

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
 ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
 ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
 FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
 WITHDRAWN \_\_\_\_\_ (Y/N)  
 OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
 2 Representative Pilon offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:  
 6 Section 1. Subsection (3) of section 40.32, Florida

7 Statutes, is amended to read:

8 40.32 Clerks to disburse money; payments to jurors and  
 9 witnesses.—

10 (3) Jurors and witnesses shall be paid by the clerk of the  
 11 court ~~either~~ in cash, by check, or by warrant within 20 days  
 12 after completion of jury service or ~~of~~ completion of service as  
 13 a witness.

14 (a) If ~~Whenever~~ the clerk of the court pays a juror or  
 15 witness by cash, the juror or witness shall sign the payroll in  
 16 the presence of the clerk, a deputy clerk, or some other person  
 17 designated by the clerk.

Amendment No. 1

18 (b) ~~If Whenever~~ the clerk pays a juror or witness by  
19 warrant, he or she shall endorse on the payroll opposite the  
20 juror's or witness's name the words "Paid by warrant," giving  
21 the number and date of the warrant.

22 Section 2. Section 77.27, Florida Statutes, is amended to  
23 read:

24 77.27 No appeal until fees are paid.—If the writ is  
25 dismissed or plaintiff fails to sustain his or her claim, an ~~no~~  
26 appeal from the judgment is not ~~shall be~~ permitted until the  
27 attorney ~~attorney's~~ fee provided in s. 77.28 has been paid ~~into~~  
28 ~~court~~.

29 Section 3. Section 77.28, Florida Statutes, is amended to  
30 read:

31 77.28 Garnishment; attorney ~~attorney's~~ fees, costs,  
32 expenses; deposit required.—Before issuance of any writ of  
33 garnishment, the party applying for it shall pay ~~deposit~~ \$100 ~~in~~  
34 ~~the registry of the court which shall be paid~~ to the garnishee  
35 on the garnishee's demand at any time after the service of the  
36 writ for the payment or part payment of his or her attorney  
37 ~~attorney's~~ fee which the garnishee expends or agrees to expend  
38 in obtaining representation in response to the writ. ~~At the time~~  
39 ~~of deposit, the clerk shall collect the statutory fee provided~~  
40 ~~by s. 28.24(10) in addition to the \$100 deposited into the~~  
41 ~~registry of the court~~. On rendering final judgment, the court  
42 shall determine the garnishee's costs and expenses, including a  
43 reasonable attorney ~~attorney's~~ fee, and in the event of a

271251 - h0797-strike.docx

Published On: 3/11/2014 6:19:21 PM

Amendment No. 1

44 judgment in favor of the plaintiff, the amount is ~~shall be~~  
45 subject to offset by the garnishee against the defendant whose  
46 property or debt owing is being garnished. In addition, the  
47 court shall tax the garnishee's costs and expenses as costs. The  
48 plaintiff may recover in this manner the sum advanced by him or  
49 her ~~plaintiff and paid into registry of court,~~ and, if the  
50 amount allowed by the court is greater than the amount paid ~~of~~  
51 ~~the deposit,~~ together with any offset, judgment for the  
52 garnishee shall be entered against the party against whom the  
53 costs are taxed for the deficiency.

54 Section 4. Subsection (4) of section 197.432, Florida  
55 Statutes, is amended to read:

56 197.432 Sale of tax certificates for unpaid taxes.—

57 (4) A tax certificate representing less than \$250 in  
58 delinquent taxes on property that has been granted a homestead  
59 exemption for the year in which the delinquent taxes were  
60 assessed may not be sold at public auction or by electronic sale  
61 as provided in subsection (1) but must be issued by the tax  
62 collector to the county at the maximum rate of interest allowed.  
63 ~~The provisions of s. 197.4725 or s. 197.502(3) may not be~~  
64 ~~invoked if the homestead exemption is granted to the person who~~  
65 ~~received the homestead exemption for the year in which the tax~~  
66 ~~certificate was issued.~~ However, if all of the outstanding such  
67 tax certificates and accrued interest and the current tax  
68 certificate represent an amount of \$250 or more, the current tax  
69 certificate must be offered for sale pursuant to subsection (1).

271251 - h0797-strike.docx

Published On: 3/11/2014 6:19:21 PM

Amendment No. 1

70 A county that acquires a tax certificate pursuant to this  
71 subsection may not sell the tax certificate pursuant to s.  
72 197.4725 s. 197.502(3) shall be used to determine whether the  
73 county must apply for a tax deed.

74 Section 5. Subsection (1) of section 197.472, Florida  
75 Statutes, is amended to read:

76 197.472 Redemption of tax certificates.—

77 (1) A ~~Any~~ person may redeem a tax certificate at any time  
78 after the certificate is issued and before a tax deed is issued  
79 unless full payment for a tax deed is made to the clerk of the  
80 court, including documentary stamps and recording fees ~~or the~~  
81 ~~property is placed on the list of lands available for sale.~~ The  
82 person redeeming a tax certificate shall pay the tax collector  
83 the face amount plus all interest, costs, and charges.

84 Section 6. Subsections (2), (3), and (7) of section  
85 197.502, Florida Statutes, are amended to read:

86 197.502 Application for obtaining tax deed by holder of  
87 tax sale certificate; fees.—

88 (2) A certificateholder, other than the county, who makes  
89 application for a tax deed shall pay the tax collector at the  
90 time of application all amounts required for redemption or  
91 purchase of all other outstanding tax certificates, plus  
92 interest, any omitted taxes, plus interest, any delinquent  
93 taxes, plus interest, and current taxes, if due, covering the  
94 property. In addition, the certificateholder shall pay the costs  
95 of resale, if applicable, and failure to pay such costs within

271251 - h0797-strike.docx

Published On: 3/11/2014 6:19:21 PM

Amendment No. 1

15 days after notice from the clerk shall result in the clerk's entering the land on a list entitled "lands available for taxes."

(3) The county in which the property described in the certificate is located shall apply for a tax deed on all county-held certificates on property valued at \$5,000 or more on the property appraiser's most recent assessment roll, except deferred payment tax certificates, and may apply for tax deeds on certificates on property valued at less than \$5,000 on the property appraiser's most recent assessment roll. The application shall be made 2 years after April 1 of the year of issuance of the certificates or as soon thereafter as is reasonable. Upon application, the county shall deposit with the tax collector all applicable costs and fees as provided in subsection (1), but may not deposit any money to cover the redemption of other outstanding certificates covering the property. However, a county may not apply for a tax deed on a certificate held by the county if, in the year for which the most recent tax certificate was issued to the county, the value of that tax certificate and the outstanding tax certificates and accrued interest represented an amount of less than \$250 and the homestead exemption was granted to a person who received the exemption for that year.

(7) On county-held or individually held certificates for which there are no bidders at the public sale and for which the certificateholder fails to timely pay costs of resale or fails

271251 - h0797-strike.docx

Published On: 3/11/2014 6:19:21 PM

Amendment No. 1

122 to pay the amounts due for issuance of a tax deed within 15 days  
123 after the sale, the clerk shall enter the land on a list  
124 entitled "lands available for taxes" and shall immediately  
125 notify the county commission ~~and all other persons holding~~  
126 ~~certificates against the property~~ that the property is  
127 available. During the first 90 days after the property is placed  
128 on the list, the county may purchase the land for the opening  
129 bid or may waive its rights to purchase the property.  
130 Thereafter, any person, the county, or any other governmental  
131 unit may purchase the property from the clerk, without further  
132 notice or advertising, for the opening bid, except that if the  
133 county or other governmental unit is the purchaser for its own  
134 use, the board of county commissioners may cancel omitted years'  
135 taxes, as provided under s. 197.447. ~~If the county does not~~  
136 ~~elect to purchase the property, the county must notify each~~  
137 ~~legal titleholder of property contiguous to the property~~  
138 ~~available for taxes, as provided in paragraph (4)(h), before~~  
139 ~~expiration of the 90-day period.~~ Interest on the opening bid  
140 continues to accrue through the month of sale as prescribed by  
141 s. 197.542.

142 Section 7. Subsections (1) and (3) of section 197.542,  
143 Florida Statutes, are amended to read:

144 197.542 Sale at public auction.—

145 (1) Real property advertised for sale to the highest  
146 bidder as a result of an application filed under s. 197.502  
147 shall be sold at public auction by the clerk of the circuit

Amendment No. 1

148 court, or his or her deputy, of the county where the property is  
149 located on the date, at the time, and at the location as set  
150 forth in the published notice, which must be during the regular  
151 hours the clerk's office is open. The amount required to redeem  
152 the tax certificate, plus the amounts paid by the holder to the  
153 clerk in charges for costs of sale, redemption of other tax  
154 certificates on the same property, and all other costs to the  
155 applicant for tax deed, plus interest at the rate of 1.5 percent  
156 per month for the period running from the month after the date  
157 of application for the deed through the month of sale and costs  
158 incurred for the service of notice provided for in s.  
159 197.522(2), shall be the bid of the certificateholder for the  
160 property. If tax certificates exist or if delinquent taxes  
161 accrued subsequent to the filing of the tax deed application,  
162 the amount required to redeem such tax certificates or pay such  
163 delinquent taxes must be included in the minimum bid. However,  
164 if the land to be sold is assessed on the latest tax roll as  
165 homestead property, the bid of the certificateholder must be  
166 increased to include an amount equal to one-half of the assessed  
167 value of the homestead property as required by s. 197.502. If  
168 there are no higher bids, the property shall be struck off and  
169 sold to the certificateholder, who shall pay to the clerk any  
170 amounts included in the minimum bid, the documentary stamp tax,  
171 the and recording fees, and, if the property is homestead  
172 property, the moneys to cover the one-half value of the  
173 homestead within 15 days after the sale due. Upon payment, a tax

271251 - h0797-strike.docx

Published On: 3/11/2014 6:19:21 PM

Amendment No. 1

174 deed shall be issued and recorded by the clerk. If the  
175 certificateholder fails to make full payment when due, the clerk  
176 shall enter the land on a list entitled "lands available for  
177 taxes."

178 (3) If the sale is canceled for any reason, or the buyer  
179 fails to make full payment within the time required, the clerk  
180 shall ~~immediately~~ readvertise the sale ~~to be held~~ within 30 days  
181 after the buyer's nonpayment or, if canceled, within 30 days  
182 after the clerk receives the costs of resale. The sale shall be  
183 held within 30 days after readvertising ~~after the date the sale~~  
184 ~~was canceled.~~ Only one advertisement is necessary. The amount of  
185 the opening bid shall be increased by the cost of advertising,  
186 additional clerk's fees as provided for in s. 28.24(21), and  
187 interest as provided for in subsection (1). If, at the  
188 subsequent sale, there are no bidders at the tax deed sale and  
189 the certificateholder fails to pay the moneys due within 15 days  
190 after the sale, the clerk may not readvertise the sale and shall  
191 place the property on a list entitled "lands available for  
192 taxes." ~~This process must be repeated until the property is sold~~  
193 ~~and the clerk receives full payment or the clerk does not~~  
194 ~~receive any bids other than the bid of the certificateholder.~~  
195 The clerk must receive full payment before the issuance of the  
196 tax deed.

197 Section 8. Subsection (2) of section 197.582, Florida  
198 Statutes, is amended, and subsection (3) is added to that  
199 section, to read:

271251 - h0797-strike.docx

Published On: 3/11/2014 6:19:21 PM



Amendment No. 1

200 197.582 Disbursement of proceeds of sale.-

201 (2) If the property is purchased for an amount in excess  
202 of the statutory bid of the certificateholder, the excess must  
203 be paid over and disbursed by the clerk. If the property  
204 purchased is homestead property and the statutory bid includes  
205 an amount equal to at least one-half of the assessed value of  
206 the homestead, that amount must be treated as excess and  
207 distributed in the same manner. The clerk shall distribute the  
208 excess to the governmental units for the payment of any lien of  
209 record held by a governmental unit against the property,  
210 including any tax certificates not incorporated in the tax deed  
211 application and omitted taxes, if any. If the excess is not  
212 sufficient to pay all of such liens in full, the excess shall be  
213 paid to each governmental unit pro rata. If, after all liens of  
214 governmental units are paid in full, there remains a balance of  
215 undistributed funds, the balance shall be retained by the clerk  
216 for the benefit of persons described in s. 197.522(1)(a), except  
217 those persons described in s. 197.502(4)(h), as their interests  
218 may appear. The clerk shall mail notices to such persons  
219 notifying them of the funds held for their benefit. Such notice  
220 constitutes compliance with the requirements of s. 717.117(4).  
221 Any service charges, at the rate prescribed in s. 28.24(10), and  
222 costs of mailing notices shall be paid out of the excess balance  
223 held by the clerk. Excess proceeds shall be held and disbursed  
224 in the same manner as unclaimed redemption moneys in s. 197.473.  
225 For purposes of identifying unclaimed property pursuant to s.

271251 - h0797-strike.docx

Published On: 3/11/2014 6:19:21 PM

Amendment No. 1

226 717.113, excess proceeds shall be presumed payable or  
227 distributable on the date the notice is sent. If excess proceeds  
228 are not sufficient to cover the service charges and mailing  
229 costs, the clerk shall receive the total amount of excess  
230 proceeds as a service charge.

231 (3) If unresolved claims against the property exist on the  
232 date the property is purchased, the clerk shall ensure that the  
233 excess funds are paid according to the priorities of the claims.  
234 If a lien appears to be entitled to priority and the lienholder  
235 has not made a claim against the excess funds, payment may not  
236 be made on any lien that is junior in priority. If potentially  
237 conflicting claims to the funds exist, the clerk may initiate an  
238 interpleader action against the lienholders involved, and the  
239 court shall determine the proper distribution of the  
240 interpleaded funds. The clerk may move the court for an award of  
241 reasonable fees and costs from the interpleaded funds.

242 Section 9. This act shall take effect July 1, 2014.

243

244

245

-----  
**T I T L E A M E N D M E N T**

246

Remove everything before the enacting clause and insert:

247

A bill to be entitled

248

An act relating to clerks of court; amending s. 40.32,

249

F.S.; authorizing jurors and witnesses to be paid by

250

check; amending s. 77.27, F.S.; conforming a provision

251

to changes made by the act; amending s. 77.28, F.S.;

271251 - h0797-strike.docx

Published On: 3/11/2014 6:19:21 PM

## Amendment No. 1

252 requiring a party applying for garnishment to pay a  
253 deposit to the garnishee, rather than in the registry  
254 of the court; deleting a provision that requires the  
255 clerk to collect a specified fee; amending s. 197.432,  
256 F.S.; providing requirements for the sale of tax  
257 certificates; amending s. 197.472, F.S.; revising  
258 requirements for the redemption of tax certificates;  
259 amending s. 197.502, F.S.; requiring the  
260 certificateholder to pay costs of resale within 15  
261 days under certain circumstances; providing  
262 circumstances under which land shall be placed on a  
263 specified list; prohibiting a county from applying for  
264 a tax deed under certain circumstances; deleting a  
265 provision relating to a notification procedure;  
266 amending s. 197.542, F.S.; requiring the  
267 certificateholder to pay a specified amount of the  
268 assessed value of the homestead under certain  
269 circumstances; providing circumstances under which  
270 land shall be placed on a specified list; amending s.  
271 197.582, F.S.; clarifying notice requirements;  
272 providing for excess proceeds relating to unclaimed  
273 property; requiring the clerk to ensure that excess  
274 funds are paid according to specified priorities;  
275 providing for interpleader actions and the award of  
276 reasonable fees and costs; providing an effective  
277 date.

271251 - h0797-strike.docx

Published On: 3/11/2014 6:19:21 PM