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LEGISLATIVE ACTION

Senate

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House

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Senator Pruitt moved the following:

Senate Amendment (with title amendment)

Delete lines 812 - 861

and insert:

Section 10. subsection (3) of section 45.035, Florida Statutes, as amended by section 3 of chapter 2009-21, Laws of Florida, 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. 45.031-45.034 and this section:

(3) If the sale is conducted by electronic means, as



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13 provided in s. 45.031(10), the clerk shall receive an additional
14 a service charge not to exceed of \$70 ~~as provided in subsection~~
15 ~~(1)~~ for services in conducting or contracting for the electronic
16 sale, which service charge shall be assessed as costs and paid
17 by the winning bidder ~~shall be advanced by the plaintiff before~~
18 ~~the sale~~. If the clerk requires advance electronic deposits to
19 secure the right to bid, such deposits shall not be subject to
20 the fee under s. 28.24(10). The portion of an advance deposit
21 from a winning bidder required by s. 45.031(3) shall, upon
22 acceptance of the winning bid, be subject to the fee under s.
23 28.24(10).

24 Section 11. Section 142.01, Florida Statutes, is amended to
25 read:

26 142.01 Fine and forfeiture fund; disposition of revenue;
27 clerk of the circuit court.—

28 (1) There shall be established by the clerk of the circuit
29 court in each county of this state a separate fund to be known
30 as the fine and forfeiture fund for use by the clerk of the
31 circuit court in performing court-related functions. The fund
32 shall consist of the following:

33 (a) ~~(1)~~ Fines and penalties pursuant to ss. 28.2402(2),
34 34.045(2), 316.193, 327.35, 327.72, 379.2203(1), and 775.083(1).

35 (b) ~~(2)~~ That portion of civil penalties directed to this
36 fund pursuant to s. 318.21.

37 (c) ~~(3)~~ Court costs pursuant to ss. 28.2402(1)(b),
38 34.045(1)(b), 318.14(10)(b), 318.18(11)(a), 327.73(9)(a) and
39 (11)(a), and 938.05(3).

40 (d) ~~(4)~~ Proceeds from forfeited bail bonds, unclaimed bonds,
41 unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a),



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42 379.2203(1), and 903.26(3) (a).

43 (e)~~(5)~~ Fines and forfeitures pursuant to s. 34.191.

44 (f)~~(6)~~ All other revenues received by the clerk as revenue
45 authorized by law to be retained by the clerk.

46 (2) All revenues received by the clerk in the fine and
47 forfeiture fund from court-related fees, fines, costs, and
48 service charges are considered state funds and shall be remitted
49 monthly to the Department of Revenue for deposit into the Clerks
50 of the Court Trust Fund within the Justice Administrative
51 Commission.

52 (3) Notwithstanding the provisions of this section, all
53 fines and forfeitures arising from operation of the provisions
54 of s. 318.1215 shall be disbursed in accordance with that
55 section.

56 Section 12. Paragraph (qq) of subsection (1) of section
57 216.011, Florida Statutes, is amended to read:

58 216.011 Definitions.—

59 (1) For the purpose of fiscal affairs of the state,
60 appropriations acts, legislative budgets, and approved budgets,
61 each of the following terms has the meaning indicated:

62 (qq) "State agency" or "agency" means any official,
63 officer, commission, board, authority, council, committee, or
64 department of the executive branch of state government. For
65 purposes of this chapter and chapter 215, "state agency" or
66 "agency" includes, but is not limited to, state attorneys,
67 public defenders, criminal conflict and civil regional counsel,
68 capital collateral regional counsel, the Florida Clerks of Court
69 Operations Corporation, the Justice Administrative Commission,
70 the Florida Housing Finance Corporation, and the Florida Public



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71 Service Commission. Solely for the purposes of implementing s.
72 19(h), Art. III of the State Constitution, the terms "state
73 agency" or "agency" include the judicial branch.

74 Section 13. Subsection (4) of section 197.542, Florida
75 Statutes, is amended to read:

76 197.542 Sale at public auction.—

77 (4) (a) A clerk may conduct electronic tax deed sales in
78 lieu of public outcry. The clerk must comply with the procedures
79 provided in this chapter, except that electronic proxy bidding
80 shall be allowed and the clerk may require bidders to advance
81 sufficient funds to pay the deposit required by subsection (2).
82 The clerk shall provide access to the electronic sale by
83 computer terminals open to the public at a designated location.
84 A clerk who conducts such electronic sales may receive
85 electronic deposits and payments related to the sale. The
86 portion of an advance deposit from a winning bidder required by
87 subsection (2) shall, upon acceptance of the winning bid, be
88 subject to the fee under s. 28.24(10).

89 (b) Nothing in this subsection shall be construed to
90 restrict or limit the authority of a charter county from
91 conducting electronic tax deed sales. In a charter county where
92 the clerk of the circuit court does not conduct all electronic
93 sales, the charter county shall be permitted to receive
94 electronic deposits and payments related to sales it conducts,
95 as well as to subject the winning bidder to a fee, consistent
96 with the schedule in s. 28.24(10).

97 (c) The costs of electronic tax deed sales shall be added
98 to the charges for the costs of sale under subsection (1) and
99 paid by the certificate holder when filing an application for a



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100 tax deed.

101 Section 14. Subsection (13) of section 318.18, Florida
102 Statutes, is amended to read:

103 318.18 Amount of penalties.—The penalties required for a
104 noncriminal disposition pursuant to s. 318.14 or a criminal
105 offense listed in s. 318.17 are as follows:

106 (13) (a) In addition to any penalties imposed for
107 noncriminal traffic infractions pursuant to this chapter or
108 imposed for criminal violations listed in s. 318.17, a board of
109 county commissioners or any unit of local government that ~~which~~
110 is consolidated as provided by s. 9, Art. VIII of the State
111 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
112 Constitution of 1968:

113 1. ~~(a)~~ May impose by ordinance a surcharge of up to \$30 ~~\$15~~
114 for any infraction or violation to fund state court facilities.
115 The court shall not waive this surcharge. Up to 25 percent of
116 the revenue from such surcharge may be used to support local law
117 libraries provided that the county or unit of local government
118 provides a level of service equal to that provided prior to July
119 1, 2004, which shall include the continuation of library
120 facilities located in or near the county courthouse or any annex
121 to the courthouse annexes.

122 2. ~~(b)~~ May, if such board or unit ~~That~~ imposed increased
123 fees or service charges by ordinance under s. 28.2401, s.
124 28.241, or s. 34.041 for the purpose of securing payment of the
125 principal and interest on bonds issued by the county before July
126 1, 2003, to finance state court facilities, ~~may~~ impose by
127 ordinance a surcharge for any infraction or violation for the
128 exclusive purpose of securing payment of the principal and



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129 interest on bonds issued by the county before July 1, 2003, to
130 fund state court facilities until the date of stated maturity.
131 The court shall not waive this surcharge. Such surcharge may not
132 exceed an amount per violation calculated as the quotient of the
133 maximum annual payment of the principal and interest on the
134 bonds as of July 1, 2003, divided by the number of traffic
135 citations for county fiscal year 2002-2003 certified as paid by
136 the clerk of the court of the county. Such quotient shall be
137 rounded up to the next highest dollar amount. The bonds may be
138 refunded only if savings will be realized on payments of debt
139 service and the refunding bonds are scheduled to mature on the
140 same date or before the bonds being refunded. Notwithstanding
141 any of the foregoing provisions of this subparagraph ~~paragraph~~
142 that limit the use of surcharge revenues, if the revenues
143 generated as a result of the adoption of this ordinance exceed
144 the debt service on the bonds, the surplus revenues may be used
145 to pay down the debt service on the bonds; fund other state-
146 court-facility construction projects as may be certified by the
147 chief judge as necessary to address unexpected growth in
148 caseloads, emergency requirements to accommodate public access,
149 threats to the safety of the public, judges, staff, and
150 litigants, or other exigent circumstances; or support local law
151 libraries in or near the county courthouse or any annex to the
152 courthouse annexes.

153 3. May impose by ordinance a surcharge for any infraction
154 or violation for the exclusive purpose of securing payment of
155 the principal and interest on bonds issued by the county on or
156 after July 1, 2009, to fund state court facilities until the
157 stated date of maturity. The court may not waive this surcharge.



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158 The surcharge may not exceed an amount per violation calculated
159 as the quotient of the maximum annual payment of the principal
160 and interest on the bonds, divided by the number of traffic
161 citation certified as paid by the clerk of the court of the
162 county on August 15 of each year. The quotient shall be rounded
163 up to the next highest dollar amount. The bonds may be refunded
164 if savings are realized on payments of debt service and the
165 refunding bonds are scheduled to mature on or before the
166 maturity date of the bonds being refunded. If the revenues
167 generated as a result of the adoption of the ordinance exceed
168 the debt service on the bonds, the surplus revenues may be used
169 to pay the debt service on the bonds; to fund other state court
170 facility construction projects certified by the chief judge as
171 necessary to address unexpected growth in caseloads, emergency
172 requirements to accommodate public access, threats to the safety
173 of the public, judges, staff, and litigants, or other exigent
174 circumstances; or to support local law libraries in or near the
175 county courthouse or any annex to the courthouse.

176 (b) A county may not impose ~~both~~ of the surcharges
177 authorized under subparagraphs (a)1., 2., and 3. ~~paragraphs (a)~~
178 ~~and (b)~~ concurrently. The clerk of court shall report, no later
179 than 30 days after the end of the quarter, the amount of funds
180 collected under this subsection during each quarter of the
181 fiscal year. The clerk shall submit the report, in a format
182 developed by the Office of State Courts Administrator, to the
183 chief judge of the circuit, the Governor, the President of the
184 Senate, ~~and~~ the Speaker of the House of Representatives, and the
185 board of county commissioners.

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187 ===== T I T L E A M E N D M E N T =====

188 And the title is amended as follows:

189 Delete lines 79 - 87

190 and insert:

191 circuit concerning the clerk's office hours; amending
192 s. 45.035, F.S.; revising the service charge for
193 certain sales conducted by electronic means; requiring
194 the service charge to be paid by the winning bidder;
195 amending s. 142.01, F.S.; requiring the deposit of
196 revenues received in the fine and forfeiture funds of
197 the clerks of court into the Clerks of the Court Trust
198 Fund within the Justice Administrative Commission;
199 amending s. 216.011, F.S.; redefining the term "state
200 agency" for purposes of the fiscal affairs of the
201 state to include the Florida Clerks of Court
202 Operations Corporation; amending s. 197.542, F.S.;
203 adding the costs to conduct an electronic tax deed
204 sale to certain other costs which must be paid by the
205 certificate holder; amending s. 318.18, F.S.;
206 authorizing certain local governments to impose a
207 surcharge on certain infractions or violations to
208 repay bonds relating to court facilities; requiring a
209 clerk of court to report the amount of surcharge
210 collections; requiring that the clerks of