

ADVISORY BULLETIN

Florida Association of Court Clerks/Comptrollers

REVISED: 2009 Bills Effective Upon Becoming a Law/June 30, 2009 DATE: May 12, 2009 NO: 09-009

FILE NO. F02-008-090512-01 TELEPHONE: (850) 921-0808 CONTACT: B. Allman PAGE 1 OF 2

EFFECTIVE UPON BECOMING A LAW

This is a list of bills that are effective upon becoming a law and June 30, 2009. These bills have passed the Legislature but most have not yet been signed by the Governor. As such, they are not yet law. Please make sure to read the text of the entire bill as to the full impact to your operations.

SB 810 Unemployment Compensation

This bill amends portions of the unemployment compensation statutes related to calculation of the employer's tax rates and Unemployment Compensation Trust Fund solvency. The effect is to replenish the Unemployment Compensation Trust Fund (UC Trust Fund) sooner than under the parameters in current law for recoupment. Due to the increasing unemployment rate in Florida, the UC Trust Fund has recently been paying out more funds than it has been taking in. The bill decreases the portion of an individual's wages exempt from determining an employer's contributions from the excess of \$7,000 to the excess of \$8,500. After January 1, 2015, the portion is increased back to wages in excess of \$7,000. In other words, employers will be taxed on an additional \$1,500 for the next 5 years. This bill is effective upon becoming a law with exceptions.

SB 1100 Department of Highway Safety and Motor Vehicles

Section 4 of this bill amends the law that passed last year regarding license tags on motorcycles to clarify that the tag need no longer be affixed in a horizontal manner, but must simply be permanently affixed to the motorcycle or moped. Additionally, the section states that using a device that would obscure or conceal the tag is prohibited. This bill is effective upon becoming a law with exceptions.

SB 1748 Department of Revenue

This bill removes the responsibility of the Department of Revenue to provide ad valorem forms for counties having a population of 100,000 or less.

SB 1796 Government Financial Information

This bill requires the Executive Office of the Governor to provide expenditure information about state appropriations. Appropriations data and expenditure data for all branches of state government to be established by the Executive Office of the Governor in consultation with the legislative appropriations committees. The Joint Legislative Auditing Committee will oversee the website and will propose additional phases of information to be made available. The committee will provide a proposal by March 1, 2010, that will include a schedule of additional phases of information by the type of information to be provided for specific governmental entities, including local government units, community colleges, state universities and other government entities that receive state appropriations. The proposal will include timeframes for additional phases as well as a proposed development entity for the additional information.

SB 2108 Clerks of Court

The effective date of this bill is shown as “upon becoming a law.” However, if SB 1718 passes, it will revise the effective date of these provisions to be July 1, 2009.

This bill provides that the Clerks of Court will be funded through the General Appropriations Act. Further the bill provides for two studies and a moratorium on Clerks’ expenditures on court-related technology. The moratorium is superseded by the related provision in SB 1718. This bill is effective upon becoming a law unless SB 1718 passes, in which case SB 2108 will become law July 1, 2009.

SB 2430 Taxation of Documents

This legislation extends the authority of Miami-Dade County to impose a discretionary excise tax on documents subject to tax pursuant to Chapter 201, F.S. Absent the extension of the surtax, the tax rate on all deeds in Miami-Dade County will increase from \$0.60 per \$1000 to \$0.70 per \$1000, effective on October 1, 2011. The bill further provides for the imposition of an excise tax on the transfer of an ownership interest in certain entities that own real property. It also clarifies the taxable consideration subject to documentary stamp tax in certain transfers of real property, known as “short sales”. This bill is effective upon becoming a law with exceptions.

EFFECTIVE JUNE 1, 2009**SB 1718 State Judicial System**

Portions of this bill are effective June 1, 2009. As such, effective June 1, 2009, the bill provides for increased probate and foreclosure filing fees.

EFFECTIVE JUNE 30, 2009**SB 344 Dori Slosberg and Katie Marchetti Safety Belt Law**

The bill, cited as the “Dori Slosberg and Katie Marchetti Safety Belt Law,” amends the “Florida Safety Belt Law” to provide for primary enforcement of the safety belt law for operators and front seat passengers. Section 316.614, F.S., currently provides for primary enforcement of the safety belt law for all passengers under 18 years of age and secondary enforcement of the safety belt law for operators and front seat passengers over 18 years of age. The bill would allow law enforcement officers to stop motorists solely for not using their safety belts. It also removes from the list of exemptions to the safety belt law front seat passengers of a pickup truck in excess of the number of safety belts installed. A person violating this section would be cited for a nonmoving violation, punishable by a \$30 fine.

This act was approved by the governor on May 6, 2009. A chapter law number is not yet assigned.
