

By Senators Crist, Miller, Lee and Sebesta

12-912-03

See HB

1 A bill to be entitled
2 An act relating to Hillsborough County;
3 providing definitions; providing a statement of
4 public purpose; providing for the establishment
5 and collection of filing fees for maintaining
6 and operating a law library and for ancillary
7 payments for collection and administration of
8 the revenues collected and any legal expenses
9 incurred on behalf of the law library;
10 providing for the payment of such fees;
11 providing an exception from payment under
12 certain circumstances; providing duties of the
13 clerk; providing severability; repealing
14 chapters 75-400 and 79-479, Laws of Florida,
15 relating to funding for the law library;
16 providing an effective date.

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

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20 Section 1. As used in this act:

21 (1) "Board" means the Board of County Commissioners of
22 the county.

23 (2) "Clerk" means the Clerk of the Circuit Court of
24 the county.

25 (3) "County" means Hillsborough County, Florida.

26 (4) "Court" means the Thirteenth Judicial Circuit and
27 the civil division of the county court as may be reconfigured
28 from time to time.

29 (5) "Law library" means the James J. Lunsford Law
30 Library created by county ordinance adopted by the board.

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1 Section 2. The maintenance and operation of the law
2 library is a public purpose.

3 Section 3. (1) Notwithstanding and in lieu of any
4 other provision of law, the board may annually establish by
5 ordinance a filing fee upon the institution of any action,
6 suit, or proceeding in each of the divisions of the courts,
7 which fee may vary by division but shall not exceed \$25 per
8 filing, for the purpose of maintaining and operating the law
9 library.

10 (2) Moneys collected and remitted in accordance with
11 this act and any county ordinance adopted by the board shall
12 be expended only for the purposes provided by this act. If
13 authorized by the board by ordinance, such moneys may be
14 expended for the following purposes ancillary to the
15 maintenance and operation of the law library:

16 (a) Payment to the clerk for services rendered.

17 (b) Payment to the county for administrative costs
18 relating to managing funds collected.

19 (c) Payment for any legal expenses of the law library.

20 (3) The party or parties instituting an action, suit,
21 or proceeding shall pay any such filing fee established
22 pursuant to this act and any county ordinance adopted by the
23 board. However, if a person is determined by a court to be
24 indigent, or if the filing fee is otherwise waived in
25 accordance with general law, the board may by ordinance
26 provide for the waiver of all or a portion of such filing fee.

27 (4) The clerk shall collect and maintain an accounting
28 of any filing fees established in accordance with this act and
29 any county ordinance and shall remit funds derived from any
30 such filing fees in accordance with any county ordinance
31 adopted by the board. The clerk may accept payment for

1 services rendered if authorized pursuant to subsection (2) and
2 expend any such funds for the purposes required by that
3 office.

4 Section 4. If any provision of this act is determined
5 to be unconstitutional or invalid, such determination shall
6 not affect the constitutionality or validity of any of the
7 remaining provisions, and to this end the provisions of this
8 act are declared severable.

9 Section 5. Chapters 75-400 and 79-479, Laws of
10 Florida, are repealed.

11 Section 6. This act shall take effect October 1, 2003.

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