

By Senator Laurent

17-1334-99

1 A bill to be entitled
2 An act relating to clerks of the circuit court;
3 amending s. 28.001, F.S.; providing that the
4 Official Records are a general series of
5 records; deleting an obsolete reference;
6 amending s. 28.07, F.S.; providing that a
7 register of Official Records be made available
8 at branch offices; deleting an obsolete
9 reference; amending s. 28.222, F.S.; providing
10 that the Official Records are a general series
11 of records; deleting an obsolete reference;
12 amending s. 40.32, F.S.; extending the time
13 within which to pay a witness or a juror;
14 amending s. 45.031, F.S.; requiring the
15 successful bidder at a tax deed sale to pay a
16 specified deposit; amending s. 55.10, F.S.;
17 exempting a municipality, county government, or
18 the state from having to rerecord a lien;
19 amending s. 177.091, F.S.; deleting an obsolete
20 requirement; amending s. 177.111, F.S.,
21 deleting a provision that a filed copy of a
22 drawing be made on cloth; amending s. 215.425,
23 F.S.; providing eligibility for extra
24 compensation to employees of constitutional
25 officers; amending s. 569.11, F.S.; providing
26 that a citation for possession of tobacco by a
27 minor must be paid within a specified time;
28 amending s. 741.09, F.S.; deleting an obsolete
29 reference; repealing s. 142.17, F.S., which
30 requires the Comptroller to prepare blanks and
31 forms for auditing claims; repealing s. 938.09,

1 F.S., relating to collection of certain costs
2 and service charges by the clerk of the circuit
3 court; repealing s. 938.11, F.S., relating to
4 collection of certain surcharges by the clerk
5 in counties containing housing projects;
6 providing an effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Subsection (1) of section 28.001, Florida
11 Statutes, is amended to read:

12 28.001 Definitions.--As used in this chapter:

13 (1) "Official records" means each instrument that the
14 clerk of the circuit court is required or authorized to record
15 in one general ~~the series of books~~ called "Official Records"
16 as provided for in s. 28.222.

17 Section 2. Section 28.07, Florida Statutes, is amended
18 to read:

19 28.07 Place of office.--The clerk of the circuit court
20 shall keep his or her office at the county seat. If the clerk
21 finds a need for branch offices, they may be located in the
22 county at places other than the county seat. Instruments
23 presented for recording in the Official Records may be
24 accepted and filed for that purpose at any branch office
25 designated by the governing body of the county for the
26 recording of instruments pursuant to s. 1 of Art. VIII of the
27 State Constitution.One or more deputy clerks authorized to
28 issue process may be employed for such branch offices. The
29 Official Records ~~books~~ of the county must be kept at the
30 county seat. Other records and books must be kept within the
31 county but need not be kept at the county seat.

1 Section 3. Subsections (2) and (6) of section 28.222,
2 Florida Statutes, are amended to read:

3 28.222 Clerk to be county recorder.--

4 (2) The clerk of the circuit court shall record all
5 instruments in one general series ~~of books~~ called "Official
6 Records." He or she shall keep a register in which he or she
7 shall enter at the time of filing the filing number of each
8 instrument filed for record, the date and hour of filing, the
9 kind of instrument, and the names of the parties to the
10 instrument. The clerk shall maintain a general alphabetical
11 index, direct and inverse, of all instruments filed for
12 record. The register of Official Records must be available at
13 each office where official records may be filed.

14 (6) All instruments recorded in the Official Records
15 ~~books~~ shall always be open to the public, under the
16 supervision of the clerk, for the purpose of inspection
17 thereof and of making extracts therefrom; but the clerk shall
18 not be required to perform any service in connection with such
19 inspection or making of extracts without payment of service
20 charges as provided in s. 28.24.

21 Section 4. Section 40.32, Florida Statutes, is amended
22 to read:

23 40.32 Clerks to disburse money.--All moneys drawn from
24 the treasury under the provisions of this chapter by the clerk
25 of the court shall be disbursed by the clerk of the court as
26 far as needed in payment of jurors and witnesses for the legal
27 compensation for service during the quarterly fiscal period
28 for which said moneys were drawn and for no other purposes.
29 Jurors and witnesses shall be paid by the clerk of the court
30 either in cash or by warrant within 20 ~~10~~ days after ~~of~~
31 completion of jury service or of completion of service as a

1 witness. Whenever the clerk of the court pays a juror or
2 witness by cash, said juror or witness shall sign the payroll
3 in the presence of the clerk, a deputy clerk, or some other
4 person designated by the clerk. Whenever the clerk pays a
5 juror or witness by warrant, he or she shall endorse on the
6 payroll opposite the juror's or witness's name the words "Paid
7 by warrant," giving the number and date of the warrant.

8 Section 5. Subsection (2) of section 45.031, Florida
9 Statutes, is amended to read:

10 45.031 Judicial sales procedure.--In any sale of real
11 or personal property under an order or judgment, the following
12 procedure may be followed as an alternative to any other sale
13 procedure if so ordered by the court:

14 (2) DEPOSIT REQUIRED.--At the time of the sale, the
15 successful high bidder shall post with the clerk a deposit
16 equal to 5 percent of the final bid ~~or \$1,000, whichever is~~
17 ~~less~~. The deposit shall be applied to the sale price at the
18 time of payment. If final payment is not made within the
19 prescribed period, the clerk shall readvertise the sale as
20 provided in this section and pay all costs of the sale from
21 the deposit. Any remaining funds shall be applied toward the
22 judgment.

23 Section 6. Subsection (2) of section 55.10, Florida
24 Statutes, is amended to read:

25 55.10 Judgments, orders, and decrees; lien of all,
26 generally; extension of liens; transfer of liens to other
27 security.--

28 (2) The lien provided for in subsection (1) may be
29 extended for an additional period of 7 years by rerecording a
30 certified copy of the judgment, order, or decree within the
31 90-day period preceding the expiration of the lien provided

1 for in subsection (1) and by simultaneously recording an
2 affidavit with the current address of the person who has a
3 lien as a result of the judgment, order, or decree. The lien
4 will not be extended unless the affidavit with the current
5 address is simultaneously recorded. Any public official or
6 government entity rerecording a judgment lien on behalf of a
7 municipality, a county, or the state is exempt from this
8 subsection, and the lien will be automatically extended in
9 accordance with the statute of limitations as provided in s.
10 55.081, unless otherwise satisfied.

11 Section 7. Subsection (1) of section 177.091, Florida
12 Statutes, 1998 Supplement, is amended to read:

13 177.091 Plats made for recording.--Every plat of a
14 subdivision offered for recording must ~~shall~~ conform to the
15 following:

16 (1) It must ~~shall~~ be:

17 (a) An original drawing made with black permanent
18 drawing ink ~~or varitype process on a good grade linen tracing~~
19 ~~cloth or with a suitable permanent black drawing ink on a~~
20 ~~stable base film, a minimum of 0.003 inches thick, coated upon~~
21 ~~completion with a suitable plastic material to prevent flaking~~
22 ~~and to assure permanent legibility; or~~

23 (b) A nonadhered scaled print on a stable base film
24 made by photographic processes from a film scribing tested for
25 residual hypo testing solution to assure permanency.

26
27 Marginal lines, standard certificates and approval forms shall
28 be printed on the plat with a permanent black drawing ink. A
29 print or photographic copy of the original drawing must ~~shall~~
30 be submitted with the original drawing.

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1 Section 8. Section 177.111, Florida Statutes, is
2 amended to read:

3 177.111 Instructions for filing plat.--After the
4 approval by the appropriate governing body required by s.
5 177.071, the plat shall be recorded by the circuit court clerk
6 or other recording officer upon submission thereto of such
7 approved plat. The circuit court clerk or other recording
8 officer shall maintain in his or her office a book of the
9 proper size for such papers so that they shall not be folded,
10 to be kept in the vault. A print or photographic copy must ~~on~~
11 ~~cloth~~ shall be filed in a similar book and kept in his or her
12 office for the use of the public. The clerk shall make
13 available to the public a full size copy of the record plat at
14 a reasonable fee.

15 Section 9. Section 215.425, Florida Statutes, 1998
16 Supplement, is amended to read:

17 215.425 Extra compensation claims prohibited.--No
18 extra compensation shall be made to any officer, agent,
19 employee, or contractor after the service has been rendered or
20 the contract made; nor shall any money be appropriated or paid
21 on any claim the subject matter of which has not been provided
22 for by preexisting laws, unless such compensation or claim is
23 allowed by a law enacted by two-thirds of the members elected
24 to each house of the Legislature. However, when adopting
25 salary schedules for a fiscal year, a district school board or
26 community college district board of trustees may apply the
27 schedule for payment of all services rendered subsequent to
28 July 1 of that fiscal year. The provisions of this section do
29 not apply to extra compensation given to state employees who
30 are included within the senior management group pursuant to
31 rules adopted by the Department of Management Services; to

1 extra compensation given to county, municipal, or special
2 district employees pursuant to policies adopted by county or
3 municipal ordinances or resolutions of governing boards of
4 special districts or to employees of a constitutional officer
5 pursuant to written policy of the officer; or to a clothing
6 and maintenance allowance given to plainclothes deputies
7 pursuant to s. 30.49.

8 Section 10. Subsection (3) of section 569.11, Florida
9 Statutes, is amended to read:

10 569.11 Possession, misrepresenting age or military
11 service to purchase, and purchase of tobacco products by
12 persons under 18 years of age prohibited; penalties;
13 jurisdiction; disposition of fines.--

14 (3) Any person under 18 years of age cited for
15 committing a noncriminal violation under this section must
16 sign and accept a civil citation indicating a promise to
17 appear before the county court or comply with the requirement
18 for paying the fine and must attend a school-approved
19 anti-tobacco program, if locally available. If a fine is
20 assessed for a violation of this section or s. 382.212, the
21 fine must be paid within 30 days after the date of the
22 citation or, if a court appearance is mandatory, within 30
23 days after the date of the hearing.

24 Section 11. Section 741.09, Florida Statutes, is
25 amended to read:

26 741.09 Record of license and certificate.--The county
27 court judge and clerk of the circuit court shall keep ~~in good~~
28 ~~and substantially bound books~~ a correct record of all marriage
29 licenses issued, with the names of the parties and the date of
30 issuing, and upon the return of the license and certificate
31

1 shall enter therein the name of the person solemnizing the
2 marriage and the date of marriage ~~and of the return.~~

3 Section 12. Sections 142.17, 938.09, and 938.11,
4 Florida Statutes, are repealed.

5 Section 13. This act shall take effect upon becoming a
6 law.

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9 SENATE SUMMARY

10 Amends various statutes relating to the clerk of the
11 circuit court. Provides that the Official Records are a
12 general series of records, and that a register of the
13 Official Records must be available at branch offices of
14 the clerk. Extends to 20 days the time for paying a
15 witness or a juror. Requires the successful bidder at a
16 tax deed sale to deposit with the clerk 5 percent of the
17 final sale price. Exempts a county, a municipality, or
18 the state from having to rerecord a lien. Provides
19 eligibility for employees of constitutional officers to
20 receive extra compensation. Requires that a citation for
21 possession of tobacco by a minor be paid within 30 days.
22 Repeals s. 142.17, F.S., relating to requirements that
23 the Comptroller prepare blanks and forms for auditing
24 claims. Repeals ss. 938.09 and 938.11, F.S., relating to
25 the collection of certain costs and surcharges by the
26 clerk.
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