

By Senator Detert

28-00328-13

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1 A bill to be entitled

2 An act relating to the Commission on Ethics; amending
3 ss. 55.10 and 55.202, F.S.; authorizing the commission
4 to acquire liens on real and personal property for
5 certain fines imposed by final order of the
6 commission; amending s. 55.209, F.S.; conforming a
7 cross-reference; amending ss. 112.3144 and 112.3145,
8 F.S.; requiring that automatic fines imposed by the
9 commission for failure to comply with certain
10 financial interests disclosure requirements be
11 assigned as claims, debts, or other obligations owed
12 to the state and assigned to collection attorneys;
13 requiring the collection attorneys to reduce such
14 claims to judgments; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Subsection (8) is added to section 55.10,
19 Florida Statutes, to read:

20 55.10 Judgments, orders, and decrees; lien of all,
21 generally; extension of liens; transfer of liens to other
22 security.—

23 (8) For purposes of this section and s. 55.202, a final
24 order issued by the Commission on Ethics for any fine
25 automatically imposed pursuant to s. 112.3144(5)(e) or s.
26 112.3145(6)(f) shall be treated in the same manner as a
27 judgment, order, or decree issued by a court.

28 Section 2. Section 55.202, Florida Statutes, is amended to
29 read:

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30 55.202 Judgments, orders, and decrees; lien on personal
31 property.-

32 (1) A judgment lien securing the unpaid amount of any money
33 judgment may be acquired by the holder of a judgment that is:

34 (a) Enforceable in this state under its laws or the laws of
35 the United States;

36 (b) Entered by an issuing tribunal with respect to a
37 support order being enforced in this state pursuant to chapter
38 88; or

39 (c) Enforceable by operation of law pursuant to s.
40 61.14(6).

41 (2) A judgment lien securing the unpaid amount of any fine
42 described in s. 55.10(8) which is due to the Commission on
43 Ethics may be acquired by the commission.

44 (3)~~(2)~~ A judgment lien may be acquired on a judgment
45 debtor's interest in all personal property in this state subject
46 to execution under s. 56.061, other than fixtures, money,
47 negotiable instruments, and mortgages.

48 (a) A judgment lien is acquired by filing a judgment lien
49 certificate in accordance with s. 55.203 with the Department of
50 State after the judgment has become final and if the time to
51 move for rehearing has lapsed, no motion for rehearing is
52 pending, and no stay of the judgment or its enforcement is then
53 in effect. A court may authorize, for cause shown, the filing of
54 a judgment lien certificate before a judgment has become final
55 when the court has authorized the issuance of a writ of
56 execution in the same matter. A judgment lien certificate not
57 filed in compliance with this subsection is permanently void and
58 of no effect.

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59 (b) For any lien, warrant, assessment, or judgment
60 collected by the Department of Revenue, a judgment lien may be
61 acquired by filing the judgment lien certificate information or
62 warrant with the Department of State in accordance with
63 subsection (6)~~(5)~~.

64 (c) For the unpaid amount of any fine described in s.
65 55.10(8) which is due to the Commission on Ethics, a judgment
66 lien may be acquired by filing a copy of the commission's final
67 order with the Department of State.

68 (d)~~(e)~~ Except as provided in s. 55.208, the effective date
69 of a judgment lien is the date, including the time of day, of
70 filing the judgment lien certificate or copy of the final order
71 of the Commission on Ethics. Although no lien attaches to
72 property, and a creditor does not become a lien creditor as to
73 liens under chapter 679, until the debtor acquires an interest
74 in the property, priority among competing judgment liens is
75 determined in order of filing date and time.

76 (e)~~(d)~~ Except as provided in s. 55.204(3), a judgment
77 creditor may file only one effective judgment lien certificate
78 based upon a particular judgment.

79 (4)~~(3)~~ Except as otherwise provided in s. 55.208, the
80 priority of a judgment lien acquired in accordance with this
81 section or s. 55.204(3) is established at the date and time that
82 the judgment lien certificate or final order of the Commission
83 on Ethics is filed.

84 (5)~~(4)~~ As used in ss. 55.201-55.209, the terms "holder of a
85 judgment" and "judgment creditor" include the Department of
86 Revenue with respect to a judgment being enforced by the
87 Department of Revenue as the state IV-D agency.

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88 (6)~~(5)~~ Liens, assessments, warrants, or judgments filed
89 pursuant to paragraph (3) (b) ~~(2) (b)~~ may be filed directly into
90 the central database by the Department of Revenue, or its
91 designee as determined by its executive director, through
92 electronic or information data exchange programs approved by the
93 Department of State. Such filings must contain the information
94 set forth in s. 55.203(1).

95 Section 3. Subsection (1) of section 55.209, Florida
96 Statutes, is amended to read:

97 55.209 Department of State; processing fees,
98 responsibilities.—

99 (1) Except for liens, assessments, warrants, or judgments
100 filed electronically as provided in s. 55.202(3)(b)
101 ~~55.202(2)(b)~~, the Department of State shall collect the
102 following nonrefundable processing fees for all documents filed
103 in accordance with ss. 55.201-55.209:

104 (a) For any judgment lien certificate or other documents
105 permitted to be filed, \$20.

106 (b) For the certification of any filed document, \$10.

107 (c) For copies of judgment lien documents which are
108 produced by the Department of State, \$1 per page or part
109 thereof. However, no charge may be collected for copies provided
110 in an online electronic format via the Internet.

111 (d) For indexing a judgment lien by multiple judgment
112 debtor names, \$5 per additional name.

113 (e) For each additional facing page attached to a judgment
114 lien certificate or document permitted to be filed, \$5.

115 Section 4. Paragraph (h) of subsection (5) of section
116 112.3144, Florida Statutes, is amended to read:

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117 112.3144 Full and public disclosure of financial
118 interests.-

119 (5) Forms for compliance with the full and public
120 disclosure requirements of s. 8, Art. II of the State
121 Constitution shall be created by the Commission on Ethics. The
122 commission shall give notice of disclosure deadlines and
123 delinquencies and distribute forms in the following manner:

124 (h) Notwithstanding any provision of chapter 120, any fine
125 imposed under this subsection which is not waived by final order
126 of the commission and which remains unpaid more than 60 days
127 after the notice of payment due or more than 60 days after the
128 commission renders a final order on the appeal must be assigned
129 ~~submitted~~ to the Department of Financial Services as a claim,
130 debt, or other obligation owed to the state, and the department
131 shall assign the collection of such fine to a collection
132 attorney, who shall reduce the claim to a judgment agent as
133 ~~provided in s. 17.20.~~

134 Section 5. Paragraph (i) of subsection (6) of section
135 112.3145, Florida Statutes, is amended to read:

136 112.3145 Disclosure of financial interests and clients
137 represented before agencies.-

138 (6) Forms for compliance with the disclosure requirements
139 of this section and a current list of persons subject to
140 disclosure shall be created by the commission and provided to
141 each supervisor of elections. The commission and each supervisor
142 of elections shall give notice of disclosure deadlines and
143 delinquencies and distribute forms in the following manner:

144 (i) Notwithstanding any provision of chapter 120, any fine
145 imposed under this subsection which is not waived by final order

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146 of the commission and which remains unpaid more than 60 days
147 after the notice of payment due or more than 60 days after the
148 commission renders a final order on the appeal must be assigned
149 ~~submitted~~ to the Department of Financial Services as a claim,
150 debt, or other obligation owed to the state, and the department
151 shall assign the collection of such a fine to a collection
152 attorney, who shall reduce the claim to a judgment agent as
153 ~~provided in s. 17.20.~~

154 Section 6. This act shall take effect July 1, 2013.