

By Senator Villalobos

38-1183-04

1                                   A bill to be entitled  
2           An act relating to funding for the judicial  
3           system; amending ss. 28.2401, 28.241, and  
4           34.041, F.S.; authorizing a county to impose a  
5           surcharge on court fees and charges if that  
6           county had previously imposed increased fees or  
7           charges on specified court fees for the purpose  
8           of securing payment of principal and interest  
9           on bonds issued by the county before July 1,  
10          2003, for financing state court facilities;  
11          directing that the revenue from the surcharge  
12          be used to pay the principal and interest on  
13          the bonds until the date of maturity;  
14          authorizing the use of surcharge revenue to  
15          refund existing bonds under specified  
16          conditions; amending s. 318.18, F.S.;  
17          authorizing a county to impose a surcharge on  
18          traffic fines and forfeitures if that county  
19          had previously imposed increased fees or  
20          charges on specified court fees for the purpose  
21          of securing payment of principal and interest  
22          on bonds issued by the county before July 1,  
23          2003, for financing state court facilities;  
24          directing that the revenue from the surcharge  
25          be used to pay the principal and interest on  
26          the bonds until the date of maturity;  
27          authorizing the use of surcharge revenue to  
28          refund existing bonds under specified  
29          circumstances; providing an effective date.

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

1           Section 1. Present subsection (4) of section 28.2401,  
2 Florida Statutes, as amended by section 29 of chapter  
3 2003-402, Laws of Florida, is redesignated as subsection (5),  
4 and a new subsection (4) is added to that section to read:

5           28.2401 Service charges in probate matters.--

6           (4) Notwithstanding any law to the contrary, a board  
7 of county commissioners that imposed by ordinance increased  
8 fees or service charges under this section, s. 28.241, or s.  
9 34.041 for the purpose of securing payment of the principal of  
10 and interest on bonds issued by the county before July 1,  
11 2003, to finance state court facilities may impose by  
12 ordinance a surcharge of up to \$30 in excess of the fees or  
13 service charges set forth in this section. Revenue from the  
14 surcharge shall be used to pay the principal of and interest  
15 on the bonds until the date of stated maturity. The bonds may  
16 be refunded only if:

17           1. Savings will be realized on payments of debt  
18 service; and

19           2. The refunding bonds are scheduled to mature on the  
20 same date or before the bonds being refunded.

21           Section 2. Subsection (1) of section 28.241, Florida  
22 Statutes, as amended by section 32 of chapter 2003-402, Laws  
23 of Florida,, is amended to read:

24           28.241 Filing fees for trial and appellate  
25 proceedings.--

26           (1)(a) The party instituting any civil action, suit,  
27 or proceeding in the circuit court shall pay to the clerk of  
28 that court a filing fee of up to \$250 in all cases in which  
29 there are not more than five defendants and an additional  
30 filing fee of up to \$2 for each defendant in excess of five.  
31 Of the first \$57.50 in filing fees, \$50 must be remitted by

1 the clerk to the Department of Revenue for deposit into the  
2 General Revenue Fund; \$5 must be remitted to the Clerk of  
3 Court Operations Conference; and \$2.50 shall be paid to the  
4 clerk for each civil action brought in circuit or county  
5 court, to be remitted by the clerk to the Department of  
6 Revenue for deposit into the Court Education Trust Fund.  
7 One-third of any filing fees collected by the clerk of the  
8 circuit court in excess of \$57.50 shall be remitted to the  
9 Department of Revenue for deposit into the Department of  
10 Revenue Clerks of the Court Trust Fund. An additional filing  
11 fee of up to \$15 shall be paid by the party seeking each  
12 severance that is granted. The clerk may impose an additional  
13 filing fee of up to \$75 for all proceedings of garnishment,  
14 attachment, replevin, and distress. Postal charges incurred by  
15 the clerk of the circuit court in making service by certified  
16 or registered mail on defendants or other parties shall be  
17 paid by the party at whose instance service is made. No  
18 additional fees, charges, or costs shall be added to the  
19 filing fees imposed under this section, except as authorized  
20 by general law.

21 (b) Notwithstanding any law to the contrary, a board  
22 of county commissioners that imposed by ordinance increased  
23 fees or service charges under s. 28.2401, this section, or s.  
24 34.041 for the purpose of securing payment of the principal of  
25 and interest on bonds issued by the county before July 1,  
26 2003, to finance state court facilities may impose by  
27 ordinance a surcharge of up to \$30 in excess of the fees or  
28 service charges set forth in this section. Revenue from the  
29 surcharge shall be used to pay the principal of and interest  
30 on the bonds until the date of stated maturity. The bonds may  
31 be refunded only if:

1           1. Savings will be realized on payments of debt  
2 service; and

3           2. The refunding bonds are scheduled to mature on the  
4 same date or before the bonds being refunded.

5           ~~(c)(b)~~ A party reopening any civil action, suit, or  
6 proceeding in the circuit court shall pay to the clerk of  
7 court a filing fee set by the clerk in an amount not to exceed  
8 \$50. For purposes of this section, a case is reopened when a  
9 case previously reported as disposed of is resubmitted to a  
10 court and includes petitions for modification of a final  
11 judgment of dissolution.

12           Section 3. Present subsections (2) through (6) of  
13 section 34.041, Florida Statutes, as amended by section 52 of  
14 chapter 2003-402, Laws of Florida, are redesignated as  
15 subsections (3) through (7), respectively, and a new  
16 subsection (2) is added to that section to read:

17           34.041 Filing fees.--

18           (2) Notwithstanding any law to the contrary, a board  
19 of county commissioners that imposed by ordinance increased  
20 fees or service charges under s. 28.2401, s. 28.241, or this  
21 section for the purpose of securing payment of the principal  
22 of and interest on bonds issued by the county before July 1,  
23 2003, to finance state court facilities may impose by  
24 ordinance a surcharge of up to \$30 in excess of the fees or  
25 service charges set forth in this section. Revenue from the  
26 surcharge shall be used to pay the principal of and interest  
27 on the bonds until the date of stated maturity. The bonds may  
28 be refunded only if:

29           1. Savings will be realized on payments of debt  
30 service; and

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1           2. The refunding bonds are scheduled to mature on the  
2 same date or before the bonds being refunded.

3           Section 4. Subsection (13) is added to section 318.18,  
4 Florida Statutes, as amended by section 99 of chapter  
5 2003-402, Laws of Florida, to read:

6           318.18 Amount of civil penalties.--The penalties  
7 required for a noncriminal disposition pursuant to s. 318.14  
8 are as follows:

9           (13) Notwithstanding any law to the contrary, a board  
10 of county commissioners that imposed by ordinance increased  
11 fees or service charges under s. 28.2401, s. 28.241, or s.  
12 34.041 for the purpose of securing payment of the principal of  
13 and interest on bonds issued by the county before July 1,  
14 2003, to finance state court facilities may impose by  
15 ordinance a surcharge of up to \$15 on any fine or forfeiture  
16 collected by the county for the violation of a traffic  
17 ordinance. Revenue from the surcharge shall be used to pay the  
18 principal of and interest on the bonds until the date of  
19 stated maturity. The bonds may be refunded only if:

20           1. Savings will be realized on payments of debt  
21 service; and

22           2. The refunding bonds are scheduled to mature on the  
23 same date or before the bonds being refunded.

24           Section 5. This act shall take effect July 1, 2004.  
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SENATE SUMMARY

Authorizes a county that has previously imposed increased fees or service charges on specified court fees for the purpose of securing the payment of the principal and interest on bonds issued by the county before July 1, 2003, for financing state court facilities to impose a surcharge in excess of court fees or service charges and to impose a surcharge on traffic fines and forfeitures. Directs that the revenue from the surcharge be used to pay the principal and interest on the bonds until their stated maturities. Authorizes the use of surcharge revenue to refund existing bonds under specified conditions.