

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
 ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
 ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
 FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
 WITHDRAWN \_\_\_\_\_ (Y/N)  
 OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Finance & Tax Subcommittee  
 2 Representative Pilon offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:  
 6 Section 1. Subsection (3) of section 40.32, Florida

7 Statutes, is amended to read:

8 40.32 Clerks to disburse money; payments to jurors and  
 9 witnesses.—

10 (3) Jurors and witnesses shall be paid by the clerk of the  
 11 court ~~either~~ in cash, by check, or by warrant within 20 days  
 12 after completion of jury service or ~~of~~ completion of service as  
 13 a witness.

14 (a) If ~~Whenever~~ the clerk of the court pays a juror or  
 15 witness by cash, the juror or witness shall sign the payroll in  
 16 the presence of the clerk, a deputy clerk, or some other person  
 17 designated by the clerk.

Amendment No. 1

18 (b) ~~If Whenever~~ the clerk pays a juror or witness by  
19 warrant, he or she shall endorse on the payroll opposite the  
20 juror's or witness's name the words "Paid by warrant," giving  
21 the number and date of the warrant.

22 Section 2. Section 77.27, Florida Statutes, is amended to  
23 read:

24 77.27 No appeal until fees are paid.—If the writ is  
25 dismissed or plaintiff fails to sustain his or her claim, an ~~no~~  
26 appeal from the judgment is not ~~shall be~~ permitted until the  
27 attorney ~~attorney's~~ fee provided in s. 77.28 has been paid ~~into~~  
28 ~~court~~.

29 Section 3. Section 77.28, Florida Statutes, is amended to  
30 read:

31 77.28 Garnishment; attorney ~~attorney's~~ fees, costs,  
32 expenses; deposit required.—Before issuance of any writ of  
33 garnishment, the party applying for it shall pay ~~deposit~~ \$100 ~~in~~  
34 ~~the registry of the court which shall be paid~~ to the garnishee  
35 on the garnishee's demand at any time after the service of the  
36 writ for the payment or part payment of his or her attorney  
37 ~~attorney's~~ fee which the garnishee expends or agrees to expend  
38 in obtaining representation in response to the writ. ~~At the time~~  
39 ~~of deposit, the clerk shall collect the statutory fee provided~~  
40 ~~by s. 28.24(10) in addition to the \$100 deposited into the~~  
41 ~~registry of the court~~. On rendering final judgment, the court  
42 shall determine the garnishee's costs and expenses, including a  
43 reasonable attorney ~~attorney's~~ fee, and in the event of a

Amendment No. 1

44 judgment in favor of the plaintiff, the amount is ~~shall be~~  
45 subject to offset by the garnishee against the defendant whose  
46 property or debt owing is being garnished. In addition, the  
47 court shall tax the garnishee's costs and expenses as costs. The  
48 plaintiff may recover in this manner the sum advanced by him or  
49 her ~~plaintiff and paid into registry of court~~, and, if the  
50 amount allowed by the court is greater than the amount paid ~~of~~  
51 ~~the deposit~~, together with any offset, judgment for the  
52 garnishee shall be entered against the party against whom the  
53 costs are taxed for the deficiency.

54 Section 4. Subsection (4) of section 197.432, Florida  
55 Statutes, is amended to read:

56 197.432 Sale of tax certificates for unpaid taxes.—

57 (4) A tax certificate representing less than \$250 in  
58 delinquent taxes on property that has been granted a homestead  
59 exemption for the year in which the delinquent taxes were  
60 assessed may not be sold at public auction or by electronic sale  
61 as provided in subsection (1) but must be issued by the tax  
62 collector to the county at the maximum rate of interest allowed.  
63 Section ~~The provisions of s.~~ 197.4725 or s. 197.502(3) may not  
64 be invoked if the homestead exemption is granted to the person  
65 who received the homestead exemption for the year in which the  
66 tax certificate was issued unless any. ~~However, if all~~ such tax  
67 certificates and accrued interest represent an amount of \$250 or  
68 more, ~~s. 197.502(3) shall be used to determine whether the~~  
69 ~~county must apply for a tax deed.~~

730407 - hb 797 strike all.docx

Published On: 3/31/2014 6:16:19 PM

## Amendment No. 1

70 Section 5. Subsection (1) of section 197.472, Florida  
71 Statutes, is amended to read:

72 197.472 Redemption of tax certificates.—

73 (1) A ~~Any~~ person may redeem a tax certificate at any time  
74 after the certificate is issued and before a tax deed is issued  
75 unless full payment for a tax deed is made to the clerk of the  
76 court, including documentary stamps and recording fees ~~or the~~  
77 ~~property is placed on the list of lands available for sale.~~ The  
78 person redeeming a tax certificate shall pay the tax collector  
79 the face amount plus all interest, costs, and charges.

80 Section 6. Subsections (2) and (7) of section 197.502,  
81 Florida Statutes, are amended to read:

82 197.502 Application for obtaining tax deed by holder of  
83 tax sale certificate; fees.—

84 (2) A certificateholder, other than the county, who makes  
85 application for a tax deed shall pay the tax collector at the  
86 time of application all amounts required for redemption or  
87 purchase of all other outstanding tax certificates, plus  
88 interest, any omitted taxes, plus interest, any delinquent  
89 taxes, plus interest, and current taxes, if due, covering the  
90 property. In addition, the certificateholder shall pay the costs  
91 of resale, if applicable, and failure to pay such costs within  
92 30 days after notice from the clerk shall result in the clerk's  
93 entering the land on a list entitled "lands available for  
94 taxes."

Amendment No. 1

95           (7) On county-held or individually held certificates for  
96 which there are no bidders at the public sale and for which the  
97 certificateholder fails to timely pay costs of resale or fails  
98 to pay the amounts due for issuance of a tax deed within 30 days  
99 after the sale, the clerk shall enter the land on a list  
100 entitled "lands available for taxes" and shall immediately  
101 notify the county commission ~~and all other persons holding~~  
102 ~~certificates against the property~~ that the property is  
103 available. During the first 90 days after the property is placed  
104 on the list, the county may purchase the land for the opening  
105 bid or may waive its rights to purchase the property.  
106 Thereafter, any person, the county, or any other governmental  
107 unit may purchase the property from the clerk, without further  
108 notice or advertising, for the opening bid, except that if the  
109 county or other governmental unit is the purchaser for its own  
110 use, the board of county commissioners may cancel omitted years'  
111 taxes, as provided under s. 197.447. ~~If the county does not~~  
112 ~~elect to purchase the property, the county must notify each~~  
113 ~~legal titleholder of property contiguous to the property~~  
114 ~~available for taxes, as provided in paragraph (4) (h), before~~  
115 ~~expiration of the 90-day period.~~ Interest on the opening bid  
116 continues to accrue through the month of sale as prescribed by  
117 s. 197.542.

118           Section 7. Subsections (1) and (3) of section 197.542,  
119 Florida Statutes, are amended to read:

120           197.542 Sale at public auction.-

## Amendment No. 1

121 (1) Real property advertised for sale to the highest  
122 bidder as a result of an application filed under s. 197.502  
123 shall be sold at public auction by the clerk of the circuit  
124 court, or his or her deputy, of the county where the property is  
125 located on the date, at the time, and at the location as set  
126 forth in the published notice, which must be during the regular  
127 hours the clerk's office is open. The amount required to redeem  
128 the tax certificate, plus the amounts paid by the holder to the  
129 clerk in charges for costs of sale, redemption of other tax  
130 certificates on the same property, and all other costs to the  
131 applicant for tax deed, plus interest at the rate of 1.5 percent  
132 per month for the period running from the month after the date  
133 of application for the deed through the month of sale and costs  
134 incurred for the service of notice provided for in s.  
135 197.522(2), shall be the bid of the certificateholder for the  
136 property. If tax certificates exist or if delinquent taxes  
137 accrued subsequent to the filing of the tax deed application,  
138 the amount required to redeem such tax certificates or pay such  
139 delinquent taxes must be included in the minimum bid. However,  
140 if the land to be sold is assessed on the latest tax roll as  
141 homestead property, the bid of the certificateholder must be  
142 increased to include an amount equal to one-half of the assessed  
143 value of the homestead property as required by s. 197.502. If  
144 there are no higher bids, the property shall be struck off and  
145 sold to the certificateholder, who shall pay to the clerk any  
146 amounts included in the minimum bid not already paid, including,

730407 - hb 797 strike all.docx

Published On: 3/31/2014 6:16:19 PM

Amendment No. 1

147 but not limited to, the documentary stamp tax, the and recording  
148 fees, and, if the property is homestead property, the moneys to  
149 cover the one-half value of the homestead within 30 days after  
150 the sale due. Upon payment, a tax deed shall be issued and  
151 recorded by the clerk. If the certificateholder fails to make  
152 full payment when due, the clerk shall enter the land on a list  
153 entitled "lands available for taxes."

154 (3) If the sale is canceled for any reason, or the buyer  
155 fails to make full payment within the time required, the clerk  
156 shall ~~immediately~~ readvertise the sale ~~to be held~~ within 30 days  
157 after the buyer's nonpayment or, if canceled, within 30 days  
158 after the clerk receives the costs of resale. The sale shall be  
159 held within 30 days after readvertising after the date the sale  
160 was canceled. Only one advertisement is necessary. The amount of  
161 the opening bid shall be increased by the cost of advertising,  
162 additional clerk's fees as provided for in s. 28.24(21), and  
163 interest as provided for in subsection (1). If, at the  
164 subsequent sale, there are no bidders at the tax deed sale and  
165 the certificateholder fails to pay the moneys due within 30 days  
166 after the sale, the clerk may not readvertise the sale and shall  
167 place the property on a list entitled "lands available for  
168 taxes." ~~This process must be repeated until the property is sold~~  
169 ~~and the clerk receives full payment or the clerk does not~~  
170 ~~receive any bids other than the bid of the certificateholder.~~  
171 The clerk must receive full payment before the issuance of the  
172 tax deed.

730407 - hb 797 strike all.docx

Published On: 3/31/2014 6:16:19 PM

Amendment No. 1

173 Section 8. Subsection (2) of section 197.582, Florida  
174 Statutes, is amended, and subsection (3) is added to that  
175 section, to read:

176 197.582 Disbursement of proceeds of sale.—

177 (2) If the property is purchased for an amount in excess  
178 of the statutory bid of the certificateholder, the excess must  
179 be paid over and disbursed by the clerk. If the property  
180 purchased is homestead property and the statutory bid includes  
181 an amount equal to at least one-half of the assessed value of  
182 the homestead, that amount must be treated as excess and  
183 distributed in the same manner. The clerk shall distribute the  
184 excess to the governmental units for the payment of any lien of  
185 record held by a governmental unit against the property,  
186 including any tax certificates not incorporated in the tax deed  
187 application and omitted taxes, if any. If the excess is not  
188 sufficient to pay all of such liens in full, the excess shall be  
189 paid to each governmental unit pro rata. If, after all liens of  
190 governmental units are paid in full, there remains a balance of  
191 undistributed funds, the balance shall be retained by the clerk  
192 for the benefit of persons described in s. 197.522(1)(a), except  
193 those persons described in s. 197.502(4)(h), as their interests  
194 may appear. The clerk shall mail notices to such persons  
195 notifying them of the funds held for their benefit. Such notice  
196 constitutes compliance with the requirements of s. 717.117(4).  
197 Any service charges, at the rate prescribed in s. 28.24(10), and  
198 costs of mailing notices shall be paid out of the excess balance

730407 - hb 797 strike all.docx

Published On: 3/31/2014 6:16:19 PM



Amendment No. 1

199 held by the clerk. Excess proceeds shall be held and disbursed  
200 in the same manner as unclaimed redemption moneys in s. 197.473.  
201 For purposes of identifying unclaimed property pursuant to s.  
202 717.113, excess proceeds shall be presumed payable or  
203 distributable on the date the notice is sent. If excess proceeds  
204 are not sufficient to cover the service charges and mailing  
205 costs, the clerk shall receive the total amount of excess  
206 proceeds as a service charge.

207 (3) If unresolved claims against the property exist on the  
208 date the property is purchased, the clerk shall ensure that the  
209 excess funds are paid according to the priorities of the claims.  
210 If a lien appears to be entitled to priority and the lienholder  
211 has not made a claim against the excess funds, payment may not  
212 be made on any lien that is junior in priority. If potentially  
213 conflicting claims to the funds exist, the clerk may initiate an  
214 interpleader action against the lienholders involved, and the  
215 court shall determine the proper distribution of the  
216 interpleaded funds. The clerk may move the court for an award of  
217 reasonable fees and costs from the interpleaded funds.

218 Section 9. This act shall take effect July 1, 2014.

219

220

-----

221

**T I T L E   A M E N D M E N T**

222

Remove everything before the enacting clause and insert:

223

A bill to be entitled

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 797 (2014)

Amendment No. 1

224 An act relating to clerks of court; amending s. 40.32,  
225 F.S.; authorizing jurors and witnesses to be paid by  
226 check; amending s. 77.27, F.S.; conforming a provision  
227 to changes made by the act; amending s. 77.28, F.S.;  
228 requiring a party applying for garnishment to pay a  
229 deposit to the garnishee, rather than in the registry  
230 of the court; deleting a provision that requires the  
231 clerk to collect a specified fee; amending s. 197.432,  
232 F.S.; providing requirements for the sale of tax  
233 certificates; amending s. 197.472, F.S.; revising  
234 requirements for the redemption of tax certificates;  
235 amending s. 197.502, F.S.; requiring the  
236 certificateholder to pay costs of resale within a  
237 specified number of days under certain circumstances;  
238 providing circumstances under which land shall be  
239 placed on a specified list; prohibiting a county from  
240 applying for a tax deed under certain circumstances;  
241 deleting a provision relating to a notification  
242 procedure; amending s. 197.542, F.S.; requiring the  
243 certificateholder to pay a specified amount of the  
244 assessed value of the homestead under certain  
245 circumstances; providing circumstances under which  
246 land shall be placed on a specified list; amending s.  
247 197.582, F.S.; clarifying notice requirements;  
248 providing for excess proceeds relating to unclaimed  
249 property; requiring the clerk to ensure that excess

730407 - hb 797 strike all.docx

Published On: 3/31/2014 6:16:19 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 797 (2014)

Amendment No. 1

250 funds are paid according to specified priorities;  
251 providing for interpleader actions and the award of  
252 reasonable fees and costs; providing an effective  
253 date.