

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 918

INTRODUCER: Senator Grimsley

SUBJECT: Clerks of Circuit Court

DATE: January 23, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	Pre-meeting
2.			JU	
3.			RC	

I. Summary:

SB 918 requires the Official Records of the county, as well as other records and books, be *readily accessible* at the county seat, rather than *kept* at the county seat or in the county. This change allows the clerk of the circuit court to electronically store records.

The bill also requires driver improvement schools transmit, within seven business days after a person successfully completes the course, the individual completion certificate, or related data, to the clerk of the circuit court through the statewide e-filing portal.

The bill takes effect July 1, 2018.

II. Present Situation:

Section 28.07, F.S., requires the clerk of the circuit court (Clerk) keep his or her office at the county seat. Additionally, this section requires the Official Records of the county be kept at the county seat, while other records and books must be kept within the county but need not be kept at the county seat. The Official Records are a record of all instruments that the Clerk is required or authorized by law to record in his or her county.¹ All instruments recorded in the Official Records are open to the public, under the supervision of the Clerk.²

Such instruments include:

- Instruments relating to the ownership, transfer, or encumbrance of, or claims against real or personal property; extensions, assignments, releases, cancellations, or satisfactions of mortgages and liens; and powers of attorney relating to any of these instruments;³

¹ Section 28.222(1) and (2), F.S.

² Section 28.222(7), F.S.

³ Section 28.222(3)(a), F.S. This includes deeds, leases, bills of sale, agreements, mortgages, notices of claims of lien, notices of levy, tax warrants, and tax executions.

- Formal notices of pending legal actions;⁴
- Judgments entered by any court having jurisdiction in this state and assignments releases and satisfaction of judgments;⁵
- The portion of a certificate of discharge, separation, or service from the U.S. military, air, or naval forces which indicates the character of discharge, separation, or service of a Florida citizen;⁶
- Notices of liens for taxes payable to the United States and other liens in favor of the United States, and certificates discharging, partially discharging, or releasing the liens;⁷
- Certified copies of petitions, decrees of adjudication, and orders approving the bonds of trustees appointed in proceedings under the U.S. Bankruptcy Act;⁸
- Certified copies of death certificates;⁹ and
- Any other instruments required or authorized by law to be recorded.¹⁰

Driver Improvement Schools

Section 318.14(9), F.S., provides that any person who does not hold a commercial driver license or commercial learner's permit and who is cited while driving a noncommercial vehicle for certain noncriminal traffic infractions¹¹ may elect to attend a basic driver improvement course approved by the DHSMV. If the individual completes the course, adjudication is withheld and no points may be assessed against the individual's driver license. In addition, individuals may be required to complete a driver improvement course as a requirement to maintain their driving privileges.¹²

Driver improvement course providers are required to submit course completion information to the DHSMV through the DHSMV's Driver Improvement Certificate Issuance System within five days.¹³ However, the person who completes the driver improvement course is required to obtain a completion certificate and submit it to the Clerk's office (as required by such office) by mail, e-mail, or in-person.¹⁴

III. Effect of Proposed Changes:

The bill amends s. 28.07, F.S., to require that the Official Records of the county, as well as other records and books, be *readily accessible* at the county seat, rather than "kept" within the county or at the county seat. This change allows Clerks to store such records electronically.

⁴ Section 28.222(3)(b), F.S. This includes notices of an action pending in a U.S. court having jurisdiction in Florida.

⁵ Section 28.222(3)(c), F.S.

⁶ Section 28.222(3)(d), F.S.

⁷ Section 28.222(3)(e), F.S.

⁸ Section 28.222(3)(f), F.S.

⁹ Section 28.222(3)(g), F.S.

¹⁰ Section 28.222(3)(h), F.S.

¹¹ The option to elect to attend a driver improvement program is not available for violations of ss. 316.183(2), 316.187, 316.189, 320.0605, 320.07(3)(a) and (b), 322.065, and 322.15(1), F.S.

¹² Section 322.0261, F.S.

¹³ Section 318.1451(6)(f), F.S.

¹⁴ See Florida Association of Court Clerks, *Bill Analysis of SB 918* (Jan. 16, 2018) (on file with the Senate Committee on Transportation).

The bill also amends s 318.1451, F.S., to require, within seven business days after a person successfully completes the course, driver improvement schools transmit individual completion certificates, or related data sufficient to update the Comprehensive Case Information System¹⁵, to the Clerk through the statewide e-filing portal¹⁶. The driver improvement school shall submit such document to the Clerk for the county that the driver improvement course participant chooses. This change eliminates the need for individuals who complete driver improvement courses to acquire and submit the certificate to the Clerk's office.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have a positive impact on individuals who successfully complete driver improvement school and who will no longer be required to obtain and provide a copy of a completion certificate to the Clerk's office.

The bill may have a negative impact on driver improvement schools who will be required to electronically submit such completion certificate, and who charge a fee to issue a paper completion certificate.

C. Government Sector Impact:

Clerks may eliminate costs associated with onsite storage needed to keep paper records at the county seat.

¹⁵ Section 28.2405, F.S., requires all clerks to submit electronic case data to this system based on the case types designated by the Supreme Court.

¹⁶ The e-filing portal allows users to submit documents to the Clerks. See Florida Courts website, *eFiling*, <http://www.flcourts.org/resources-and-services/court-technology/efiling/> (last visited Jan. 23, 2018).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 28.07 and 318.1451.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.