



HB 0729

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

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

Section 1. As used in this act:

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

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

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

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

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

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



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

36 (2) Moneys collected and remitted in accordance with this
37 act and any county ordinance adopted by the board shall be
38 expended only for the purposes provided by this act. If
39 authorized by the board by ordinance, such moneys may be
40 expended for the following purposes ancillary to the maintenance
41 and operation of the law library:

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

43 (b) Payment to the county for administrative costs
44 relating to managing funds collected.

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

46 (3) The party or parties instituting an action, suit, or
47 proceeding shall pay any such filing fee established pursuant to
48 this act and any county ordinance adopted by the board. However,
49 if a person is determined by a court to be indigent, or if the
50 filing fee is otherwise waived in accordance with general law,
51 the board may by ordinance provide for the waiver of all or a
52 portion of such filing fee.

53 (4) The clerk shall collect and maintain an accounting of
54 any filing fees established in accordance with this act and any
55 county ordinance and shall remit funds derived from any such
56 filing fees in accordance with any county ordinance adopted by
57 the board. The clerk may accept payment for services rendered if
58 authorized pursuant to subsection (2) and expend any such funds
59 for the purposes required by that office.



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60 Section 4. If any provision of this act is determined to
61 be unconstitutional or invalid, such determination shall not
62 affect the constitutionality or validity of any of the remaining
63 provisions, and to this end the provisions of this act are
64 declared severable.

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

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