in the official records a satisfaction of judgment upon payment  
966 of the recording charge prescribed in s. 28.24(13) ~~s. 28.24(12)~~.  
967 Upon payment of the amount required in subsection (1) and the  
968 recording charge required by this subsection and execution and  
969 recordation of the satisfaction by the clerk, any lien created  
970 by the judgment is satisfied and discharged.

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

973 57.082 Determination of civil indigent status.—

974 (6) PROCESSING CHARGE; PAYMENT PLANS.—A person who the  
975 clerk or the court determines is indigent for civil proceedings  
976 under this section shall be enrolled in a payment plan under s.  
977 28.246 and shall be charged a one-time administrative processing  
978 charge under s. 28.24(27)(c) ~~s. 28.24(26)(c)~~. A monthly payment  
979 amount, calculated based upon all fees and all anticipated  
980 costs, is presumed to correspond to the person's ability to pay  
981 if it does not exceed 2 percent of the person's annual net  
982 income, as defined in subsection (1), divided by 12. The person  
983 may seek review of the clerk's decisions regarding a payment  
984 plan established under s. 28.246 in the court having  
985 jurisdiction over the matter. A case may not be impeded in any  
986 way, delayed in filing, or delayed in its progress, including

2021838er

987 the final hearing and order, due to nonpayment of any fees or  
988 costs by an indigent person. Filing fees waived from payment  
989 under s. 57.081 may not be included in the calculation related  
990 to a payment plan established under this section.

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

994 197.502 Application for obtaining tax deed by holder of tax  
995 sale certificate; fees.—

996 (5)

997 (c) Upon receiving the tax deed application from the tax  
998 collector, the clerk shall record a notice of tax deed  
999 application in the official records, which constitutes notice of  
1000 the pendency of a tax deed application with respect to the  
1001 property and remains effective for 1 year from the date of  
1002 recording. A person acquiring an interest in the property after  
1003 the tax deed application notice has been recorded is deemed to  
1004 be on notice of the pending tax deed sale, and no additional  
1005 notice is required. The sale of the property automatically  
1006 releases any recorded notice of tax deed application for that  
1007 property. If the property is redeemed, the clerk must record a  
1008 release of the notice of tax deed application upon payment of  
1009 the fees as authorized in s. 28.24(9) and (13) ~~s. 28.24(8) and~~  
1010 ~~(12)~~. The contents of the notice shall be the same as the  
1011 contents of the notice of publication required by s. 197.512.  
1012 The cost of recording must be collected at the time of  
1013 application under subsection (1), and added to the opening bid.

1014 Section 21. Effective July 1, 2021, section 197.532,  
1015 Florida Statutes, is amended to read:

2021838er

1016           197.532 Fees for mailing additional notices, when  
1017 application is made by holder.—When the certificateholder makes  
1018 a written request of the clerk and furnishes the names and  
1019 addresses at the time of the filing of the application, the  
1020 clerk shall send a copy of the notice referred to in s. 197.522  
1021 to anyone to whom the certificateholder may request him or her  
1022 to send it, and the clerk shall include in such notice the  
1023 statement required in s. 197.522. The certificateholder shall  
1024 pay the clerk the service charges as prescribed in s. 28.24(6)  
1025 ~~s. 28.24(5)~~ for preparing and mailing each copy of notice  
1026 requested by the holder. When the charges are made, they shall  
1027 be added by the clerk to the amount required to redeem the land  
1028 from sale.

1029           Section 22. Effective July 1, 2021, subsection (3) and  
1030 paragraphs (a) and (b) of subsection (4) of section 197.542,  
1031 Florida Statutes, are amended to read:

1032           197.542 Sale at public auction.—

1033           (3) If the sale is canceled for any reason or the buyer  
1034 fails to make full payment within the time required, the clerk  
1035 shall readvertise the sale within 30 days after the buyer's  
1036 nonpayment or, if canceled, within 30 days after the clerk  
1037 receives the costs of resale. The sale shall be held within 30  
1038 days after readvertising. Only one advertisement is necessary.  
1039 The amount of the opening bid shall be increased by the cost of  
1040 advertising, additional clerk's fees as provided for in s.  
1041 28.24(22) ~~s. 28.24(21)~~, and interest as provided for in  
1042 subsection (1). If, at the subsequent sale, there are no bidders  
1043 at the tax deed sale and the certificateholder fails to pay the  
1044 moneys due within 30 days after the sale, the clerk may not

2021838er

1045 readvertise the sale and shall place the property on a list  
1046 entitled "lands available for taxes." The clerk must receive  
1047 full payment before the issuance of the tax deed.

1048 (4) (a) A clerk may conduct electronic tax deed sales in  
1049 lieu of public outcry. The clerk must comply with the procedures  
1050 provided in this chapter, except that electronic proxy bidding  
1051 shall be allowed and the clerk may require bidders to advance  
1052 sufficient funds to pay the deposit required by subsection (2).  
1053 The clerk shall provide access to the electronic sale by  
1054 computer terminals open to the public at a designated location.  
1055 A clerk who conducts such electronic sales may receive  
1056 electronic deposits and payments related to the sale. The  
1057 portion of an advance deposit from a winning bidder required by  
1058 subsection (2) shall, upon acceptance of the winning bid, be  
1059 subject to the fee under s. 28.24(11) ~~s. 28.24(10)~~.

1060 (b) This subsection does not restrict or limit the  
1061 authority of a charter county to conduct electronic tax deed  
1062 sales. In a charter county where the clerk of the circuit court  
1063 does not conduct all electronic sales, the charter county shall  
1064 be permitted to receive electronic deposits and payments related  
1065 to sales it conducts, as well as to subject the winning bidder  
1066 to a fee, consistent with the schedule in s. 28.24(11) ~~s.~~  
1067 ~~28.24(10)~~.

1068 Section 23. Effective July 1, 2021, paragraph (b) of  
1069 subsection (2) of section 197.582, Florida Statutes, is amended  
1070 to read:

1071 197.582 Disbursement of proceeds of sale.—

1072 (2)

1073 (b) The mailed notice must include a form for making a

2021838er

1074 claim under subsection (3). Service charges at the rate set  
1075 forth in s. 28.24(11) ~~s. 28.24(10)~~ and the costs of mailing must  
1076 be paid out of the surplus funds held by the clerk. If the clerk  
1077 or comptroller certifies that the surplus funds are not  
1078 sufficient to cover the service charges and mailing costs, the  
1079 clerk shall receive the total amount of surplus funds as a  
1080 service charge. For purposes of identifying unclaimed property  
1081 pursuant to s. 717.113, excess proceeds shall be presumed  
1082 payable or distributable on the date the notice is sent.

1083 Section 24. Effective July 1, 2021, paragraph (d) of  
1084 subsection (3) of section of 569.23, Florida Statutes, is  
1085 amended to read:

1086 569.23 Security requirements for tobacco settlement  
1087 agreement signatories, successors, parents, and affiliates.—

1088 (3)

1089 (d) The clerk of the Supreme Court shall collect fees for  
1090 receipt of deposits under this subsection as authorized by ss.  
1091 28.231 and 28.24(11) ~~28.24(10)(a)~~. In addition, for as long as  
1092 any cash remains on deposit with the clerk pursuant to this  
1093 subsection, the clerk of the Supreme Court is entitled to  
1094 regularly receive as an additional fee the net investment income  
1095 earned thereon. The clerk shall use the services of the Chief  
1096 Financial Officer, as needed, for the custody and management of  
1097 all bonds, other surety, or cash posted or deposited with the  
1098 clerk. All fees collected pursuant to this subsection shall be  
1099 deposited in the State Courts Revenue Trust Fund for use as  
1100 specified by law.

1101 Section 25. Effective July 1, 2021, subsection (3) of  
1102 section 712.06, Florida Statutes, is amended to read:

2021838er

1103           712.06 Contents of notice; recording and indexing.—  
1104           (3) The person providing the notice referred to in s.  
1105 712.05, other than a notice for preservation of a community  
1106 covenant or restriction, shall:  
1107           (a) Cause the clerk of the circuit court to mail by  
1108 registered or certified mail to the purported owner of said  
1109 property, as stated in such notice, a copy thereof and shall  
1110 enter on the original, before recording the same, a certificate  
1111 showing such mailing. For preparing the certificate, the  
1112 claimant shall pay to the clerk the service charge as prescribed  
1113 in s. 28.24(9) ~~s. 28.24(8)~~ and the necessary costs of mailing,  
1114 in addition to the recording charges as prescribed in s.  
1115 28.24(13) ~~s. 28.24(12)~~. If the notice names purported owners  
1116 having more than one address, the person filing the same shall  
1117 furnish a true copy for each of the several addresses stated,  
1118 and the clerk shall send one such copy to the purported owners  
1119 named at each respective address. Such certificate shall be  
1120 sufficient if the same reads substantially as follows:

1121  
1122           I hereby certify that I did on this ....., mail by  
1123 registered (or certified) mail a copy of the foregoing notice to  
1124 each of the following at the address stated:

1125  
1126           ...(Clerk of the circuit court)..  
1127 of .... County, Florida,  
1128 By...(Deputy clerk)...

1129  
1130           The clerk of the circuit court is not required to mail to the  
1131 purported owner of such property any such notice that pertains

2021838er

1132 solely to the preserving of any covenant or restriction or any  
1133 portion of a covenant or restriction; or

1134 (b) Publish once a week, for 2 consecutive weeks, the  
1135 notice referred to in s. 712.05, with the official record book  
1136 and page number in which such notice was recorded, in a  
1137 newspaper as defined in chapter 50 in the county in which the  
1138 property is located.

1139 Section 26. Except as otherwise expressly provided in this  
1140 act and except for this section, which shall take effect upon  
1141 this act becoming a law, this act shall take effect October 1,  
1142 2021.