

## CHAPTER 2021-116

### Committee Substitute for Committee Substitute for Senate Bill No. 838

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 requirements; specifying circumstances under which moneys held in reserve may be used; prescribing procedures for the release of such funds; amending s. 28.37, F.S.; modifying a provision regarding state court system funding; defining terms; conforming a cross-reference; revising provisions governing the transfer of certain funds from the Clerks of the Court Trust Fund to the General Revenue Fund by the Department of Revenue; amending s. 28.42, F.S.; requiring the clerks to develop a uniform payment plan form by a specified date; prescribing requirements for the form; requiring the clerks to use such form by a specified date; amending s. 40.29, F.S.; requiring the clerks of the court to submit requests for reimbursement for jury-related costs to the Florida Clerks of Court Operations Corporation within specified timeframes; requiring the corporation to review such requests for reimbursement; requiring the corporation to submit certain information to the Justice Administrative Commission; requiring the commission to review the information and submit a request for payment to the Chief Financial Officer under certain circumstances; removing a provision authorizing the commission to apportion funds among the counties for certain purposes; amending ss. 318.15, 318.20, and 322.245, F.S.; requiring orders and notifications for certain traffic citations and suspensions to include information regarding payment plans; amending s. 775.083, F.S.; designating the clerk as the entity responsible for collecting payment of certain court obligations; requiring a person ordered to pay such obligations to contact the clerk in order to pay or establish a payment plan, unless otherwise provided; amending ss. 27.52, 28.22205, 28.246, 45.035, 55.141, 57.082, 197.502, 197.532, 197.542, 197.582, 569.23, and 712.06, F.S.; conforming cross-references; providing effective dates.

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

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

28.222 Clerk to be county recorder.—

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

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

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

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

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

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

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

(b) Transcripts filed with the clerk.

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

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

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

(2) 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: 5.00, from which the clerk shall remit 0.50 per page to the Department of Revenue for deposit into the General Revenue Fund.

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

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

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

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

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

~~(6)(a)(5)(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.

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

(a) That are court records:

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

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

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

(b) That are not court records:

1. 16 mm 100' microfilm roll: 42.00.

2. 35 mm 100' microfilm roll: 60.00.

3. Microfiche, per fiche: 3.50.

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

(9)(a)(8) For writing any paper that is a court record other than a paper otherwise herein specifically mentioned in this section, same as for copying, including signing and sealing: 7.00, from which the clerk shall remit 1.00 to the Department of Revenue for deposit into the General Revenue Fund.

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

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

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

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

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

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

(12)(11) 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.

(13)(12) 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 must 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 must 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) For approving a bond: 8.50.

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

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

~~(22)(21)~~ 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.

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

~~(24)(23)~~ 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:.....30.00.

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

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

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

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

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

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

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

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

28.241 Filing fees for trial and appellate proceedings.—

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

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

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

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

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

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

(b) An individual seeking to defer payment of fees, service charges, court costs, or fines imposed by operation of law or order of the court under any provision of general law shall apply to the clerk for enrollment in a payment plan. The clerk shall enter into a payment plan with an individual who the court determines is indigent for costs. It is the responsibility of an individual who is released from incarceration and has outstanding court obligations to contact the clerk within 30 days after release to pay fees, service charges, court costs, and fines in full, or to apply for enrollment in a payment plan. A monthly payment amount, calculated based upon all fees and all anticipated fees, service charges, court costs, and fines, is presumed to correspond to the person's ability to pay if the amount does not exceed 2 percent of the person's annual net income, as defined in s. 27.52(1), divided by 12. The clerk shall establish all terms of a payment plan, and the court may review the reasonableness of the payment plan.



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

28.35 Florida Clerks of Court Operations Corporation.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(4)(a)(3)(a)~~ Each year, no later than January 25, for the previous county fiscal year, the clerks of court, in consultation with the Florida Clerks of

Court Operations Corporation, shall remit to the Department of Revenue for deposit in the Clerks of the Court Trust Fund the cumulative excess of all fines, fees, service charges, and court costs retained by the clerks of the court, plus any funds received by the clerks of the court from the Clerks of the Court Trust Fund under s. 28.36(4) s. 28.36(3), which exceed the amount needed to meet their authorized budget amounts established under s. 28.35.

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

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

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

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

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

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

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

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

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

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

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

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

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

40.29 Payment of due-process costs.—

(5) The Justice Administrative Commission shall reimburse ~~provide~~ funds to the clerks of the court to compensate jurors, to pay for meals or lodging provided to jurors, and to pay for jury-related personnel costs as

~~provided in this section. Each clerk of the court must submit a request for reimbursement shall forward to the Florida Clerks of Court Operations Corporation within 20 days after each quarter attesting to the clerk's actual costs Justice Administrative Commission a quarterly estimate of funds necessary to compensate jurors, to and pay for meals or lodging provided to jurors, and to pay for jury-related personnel costs during the upcoming quarter. The Florida Clerks of Court Operations Corporation must review the request for reimbursement to ensure that the costs are reasonably and directly related to jury management. The Florida Clerks of Court Operations Corporation must shall forward to the Justice Administrative Commission a quarterly estimate of the amount necessary to reimburse each clerk of the court for its personnel and other costs related to jury management unless the total request for reimbursement by the clerks exceeds the quarterly funds available to the Justice Administrative Commission, in which case the Florida Clerks of Court Operations Corporation shall adjust the cumulative total to match the available funds before submitting the request to the Justice Administrative Commission. Upon receipt of each request for reimbursement such estimates, the Justice Administrative Commission must review shall determine the amount deemed necessary for payment to the clerks of the court for the most recently completed during the upcoming quarter, determine if the total payment amount is available, and submit a request for payment to the Chief Financial Officer. If the Justice Administrative Commission believes that the amount appropriated by the Legislature is insufficient to meet such costs during the remaining part of the state fiscal year, the commission may apportion the funds appropriated in the General Appropriations Act for those purposes among the several counties, basing the apportionment upon the amount expended for such purposes in each county during the prior fiscal year, in which case, the Chief Financial Officer shall issue the appropriate apportioned amount by warrant to each county. The clerks of the court are responsible for any compensation to jurors, for payments for meals or lodging provided to jurors, and for jury-related personnel costs that exceed the funding provided in the General Appropriations Act for these purposes.~~

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

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

(1)(a) If a person fails to comply with the civil penalties provided in s. 318.18 within the time period specified in s. 318.14(4), fails to enter into or comply with the terms of a penalty payment plan with the clerk of the court in accordance with ss. 318.14 and 28.246, fails to attend driver improvement school, or fails to appear at a scheduled hearing, the clerk of the court must shall notify the Department of Highway Safety and Motor Vehicles of such failure within 10 days after such failure. Upon receipt of such notice, the department must shall immediately issue an order suspending the driver license and privilege to drive of such person effective 20 days after the date the order of suspension is mailed in accordance with s. 322.251(1), (2), and (6). The order also must inform the person that he or she may contact the

clerk of the court to establish a payment plan pursuant to s. 28.246(4) to make partial payments for court-related fines, fees, service charges, and court costs. Any such suspension of the driving privilege which has not been reinstated, including a similar suspension imposed outside of this state Florida, ~~must shall~~ remain on the records of the department for a period of 7 years from the date imposed and ~~must shall~~ be removed from the records after the expiration of 7 years from the date it is imposed. The department may not accept the resubmission of such suspension.

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

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

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

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

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

(3) If the person fails to comply with the directives of the court within the 30-day period, or, in non-IV-D cases, fails to comply with the requirements of



s. 61.13016 within the period specified in that statute, the depository or the clerk of the court must shall electronically notify the department of such failure within 10 days. Upon electronic receipt of the notice, the department shall immediately issue an order suspending the person's driver license and privilege to drive effective 20 days after the date the order of suspension is mailed in accordance with s. 322.251(1), (2), and (6). The order of suspension must also contain information specifying that the person may contact the clerk of the court to establish a payment plan pursuant to s. 28.246(4) to make partial payments for fines, fees, service charges, and court costs.

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

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

775.083 Fines.—

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

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

27.52 Determination of indigent status.—

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

(i) A defendant who is found guilty of a criminal act by a court or jury or enters a plea of guilty or nolo contendere and who received due process

services after being found indigent for costs under this subsection is liable for payment of due process costs expended by the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

57.082 Determination of civil indigent status.—

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

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

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

(5)

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

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

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

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

197.542 Sale at public auction.—

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

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

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

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

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

197.582 Disbursement of proceeds of sale.—

(2)

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

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

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

(3)

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

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

712.06 Contents of notice; recording and indexing.—

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

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

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

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

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

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

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

Approved by the Governor June 17, 2021.

Filed in Office Secretary of State June 17, 2021.