

## Committee Substitute for Senate Bill No. 1282

An act relating to clerks of the circuit court; amending s. 28.001, F.S.; providing that the Official Records are a general series of records; deleting an obsolete reference; amending s. 28.07, F.S.; providing that a register of Official Records be made available at branch offices; deleting an obsolete reference; amending s. 28.222, F.S.; providing that the Official Records are a general series of records; deleting an obsolete reference; amending s. 40.32, F.S.; extending the time within which to pay a witness or a juror; amending s. 45.031, F.S.; requiring the successful bidder at a tax deed sale to pay a specified deposit; amending s. 177.091, F.S.; deleting an obsolete requirement; amending s. 177.111, F.S., deleting a provision that a filed copy of a drawing be made on cloth; amending s. 215.425, F.S.; providing eligibility for extra compensation to employees of the clerk of the circuit court; amending s. 569.11, F.S.; providing that a citation for possession of tobacco by a minor must be paid within a specified time; amending s. 741.09, F.S.; deleting an obsolete reference; repealing s. 142.17, F.S., which requires the Comptroller to prepare blanks and forms for auditing claims; repealing s. 938.09, F.S., relating to collection of certain costs and service charges by the clerk of the circuit court; repealing s. 938.11, F.S., relating to collection of certain surcharges by the clerk in counties containing housing projects; providing an effective date.

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

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

28.001 Definitions.—As used in this chapter:

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

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

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

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

28.222 Clerk to be county recorder.—

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

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

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

40.32 Clerks to disburse money.—All moneys drawn from the treasury under the provisions of this chapter by the clerk of the court shall be disbursed by the clerk of the court as far as needed in payment of jurors and witnesses for the legal compensation for service during the quarterly fiscal period for which said moneys were drawn and for no other purposes. Jurors and witnesses shall be paid by the clerk of the court either in cash or by warrant within ~~20~~ ~~10~~ days after ~~of~~ completion of jury service or of completion of service as a witness. Whenever the clerk of the court pays a juror or witness by cash, said juror or witness shall sign the payroll in the presence of the clerk, a deputy clerk, or some other person designated by the clerk. Whenever the clerk pays a juror or witness by warrant, he or she shall endorse on the payroll opposite the juror’s or witness’s name the words “Paid by warrant,” giving the number and date of the warrant.

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

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

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

Section 6. Subsection (1) of section 177.091, Florida Statutes, 1998 Supplement, is amended to read:

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

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

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

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

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

Section 7. Section 177.111, Florida Statutes, is amended to read:

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

Section 8. Section 215.425, Florida Statutes, 1998 Supplement, is amended to read:

215.425 Extra compensation claims prohibited.—No extra compensation shall be made to any officer, agent, employee, or contractor after the service has been rendered or the contract made; nor shall any money be appropriated or paid on any claim the subject matter of which has not been provided for by preexisting laws, unless such compensation or claim is allowed by a law enacted by two-thirds of the members elected to each house of the Legislature. However, when adopting salary schedules for a fiscal year, a district school board or community college district board of trustees may apply the schedule for payment of all services rendered subsequent to July 1 of that fiscal year. The provisions of this section do not apply to extra compensation given to state employees who are included within the senior management group pursuant to rules adopted by the Department of Management Services; to extra compensation given to county, municipal, or special district employees pursuant to policies adopted by county or municipal ordinances or resolutions of governing boards of special districts or to employees of the clerk of the circuit court pursuant to written policy of the clerk; or to a clothing and maintenance allowance given to plainclothes deputies pursuant to s. 30.49.

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

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

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

Section 10. Section 741.09, Florida Statutes, is amended to read:

741.09 Record of license and certificate.—The county court judge and clerk of the circuit court shall keep ~~in good and substantially bound books~~ a correct record of all marriage licenses issued, with the names of the parties and the date of issuing, and upon the return of the license and certificate shall enter therein the name of the person solemnizing the marriage and the date of marriage ~~and of the return.~~

Section 11. Sections 142.17, 938.09, and 938.11, Florida Statutes, are repealed.

Section 12. This act shall take effect upon becoming a law.

Approved by the Governor June 8, 1999.

Filed in Office Secretary of State June 8, 1999.