

Committee Substitute for Senate Bill No. 606

An act relating to trust funds; re-creating the Public Records Modernization Trust Fund without modification; carrying forward current balances and continuing current sources and uses thereof; amending s. 28.24, F.S.; abrogating the expiration of provisions relating to the trust fund; providing an effective date.

WHEREAS, the Legislature wishes to extend the life of the Public Records Modernization Trust Fund, which is otherwise scheduled to be terminated pursuant to constitutional mandate, and

WHEREAS, the Legislature has reviewed the trust fund before its scheduled termination date and has found that it continues to meet an important public purpose, and

WHEREAS, the Legislature has found that existing public policy concerning the trust fund sets adequate parameters for its use, NOW, THEREFORE,

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

Section 1. (1) The Public Records Modernization Trust Fund, which is to be terminated pursuant to Section 19(f), Article III of the State Constitution on November 4, 2000, is re-created.

(2) All current balances of the trust fund are carried forward, and all current sources and uses of the trust fund are continued.

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

28.24 Service charges by clerk of the circuit court.—The clerk of the circuit court shall make the following charges for services rendered by the clerk's office in recording documents and instruments and in performing the duties enumerated. However, in those counties where the clerk's office operates as a fiscal unit of the county pursuant to s. 145.022(1), the clerk shall not charge the county for such services.

Charges

- (1) For court attendance by each clerk or deputy clerk, per day \$75.00
- (2) For court minutes, per page 5.00
- (3) For examining, comparing, correcting, verifying, and certifying transcripts of record in appellate proceedings, prepared by attorney for appellant or someone else other than clerk, per page 3.00
- (4) For preparing, numbering, and indexing an original record of appellate proceedings, per instrument 2.00

(5) For certifying copies of any instrument in the public records 1.00

(6) For verifying any instrument presented for certification prepared by someone other than clerk, per page 2.00

(7) For making and reporting payrolls of jurors to State Comptroller, per page, per copy 5.00

(8)(a) For making copies by photographic process of any instrument in the public records consisting of pages of not more than 14 inches by 8½ inches, per page 1.00

(b) For making copies by photographic process of any instrument in the public records of more than 14 inches by 8½ inches, per page 5.00

(9) For making microfilm copies of any public records:

(a) 16 mm 100' microfilm roll 25.00

(b) 35 mm 100' microfilm roll 35.00

(c) Microfiche, per fiche 2.00

(10) For copying any instrument in the public records by other than photographic process, per page 4.00

(11) For writing any paper other than herein specifically mentioned, same as for copying, including signing and sealing 4.00

(12) For indexing each entry not recorded 1.00

(13) For receiving money into the registry of court:

(a)1. First \$500, percent 2

2. Each subsequent \$100, percent 1

(b) Eminent domain actions, per deposit \$100.00

(14) For examining, certifying, and recording plats and for recording condominium exhibits larger than 14 inches by 8½ inches:

(a) First page 30.00

(b) Each additional page 15.00

(15) For recording, indexing, and filing any instrument not more than 14 inches by 8½ inches, including required notice to property appraiser where applicable:

(a) First page or fraction thereof 5.00

(b) Each additional page or fraction thereof 4.00

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

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

- 1. First page 1.00
- 2. Each additional page 0.50

Said fund shall be held in trust by the clerk and used exclusively for equipment and maintenance of equipment, personnel training, and technical assistance in modernizing the public records system of the office. In a county where the duty of maintaining official records exists in an office other than the office of the clerk of the circuit court, the clerk of the circuit court is entitled to 25 percent of the moneys deposited into the trust fund for equipment, maintenance of equipment, training, and technical assistance in modernizing the system for storing records in the office of the clerk of the circuit court. The fund may not be used for the payment of travel expenses, membership dues, bank charges, staff-recruitment costs, salaries or benefits of employees, construction costs, general operating expenses, or other costs not directly related to obtaining and maintaining equipment for public records systems or for the purchase of furniture or office supplies and equipment not related to the storage of records. On or before December 1, 1995, and on or before December 1 of each year immediately preceding each year during which the trust fund is scheduled for legislative review under s. 19(f)(2), Art. III of the State Constitution, each clerk of the circuit court shall file a report on the Public Records Modernization Trust Fund with the President of the Senate and the Speaker of the House of Representatives. The report must itemize each expenditure made from the trust fund since the last report was filed; each obligation payable from the trust fund on that date; and the percentage of funds expended for each of the following: equipment, maintenance of equipment, personnel training, and technical assistance. The report must indicate the nature of the system each clerk uses to store, maintain, and retrieve public records and the degree to which the system has been upgraded since the creation of the trust fund. ~~This paragraph expires November 4, 2000, and the Legislature shall review this paragraph to determine the necessity for the Public Records Modernization Trust Fund prior to that date.~~

(16) Oath, administering, attesting, and sealing, not otherwise provided for herein 2.00

(17) For validating certificates, any authorized bonds, each 2.00

(18) For preparing affidavit of domicile 5.00

(19) For exemplified certificates, including signing and sealing . . 4.00

(20) For authenticated certificates, including signing and sealing 4.00

- (21)(a) For issuing and filing a subpoena for a witness, not otherwise provided for herein (includes writing, preparing, signing, and sealing) 4.00
- (b) For signing and sealing only 1.00
- (22) For issuing venire facias (includes writing, preparing, signing, and sealing) 5.00
- (23) For paying of witnesses and making and reporting payroll to State Comptroller, per copy, per page 5.00
- (24) For approving bond 5.00
- (25) For searching of records, for each year's search 1.00
- (26) For processing an application for a tax deed sale (includes application, sale, issuance, and preparation of tax deed, and disbursement of proceeds of sale), other than excess proceeds 60.00
- (27) For disbursement of excess proceeds of tax deed sale, first \$100 or fraction thereof 10.00
- (28) Upon receipt of an application for a marriage license, for preparing and administering of oath; issuing, sealing, and recording of the marriage license; and providing a certified copy 20.00
- (29) For solemnizing matrimony 20.00
- (30) For sealing any court file or expungement of any record . . 25.00
- (31) For receiving and disbursing all restitution payments, per payment 2.00
- (32) Postal charges incurred by the clerk of the circuit court in any mailing by certified or registered mail shall be paid by the party at whose instance the mailing is made.
- (33) For furnishing an electronic copy of information contained in a computer database: a fee as provided for in chapter 119.

Section 3. This act shall take effect November 4, 2000.

Approved by the Governor May 25, 2000.

Filed in Office Secretary of State May 25, 2000.