

1 A bill to be entitled
2 An act relating to clerks of the court; amending s.
3 28.13, F.S.; providing requirements for the storage of
4 papers and electronic filings and requiring that they
5 be stamped with the date and time of submission;
6 requiring the clerk to retain control and custody of
7 filed documents; amending s. 28.222, F.S.; authorizing
8 the clerk to remove certain court records from the
9 Official Records; amending s. 28.24, F.S.; deleting
10 provisions exempting specified persons from service
11 fees; amending s. 28.244, F.S.; increasing the
12 threshold amount for automatic repayment of
13 overpayments; amending s. 28.345, F.S.; requiring that
14 the clerk provide access to public records without
15 charge to certain persons, subject to a limitation and
16 an exception; authorizing the clerk to provide public
17 records in an electronic format under certain
18 circumstances; amending s. 57.081, F.S.; clarifying
19 that, with the exception of charges for issuance of a
20 summons, the prepayment of costs is not required upon
21 a certification of indigence; amending s. 57.082,
22 F.S.; providing for the inclusion of certain filing
23 fees in payment plans; amending s. 101.151, F.S.;
24 clarifying when the office title "Clerk of the Circuit
25 Court and Comptroller" may be used; amending s.
26 119.0714, F.S.; requiring that certain requests for
27 maintenance of a public record exemption specify
28 certain information; amending s. 194.032, F.S.;

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29 requiring that the property appraiser, rather than the
30 clerk, provide the property record card to a
31 petitioner regardless of whether the petitioner
32 initiates evidence exchange; amending s. 197.502,
33 F.S.; providing for the payment of fees for initial
34 and subsequent title searches and specifying that they
35 must be added to the opening bid; specifying that the
36 opening bid on an individual certificate must include
37 accrued delinquent taxes; specifying that the opening
38 bid on a county-held or individual certificate must
39 include interest and costs related to service of
40 notice; authorizing the clerk to collect from the
41 certificateholder all amounts included in the opening
42 bid before the sale, subject to certain exceptions;
43 providing for the accrual of interest and for
44 calculation of the opening bid for individual
45 certificates placed on the list of lands available for
46 taxes; deleting a requirement that fees collected be
47 refunded to the certificateholder if a tax deed sale
48 is canceled; making technical changes; amending s.
49 197.542, F.S.; specifying the bid process for tax deed
50 sales at public auction; providing for the accrual of
51 interest and calculation of the opening bid; requiring
52 the clerk to notify the certificateholder of any
53 amounts that must be paid; requiring the
54 certificateholder to remit payment within a specified
55 time; authorizing the clerk to issue a refund to the
56 depositor if a property is redeemed before the clerk

57 receives full payment for the issuance of a tax deed;
 58 providing for cancelation of a tax deed application
 59 within a specified timeframe; amending s. 197.582,
 60 F.S.; providing a procedure for the disbursement of
 61 proceeds from a tax deed sale if delinquent or current
 62 taxes are due; amending s. 938.30, F.S.; providing
 63 that the state is not required to pay fees to enforce
 64 judgment for costs and fines; providing an effective
 65 date.

66
 67 Be It Enacted by the Legislature of the State of Florida:

68
 69 Section 1. Section 28.13, Florida Statutes, is amended to
 70 read:

71 28.13 ~~To keep~~ Papers and electronic filings.—The clerk of
 72 the circuit court must maintain ~~shall keep~~ all papers and
 73 electronic filings ~~filed~~ in the clerk's office with the utmost
 74 care and security, storing them with related case arranged in
 75 appropriate files and affixing a stamp, which may be electronic,
 76 to each submission indicating ~~(endorsing upon each the date and~~
 77 time that when the submission same was filed. The clerk may),
 78 ~~and shall~~ not permit any attorney or other person to remove
 79 filed documents from the control or custody ~~take papers once~~
 80 ~~filed out of the office~~ of the clerk without leave of the court,
 81 except as otherwise ~~is hereinafter~~ provided by law.

82 Section 2. Present subsections (4) through (6) of section
 83 28.222, Florida Statutes, are renumbered as subsections (5)
 84 through (7), respectively, and a new subsection (4) is added to

85 | that section to read:

86 | 28.222 Clerk to be county recorder.—

87 | (4) The county recorder shall remove recorded court
 88 | documents from the Official Records pursuant to a sealing or
 89 | expunction order.

90 | Section 3. Section 28.24, Florida Statutes, is amended to
 91 | read:

92 | 28.24 Service charges ~~by clerk of the circuit court.~~—The
 93 | clerk of the circuit court shall charge for services rendered
 94 | manually or electronically by the clerk's office in recording
 95 | documents and instruments and in performing other specified the
 96 | duties. These charges may ~~enumerated in amounts not to exceed~~
 97 | those specified in this section, except as provided in s.
 98 | 28.345. ~~Notwithstanding any other provision of this section, the~~
 99 | ~~clerk of the circuit court shall provide without charge to the~~
 100 | ~~state attorney, public defender, guardian ad litem, public~~
 101 | ~~guardian, attorney ad litem, criminal conflict and civil~~
 102 | ~~regional counsel, and private court-appointed counsel paid by~~
 103 | ~~the state, and to the authorized staff acting on behalf of each,~~
 104 | ~~access to and a copy of any public record, if the requesting~~
 105 | ~~party is entitled by law to view the exempt or confidential~~
 106 | ~~record, as maintained by and in the custody of the clerk of the~~
 107 | ~~circuit court as provided in general law and the Florida Rules~~
 108 | ~~of Judicial Administration. The clerk of the circuit court may~~
 109 | ~~provide the requested public record in an electronic format in~~
 110 | ~~lieu of a paper format when capable of being accessed by the~~
 111 | ~~requesting entity.~~

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		Charges
113		
114		
115	(1) For examining, comparing, correcting, verifying, and	
116	certifying transcripts of record in appellate proceedings,	
117	prepared by attorney for appellant or someone else other than	
118	clerk, per page.....	5.00
119	(2) For preparing, numbering, and indexing an original	
120	record of appellate proceedings, per instrument.....	3.50
121	(3) For certifying copies of any instrument in the public	
122	records.....	2.00
123	(4) For verifying any instrument presented for	
124	certification prepared by someone other than clerk, per page	
125	3.50	
126	(5) (a) For making copies by photographic process of any	
127	instrument in the public records consisting of pages of not more	
128	than 14 inches by 8 1/2 inches, per page.....	1.00
129	(b) For making copies by photographic process of any	
130	instrument in the public records of more than 14 inches by 8 1/2	
131	inches, per page.....	5.00
132	(6) For making microfilm copies of any public records:	
133	(a) 16 mm 100' microfilm roll.....	42.00
134	(b) 35 mm 100' microfilm roll.....	60.00
135	(c) Microfiche, per fiche.....	3.50
136	(7) For copying any instrument in the public records by	
137	other than photographic process, per page.....	6.00
138	(8) For writing any paper other than herein specifically	
139	mentioned, same as for copying, including signing and sealing	
140	7.00	

141 (9) For indexing each entry not recorded.....1.00
 142 (10) For receiving money into the registry of court:
 143 (a)1. First \$500, percent.....3
 144 2. Each subsequent \$100, percent.....1.5
 145 (b) Eminent domain actions, per deposit.....170.00
 146 (11) For examining, certifying, and recording plats and
 147 for recording condominium exhibits larger than 14 inches by 8
 148 1/2 inches:
 149 (a) First page.....30.00
 150 (b) Each additional page.....15.00
 151 (12) For recording, indexing, and filing any instrument
 152 not more than 14 inches by 8 1/2 inches, including required
 153 notice to property appraiser where applicable:
 154 (a) First page or fraction thereof.....5.00
 155 (b) Each additional page or fraction thereof.....4.00
 156 (c) For indexing instruments recorded in the official
 157 records which contain more than four names, per additional name
 158 1.00
 159 (d) An additional service charge must ~~shall~~ be paid to the
 160 clerk of the circuit court to be deposited in the Public Records
 161 Modernization Trust Fund for each instrument listed in s.
 162 28.222, except judgments received from the courts and notices of
 163 lis pendens, recorded in the official records:
 164 1. First page.....1.00
 165 2. Each additional page.....0.50
 166
 167 Said fund must ~~shall~~ be held in trust by the clerk and used
 168 exclusively for equipment and maintenance of equipment,

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169 personnel training, and technical assistance in modernizing the
170 public records system of the office. In a county where the duty
171 of maintaining official records exists in an office other than
172 the office of the clerk of the circuit court, the clerk of the
173 circuit court is entitled to 25 percent of the moneys deposited
174 into the trust fund for equipment, maintenance of equipment,
175 training, and technical assistance in modernizing the system for
176 storing records in the office of the clerk of the circuit court.
177 The fund may not be used for the payment of travel expenses,
178 membership dues, bank charges, staff-recruitment costs, salaries
179 or benefits of employees, construction costs, general operating
180 expenses, or other costs not directly related to obtaining and
181 maintaining equipment for public records systems or for the
182 purchase of furniture or office supplies and equipment not
183 related to the storage of records. On or before December 1,
184 1995, and on or before December 1 of each year immediately
185 preceding each year during which the trust fund is scheduled for
186 legislative review under s. 19(f)(2), Art. III of the State
187 Constitution, each clerk of the circuit court shall file a
188 report on the Public Records Modernization Trust Fund with the
189 President of the Senate and the Speaker of the House of
190 Representatives. The report must itemize each expenditure made
191 from the trust fund since the last report was filed; each
192 obligation payable from the trust fund on that date; and the
193 percentage of funds expended for each of the following:
194 equipment, maintenance of equipment, personnel training, and
195 technical assistance. The report must indicate the nature of the
196 system each clerk uses to store, maintain, and retrieve public

197 records and the degree to which the system has been upgraded
 198 since the creation of the trust fund.

199 (e) An additional service charge of \$4 per page shall be
 200 paid to the clerk of the circuit court for each instrument
 201 listed in s. 28.222, except judgments received from the courts
 202 and notices of lis pendens, recorded in the official records.
 203 From the additional \$4 service charge collected:

204 1. If the counties maintain legal responsibility for the
 205 costs of the court-related technology needs as defined in s.
 206 29.008(1)(f)2. and (h), 10 cents shall be distributed to the
 207 Florida Association of Court Clerks and Comptrollers, Inc., for
 208 the cost of development, implementation, operation, and
 209 maintenance of the clerks' Comprehensive Case Information
 210 System; \$1.90 shall be retained by the clerk to be deposited in
 211 the Public Records Modernization Trust Fund and used exclusively
 212 for funding court-related technology needs of the clerk as
 213 defined in s. 29.008(1)(f)2. and (h); and \$2 shall be
 214 distributed to the board of county commissioners to be used
 215 exclusively to fund court-related technology, and court
 216 technology needs as defined in s. 29.008(1)(f)2. and (h) for the
 217 state trial courts, state attorney, public defender, and
 218 criminal conflict and civil regional counsel in that county. If
 219 the counties maintain legal responsibility for the costs of the
 220 court-related technology needs as defined in s. 29.008(1)(f)2.
 221 and (h), notwithstanding any other provision of law, the county
 222 is not required to provide additional funding beyond that
 223 provided herein for the court-related technology needs of the
 224 clerk as defined in s. 29.008(1)(f)2. and (h). All court records

225 and official records are the property of the State of Florida,
 226 including any records generated as part of the Comprehensive
 227 Case Information System funded pursuant to this paragraph and
 228 the clerk of court is designated as the custodian of such
 229 records, except in a county where the duty of maintaining
 230 official records exists in a county office other than the clerk
 231 of court or comptroller, such county office is designated the
 232 custodian of all official records, and the clerk of court is
 233 designated the custodian of all court records. The clerk of
 234 court or any entity acting on behalf of the clerk of court,
 235 including an association, may ~~shall~~ not charge a fee to any
 236 agency as defined in s. 119.011, the Legislature, or the State
 237 Court System for copies of records generated by the
 238 Comprehensive Case Information System or held by the clerk of
 239 court or any entity acting on behalf of the clerk of court,
 240 including an association.

241 2. If the state becomes legally responsible for the costs
 242 of court-related technology needs as defined in s.
 243 29.008(1)(f)2. and (h), whether by operation of general law or
 244 by court order, \$4 shall be remitted to the Department of
 245 Revenue for deposit into the General Revenue Fund.

246 (13) Oath, administering, attesting, and sealing, not
 247 otherwise provided for herein.....3.50

248 (14) For validating certificates, any authorized bonds,
 249 each 3.50

250 (15) For preparing affidavit of domicile.....5.00

251 (16) For exemplified certificates, including signing and
 252 sealing.....7.00

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253	(17) For authenticated certificates, including signing and	
254	sealing.....	7.00
255	(18) (a) For issuing and filing a subpoena for a witness,	
256	not otherwise provided for herein (includes writing, preparing,	
257	signing, and sealing).....	7.00
258	(b) For signing and sealing only.....	2.00
259	(19) For approving bond.....	8.50
260	(20) For searching of records, for each year's search	2.00
261	(21) For processing an application for a tax deed sale	
262	(includes application, sale, issuance, and preparation of tax	
263	deed, and disbursement of proceeds of sale), other than excess	
264	proceeds.....	60.00
265	(22) For disbursement of excess proceeds of tax deed sale,	
266	first \$100 or fraction thereof.....	10.00
267	(23) Upon receipt of an application for a marriage	
268	license, for preparing and administering of oath; issuing,	
269	sealing, and recording of the marriage license; and providing a	
270	certified copy.....	30.00
271	(24) For solemnizing matrimony.....	30.00
272	(25) For sealing any court file or expungement of any	
273	record.....	42.00
274	(26) (a) For receiving and disbursing all restitution	
275	payments, per payment.....	3.50
276	(b) For receiving and disbursing all partial payments,	
277	other than restitution payments, for which an administrative	
278	processing service charge is not imposed pursuant to s. 28.246,	
279	per month.....	5.00
280	(c) For setting up a payment plan, a one-time	

281 administrative processing charge in lieu of a per month charge
 282 under paragraph (b).....25.00

283 (27) Postal charges incurred by the clerk of the circuit
 284 court in any mailing by certified or registered mail must ~~shall~~
 285 be paid by the party at whose instance the mailing is made.

286 (28) For furnishing an electronic copy of information
 287 contained in a computer database: a fee as provided for in
 288 chapter 119.

289 Section 4. Section 28.244, Florida Statutes, is amended to
 290 read:

291 28.244 Refunds.—A clerk of the circuit court or a filing
 292 officer of another office where records are filed who receives
 293 payment for services provided and thereafter determines that an
 294 overpayment has occurred shall refund to the person who made the
 295 payment the amount of any overpayment that exceeds \$10 ~~\$5~~. If
 296 the amount of the overpayment is \$10 ~~\$5~~ or less, the clerk of
 297 the circuit court or a filing officer of another office where
 298 records are filed is not required to refund the amount of the
 299 overpayment unless the person who made the overpayment makes a
 300 written request.

301 Section 5. Section 28.345, Florida Statutes, is amended to
 302 read:

303 28.345 State access to records; exemption from court-
 304 related fees and charges.—

305 (1) Notwithstanding any other provision of law, the clerk
 306 of the circuit court shall, upon request, provide access to
 307 public records without charge to the state attorney, public
 308 defender, guardian ad litem, public guardian, attorney ad litem,

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309 criminal conflict and civil regional counsel, and private court-
310 appointed counsel paid by the state, and to authorized staff
311 acting on their behalf. The clerk of court shall also provide a
312 copy of a public record by facsimile, replica, photograph, or
313 other reproduction. If the public record is exempt or
314 confidential, the requesting party may view or copy the exempt
315 or confidential record only if authority is provided in general
316 law or the Florida Rules of Judicial Administration. The clerk
317 of court may provide the requested public record in an
318 electronic format in lieu of a paper format when the requesting
319 entity is capable of accessing it electronically.

320 (2) Notwithstanding any other ~~provision of this chapter or~~
321 law to the contrary, judges and those court staff acting on
322 behalf of judges, state attorneys, guardians ad litem, public
323 guardians, attorneys ad litem, court-appointed private counsel,
324 criminal conflict and civil regional counsel, ~~and~~ public
325 defenders, and state agencies, while acting in their official
326 capacity, ~~and state agencies,~~ are exempt from all court-related
327 fees and charges assessed by the clerks of the circuit courts.

328 (3) The exemptions provided in this section apply only to
329 state agencies and state entities and the party represented by
330 the agency or entity. The clerk of court shall collect from all
331 other parties the filing fees and service charges as required in
332 this chapter.

333 Section 6. Subsection (1) of section 57.081, Florida
334 Statutes, is amended to read:

335 57.081 Costs; right to proceed where prepayment of costs
336 and payment of filing fees waived.—

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337 (1) Any indigent person, except a prisoner as defined in
338 s. 57.085, who is a party or intervenor in any judicial or
339 administrative agency proceeding or who initiates such
340 proceeding shall receive the services of the courts, sheriffs,
341 and clerks, with respect to such proceedings, despite his or her
342 present inability to pay for these services. Such services are
343 limited to filing fees; service of process; certified copies of
344 orders or final judgments; a single photocopy of any court
345 pleading, record, or instrument filed with the clerk; examining
346 fees; mediation services and fees; private court-appointed
347 counsel fees; subpoena fees and services; service charges for
348 collecting and disbursing funds; and any other cost or service
349 arising out of pending litigation. In any appeal from an
350 administrative agency decision, for which the clerk is
351 responsible for preparing the transcript, the clerk shall record
352 the cost of preparing the transcripts and the cost for copies of
353 any exhibits in the record. Prepayment of costs to any court,
354 clerk, or sheriff is not required and payment of filing fees is
355 not required in any action if the party has obtained in each
356 proceeding a certification of indigence in accordance with s.
357 27.52 or s. 57.082 ~~A party who has obtained a certification of~~
358 ~~indigence pursuant to s. 27.52 or s. 57.082 with respect to a~~
359 ~~proceeding is not required to prepay costs to a court, clerk, or~~
360 ~~sheriff and is not required to pay filing fees or charges for~~
361 ~~issuance of a summons.~~

362 Section 7. Subsection (6) of section 57.082, Florida
363 Statutes, is amended to read:

364 57.082 Determination of civil indigent status.-

365 (6) PROCESSING CHARGE; PAYMENT PLANS.—A person who the
 366 clerk or the court determines is indigent for civil proceedings
 367 under this section shall be enrolled in a payment plan under s.
 368 28.246 and shall be charged a one-time administrative processing
 369 charge under s. 28.24(26)(c). A monthly payment amount,
 370 calculated based upon all fees and all anticipated costs, is
 371 presumed to correspond to the person's ability to pay if it does
 372 not exceed 2 percent of the person's annual net income, as
 373 defined in subsection (1), divided by 12. The person may seek
 374 review of the clerk's decisions regarding a payment plan
 375 established under s. 28.246 in the court having jurisdiction
 376 over the matter. A case may not be impeded in any way, delayed
 377 in filing, or delayed in its progress, including the final
 378 hearing and order, due to nonpayment of any fees or costs by an
 379 indigent person. ~~Filing fees waived from payment under s. 57.081~~
 380 ~~may not be included in the calculation related to a payment plan~~
 381 ~~established under this section.~~

382 Section 8. Paragraph (a) of subsection (2) of section
 383 101.151, Florida Statutes, is amended to read:

384 101.151 Specifications for ballots.—

385 (2)(a) The ballot must include ~~shall have~~ the following
 386 office titles above ~~under which shall appear~~ the names of the
 387 candidates for the respective offices in the following order:

388 1. The office titles of President and Vice President above
 389 ~~and thereunder~~ the names of the candidates for President and
 390 Vice President of the United States nominated by the political
 391 party that received the highest vote for Governor in the last
 392 general election of the Governor in this state, followed by.

393 ~~Then shall appear~~ the names of other candidates for President
 394 and Vice President of the United States who have been properly
 395 nominated.

396 2. The office titles of United States Senator and
 397 Representative in Congress.

398 3. The office titles of Governor and Lieutenant Governor;
 399 Attorney General; Chief Financial Officer; Commissioner of
 400 Agriculture; State Attorney, with the applicable judicial
 401 circuit; and Public Defender, with the applicable judicial
 402 circuit.

403 4. The office titles of State Senator and State
 404 Representative, with the applicable district for the office
 405 printed beneath.

406 5. The office titles of Clerk of the Circuit Court, or,
 407 when the Clerk of the Circuit Court also serves as the County
 408 Comptroller, Clerk of the Circuit Court and Comptroller,
 409 ~~(whichever is applicable and when authorized by law;)~~ Clerk of
 410 the County Court, ~~(when authorized by law;)~~ Sheriff; Property
 411 Appraiser; Tax Collector; District Superintendent of Schools; and
 412 Supervisor of Elections.

413 6. The office titles of Board of County Commissioners,
 414 with the applicable district printed beneath each office, and
 415 such other county and district offices as are involved in the
 416 election, in the order fixed by the Department of State,
 417 followed, in the year of their election, by "Party Offices," and
 418 thereunder the offices of state and county party executive
 419 committee members.

420 Section 9. Paragraph (f) is added to subsection (2) of

421 section 119.0714, Florida Statutes, and section (3) is amended,
 422 to read:

423 119.0714 Court files; court records; official records.—

424 (2) COURT RECORDS.—

425 (f) A request for maintenance of a public records
 426 exemption in s. 119.071(4)(d)2. made pursuant to s. 119.071
 427 (4)(d)3. must specify the document type, name,
 428 identification number, and page number of the court record that
 429 contains the exempt information.

430 (3) OFFICIAL RECORDS.—

431 ~~(a)~~ A Any person who prepares or files a record for
 432 recording in the official records as provided in chapter 28 may
 433 not include in that record a social security number or a bank
 434 account, debit, charge, or credit card number unless otherwise
 435 expressly required by law.

436 ~~(a)(b)1.~~ If a social security number or a bank account,
 437 debit, charge, or credit card number is included in an official
 438 record, such number may be made available as part of the
 439 official records available for public inspection and copying
 440 unless redaction is requested by the holder of such number or by
 441 the holder's attorney or legal guardian.

442 ~~1.2.~~ If such record is in electronic format, on January 1,
 443 2011, and thereafter, the county recorder must use his or her
 444 best effort, as provided in paragraph ~~(d)(h)~~, to keep social
 445 security numbers confidential and exempt as provided for in s.
 446 119.071(5)(a), and to keep complete bank account, debit, charge,
 447 and credit card numbers exempt as provided for in s.
 448 119.071(5)(b), without any person having to request redaction.

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449 2.3- Section 119.071(5)(a)7. and 8. does not apply to the
450 county recorder with respect to official records.

451 (b)-(e) The holder of a social security number or a bank
452 account, debit, charge, or credit card number, or the holder's
453 attorney or legal guardian, may request that a county recorder
454 redact from an image or copy of an official record placed on a
455 county recorder's publicly available Internet website or on a
456 publicly available Internet website used by a county recorder to
457 display public records, or otherwise made electronically
458 available to the public, his or her social security number or
459 bank account, debit, charge, or credit card number contained in
460 that official record.

461 1.(d) A request for redaction must be a signed, legibly
462 written request and must be delivered by mail, facsimile,
463 electronic transmission, or in person to the county recorder.
464 The request must specify the identification page number of the
465 record that contains the number to be redacted.

466 2.(e) The county recorder does not have a duty to inquire
467 beyond the written request to verify the identity of a person
468 requesting redaction.

469 3.(f) A fee may not be charged for redacting a social
470 security number or a bank account, debit, charge, or credit card
471 number.

472 (c)-(g) A county recorder shall immediately and
473 conspicuously post signs throughout his or her offices for
474 public viewing, and shall immediately and conspicuously post on
475 any Internet website or remote electronic site made available by
476 the county recorder and used for the ordering or display of

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477 official records or images or copies of official records, a
478 notice stating, in substantially similar form, the following:

479 1. On or after October 1, 2002, any person preparing or
480 filing a record for recordation in the official records may not
481 include a social security number or a bank account, debit,
482 charge, or credit card number in such document unless required
483 by law.

484 2. Any person has a right to request a county recorder to
485 remove from an image or copy of an official record placed on a
486 county recorder's publicly available Internet website or on a
487 publicly available Internet website used by a county recorder to
488 display public records, or otherwise made electronically
489 available to the general public, any social security number
490 contained in an official record. Such request must be made in
491 writing and delivered by mail, facsimile, or electronic
492 transmission, or delivered in person, to the county recorder.
493 The request must specify the identification page number that
494 contains the social security number to be redacted. A fee may
495 not be charged for the redaction of a social security number
496 pursuant to such a request.

497 (d) ~~(h)~~ If the county recorder accepts or stores official
498 records in an electronic format, the county recorder must use
499 his or her best efforts to redact all social security numbers
500 and bank account, debit, charge, or credit card numbers from
501 electronic copies of the official record. The use of an
502 automated program for redaction is ~~shall be~~ deemed to be the
503 best effort in performing the redaction and is ~~shall be~~ deemed
504 in compliance with the requirements of this subsection.

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505 ~~(e)-(i)~~ The county recorder is not liable for the
506 inadvertent release of social security numbers, or bank account,
507 debit, charge, or credit card numbers, filed with the county
508 recorder.

509 (f) A request for maintenance of a public records
510 exemption in s. 119.071(4)(d)2. made pursuant to s.
511 119.071(4)(d)3. must specify the document type, name,
512 identification number, and page number of the official record
513 that contains the exempt information.

514 Section 10. Paragraph (a) of subsection (2) of section
515 194.032, Florida Statutes, is amended to read:

516 194.032 Hearing purposes; timetable.—

517 (2) (a) The clerk of the governing body of the county shall
518 prepare a schedule of appearances before the board based on
519 petitions timely filed with him or her. The clerk shall notify
520 each petitioner of the scheduled time of his or her appearance
521 at least 25 calendar days before the day of the scheduled
522 appearance. The notice must ~~shall~~ indicate whether the petition
523 has been scheduled to be heard at a particular time or during a
524 block of time. If the petition has been scheduled to be heard
525 within a block of time, the beginning and ending of that block
526 of time must ~~shall~~ be indicated on the notice; however, as
527 provided in paragraph (b), a petitioner may not be required to
528 wait for more than a reasonable time, not to exceed 2 hours,
529 after the beginning of the block of time. If the petitioner
530 checked the appropriate box on the petition form to request a
531 copy of the property record card containing relevant information
532 used in computing the current assessment, the property appraiser

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533 | must provide the copy to the petitioner upon receipt of the
534 | petition from the clerk regardless of whether the petitioner
535 | initiates evidence exchange ~~clerk shall provide the copy of the~~
536 | ~~card along with the notice.~~ Upon receipt of the notice, the
537 | petitioner may reschedule the hearing a single time by
538 | submitting to the clerk a written request to reschedule, at
539 | least 5 calendar days before the day of the originally scheduled
540 | hearing.

541 | Section 11. Subsections (5) through (10) of section
542 | 197.502, Florida Statutes, are amended, and a new subsection (7)
543 | is added to that section, to read:

544 | 197.502 Application for obtaining tax deed by holder of
545 | tax sale certificate; fees.—

546 | (5) (a) The tax collector may contract with a title company
547 | or an abstract company to provide the minimum information
548 | required in subsection (4), consistent with rules adopted by the
549 | department. If additional information is required, the tax
550 | collector must make a written request to the title or abstract
551 | company stating the additional requirements. The tax collector
552 | may select any title or abstract company, regardless of its
553 | location, as long as the fee is reasonable, the minimum
554 | information is submitted, and the title or abstract company is
555 | authorized to do business in this state. The tax collector may
556 | advertise and accept bids for the title or abstract company if
557 | he or she considers it appropriate to do so.

558 | 1. The ownership and encumbrance report must include the
559 | letterhead of the person, firm, or company that makes the
560 | search, and the signature of the individual who makes the search

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561 or of an officer of the firm. The tax collector is not liable
562 for payment to the firm unless these requirements are met. The
563 report may be submitted to the tax collector in an electronic
564 format.

565 2. The tax collector may not accept or pay for any title
566 search or abstract if financial responsibility is not assumed
567 for the search. However, reasonable restrictions as to the
568 liability or responsibility of the title or abstract company are
569 acceptable. Notwithstanding s. 627.7843(3), the tax collector
570 may contract for higher maximum liability limits.

571 3. In order to establish uniform prices for ownership and
572 encumbrance reports within the county, the tax collector must
573 ensure that the contract for ownership and encumbrance reports
574 include all requests for title searches or abstracts for a given
575 period of time.

576 (b) The fee ~~Any fee paid~~ for an initial a title search or
577 abstract must be collected at the time of application under
578 subsection (1), ~~and the amount of the fee~~ must be added to the
579 opening bid. The certificateholder shall pay for additional
580 requested title searches that were not paid for at the time of
581 application, and this amount shall be added to the opening bid.

582 (c) The clerk shall advertise and administer the sale and
583 receive such fees for the issuance of the deed and sale of the
584 property as provided in s. 28.24.

585 (6) The opening bid:

586 (a) On county-held certificates on nonhomestead property
587 is ~~shall be~~ the sum of the value of all outstanding certificates
588 against the property, plus omitted years' taxes, delinquent

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589 taxes, interest, and all costs and fees paid by the county.

590 (b) On an individual certificate must include, in addition
591 to the amount of money paid to the tax collector by the
592 certificateholder at the time of application, the amount
593 required to redeem the applicant's tax certificate and all other
594 costs and fees paid by the applicant, plus all tax certificates
595 that were sold or delinquent taxes that accrued subsequent to
596 the filing of the tax deed application and omitted taxes, if
597 any.

598 (c) On a county-held or individual certificate must
599 include interest at the rate of 1.5 percent per month for the
600 period running from the month after the date of application for
601 the deed through the month of sale, and costs incurred for the
602 service of notice provided for in s. 197.522(2).

603 (d)(e) On property assessed on the latest tax roll open
604 for collection under s. 197.322 as homestead property must ~~shall~~
605 include, in addition to the amount of money required for an
606 opening bid on nonhomestead property, an amount equal to one-
607 half of the latest assessed value of the homestead.

608 (7) In advance of the sale, the clerk may collect from the
609 certificateholder all amounts included in the opening bid,
610 including all costs and fees related to the sale and any tax
611 certificates or delinquent taxes accrued subsequent to the tax
612 deed application, but excluding interest and funds to cover the
613 one-half value of the homestead. Documentary stamp taxes and
614 recording fees collected before the sale do not accrue interest
615 as provided in paragraph (6)(c).

616 (8)(7) On county-held certificates for which there are no

617 bidders at the public sale, the clerk shall enter the land on a
 618 list entitled "lands available for taxes" and shall immediately
 619 notify the county commission and any ~~all other~~ persons holding
 620 certificates against the property that the property is
 621 available. During the first 90 days after the property is placed
 622 on the list, the county may purchase the land for the opening
 623 bid or may waive its rights to purchase the property.
 624 Thereafter, any person, the county, or any other governmental
 625 unit may purchase the property from the clerk, without further
 626 notice or advertising, for the opening bid, except that if the
 627 county or other governmental unit is the purchaser for its own
 628 use, the board of county commissioners may cancel omitted years'
 629 taxes, as provided under s. 197.447. If the county does not
 630 elect to purchase the property, the county must notify each
 631 legal titleholder of property contiguous to the property
 632 available for taxes, as provided in paragraph (4) (h), before
 633 expiration of the 90-day period. Interest on the opening bid on
 634 county-held certificates continues to accrue through the month
 635 of sale that the property is on the list of lands available for
 636 taxes, as prescribed in paragraph (6) (c) by s. 197.542. For
 637 individual certificates placed on the list of lands available
 638 for taxes in accordance with s. 197.542, interest accrues at the
 639 interest rate bid for the certificate upon which the tax deed
 640 application was made for the period running from the month after
 641 the property is placed on the list of lands available for taxes
 642 through the month of sale that it is purchased off the list of
 643 lands available for taxes. When calculating the opening bid for
 644 purchase of property that is on the list of lands available for

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645 taxes, the bid amount must reflect the homestead status of the
646 property on the latest tax roll open for collection under s.
647 197.322. If a property is purchased by the titleholder when the
648 property is on the list of lands available for taxes, the
649 opening bid may not include the amount for one-half value of the
650 homestead specified in paragraph (6)(d), regardless of the
651 homestead status of the property.

652 (9)-(8) Taxes may not be extended against parcels listed as
653 lands available for taxes, but in each year the taxes that would
654 have been due must ~~shall~~ be treated as omitted years and added
655 to the required opening ~~minimum~~ bid. Unless purchased from the
656 list of lands available for taxes, the land escheats to the
657 county in which it is located, free and clear, 3 ~~Three~~ years
658 after the day the land was offered for public sale, ~~the land~~
659 ~~shall escheat to the county in which it is located, free and~~
660 ~~clear~~. All tax certificates, accrued taxes, and liens of any
661 nature against the property shall be deemed canceled as a matter
662 of law and of no further legal force and effect, and the clerk
663 shall execute an escheatment tax deed vesting title in the board
664 of county commissioners of the county in which the land is
665 located.

666 (a) When a property escheats to the county under this
667 subsection, the county is not subject to any liability imposed
668 by chapter 376 or chapter 403 for preexisting soil or
669 groundwater contamination due solely to its ownership. However,
670 this subsection does not affect the rights or liabilities of any
671 past or future owners of the escheated property and does not
672 affect the liability of any governmental entity for the results

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673 of its actions that create or exacerbate a pollution source.

674 (b) The county and the Department of Environmental
675 Protection may enter into a written agreement for the
676 performance, funding, and reimbursement of the investigative and
677 remedial acts necessary for a property that escheats to the
678 county.

679 ~~(10)~~⁽⁹⁾ Consolidated applications on more than one tax
680 certificate are allowed, but a separate statement shall be
681 issued pursuant to subsection (4), and a separate tax deed shall
682 be issued pursuant to s. 197.552, for each parcel of property
683 shown on the tax certificate.

684 ~~(10) Any fees collected pursuant to this section shall be~~
685 ~~refunded to the certificateholder in the event that the tax deed~~
686 ~~sale is canceled for any reason.~~

687 Section 12. Section 197.542, Florida Statutes, is amended
688 to read:

689 197.542 Sale at public auction.—

690 (1) Real property advertised for sale to the highest
691 bidder as a result of an application filed under s. 197.502
692 shall be sold at public auction by the clerk of the circuit
693 court, or his or her deputy, of the county where the property is
694 located on the date, at the time, and at the location as set
695 forth in the published notice, which must be during the regular
696 hours the clerk's office is open. The opening bid described in
697 s. 197.502(6) must amount required to redeem the tax
698 ~~certificate, plus the amounts paid by the holder to the clerk in~~
699 ~~charges for costs of sale, redemption of other tax certificates~~
700 ~~on the same property, and all other costs to the applicant for~~

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701 ~~tax deed, plus interest at the rate of 1.5 percent per month for~~
702 ~~the period running from the month after the date of application~~
703 ~~for the deed through the month of sale and costs incurred for~~
704 ~~the service of notice provided for in s. 197.522(2), shall be~~
705 ~~the bid of the certificateholder for the property. If tax~~
706 ~~certificates exist or if delinquent taxes accrued subsequent to~~
707 ~~the filing of the tax deed application, the amount required to~~
708 ~~redeem such tax certificates or pay such delinquent taxes must~~
709 ~~be included in the minimum bid. However, if the land to be sold~~
710 ~~is assessed on the latest tax roll as homestead property, the~~
711 ~~bid of the certificateholder must be increased to include an~~
712 ~~amount equal to one-half of the assessed value of the homestead~~
713 ~~property as required by s. 197.502. If there are no higher bids,~~
714 ~~the property shall be struck off and sold to the~~
715 ~~certificateholder, who shall pay to the clerk the documentary~~
716 ~~stamp tax, recording fees due, and any unpaid amounts included~~
717 ~~in the opening minimum bid, excluding interest, the documentary~~
718 ~~stamp tax, and recording fees due. The clerk shall notify the~~
719 ~~certificateholder of any amounts that must be paid so that the~~
720 ~~clerk may strike off the property and sell it to the~~
721 ~~certificateholder. The certificateholder shall remit payment of~~
722 ~~such amount within 7 business days of the date on the~~
723 ~~notification.~~ Upon payment, a tax deed shall be issued and
724 recorded by the clerk.

725 (2) The certificateholder has the right to bid as others
726 present may bid, and the property shall be struck off and sold
727 to the highest bidder. The high bidder shall post with the clerk
728 a nonrefundable deposit of 5 percent of the bid or \$200,

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729 | whichever is greater, at the time of the sale, to be applied to
730 | the sale price at the time of full payment. Notice of the
731 | deposit requirement must be posted at the auction site, and the
732 | clerk may require bidders to show their willingness and ability
733 | to post the deposit. If full payment of the final bid and of
734 | documentary stamp tax and recording fees is not made by the high
735 | bidder within 24 hours, excluding weekends and legal holidays,
736 | the clerk shall cancel all bids, readvertise the sale as
737 | provided in this section, and pay all costs of the sale from the
738 | deposit. Any remaining funds must be applied toward the opening
739 | bid. If the property is redeemed before the clerk receives full
740 | payment for the issuance of a tax deed, the high bidder must
741 | submit to the clerk a written request for a refund of the
742 | deposit. Upon receipt of the refund request, the clerk shall
743 | refund the cash deposit. The clerk may refuse to recognize the
744 | bid of any person who has previously bid and refused, for any
745 | reason, to honor such bid.

746 | (3) A certificateholder may request in writing that the
747 | tax collector cancel his or her tax deed application up to 2
748 | business days before the scheduled sale date and, upon receipt,
749 | the tax collector shall cancel the application and consider it
750 | abandoned. The clerk shall cancel the tax deed sale upon
751 | notification from the tax collector.

752 | (4)~~(3)~~ If the sale is canceled for any reason, or the high
753 | bidder ~~buyer~~ fails to make full payment within the time
754 | required, the clerk shall immediately readvertise the sale to be
755 | held within 30 days after the date the sale was canceled. Only
756 | one advertisement is necessary. If it is not possible to

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757 reschedule the sale within 30 days, the clerk must follow the
758 standard notice provisions specified in s. 197.522. The
759 certificateholder shall promptly pay to the clerk, upon request,
760 additional costs for such rescheduled sale, including any fees
761 for additional title searches. If fees for additional title
762 searches are required, the clerk must remit such fees to the tax
763 collector upon receipt.

764 (a) The amount of the opening bid shall be increased by
765 the cost of advertising, additional clerk's fees as provided for
766 in s. 28.24(21), and interest as provided for in s.
767 197.502(6)(c) ~~subsection (1)~~. This process must be repeated
768 until the property is sold and the clerk receives full payment
769 from the high bidder or the clerk does not receive any bids
770 other than the bid of the certificateholder. The clerk must
771 receive full payment before the issuance of the tax deed.

772 (b) If there are no higher bids than the opening bid and
773 the certificateholder fails to pay any additional amounts
774 required within 7 business days of notification of the amount
775 due, the sale must be canceled and the property must be
776 readvertised for sale within 30 days as provided in this
777 section. The certificateholder is responsible for payment of any
778 additional costs relating to the resale, as determined by the
779 clerk.

780 (c) If there are no bidders at the subsequent sale and the
781 certificateholder refuses to pay the one-half value of the
782 homestead, the clerk may not advertise the sale again and must
783 place the property on the list of lands available for taxes.

784 (d) If there are no bidders after the subsequent sale and

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785 the certificateholder refuses to pay any amounts due other than
786 the one-half value of the homestead, the clerk may not advertise
787 the sale again, must consider the tax deed application
788 abandoned, and must notify the tax collector to cancel the
789 application.

790 (e) If the certificateholder refuses to pay to the tax
791 collector or clerk any fees or costs required to bring the
792 application to sale or resale, the tax collector must cancel the
793 application and consider it abandoned.

794 (5) (a) (4) (a) A clerk may conduct electronic tax deed sales
795 in lieu of public outcry. The clerk must comply with the
796 procedures provided in this chapter, except that electronic
797 proxy bidding shall be allowed and the clerk may require bidders
798 to advance sufficient funds to pay the deposit required by
799 subsection (2). The clerk shall provide access to the electronic
800 sale by computer terminals open to the public at a designated
801 location. A clerk who conducts such electronic sales may receive
802 electronic deposits and payments related to the sale. Upon
803 acceptance of the winning bid, the portion of an advance deposit
804 from a winning bidder required by subsection (2) is shall, upon
805 acceptance of the winning bid, be subject to the fee specified
806 in under s. 28.24(10).

807 (b) This subsection does not restrict or limit the
808 authority of a charter county to conduct electronic tax deed
809 sales. In a charter county where the clerk of the circuit court
810 does not conduct all electronic sales, the charter county shall
811 be permitted to receive electronic deposits and payments related
812 to sales it conducts, as well as to subject the winning bidder

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813 to a fee, consistent with the schedule in s. 28.24(10).

814 (c) The costs of electronic tax deed sales shall be added
815 to the charges for the costs of sale ~~under subsection (1)~~ and
816 paid by the certificateholder when filing an application for a
817 tax deed.

818 Section 13. Subsection (2) of section 197.582, Florida
819 Statutes, is amended to read:

820 197.582 Disbursement of proceeds of sale.—

821 (2) If the opening bid includes an amount for redemption
822 of tax certificates or payment of delinquent taxes or omitted
823 taxes accrued subsequent to the filing of the tax deed
824 application, that amount must be paid in full to the tax
825 collector before the distribution of any excess. If current
826 taxes are due on the date of sale, the high bidder takes title
827 subject to such current taxes. Excess funds may not be
828 distributed to the tax collector for the payment of current
829 taxes due at the time of the tax deed sale. If the property is
830 purchased for an amount in excess of the opening ~~statutory~~ bid
831 ~~of the certificateholder~~, the excess must be paid over and
832 disbursed by the clerk. If the property purchased is homestead
833 property and the opening ~~statutory~~ bid includes an amount equal
834 to at least one-half of the assessed value of the homestead,
835 that amount must be treated as excess and distributed in the
836 same manner. The clerk shall distribute the excess to the
837 governmental units for the payment of any lien of record held by
838 a governmental unit against the property, ~~including any tax~~
839 ~~certificates not incorporated in the tax deed application and~~
840 ~~omitted taxes, if any.~~ If the excess is not sufficient to pay

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841 all of such liens in full, the excess shall be paid to each
842 governmental unit pro rata. If, after all liens of governmental
843 units are paid in full, there remains a balance of undistributed
844 funds, the balance shall be retained by the clerk for the
845 benefit of persons described in s. 197.522(1)(a), except those
846 persons described in s. 197.502(4)(h), as their interests may
847 appear. The clerk shall mail notices to such persons notifying
848 them of the funds held for their benefit. Any service charges,
849 at the rate prescribed in s. 28.24(10), and costs of mailing
850 notices shall be paid out of the excess balance held by the
851 clerk. Excess proceeds shall be held and disbursed in the same
852 manner as unclaimed redemption moneys in s. 197.473. If excess
853 proceeds are not sufficient to cover the service charges and
854 mailing costs, the clerk shall receive the total amount of
855 excess proceeds as a service charge.

856 Section 14. Subsections (2) and (6) of section 938.30,
857 Florida Statutes, are amended to read:

858 938.30 Financial obligations in criminal cases;
859 supplementary proceedings.—

860 (2) The court may require a person liable for payment of
861 an obligation to appear and be examined under oath concerning
862 the person's financial ability to pay the obligation. The judge
863 may convert the statutory financial obligation into a court-
864 ordered obligation to perform community service, subject to the
865 provisions of s. 318.18(8), after examining a person under oath
866 and determining the a person's inability to pay. Any person who
867 fails ~~failing~~ to attend a hearing may be arrested on warrant or
868 ~~capias which may be~~ issued by the clerk upon order of the court.

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869 (6) If judgment has not been previously entered on any
870 court-imposed financial obligation, the court may enter judgment
871 thereon and issue any writ necessary to enforce the judgment in
872 the manner allowed in civil cases. Any judgment issued under
873 this section constitutes a civil lien against the judgment
874 debtor's presently owned or after-acquired property, when
875 recorded pursuant to s. 55.10. Supplementary proceedings
876 undertaken by any governmental entity to satisfy a judgment
877 imposed pursuant to this section may proceed without bond and
878 without the payment of statutory fees associated with judgment
879 enforcement.

880 Section 15. This act shall take effect July 1, 2013.