

By Senator Ring

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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.;
29 requiring that the property appraiser, rather than the

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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

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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

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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.~~

113 Charges

114
 115 (1) For examining, comparing, correcting, verifying, and
 116 certifying transcripts of record in appellate proceedings,

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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.3.50
 125 (5) (a) For making copies by photographic process of any
 126 instrument in the public records consisting of pages of not more
 127 than 14 inches by 8 1/2 inches, per page.....1.00
 128 (b) For making copies by photographic process of any
 129 instrument in the public records of more than 14 inches by 8 1/2
 130 inches, per page.....5.00
 131 (6) For making microfilm copies of any public records:
 132 (a) 16 mm 100' microfilm roll.....42.00
 133 (b) 35 mm 100' microfilm roll.....60.00
 134 (c) Microfiche, per fiche.....3.50
 135 (7) For copying any instrument in the public records by
 136 other than photographic process, per page.....6.00
 137 (8) For writing any paper other than herein specifically
 138 mentioned, same as for copying, including signing and sealing7.00
 139 (9) For indexing each entry not recorded.....1.00
 140 (10) For receiving money into the registry of court:
 141 (a) 1. First \$500, percent.....3
 142 2. Each subsequent \$100, percent.....1.5
 143 (b) Eminent domain actions, per deposit.....170.00
 144 (11) For examining, certifying, and recording plats and for
 145 recording condominium exhibits larger than 14 inches by 8 1/2

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146 inches:

147 (a) First page.....30.00

148 (b) Each additional page.....15.00

149 (12) For recording, indexing, and filing any instrument not

150 more than 14 inches by 8 1/2 inches, including required notice

151 to property appraiser where applicable:

152 (a) First page or fraction thereof.....5.00

153 (b) Each additional page or fraction thereof.....4.00

154 (c) For indexing instruments recorded in the official

155 records which contain more than four names, per additional name1.00

156 (d) An additional service charge must ~~shall~~ be paid to the

157 clerk of the circuit court to be deposited in the Public Records

158 Modernization Trust Fund for each instrument listed in s.

159 28.222, except judgments received from the courts and notices of

160 lis pendens, recorded in the official records:

161 1. First page.....1.00

162 2. Each additional page.....0.50

163

164 Said fund must ~~shall~~ be held in trust by the clerk and used

165 exclusively for equipment and maintenance of equipment,

166 personnel training, and technical assistance in modernizing the

167 public records system of the office. In a county where the duty

168 of maintaining official records exists in an office other than

169 the office of the clerk of the circuit court, the clerk of the

170 circuit court is entitled to 25 percent of the moneys deposited

171 into the trust fund for equipment, maintenance of equipment,

172 training, and technical assistance in modernizing the system for

173 storing records in the office of the clerk of the circuit court.

174 The fund may not be used for the payment of travel expenses,

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

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

201 1. If the counties maintain legal responsibility for the
202 costs of the court-related technology needs as defined in s.
203 29.008(1)(f)2. and (h), 10 cents shall be distributed to the

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204 Florida Association of Court Clerks and Comptrollers, Inc., for
205 the cost of development, implementation, operation, and
206 maintenance of the clerks' Comprehensive Case Information
207 System; \$1.90 shall be retained by the clerk to be deposited in
208 the Public Records Modernization Trust Fund and used exclusively
209 for funding court-related technology needs of the clerk as
210 defined in s. 29.008(1)(f)2. and (h); and \$2 shall be
211 distributed to the board of county commissioners to be used
212 exclusively to fund court-related technology, and court
213 technology needs as defined in s. 29.008(1)(f)2. and (h) for the
214 state trial courts, state attorney, public defender, and
215 criminal conflict and civil regional counsel in that county. If
216 the counties maintain legal responsibility for the costs of the
217 court-related technology needs as defined in s. 29.008(1)(f)2.
218 and (h), notwithstanding any other provision of law, the county
219 is not required to provide additional funding beyond that
220 provided herein for the court-related technology needs of the
221 clerk as defined in s. 29.008(1)(f)2. and (h). All court records
222 and official records are the property of the State of Florida,
223 including any records generated as part of the Comprehensive
224 Case Information System funded pursuant to this paragraph and
225 the clerk of court is designated as the custodian of such
226 records, except in a county where the duty of maintaining
227 official records exists in a county office other than the clerk
228 of court or comptroller, such county office is designated the
229 custodian of all official records, and the clerk of court is
230 designated the custodian of all court records. The clerk of
231 court or any entity acting on behalf of the clerk of court,
232 including an association, may ~~shall~~ not charge a fee to any

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233 agency as defined in s. 119.011, the Legislature, or the State
 234 Court System for copies of records generated by the
 235 Comprehensive Case Information System or held by the clerk of
 236 court or any entity acting on behalf of the clerk of court,
 237 including an association.

238 2. If the state becomes legally responsible for the costs
 239 of court-related technology needs as defined in s.
 240 29.008(1)(f)2. and (h), whether by operation of general law or
 241 by court order, \$4 shall be remitted to the Department of
 242 Revenue for deposit into the General Revenue Fund.

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

245 (14) For validating certificates, any authorized bonds,
 246 each.....3.50

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

248 (16) For exemplified certificates, including signing and
 249 sealing.....7.00

250 (17) For authenticated certificates, including signing and
 251 sealing.....7.00

252 (18) (a) For issuing and filing a subpoena for a witness,
 253 not otherwise provided for herein (includes writing, preparing,
 254 signing, and sealing).....7.00

255 (b) For signing and sealing only.....2.00

256 (19) For approving bond.....8.50

257 (20) For searching of records, for each year's search...2.00

258 (21) For processing an application for a tax deed sale
 259 (includes application, sale, issuance, and preparation of tax
 260 deed, and disbursement of proceeds of sale), other than excess
 261 proceeds.....60.00

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262 (22) For disbursement of excess proceeds of tax deed sale,
263 first \$100 or fraction thereof.....10.00

264 (23) Upon receipt of an application for a marriage license,
265 for preparing and administering of oath; issuing, sealing, and
266 recording of the marriage license; and providing a certified
267 copy.....30.00

268 (24) For solemnizing matrimony.....30.00

269 (25) For sealing any court file or expungement of any
270 record.....42.00

271 (26) (a) For receiving and disbursing all restitution
272 payments, per payment.....3.50

273 (b) For receiving and disbursing all partial payments,
274 other than restitution payments, for which an administrative
275 processing service charge is not imposed pursuant to s. 28.246,
276 per month.....5.00

277 (c) For setting up a payment plan, a one-time
278 administrative processing charge in lieu of a per month charge
279 under paragraph (b).....25.00

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

283 (28) For furnishing an electronic copy of information
284 contained in a computer database: a fee as provided for in
285 chapter 119.

286 Section 4. Section 28.244, Florida Statutes, is amended to
287 read:

288 28.244 Refunds.—A clerk of the circuit court or a filing
289 officer of another office where records are filed who receives
290 payment for services provided and thereafter determines that an

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291 overpayment has occurred shall refund to the person who made the
292 payment the amount of any overpayment that exceeds \$10 ~~\$5~~. If
293 the amount of the overpayment is \$10 ~~\$5~~ or less, the clerk of
294 the circuit court or a filing officer of another office where
295 records are filed is not required to refund the amount of the
296 overpayment unless the person who made the overpayment makes a
297 written request.

298 Section 5. Section 28.345, Florida Statutes, is amended to
299 read:

300 28.345 State access to records; exemption from court-
301 related fees and charges.-

302 (1) Notwithstanding any other provision of law, the clerk
303 of the circuit court shall, upon request, provide access to
304 public records without charge to the state attorney, public
305 defender, guardian ad litem, public guardian, attorney ad litem,
306 criminal conflict and civil regional counsel, and private court-
307 appointed counsel paid by the state, and to authorized staff
308 acting on their behalf. The clerk of court shall also provide a
309 copy of a public record by facsimile, replica, photograph, or
310 other reproduction. If the public record is exempt or
311 confidential, the requesting party may view or copy the exempt
312 or confidential record only if authority is provided in general
313 law or the Florida Rules of Judicial Administration. The clerk
314 of court may provide the requested public record in an
315 electronic format in lieu of a paper format when the requesting
316 entity is capable of accessing it electronically.

317 (2) Notwithstanding any other ~~provision of this chapter or~~
318 law to the contrary, judges and those court staff acting on
319 behalf of judges, state attorneys, guardians ad litem, public

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320 guardians, attorneys ad litem, court-appointed private counsel,
321 criminal conflict and civil regional counsel, ~~and~~ public
322 defenders, and state agencies, while acting in their official
323 capacity, ~~and state agencies,~~ are exempt from all court-related
324 fees and charges assessed by the clerks of the circuit courts.

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

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

332 57.081 Costs; right to proceed where prepayment of costs
333 and payment of filing fees waived.—

334 (1) Any indigent person, except a prisoner as defined in s.
335 57.085, who is a party or intervenor in any judicial or
336 administrative agency proceeding or who initiates such
337 proceeding shall receive the services of the courts, sheriffs,
338 and clerks, with respect to such proceedings, despite his or her
339 present inability to pay for these services. Such services are
340 limited to filing fees; service of process; certified copies of
341 orders or final judgments; a single photocopy of any court
342 pleading, record, or instrument filed with the clerk; examining
343 fees; mediation services and fees; private court-appointed
344 counsel fees; subpoena fees and services; service charges for
345 collecting and disbursing funds; and any other cost or service
346 arising out of pending litigation. In any appeal from an
347 administrative agency decision, for which the clerk is
348 responsible for preparing the transcript, the clerk shall record

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349 the cost of preparing the transcripts and the cost for copies of
350 any exhibits in the record. Prepayment of costs to any court,
351 clerk, or sheriff is not required and payment of filing fees is
352 not required in any action if the party has obtained in each
353 proceeding a certification of indigence in accordance with s.
354 27.52 or s. 57.082 ~~A party who has obtained a certification of~~
355 ~~indigence pursuant to s. 27.52 or s. 57.082 with respect to a~~
356 ~~proceeding is not required to prepay costs to a court, clerk, or~~
357 ~~sheriff and is not required to pay filing fees or charges for~~
358 ~~issuance of a summons.~~

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

361 57.082 Determination of civil indigent status.—

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

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378 ~~established under this section.~~

379 Section 8. Paragraph (a) of subsection (2) of section
380 101.151, Florida Statutes, is amended to read:

381 101.151 Specifications for ballots.—

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

385 1. The office titles of President and Vice President above
386 ~~and thereunder~~ the names of the candidates for President and
387 Vice President of the United States nominated by the political
388 party that received the highest vote for Governor in the last
389 general election of the Governor in this state, followed by.
390 ~~Then shall appear~~ the names of other candidates for President
391 and Vice President of the United States who have been properly
392 nominated.

393 2. The office titles of United States Senator and
394 Representative in Congress.

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

400 4. The office titles of State Senator and State
401 Representative, with the applicable district for the office
402 printed beneath.

403 5. The office titles of Clerk of the Circuit Court, or,
404 when the Clerk of the Circuit Court also serves as the County
405 Comptroller, Clerk of the Circuit Court and Comptroller,
406 ~~(whichever is applicable and when authorized by law;)~~ Clerk of

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407 the County Court, ~~when authorized by law;~~ Sheriff; Property
408 Appraiser; Tax Collector; District Superintendent of Schools;
409 and Supervisor of Elections.

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

417 Section 9. Paragraph (f) is added to subsection (2) of
418 section 119.0714, Florida Statutes, and section (3) is amended,
419 to read:

420 119.0714 Court files; court records; official records.—

421 (2) COURT RECORDS.—

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

426 (3) OFFICIAL RECORDS.—

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

432 (a)1. ~~(b)1.~~ If a social security number or a bank account,
433 debit, charge, or credit card number is included in an official
434 record, such number may be made available as part of the
435 official records available for public inspection and copying

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436 unless redaction is requested by the holder of such number or by
437 the holder's attorney or legal guardian.

438 1.2- If such record is in electronic format, on January 1,
439 2011, and thereafter, the county recorder must use his or her
440 best effort, as provided in paragraph (d)~~(h)~~, to keep social
441 security numbers confidential and exempt as provided for in s.
442 119.071(5)(a), and to keep complete bank account, debit, charge,
443 and credit card numbers exempt as provided for in s.
444 119.071(5)(b), without any person having to request redaction.

445 2.3- Section 119.071(5)(a)7. and 8. does not apply to the
446 county recorder with respect to official records.

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

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

462 2.~~(e)~~ The county recorder does not have a duty to inquire
463 beyond the written request to verify the identity of a person
464 requesting redaction.

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465 3.~~(f)~~ A fee may not be charged for redacting a social
466 security number or a bank account, debit, charge, or credit card
467 number.

468 (c)~~(g)~~ A county recorder shall immediately and
469 conspicuously post signs throughout his or her offices for
470 public viewing, and shall immediately and conspicuously post on
471 any Internet website or remote electronic site made available by
472 the county recorder and used for the ordering or display of
473 official records or images or copies of official records, a
474 notice stating, in substantially similar form, the following:

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

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

493 (d)~~(h)~~ If the county recorder accepts or stores official

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

501 (e)-(i) The county recorder is not liable for the
502 inadvertent release of social security numbers, or bank account,
503 debit, charge, or credit card numbers, filed with the county
504 recorder.

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

510 Section 10. Paragraph (a) of subsection (2) of section
511 194.032, Florida Statutes, is amended to read:

512 194.032 Hearing purposes; timetable.—

513 (2) (a) The clerk of the governing body of the county shall
514 prepare a schedule of appearances before the board based on
515 petitions timely filed with him or her. The clerk shall notify
516 each petitioner of the scheduled time of his or her appearance
517 at least 25 calendar days before the day of the scheduled
518 appearance. The notice must ~~shall~~ indicate whether the petition
519 has been scheduled to be heard at a particular time or during a
520 block of time. If the petition has been scheduled to be heard
521 within a block of time, the beginning and ending of that block
522 of time must ~~shall~~ be indicated on the notice; however, as

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523 provided in paragraph (b), a petitioner may not be required to
524 wait for more than a reasonable time, not to exceed 2 hours,
525 after the beginning of the block of time. If the petitioner
526 checked the appropriate box on the petition form to request a
527 copy of the property record card containing relevant information
528 used in computing the current assessment, the property appraiser
529 must provide the copy to the petitioner upon receipt of the
530 petition from the clerk regardless of whether the petitioner
531 initiates evidence exchange ~~clerk shall provide the copy of the~~
532 ~~card along with the notice.~~ Upon receipt of the notice, the
533 petitioner may reschedule the hearing a single time by
534 submitting to the clerk a written request to reschedule, at
535 least 5 calendar days before the day of the originally scheduled
536 hearing.

537 Section 11. Subsections (5) through (10) of section
538 197.502, Florida Statutes, are amended, and a new subsection (7)
539 is added to that section, to read:

540 197.502 Application for obtaining tax deed by holder of tax
541 sale certificate; fees.—

542 (5) (a) The tax collector may contract with a title company
543 or an abstract company to provide the minimum information
544 required in subsection (4), consistent with rules adopted by the
545 department. If additional information is required, the tax
546 collector must make a written request to the title or abstract
547 company stating the additional requirements. The tax collector
548 may select any title or abstract company, regardless of its
549 location, as long as the fee is reasonable, the minimum
550 information is submitted, and the title or abstract company is
551 authorized to do business in this state. The tax collector may

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552 advertise and accept bids for the title or abstract company if
553 he or she considers it appropriate to do so.

554 1. The ownership and encumbrance report must include the
555 letterhead of the person, firm, or company that makes the
556 search, and the signature of the individual who makes the search
557 or of an officer of the firm. The tax collector is not liable
558 for payment to the firm unless these requirements are met. The
559 report may be submitted to the tax collector in an electronic
560 format.

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

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

572 (b) The fee ~~Any fee paid~~ for an initial a title search or
573 abstract must be collected at the time of application under
574 subsection (1)~~7~~, and ~~the amount of the fee~~ must be added to the
575 opening bid. The certificateholder shall pay for additional
576 requested title searches that were not paid for at the time of
577 application, and this amount shall be added to the opening bid.

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

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581 (6) The opening bid:

582 (a) On county-held certificates on nonhomestead property is
583 ~~shall be~~ the sum of the value of all outstanding certificates
584 against the property, plus omitted years' taxes, delinquent
585 taxes, interest, and all costs and fees paid by the county.

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

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

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

604 (7) In advance of the sale, the clerk may collect from the
605 certificateholder all amounts included in the opening bid,
606 including all costs and fees related to the sale and any tax
607 certificates or delinquent taxes accrued subsequent to the tax
608 deed application, but excluding interest and funds to cover the
609 one-half value of the homestead. Documentary stamp taxes and

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610 recording fees collected before the sale do not accrue interest
611 as provided in paragraph (6) (c).

612 (8)~~(7)~~ On county-held certificates for which there are no
613 bidders at the public sale, the clerk shall enter the land on a
614 list entitled "lands available for taxes" and shall immediately
615 notify the county commission and any ~~all other~~ persons holding
616 certificates against the property that the property is
617 available. During the first 90 days after the property is placed
618 on the list, the county may purchase the land for the opening
619 bid or may waive its rights to purchase the property.
620 Thereafter, any person, the county, or any other governmental
621 unit may purchase the property from the clerk, without further
622 notice or advertising, for the opening bid, except that if the
623 county or other governmental unit is the purchaser for its own
624 use, the board of county commissioners may cancel omitted years'
625 taxes, as provided under s. 197.447. If the county does not
626 elect to purchase the property, the county must notify each
627 legal titleholder of property contiguous to the property
628 available for taxes, as provided in paragraph (4) (h), before
629 expiration of the 90-day period. Interest on the opening bid on
630 county-held certificates continues to accrue through the month
631 of sale that the property is on the list of lands available for
632 taxes, as prescribed in paragraph (6) (c) by s. 197.542. For
633 individual certificates placed on the list of lands available
634 for taxes in accordance with s. 197.542, interest accrues at the
635 interest rate bid for the certificate upon which the tax deed
636 application was made for the period running from the month after
637 the property is placed on the list of lands available for taxes
638 through the month of sale that it is purchased off the list of

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639 lands available for taxes. When calculating the opening bid for
640 purchase of property that is on the list of lands available for
641 taxes, the bid amount must reflect the homestead status of the
642 property on the latest tax roll open for collection under s.
643 197.322. If a property is purchased by the titleholder when the
644 property is on the list of lands available for taxes, the
645 opening bid may not include the amount for one-half value of the
646 homestead specified in paragraph (6) (d), regardless of the
647 homestead status of the property.

648 (9)~~(8)~~ Taxes may not be extended against parcels listed as
649 lands available for taxes, but in each year the taxes that would
650 have been due must ~~shall~~ be treated as omitted years and added
651 to the required opening ~~minimum~~ bid. Unless purchased from the
652 list of lands available for taxes, the land escheats to the
653 county in which it is located, free and clear, 3 ~~Three~~ years
654 after the day the land was offered for public sale, ~~the land~~
655 ~~shall escheat to the county in which it is located, free and~~
656 ~~clear.~~ All tax certificates, accrued taxes, and liens of any
657 nature against the property shall be deemed canceled as a matter
658 of law and of no further legal force and effect, and the clerk
659 shall execute an escheatment tax deed vesting title in the board
660 of county commissioners of the county in which the land is
661 located.

662 (a) When a property escheats to the county under this
663 subsection, the county is not subject to any liability imposed
664 by chapter 376 or chapter 403 for preexisting soil or
665 groundwater contamination due solely to its ownership. However,
666 this subsection does not affect the rights or liabilities of any
667 past or future owners of the escheated property and does not

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668 affect the liability of any governmental entity for the results
669 of its actions that create or exacerbate a pollution source.

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

675 (10)~~(9)~~ Consolidated applications on more than one tax
676 certificate are allowed, but a separate statement shall be
677 issued pursuant to subsection (4), and a separate tax deed shall
678 be issued pursuant to s. 197.552, for each parcel of property
679 shown on the tax certificate.

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

683 Section 12. Section 197.542, Florida Statutes, is amended
684 to read:

685 197.542 Sale at public auction.—

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

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

721 (2) The certificateholder has the right to bid as others
722 present may bid, and the property shall be struck off and sold
723 to the highest bidder. The high bidder shall post with the clerk
724 a nonrefundable deposit of 5 percent of the bid or \$200,
725 whichever is greater, at the time of the sale, to be applied to

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

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

748 (4)~~(3)~~ If the sale is canceled for any reason, or the high
749 bidder ~~buyer~~ fails to make full payment within the time
750 required, the clerk shall immediately readvertise the sale to be
751 held within 30 days after the date the sale was canceled. Only
752 one advertisement is necessary. If it is not possible to
753 reschedule the sale within 30 days, the clerk must follow the
754 standard notice provisions specified in s. 197.522. The

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755 certificateholder shall promptly pay to the clerk, upon request,
756 additional costs for such rescheduled sale, including any fees
757 for additional title searches. If fees for additional title
758 searches are required, the clerk must remit such fees to the tax
759 collector upon receipt.

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

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

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

780 (d) If there are no bidders after the subsequent sale and
781 the certificateholder refuses to pay any amounts due other than
782 the one-half value of the homestead, the clerk may not advertise
783 the sale again, must consider the tax deed application

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784 abandoned, and must notify the tax collector to cancel the
785 application.

786 (e) If the certificateholder refuses to pay to the tax
787 collector or clerk any fees or costs required to bring the
788 application to sale or resale, the tax collector must cancel the
789 application and consider it abandoned.

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

803 (b) This subsection does not restrict or limit the
804 authority of a charter county to conduct electronic tax deed
805 sales. In a charter county where the clerk of the circuit court
806 does not conduct all electronic sales, the charter county shall
807 be permitted to receive electronic deposits and payments related
808 to sales it conducts, as well as to subject the winning bidder
809 to a fee, consistent with the schedule in s. 28.24(10).

810 (c) The costs of electronic tax deed sales shall be added
811 to the charges for the costs of sale ~~under subsection (1)~~ and
812 paid by the certificateholder when filing an application for a

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813 tax deed.

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

816 197.582 Disbursement of proceeds of sale.—

817 (2) If the opening bid includes an amount for redemption of
818 tax certificates or payment of delinquent taxes or omitted taxes
819 accrued subsequent to the filing of the tax deed application,
820 that amount must be paid in full to the tax collector before the
821 distribution of any excess. If current taxes are due on the date
822 of sale, the high bidder takes title subject to such current
823 taxes. Excess funds may not be distributed to the tax collector
824 for the payment of current taxes due at the time of the tax deed
825 sale. If the property is purchased for an amount in excess of
826 the opening ~~statutory~~ bid ~~of the certificateholder~~, the excess
827 must be paid over and disbursed by the clerk. If the property
828 purchased is homestead property and the opening ~~statutory~~ bid
829 includes an amount equal to at least one-half of the assessed
830 value of the homestead, that amount must be treated as excess
831 and distributed in the same manner. The clerk shall distribute
832 the excess to the governmental units for the payment of any lien
833 of record held by a governmental unit against the property, ~~7~~
834 ~~including any tax certificates not incorporated in the tax deed~~
835 ~~application and omitted taxes, if any.~~ If the excess is not
836 sufficient to pay all of such liens in full, the excess shall be
837 paid to each governmental unit pro rata. If, after all liens of
838 governmental units are paid in full, there remains a balance of
839 undistributed funds, the balance shall be retained by the clerk
840 for the benefit of persons described in s. 197.522(1)(a), except
841 those persons described in s. 197.502(4)(h), as their interests

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842 may appear. The clerk shall mail notices to such persons
843 notifying them of the funds held for their benefit. Any service
844 charges, at the rate prescribed in s. 28.24(10), and costs of
845 mailing notices shall be paid out of the excess balance held by
846 the clerk. Excess proceeds shall be held and disbursed in the
847 same manner as unclaimed redemption moneys in s. 197.473. If
848 excess proceeds are not sufficient to cover the service charges
849 and mailing costs, the clerk shall receive the total amount of
850 excess proceeds as a service charge.

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

853 938.30 Financial obligations in criminal cases;
854 supplementary proceedings.—

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

864 (6) If judgment has not been previously entered on any
865 court-imposed financial obligation, the court may enter judgment
866 thereon and issue any writ necessary to enforce the judgment in
867 the manner allowed in civil cases. Any judgment issued under
868 this section constitutes a civil lien against the judgment
869 debtor's presently owned or after-acquired property, when
870 recorded pursuant to s. 55.10. Supplementary proceedings

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871 undertaken by any governmental entity to satisfy a judgment
872 imposed pursuant to this section may proceed without bond and
873 without the payment of statutory fees associated with judgment
874 enforcement.

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