

1                   A bill to be entitled  
2           An act relating to the clerks of court; amending s. 11.90,  
3           F.S.; providing for review and approval or disapproval of  
4           the Florida Clerks of Court Operations Corporation budget  
5           and the clerks of court's combined budgets by the  
6           Legislative Budget Commission; amending s. 25.381, F.S.;  
7           requiring the Supreme Court and Attorney General to  
8           jointly enter into a contract with a vendor to publish  
9           copies of Florida cases; amending s. 28.241, F.S.;  
10          revising the distribution of certain filing fees; amending  
11          s. 28.246, F.S.; requiring the clerk of court to pursue  
12          collection of certain fees, service charges, fines, court  
13          costs, and liens; revising collection fees; amending s.  
14          28.35, F.S.; revising the membership of the executive  
15          council of the Florida Clerks of Court Operations  
16          Corporation; providing that the corporation is subject to  
17          state procurement law; revising the duties of the  
18          corporation; amending s. 28.36, F.S.; revising the budget  
19          procedures of the clerks of the court; requiring the  
20          Auditor General to develop a study plan and present the  
21          plan to the Legislative Budget Commission; requiring the  
22          Auditor General to provide a report to the Legislature;  
23          requiring the Technology Review Workgroup to develop a  
24          plan for determining options for implementing an  
25          integrated computer system; prohibiting clerks of the  
26          court from purchasing certain new software and certain  
27          hardware; providing a statewide budget cap for the clerks  
28          of court; creating s. 28.365, F.S.; providing that the

29 | clerks of court are subject to state procurement law;  
 30 | amending s. 28.37, F.S.; specifying that all court-related  
 31 | fines, fees, service charges, and costs are required to be  
 32 | deposited into the Clerks of the Court Trust Fund;  
 33 | specifying that a certain percentage of all court-related  
 34 | fines collected by the clerk are required to be deposited  
 35 | into the clerk's Public Records Modernization Trust Fund  
 36 | and used exclusively for additional clerk court-related  
 37 | operational needs and program enhancements; amending s.  
 38 | 34.041, F.S.; revising the distribution of certain filing  
 39 | fees; amending s. 45.035, F.S.; revising certain clerks of  
 40 | court service charge payments; amending s. 197.542, F.S.;  
 41 | requiring costs of electronic tax deed sales to be added  
 42 | to charges for certain costs of sale and paid by the  
 43 | certificateholder; amending s. 318.18, F.S.; authorizing  
 44 | certain units of local government to increase a surcharge;  
 45 | authorizing certain units of local government to impose a  
 46 | different surcharge; providing purposes for such funds;  
 47 | revising reporting requirements; providing an effective  
 48 | date.

49 |  
 50 | Be It Enacted by the Legislature of the State of Florida:  
 51 |

52 | Section 1. Subsection (6) of section 11.90, Florida  
 53 | Statutes, is amended to read:

54 | 11.90 Legislative Budget Commission.--

55 | (6) The commission shall have the power and duty to:

56 | (a) Review and approve or disapprove budget amendments

57 recommended by the Governor or the Chief Justice of the Supreme  
58 Court as provided in chapter 216.

59 (b) Develop the long-range financial outlook described in  
60 s. 19, Art. III of the State Constitution.

61 (c) Review and approve or disapprove the Florida Clerks of  
62 Court Operations Corporation budget.

63 (d) Review and approve the total of the clerks of court's  
64 combined budgets, disapprove the total of the clerks of court's  
65 combined budgets, or disapprove one or more budgets of specific  
66 clerks of court.

67 (e) In addition to the powers and duties specified in this  
68 subsection, the commission shall exercise all other powers and  
69 perform any other duties prescribed by the Legislature.

70 Section 2. Section 25.381, Florida Statutes, is amended to  
71 read:

72 25.381 Reports; publication; purchase and  
73 distribution.--The reports of the opinions of the Supreme Court  
74 and the district courts of appeal shall be known as Florida  
75 Cases. In July, 1963, and every second year thereafter until  
76 otherwise provided by law, the Supreme Court and the Attorney  
77 General shall jointly enter into a contract with a vendor ~~West~~  
78 ~~Publishing Corporation, St. Paul, Minnesota,~~ providing for the  
79 publication, in whatever format or formats are agreed upon, and  
80 distribution of such copies of Florida Cases as necessary to  
81 furnish copies thereof to the officers and institutions as  
82 required or authorized by law. The copies of such reports  
83 purchased by the state under such contract shall be paid for  
84 from moneys appropriated for this purpose.

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85 Section 3. Paragraph (a) of subsection (1) of section  
86 28.241, Florida Statutes, is amended to read:

87 28.241 Filing fees for trial and appellate proceedings.--

88 (1) (a) The party instituting any civil action, suit, or  
89 proceeding in the circuit court shall pay to the clerk of that  
90 court a filing fee of up to \$295 in all cases in which there are  
91 not more than five defendants and an additional filing fee of up  
92 to \$2.50 for each defendant in excess of five. Of the first \$125  
93 ~~\$85~~ in filing fees, \$120 ~~\$80~~ must be remitted by the clerk to  
94 the Department of Revenue for deposit into the General Revenue  
95 Fund, and \$5 must be remitted to the Department of Revenue for  
96 deposit into the Department of Financial Services'  
97 Administrative Trust Fund to fund the contract with the Florida  
98 Clerks of Court Operations Corporation created in s. 28.35. The  
99 next \$15 of the filing fee collected shall be deposited in the  
100 state courts' Mediation and Arbitration Trust Fund. One-third of  
101 any filing fees collected by the clerk of the circuit court in  
102 excess of \$140 ~~\$100~~ shall be remitted to the Department of  
103 Revenue for deposit into the Department of Revenue Clerks of the  
104 Court Trust Fund. An additional filing fee of \$4 shall be paid  
105 to the clerk. The clerk shall remit \$3.50 to the Department of  
106 Revenue for deposit into the Court Education Trust Fund and  
107 shall remit 50 cents to the Department of Revenue for deposit  
108 into the Department of Financial Services Administrative Trust  
109 Fund to fund clerk education. An additional filing fee of up to  
110 \$18 shall be paid by the party seeking each severance that is  
111 granted. The clerk may impose an additional filing fee of up to  
112 \$85 for all proceedings of garnishment, attachment, replevin,

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113 and distress. Postal charges incurred by the clerk of the  
 114 circuit court in making service by certified or registered mail  
 115 on defendants or other parties shall be paid by the party at  
 116 whose instance service is made. No additional fees, charges, or  
 117 costs shall be added to the filing fees imposed under this  
 118 section, except as authorized herein or by general law.

119 Section 4. Subsection (6) of section 28.246, Florida  
 120 Statutes, is amended to read:

121 28.246 Payment of court-related fees, charges, and costs;  
 122 partial payments; distribution of funds.--

123 (6) A clerk of court shall ~~may~~ pursue the collection of  
 124 any fees, service charges, fines, court costs, and liens for the  
 125 payment of attorney's fees and costs pursuant to s. 938.29 which  
 126 remain unpaid after ~~for~~ 90 days by referring ~~or more, or refer~~  
 127 the account to a private attorney who is a member in good  
 128 standing of The Florida Bar or collection agent who is  
 129 registered and in good standing pursuant to chapter 559. In  
 130 pursuing the collection of such unpaid financial obligations  
 131 through a private attorney or collection agent, the clerk of the  
 132 court must have attempted to collect the unpaid amount through a  
 133 collection court, collections docket, or other collections  
 134 process, if any, established by the court, find this to be cost-  
 135 effective and follow any applicable procurement practices. The  
 136 collection fee, including any reasonable attorney's fee, paid to  
 137 any attorney or collection agent retained by the clerk may be  
 138 added to the balance owed in an amount not to exceed 25 ~~40~~  
 139 percent of the amount owed at the time the account is referred  
 140 to the attorney or agent for collection.

141 Section 5. Subsections (1), (2), and (3) of section 28.35,  
 142 Florida Statutes, are amended to read:

143 28.35 Florida Clerks of Court Operations Corporation.--

144 (1) (a) The Florida Clerks of Court Operations Corporation  
 145 is hereby created as a public corporation organized to perform  
 146 the functions specified in this section. All clerks of the  
 147 circuit court shall be members of the corporation and hold their  
 148 position and authority in an ex officio capacity. The functions  
 149 assigned to the corporation shall be performed by an executive  
 150 council pursuant to the plan of operation approved by the  
 151 members.

152 (b) The executive council shall be composed of eight  
 153 clerks of the court elected by the clerks of the courts for a  
 154 term of 2 years, with two clerks from counties with a population  
 155 of fewer than 100,000, two clerks from counties with a  
 156 population of at least 100,000 but fewer than 500,000, two  
 157 clerks from counties with a population of at least 500,000 but  
 158 fewer than 1 million, and two clerks from counties with a  
 159 population of more than 1 million. The executive council shall  
 160 also include, as ex officio members, a designee of the Senate  
 161 President and a designee of the Speaker of the House of  
 162 Representatives.

163 (c) The corporation shall be considered a political  
 164 subdivision of the state and shall be exempt from the corporate  
 165 income tax. The corporation is ~~not~~ subject to the procurement  
 166 provisions of chapter 287. and Policies and decisions of the  
 167 corporation relating to incurring debt, levying assessments, and  
 168 the sale, issuance, continuation, terms, and claims under

169 corporation policies, and all services relating thereto, are not  
 170 subject to the provisions of chapter 120.

171 (d) The functions assigned to the corporation under this  
 172 section and ss. 28.36 and 28.37 are considered to be for a valid  
 173 public purpose.

174 (2) The duties of the corporation shall include the  
 175 following:

176 (a) Adopting a plan of operation.

177 (b) Conducting the election of directors as required in  
 178 paragraph (1) (a).

179 (c) Recommending to the Legislature changes in the various  
 180 court-related fines, fees, service charges, and court costs  
 181 established by law to ensure reasonable and adequate funding of  
 182 the clerks of the court in the performance of their court-  
 183 related functions.

184 (d) Pursuant to contract with the Chief Financial Officer,  
 185 establishing a process for the review and certification of  
 186 proposed court-related budgets submitted by clerks of the court  
 187 for completeness and compliance with this section and ss. 28.36  
 188 and 28.37. This process shall be designed and be of sufficient  
 189 detail to permit independent verification and validation of the  
 190 budget certification. The contract shall specify the process to  
 191 be used in determining compliance by the corporation with this  
 192 section and ss. 28.36 and 28.37 and shall require the  
 193 corporation to determine the minimum amount of revenue necessary  
 194 for each clerk to efficiently perform the list of court-related  
 195 functions specified in paragraph (4) (a) in its budget review and  
 196 certification process.

197 (e) Developing and certifying a uniform system of  
 198 performance measures and applicable performance standards for  
 199 the functions specified in paragraph (4) (a) and clerk  
 200 performance in meeting the performance standards. These measures  
 201 and standards shall be designed to facilitate an objective  
 202 determination of the performance of each clerk in accordance  
 203 with minimum standards for fiscal management, operational  
 204 efficiency, and effective collection of fines, fees, service  
 205 charges, and court costs. When the corporation finds a clerk has  
 206 not met the performance standards, the corporation shall  
 207 identify the nature of each deficiency and any corrective action  
 208 recommended and taken by the affected clerk of the court.

209 (f) Reviewing and certifying proposed budgets submitted by  
 210 clerks of the court utilizing the process approved by the Chief  
 211 Financial Officer pursuant to paragraph (d) for the purpose of  
 212 making the certification in paragraph (3) (a). As part of this  
 213 process, the corporation shall:

214 1. Calculate the maximum authorized annual budget pursuant  
 215 to the requirements of s. 28.36.

216 2. Calculate the minimum amount of revenue necessary for  
 217 each clerk to efficiently perform the list of court-related  
 218 functions specified in paragraph (4) (a).

219 3. Prepare a cost comparison of similarly situated clerks  
 220 of court, based on county population and numbers of filings,  
 221 using the standard list of court-related functions specified in  
 222 paragraph (4) (a).

223 4. Conduct an annual base budget review and an annual  
 224 budget exercise examining the total budget of each clerk of



225 court. The review shall examine revenues from all sources,  
226 expenses of court-related functions, and expenses of non-court-  
227 related functions. Funds paid by a clerk to join or be a member  
228 of any group or organization shall be separately listed and the  
229 benefits received from any such group or organization detailed.  
230 The review and exercise shall identify potential targeted budget  
231 reductions in the percentage amount provided in Schedule VIII-B  
232 of the state's prior year's legislative budget instructions, as  
233 referenced in s. 216.023(3), or an equivalent schedule or  
234 instruction as may be adopted by the Legislature.

235 ~~5.2.~~ Identify those proposed budgets exceeding the maximum  
236 annual budget pursuant to s. 28.36(5) for the standard list of  
237 court-related functions specified in paragraph (4) (a).

238 ~~6.3.~~ Identify those proposed budgets containing funding  
239 for items not included on the standard list of court-related  
240 functions specified in paragraph (4) (a).

241 ~~7.4.~~ Identify those clerks projected to have court-related  
242 revenues insufficient to fund their anticipated court-related  
243 expenditures.

244 (g) Developing and conducting clerk budget and education  
245 programs.

246 (h) Publishing a uniform schedule of actual fees, service  
247 charges, and costs charged by a clerk of the court for court-  
248 related functions pursuant to general law.

249 (i) By August 1 of each year, submitting to the  
250 Legislative Budget Commission, as provided in s. 11.90, its  
251 proposed budget and the information described in paragraph (f),  
252 as well as the certified budgets for each clerk and each related

253 | or subsidiary corporation. By October 1 of each year, the  
 254 | Legislative Budget Commission shall consider the submitted  
 255 | budgets and shall approve or disapprove the corporation's budget  
 256 | and may approve the total of the clerks' combined budgets,  
 257 | disapprove the total of the clerks' combined budgets, or  
 258 | disapprove one or more budgets of specific clerks. If the  
 259 | Legislative Budget Commission fails to approve a clerk's budget  
 260 | by October 1, the clerk shall continue to perform the court-  
 261 | related functions specified in paragraph (4) (a) based upon the  
 262 | clerk's approved budget for the preceding county fiscal year.

263 |       (3) (a) The Florida Clerks of Court Operations Corporation  
 264 | shall transmit ~~certify~~ to the President of the Senate, the  
 265 | Speaker of the House of Representatives, the Chief Financial  
 266 | Officer, and the Department of Revenue by October 15 of each  
 267 | year, the amount of the approved ~~proposed~~ budget ~~certified~~ for  
 268 | each clerk; the revenue projection supporting each clerk's  
 269 | budget; each clerk eligible to retain some or all of the state's  
 270 | share of fines, fees, service charges, and costs; the amount to  
 271 | be paid to each clerk from the Clerks of the Court Trust Fund  
 272 | within the Department of Revenue; the performance measures and  
 273 | standards approved by the corporation for each clerk; and the  
 274 | performance of each clerk in meeting the performance standards.

275 |       (b) Prior to December 1 of each year, the Chief Financial  
 276 | Officer shall review the certifications made by the corporation  
 277 | for the purpose of determining compliance with the approved  
 278 | process and report its findings to the President of the Senate,  
 279 | the Speaker of the House of Representatives and to the  
 280 | Department of Revenue. To determine compliance with this

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281 process, the Chief Financial Officer may examine the budgets  
 282 submitted to the corporation by the clerks.

283 Section 6. Paragraph (a) of subsection (3) of section  
 284 28.36, Florida Statutes, is amended, and subsection (8) is added  
 285 to that section, to read:

286 28.36 Budget procedure.--There is hereby established a  
 287 budget procedure for the court-related functions of the clerks  
 288 of the court.

289 (3) Each proposed budget shall further conform to the  
 290 following requirements:

291 (a) On or before June ~~August~~ 15 for each fiscal year  
 292 thereafter, the proposed budget shall be prepared, summarized,  
 293 and submitted by the clerk in each county to the Florida Clerks  
 294 of Court Operations Corporation in the manner and form  
 295 prescribed by the corporation. However, at a minimum, the  
 296 proposed budgets shall include for each clerk the information  
 297 required in s. 216.023(4)(a). The proposed budget must provide  
 298 detailed information on the anticipated revenues available and  
 299 expenditures necessary for the performance of the standard list  
 300 of court-related functions of the clerk's office developed  
 301 pursuant to s. 28.35(4)(a) for the county fiscal year beginning  
 302 the following October 1. The Florida Clerks of Court Operations  
 303 Corporation shall also prepare its proposed budget by June 15 of  
 304 each year, which shall also contain the minimum information  
 305 required in s. 216.023(4)(a), and provide a summary listing of  
 306 clerks who have not met all performance measures and the  
 307 specific measures that each clerk did not achieve.

308 (8) It is the intent of the Legislature that the budget

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309 and appropriations functions of and related to the clerks of  
310 court shall be a part of the state budgeting process by the  
311 2011-2012 fiscal year. To that end:

312 (a)1. The Auditor General, with assistance from the Office  
313 of Program Policy Analysis and Government Accountability, shall  
314 develop, by September 1, 2009, a study plan and present the plan  
315 to the Legislative Budget Commission. The plan shall describe  
316 how the Auditor General will study the funding and operations of  
317 the state courts system and the clerks of court performing  
318 court-related functions.

319 2. By December 31, 2010, the Auditor General shall provide  
320 a report to the President of the Senate and the Speaker of the  
321 House of Representatives regarding the operation and  
322 relationship of the clerks of court and the courts. The Auditor  
323 General shall examine who is performing each court-related  
324 function and how each function is funded. By a date certain set  
325 by the Auditor General, the state courts system shall recommend  
326 to the Legislature if there are any court-related clerk's  
327 functions that should be performed by the state courts system,  
328 and the corporation shall recommend to the Legislature if there  
329 are any court-related administrative functions currently  
330 performed by the state courts system that should be performed by  
331 the clerks. The clerks of court, the Florida Clerks of Court  
332 Operations Corporation, and the state courts system are directed  
333 to cooperate fully with the Auditor General and each shall  
334 provide the Auditor General with any and all information  
335 necessary to the review without cost or delay. The final report  
336 shall describe in detail the base budget for each of the clerks

337 and for the state courts system. The base budget shall be  
338 further examined and the cost of performing every court-related  
339 function shall be described in detail within those budgets.  
340 Administrative overhead shall be calculated separately and any  
341 apparent means to reduce such overhead shall be explored and  
342 reported on. The study shall examine whether the clerks of court  
343 should adopt the state budget cycle and, if so, how that would  
344 be accomplished. Finally, the study shall list each court-  
345 related function, a recommendation on who should perform the  
346 function, and a recommendation of how to pay for such function.

347 (b) The Technology Review Workgroup shall develop a  
348 proposed plan for identifying and recommending options for  
349 implementing the integrated computer system established in s.  
350 29.008(1)(f)2. The plan shall describe the approaches and  
351 processes for evaluating the existing computer systems and data-  
352 sharing networks of the state courts system and the clerks of  
353 the court; identifying the required business and technical  
354 requirements; reliably estimating the cost, work, and change  
355 requirements; and examining the use of the funds collected under  
356 s. 28.24(12)(e). The plan may also address any necessary policy,  
357 operational, fiscal, or technical changes, including, but not  
358 limited to, potential changes to the distribution and use of  
359 funds collected under s. 28.24(12)(e) that may be needed in  
360 order to manage, implement, and operate an integrated computer  
361 system. The plan shall be submitted to the Speaker of the House  
362 of Representatives and the President of the Senate no later than  
363 December 31, 2009. The clerks of court, the Florida Clerks of  
364 Court Operations Corporation, and the state courts system are

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365 directed to cooperate fully with the Technology Review  
366 Workgroup, and each shall provide the Technology Review  
367 Workgroup with any and all information necessary for the  
368 completion of the project without cost or delay. The workgroup  
369 shall work in conjunction with the Auditor General and consider  
370 the results of the plans, studies, and reports of the Auditor  
371 General described in paragraph (a). Until July 1, 2011, a clerk  
372 may not purchase any new software but may purchase regular and  
373 necessary upgrades to existing software if otherwise budgeted.  
374 Until July 1, 2011, a clerk may not purchase any computer  
375 hardware other than that necessary to replace broken equipment  
376 or necessary to equip new staff and only if otherwise budgeted.  
377 A clerk may apply to the Legislative Budget Commission for a  
378 limited and specific exception to these purchasing limits.

379       Section 7. Notwithstanding s. 28.36, Florida Statutes, the  
380 statewide budget cap for the clerks of court is \$474,174,512 for  
381 the county fiscal year 2008-2009. The Florida Clerks of Court  
382 Operations Corporation shall reduce the individual approved  
383 budgets of the clerks of court to ensure that the sum of the  
384 approved budgets does not exceed this statewide cap.

385       Section 8. Section 28.365, Florida Statutes, is created to  
386 read:

387       28.365 Procurement.--The clerks of court are subject to  
388 the procurement requirements and limitations of chapter 287.

389       Section 9. Subsections (2) through (5) of section 28.37,  
390 Florida Statutes, are renumbered as subsections (3) through (6),  
391 respectively, and a new subsection (2) is added to that section  
392 to read:

393 28.37 Fines, fees, service charges, and costs remitted to  
 394 the state.--

395 (2) Except as otherwise provided in ss. 28.241 and 34.041,  
 396 all court-related fines, fees, service charges, and costs are  
 397 considered state funds and shall be remitted by the clerk to the  
 398 Department of Revenue for deposit into the Clerks of the Court  
 399 Trust Fund. However, 10 percent of all court-related fines  
 400 collected by the clerk shall be deposited into the clerk's  
 401 Public Records Modernization Trust Fund to be used exclusively  
 402 for additional clerk court-related operational needs and program  
 403 enhancements.

404 Section 10. Paragraph (b) of subsection (1) of section  
 405 34.041, Florida Statutes, is amended to read:

406 34.041 Filing fees.--

407 (1)

408 (b) The first \$120 ~~\$80~~ of the filing fee collected under  
 409 subparagraph (a)4. shall be remitted to the Department of  
 410 Revenue for deposit into the General Revenue Fund. The next \$15  
 411 of the filing fee collected under subparagraph (a)4., and the  
 412 first \$15 of each filing fee collected under subparagraph (a)6.,  
 413 shall be deposited in the state courts' Mediation and  
 414 Arbitration Trust Fund. One-third of any filing fees collected  
 415 by the clerk under this section in excess of the first \$135 ~~\$95~~  
 416 collected under subparagraph (a)4. shall be remitted to the  
 417 Department of Revenue for deposit into the Department of Revenue  
 418 Clerks of the Court Trust Fund. An additional filing fee of \$4  
 419 shall be paid to the clerk. The clerk shall transfer \$3.50 to  
 420 the Department of Revenue for deposit into the Court Education

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421 Trust Fund and shall transfer 50 cents to the Department of  
 422 Revenue for deposit into the Department of Financial Services'  
 423 Administrative Trust Fund to fund clerk education. Postal  
 424 charges incurred by the clerk of the county court in making  
 425 service by mail on defendants or other parties shall be paid by  
 426 the party at whose instance service is made. Except as provided  
 427 herein, filing fees and service charges for performing duties of  
 428 the clerk relating to the county court shall be as provided in  
 429 ss. 28.24 and 28.241. Except as otherwise provided herein, all  
 430 filing fees shall be retained as fee income of the office of the  
 431 clerk of circuit court. Filing fees imposed by this section may  
 432 not be added to any penalty imposed by chapter 316 or chapter  
 433 318.

434 Section 11. Subsection (3) of section 45.035, Florida  
 435 Statutes, as amended by section 3 of chapter 2009-21, Laws of  
 436 Florida, is amended to read:

437 45.035 Clerk's fees.--In addition to other fees or service  
 438 charges authorized by law, the clerk shall receive service  
 439 charges related to the judicial sales procedure set forth in ss.  
 440 45.031-45.034 and this section:

441 (3) If the sale is conducted by electronic means, as  
 442 provided in s. 45.031(10), the clerk shall receive an additional  
 443 a service charge not to exceed of \$70 ~~as provided in subsection~~  
 444 ~~(1)~~ for services in conducting or contracting for the electronic  
 445 sale, which service charge shall be assessed as costs and paid  
 446 by the winning bidder ~~shall be advanced by the plaintiff before~~  
 447 ~~the sale~~. If the clerk requires advance electronic deposits to  
 448 secure the right to bid, such deposits shall not be subject to



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449 the fee under s. 28.24(10). The portion of an advance deposit  
 450 from a winning bidder required by s. 45.031(3) shall, upon  
 451 acceptance of the winning bid, be subject to the fee under s.  
 452 28.24(10).

453 Section 12. Paragraph (c) is added to subsection (4) of  
 454 section 197.542, Florida Statutes, to read:

455 197.542 Sale at public auction.--

456 (4)

457 (c) The costs of electronic tax deed sales shall be added  
 458 to the charges for the costs of sale under subsection (1) and  
 459 paid by the certificateholder when filing an application for a  
 460 tax deed.

461 Section 13. Subsection (13) of section 318.18, Florida  
 462 Statutes, is amended to read:

463 318.18 Amount of penalties.--The penalties required for a  
 464 noncriminal disposition pursuant to s. 318.14 or a criminal  
 465 offense listed in s. 318.17 are as follows:

466 (13) (a) In addition to any penalties imposed for  
 467 noncriminal traffic infractions pursuant to this chapter or  
 468 imposed for criminal violations listed in s. 318.17, a board of  
 469 county commissioners or any unit of local government that ~~which~~  
 470 is consolidated as provided by s. 9, Art. VIII of the State  
 471 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the  
 472 Constitution of 1968:

473 1.(a) May impose by ordinance a surcharge of up to \$30 ~~\$15~~  
 474 for any infraction or violation to fund state court facilities.  
 475 The court shall not waive this surcharge. Up to 25 percent of  
 476 the revenue from such surcharge may be used to support local law

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477 libraries provided that the county or unit of local government  
478 provides a level of service equal to that provided prior to July  
479 1, 2004, which shall include the continuation of library  
480 facilities located in or near the county courthouse or any annex  
481 to the courthouse annexes.

482 2.(b) May, if such board or unit ~~That~~ imposed increased  
483 fees or service charges by ordinance under s. 28.2401, s.  
484 28.241, or s. 34.041 for the purpose of securing payment of the  
485 principal and interest on bonds issued by the county before July  
486 1, 2003, to finance state court facilities, ~~may~~ impose by  
487 ordinance a surcharge for any infraction or violation for the  
488 exclusive purpose of securing payment of the principal and  
489 interest on bonds issued by the county before July 1, 2003, to  
490 fund state court facilities until the date of stated maturity.  
491 The court shall not waive this surcharge. Such surcharge may not  
492 exceed an amount per violation calculated as the quotient of the  
493 maximum annual payment of the principal and interest on the  
494 bonds as of July 1, 2003, divided by the number of traffic  
495 citations for county fiscal year 2002-2003 certified as paid by  
496 the clerk of the court of the county. Such quotient shall be  
497 rounded up to the next highest dollar amount. The bonds may be  
498 refunded only if savings will be realized on payments of debt  
499 service and the refunding bonds are scheduled to mature on the  
500 same date or before the bonds being refunded. Notwithstanding  
501 any of the foregoing provisions of this subparagraph ~~paragraph~~  
502 that limit the use of surcharge revenues, if the revenues  
503 generated as a result of the adoption of this ordinance exceed  
504 the debt service on the bonds, the surplus revenues may be used

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505 to pay down the debt service on the bonds; fund other state-  
506 court-facility construction projects as may be certified by the  
507 chief judge as necessary to address unexpected growth in  
508 caseloads, emergency requirements to accommodate public access,  
509 threats to the safety of the public, judges, staff, and  
510 litigants, or other exigent circumstances; or support local law  
511 libraries in or near the county courthouse or any annex to the  
512 courthouse annexes.

513 3. May impose by ordinance a surcharge for any infraction  
514 or violation for the exclusive purpose of securing payment of  
515 the principal and interest on bonds issued by the county on or  
516 after July 1, 2009, to fund state court facilities until the  
517 stated date of maturity. The court may not waive this surcharge.  
518 The surcharge may not exceed an amount per violation calculated  
519 as the quotient of the maximum annual payment of the principal  
520 and interest on the bonds, divided by the number of traffic  
521 citations certified as paid by the clerk of the court of the  
522 county on August 15 of each year. The quotient shall be rounded  
523 up to the next highest dollar amount. The bonds may be refunded  
524 if savings are realized on payments of debt service and the  
525 refunding bonds are scheduled to mature on or before the  
526 maturity date of the bonds being refunded. If the revenues  
527 generated as a result of the adoption of the ordinance exceed  
528 the debt service on the bonds, the surplus revenues may be used  
529 to pay the debt service on the bonds; to fund other state court  
530 facility construction projects certified by the chief judge as  
531 necessary to address unexpected growth in caseloads, emergency  
532 requirements to accommodate public access, threats to the safety

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533 of the public, judges, staff, and litigants, or other exigent  
534 circumstances; or to support local law libraries in or near the  
535 county courthouse or any annex to the courthouse.

536 (b) A county may not impose ~~both~~ of the surcharges  
537 authorized under subparagraphs ~~paragraphs~~ (a) 1., 2., and 3. ~~(b)~~  
538 concurrently. The clerk of court shall report, no later than 30  
539 days after the end of the quarter, the amount of funds collected  
540 under this subsection during each quarter of the fiscal year.  
541 The clerk shall submit the report, in a format developed by the  
542 Office of State Courts Administrator, to the chief judge of the  
543 circuit, the Governor, the President of the Senate, ~~and~~ the  
544 Speaker of the House of Representatives, and the board of county  
545 commissioners.

546 Section 14. This bill shall take effect July 1, 2009.