

RESOLUTION 92- 129

WHEREAS the Public Records Modernization Fund has received revenue in excess of budgeted amount. Money collected and interest earned has been recorded in the Fund, but in accordance with F.S. 28.24 (15)(d), "Said fund shall be held in trust by the Clerk and used exclusively for equipment, personnel training, and technical assistance in modernizing the official records system." Therefore, money remaining in the Fund, shall be transferred to Clerk of Courts and hereto recorded by Clerk and not by Board of County Commissioners in accordance with F.S. 28.24 (15)(d).

WHEREAS these revenues were not anticipated in the 1991/92 budget for the Public Records Modernization Fund.

BE IT THEREFORE resolved by the Board of County Commissioners, Nassau County, Florida in regular session, duly assembled on the 17th day of August 1992, the following budget amendment pursuant to Florida Statutes Chapter 129.06(2)(d) be adopted:

REVENUE

132-341-540-101	Fees-Clerk of County Court	\$	5
132-361-103-101	Interest-Repos		285
132-399-999-901	Balances Fwd-Cash		19,582

APPROPRIATION

132-021-93-101	Transfer Out-Clerk of Courts	\$	19,872
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ADOPTED this 17th day of August, 1992.

ATTEST:


EX-OFFICIO CLERK


CHAIRMAN

***** PUBLIC RECORDS MODERNIZATION FUND *****

FUND 1:

ACCOUNT	ACCOUNT DESCRIPTION	ORIG BUDG	AMEND BUDGET	REVENUES	UNCOLLECTED
132-341-540 -101	FEES - CLERK OF COUNTY COURT	17,100.00	17,100.00	17,343.00CR	243.00CR
132-361-103 -101	INTEREST-REPOS	95.00	95.00	379.39CR	284.39CR
132-361-202 -101	INTEREST - STATE BOARD OF ADMIN	2,375.00	2,375.00	2,137.96CR	237.04
132-399-999 -901	BALANCES FWD - CASH	40,000.00	40,000.00	0.00	40,000.00
TOTALS FOR PUBLIC RECORDS MODERNIZATION FUND		59,570.00	59,570.00	19,860.35CR	39,709.65

$$\begin{array}{r} 243 \\ - 237.04 \\ \hline 6.96 \end{array}$$

 actual 59,581.53
19,581.53

00 0. *
 000 0. *
 71,918.88 +
 52,047. -
 002 19,871.88 *
 243. +
 284.39 +
 237.04 -
 19,581.53 +
 004 19,871.88 *

unanticipated



NASSAU COUNTY
BOARD OF COUNTY COMMISSIONERS
 P.O. Box 1010
 Fernandina Beach, Florida 32034

Jim B. Higginbotham	Dist. No. 1 Fernandina Beach
John A. Crawford	Dist. No. 2 Fernandina Beach
Tom Branan	Dist. No. 3 Yulee
James E. Testone	Dist. No. 4 Hilliard
Jimmy L. Higginbotham	Dist. No. 5 Callahan

T.J. "Jerry" GREESON
 Ex-Officio Clerk

MICHAEL S. MULLIN
 County Attorney

M E M O R A N D U M

TO: Richelle Sucara

FROM: T. J. "Jerry" Greeson, Ex-Officio Clerk *JG*

SUBJECT: Public Records Modernization Trust Fund

DATE: June 10, 1992

Attached for your review is Florida Statute 28, Section 28.24 regarding the above-mentioned subject.

The law states these funds should be held in trust by the Clerk; therefore, I'm requesting that you forward said funds to Clerk Finance, and for the coming budget year they should be removed from the Board's budget.

Should you have any questions concerning this matter, please contact me.

cc: Gloria Guest

Cathy,
Transfer to Clerk
RMS

1. pull up g/c a/c's (see month end)
2. vouchers to clerk
3. after 6/92 interest

after 6/92 interest posted
Detail SBA met dew 7/23
on cost

same charges as provided in this chapter for the clerk of the circuit court.

History.—s. 38, ch. 70-134.

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 his 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
(B)(a) For making copies by photographic process of any instrument in the public records consisting of pages of not more than 14 inches by 8 1/2 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 8 1/2 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 8 1/2 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 8 1/2 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 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, personnel training, and technical assistance in modernizing the official records system.

- (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.

History.—s. 1, ch. 3106, 1879; RS 1394, GS 1839; RGS 3094; ss. 1, 2, ch. 11893, 1927; GCL 4887, s. 2, ch. 23749, 1955, s. 1, ch. 63-45, s. 5, ch. 70-134, s. 1, ch. 77-284, s. 1, ch. 73-367, s. 1, ch. 79-268, s. 12, ch. 79-400, s. 1, ch. 82-229, s. 35, ch. 85-182, s. 2, ch. 85-249, s. 22, ch. 87-95, s. 2, ch. 87-145, s. 1, ch. 88-176.

28.2401 Service charges in probate matters.—

- (1) Except when otherwise provided, the service charges for the following services shall be:
(a) For the opening of any estate of one document or more, including, but not limited to, petitions and orders to approve settlement of minor's claims; to open a safe deposit box; to enter rooms and places; for the determination of heirs, if not formal administration; and for a foreign guardian to manage property of a nonresident; but not to include issuance of letters or order of summary and family administration.....\$20.00
(b) Caveat.....15.00
(c) Petition and order to admit foreign wills, authenticated copies, exemplified copies, or transcript to record.....30.00
(d) For disposition of personal property without administration.....20.00
(e) Summary administration.....35.00
(f) Family administration.....45.00
(g) Formal administration, guardianship, ancillary, curatorship, or conservatorship proceedings.....75.00
(h) Guardianship proceedings of person only.....25.00
(i) Veterans administration guardianship pursuant to chapter 744.....25.00
(j) Exemplified certificates.....4.00
(k) Petition for determination of incompetency.....25.00
(2) Upon application by the clerk and a showing of extraordinary circumstances, the service charges set forth in this section may be increased in an individual matter by order of the circuit court before which the matter is pending, to more adequately compensate for the services performed.
(3) Service charges in excess of those fixed in this section may be imposed by the governing authority of the county by ordinance, or by special or local law, to provide and maintain facilities, including a law library, or to provide or maintain a legal aid program. Service charges other than those fixed in this section shall be governed by s. 28.24. An additional service charge of \$2.50 on petitions seeking summary administration, family administration, formal administration, ancillary administration, guardianship, curatorship, and conservatorship shall be paid to the clerk for deposit into the Court Education Trust Fund.
(4) Recording shall be required for all petitions opening and closing an estate; petitions regarding real estate; and orders, letters, bonds, oaths, wills, proofs of wills, returns, and such other papers as the judge shall deem advisable to record or that shall be required to be recorded under the Florida Probate Law.

History.—s. 5, ch. 1991, 1874, s. 2, ch. 3888, 1889; RS 1592, 1596, GS 2056, 2060; RGS 2047, 2051; GCL 5200, 5204, s. 1, ch. 19174, 1939; GCL 1940 Supp. 2877(115); s. 1, ch. 19193, 1943, s. 1, ch. 28152, 1953; s. 1, ch. 65-430, s. 1, ch. 72-397, s. 16.

ch. 73-333, s. 2, ch. 77-284, s. 2, ch. 78-367, s. 13, ch. 79-400, s. 25, ch. 81-259, s. 3, ch. 87-145, s. 3, ch. 91-152. Note.—Section 7, ch. 91-152, provides that the amendment by s. 5, ch. 91-152 shall apply only to actions, suits, or proceedings filed on or after [July 1, 1991]. Note.—Former s. 36.17.

128.241 Filing charges for trial and appellate proceedings.—

- (1) The party instituting any civil action, suit, or proceeding in the circuit court shall pay to the clerk of that court a service charge of \$40 in all cases in which there are not more than five defendants and an additional service charge of \$2 for each defendant in excess of five. An additional service charge of \$10 shall be paid by the party seeking each severance that is granted. An additional service charge of \$35 shall be paid to the clerk for all proceedings of garnishment, attachment, replevin, and distress. An additional service charge of \$8 shall be paid to the clerk for each civil action filed, \$7 of such charge to be remitted by the clerk to the State Treasurer for deposit into the General Revenue Fund unallocated. An additional charge of \$2.50 shall be paid to the clerk for each civil action brought in circuit or county court, to be deposited into the Court Education Trust Fund; the moneys collected shall be forwarded by the clerk to the Supreme Court monthly for deposit in the fund. Service charges in excess of those herein fixed may be imposed by the governing authority of the county by ordinance or by special or local law; and such excess shall be expended as provided by such ordinance or any special or local law, now or hereafter in force, in providing and maintaining facilities, including a law library, for the use of the courts of the county wherein the service charges are collected or for a legal aid program in such county. In addition, the county is authorized to impose, by ordinance or by special or local law, a fee of up to \$10 for each civil action filed, contingent upon the county matching these funds from county general revenue, for payment of the costs associated with public guardianships. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. That part of the within fixed or allowable service charges which is not by local or special law applied to the special purposes shall constitute the total service charges of the clerk of such court for all services performed by him in civil actions, suits, or proceedings. The sum of all service charges and fees permitted under this subsection may not exceed \$200.
(2) The clerk of the circuit court of any county in the state who operates his office from fees and service charges collected, as opposed to budgeted allocations from county general revenue, shall be paid by the county as service charges for all services to be performed by him in any criminal or juvenile action or proceeding in such court, in lieu of all other service charges heretofore charged, except as hereinafter provided, the sum of \$40 for each defendant or juvenile. However, in cases involving capital punishment the charge shall be \$50, in any county where a law creates a law library fund or other special fund, this charge may be increased for that purpose by a special or local law or an ordinance. The sum of all service charges and fees permitted under this subsection may not exceed \$200.