

By the Committee on Judiciary and Senator Laurent

308-1772-99

1 A bill to be entitled
2 An act relating to clerks of the circuit court;
3 amending s. 28.001, F.S.; providing that the
4 Official Records are a general series of
5 records; deleting an obsolete reference;
6 amending s. 28.07, F.S.; providing that a
7 register of Official Records be made available
8 at branch offices; deleting an obsolete
9 reference; amending s. 28.222, F.S.; providing
10 that the Official Records are a general series
11 of records; deleting an obsolete reference;
12 amending s. 40.32, F.S.; extending the time
13 within which to pay a witness or a juror;
14 amending s. 45.031, F.S.; requiring the
15 successful bidder at a tax deed sale to pay a
16 specified deposit; amending s. 177.091, F.S.;
17 deleting an obsolete requirement; amending s.
18 177.111, F.S., deleting a provision that a
19 filed copy of a drawing be made on cloth;
20 amending s. 215.425, F.S.; providing
21 eligibility for extra compensation to employees
22 of the clerk of the circuit court; amending s.
23 569.11, F.S.; providing that a citation for
24 possession of tobacco by a minor must be paid
25 within a specified time; amending s. 741.09,
26 F.S.; deleting an obsolete reference; repealing
27 s. 142.17, F.S., which requires the Comptroller
28 to prepare blanks and forms for auditing
29 claims; repealing s. 938.09, F.S., relating to
30 collection of certain costs and service charges
31 by the clerk of the circuit court; repealing s.

1 938.11, F.S., relating to collection of certain
2 surcharges by the clerk in counties containing
3 housing projects; providing an effective date.

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

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7 Section 1. Subsection (1) of section 28.001, Florida
8 Statutes, is amended to read:

9 28.001 Definitions.--As used in this chapter:

10 (1) "Official records" means each instrument that the
11 clerk of the circuit court is required or authorized to record
12 in one general ~~the series of books~~ called "Official Records"
13 as provided for in s. 28.222.

14 Section 2. Section 28.07, Florida Statutes, is amended
15 to read:

16 28.07 Place of office.--The clerk of the circuit court
17 shall keep his or her office at the county seat. If the clerk
18 finds a need for branch offices, they may be located in the
19 county at places other than the county seat. Instruments
20 presented for recording in the Official Records may be
21 accepted and filed for that purpose at any branch office
22 designated by the governing body of the county for the
23 recording of instruments pursuant to s. 1 of Art. VIII of the
24 State Constitution.One or more deputy clerks authorized to
25 issue process may be employed for such branch offices. The
26 Official Records ~~books~~ of the county must be kept at the
27 county seat. Other records and books must be kept within the
28 county but need not be kept at the county seat.

29 Section 3. Subsections (2) and (6) of section 28.222,
30 Florida Statutes, are amended to read:

31 28.222 Clerk to be county recorder.--

1 (2) The clerk of the circuit court shall record all
2 instruments in one general series ~~of books~~ called "Official
3 Records." He or she shall keep a register in which he or she
4 shall enter at the time of filing the filing number of each
5 instrument filed for record, the date and hour of filing, the
6 kind of instrument, and the names of the parties to the
7 instrument. The clerk shall maintain a general alphabetical
8 index, direct and inverse, of all instruments filed for
9 record. The register of Official Records must be available at
10 each office where official records may be filed.

11 (6) All instruments recorded in the Official Records
12 ~~books~~ shall always be open to the public, under the
13 supervision of the clerk, for the purpose of inspection
14 thereof and of making extracts therefrom; but the clerk shall
15 not be required to perform any service in connection with such
16 inspection or making of extracts without payment of service
17 charges as provided in s. 28.24.

18 Section 4. Section 40.32, Florida Statutes, is amended
19 to read:

20 40.32 Clerks to disburse money.--All moneys drawn from
21 the treasury under the provisions of this chapter by the clerk
22 of the court shall be disbursed by the clerk of the court as
23 far as needed in payment of jurors and witnesses for the legal
24 compensation for service during the quarterly fiscal period
25 for which said moneys were drawn and for no other purposes.
26 Jurors and witnesses shall be paid by the clerk of the court
27 either in cash or by warrant within 20 ~~10~~ days after ~~of~~
28 completion of jury service or of completion of service as a
29 witness. Whenever the clerk of the court pays a juror or
30 witness by cash, said juror or witness shall sign the payroll
31 in the presence of the clerk, a deputy clerk, or some other

1 person designated by the clerk. Whenever the clerk pays a
2 juror or witness by warrant, he or she shall endorse on the
3 payroll opposite the juror's or witness's name the words "Paid
4 by warrant," giving the number and date of the warrant.

5 Section 5. Subsection (2) of section 45.031, Florida
6 Statutes, is amended to read:

7 45.031 Judicial sales procedure.--In any sale of real
8 or personal property under an order or judgment, the following
9 procedure may be followed as an alternative to any other sale
10 procedure if so ordered by the court:

11 (2) DEPOSIT REQUIRED.--At the time of the sale, the
12 successful high bidder shall post with the clerk a deposit
13 equal to 5 percent of the final bid ~~or \$1,000, whichever is~~
14 ~~less~~. The deposit shall be applied to the sale price at the
15 time of payment. If final payment is not made within the
16 prescribed period, the clerk shall readvertise the sale as
17 provided in this section and pay all costs of the sale from
18 the deposit. Any remaining funds shall be applied toward the
19 judgment.

20 Section 6. Subsection (1) of section 177.091, Florida
21 Statutes, 1998 Supplement, is amended to read:

22 177.091 Plats made for recording.--Every plat of a
23 subdivision offered for recording must ~~shall~~ conform to the
24 following:

25 (1) It must ~~shall~~ be:

26 (a) An original drawing made with black permanent
27 drawing ink ~~or varitype process on a good grade linen tracing~~
28 ~~cloth or with a suitable permanent black drawing ink on a~~
29 ~~stable base film, a minimum of 0.003 inches thick, coated upon~~
30 ~~completion with a suitable plastic material to prevent flaking~~
31 ~~and to assure permanent legibility; or~~

1 (b) A nonadhered scaled print on a stable base film
2 made by photographic processes from a film scribing tested for
3 residual hypo testing solution to assure permanency.

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5 Marginal lines, standard certificates and approval forms shall
6 be printed on the plat with a permanent black drawing ink. A
7 print or photographic copy of the original drawing must ~~shall~~
8 be submitted with the original drawing.

9 Section 7. Section 177.111, Florida Statutes, is
10 amended to read:

11 177.111 Instructions for filing plat.--After the
12 approval by the appropriate governing body required by s.
13 177.071, the plat shall be recorded by the circuit court clerk
14 or other recording officer upon submission thereto of such
15 approved plat. The circuit court clerk or other recording
16 officer shall maintain in his or her office a book of the
17 proper size for such papers so that they shall not be folded,
18 to be kept in the vault. A print or photographic copy must ~~on~~
19 ~~cloth shall~~ be filed in a similar book and kept in his or her
20 office for the use of the public. The clerk shall make
21 available to the public a full size copy of the record plat at
22 a reasonable fee.

23 Section 8. Section 215.425, Florida Statutes, 1998
24 Supplement, is amended to read:

25 215.425 Extra compensation claims prohibited.--No
26 extra compensation shall be made to any officer, agent,
27 employee, or contractor after the service has been rendered or
28 the contract made; nor shall any money be appropriated or paid
29 on any claim the subject matter of which has not been provided
30 for by preexisting laws, unless such compensation or claim is
31 allowed by a law enacted by two-thirds of the members elected

1 to each house of the Legislature. However, when adopting
2 salary schedules for a fiscal year, a district school board or
3 community college district board of trustees may apply the
4 schedule for payment of all services rendered subsequent to
5 July 1 of that fiscal year. The provisions of this section do
6 not apply to extra compensation given to state employees who
7 are included within the senior management group pursuant to
8 rules adopted by the Department of Management Services; to
9 extra compensation given to county, municipal, or special
10 district employees pursuant to policies adopted by county or
11 municipal ordinances or resolutions of governing boards of
12 special districts or to employees of the clerk of the circuit
13 court pursuant to written policy of the clerk; or to a
14 clothing and maintenance allowance given to plainclothes
15 deputies pursuant to s. 30.49.

16 Section 9. Subsection (3) of section 569.11, Florida
17 Statutes, is amended to read:

18 569.11 Possession, misrepresenting age or military
19 service to purchase, and purchase of tobacco products by
20 persons under 18 years of age prohibited; penalties;
21 jurisdiction; disposition of fines.--

22 (3) Any person under 18 years of age cited for
23 committing a noncriminal violation under this section must
24 sign and accept a civil citation indicating a promise to
25 appear before the county court or comply with the requirement
26 for paying the fine and must attend a school-approved
27 anti-tobacco program, if locally available. If a fine is
28 assessed for a violation of this section, the fine must be
29 paid within 30 days after the date of the citation or, if a
30 court appearance is mandatory, within 30 days after the date
31 of the hearing.

1 Section 10. Section 741.09, Florida Statutes, is
2 amended to read:

3 741.09 Record of license and certificate.--The county
4 court judge and clerk of the circuit court shall keep ~~in good~~
5 ~~and substantially bound books~~ a correct record of all marriage
6 licenses issued, with the names of the parties and the date of
7 issuing, and upon the return of the license and certificate
8 shall enter therein the name of the person solemnizing the
9 marriage and the date of marriage ~~and of the return~~.

10 Section 11. Sections 142.17, 938.09, and 938.11,
11 Florida Statutes, are repealed.

12 Section 12. This act shall take effect upon becoming a
13 law.

14
15 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
16 COMMITTEE SUBSTITUTE FOR
17 SB 1282

18 Removes the amendment to s. 55.10, F.S., which provided for an
19 automatic extension, without affirmative recordation, of all
20 judgment liens of a municipality, a county government or the
state.

21 Amends s. 215.425, F.S., to provide that employees of the
22 clerk of the circuit court are eligible for extra compensation
to be paid out of public funds pursuant to a written policy by
the clerk of the circuit court.

23 Eliminates the cross-reference to a non-existent statute in
24 the amendment to s. 569.11, F.S.

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