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1 A bill to be entitled
 2 An act relating to state court facility revenue bond
 3 payments; amending ss. 28.2401, 28.241, 34.041, and
 4 318.18, F.S.; authorizing certain counties to impose by
 5 ordinance an additional surcharge on certain fees,
 6 charges, fines, or forfeitures for purposes of paying
 7 principal and interest on certain state court facility
 8 revenue bonds; providing an effective date.

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

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 12 Section 1. Subsection (3) of section 28.2401, Florida
 13 Statutes, as amended by chapter 2003-402, Laws of Florida, is
 14 amended to read:

15 28.2401 Service charges in probate matters.--

16 (3) An additional service charge of \$2.50 on petitions
 17 seeking summary administration, formal administration, ancillary
 18 administration, guardianship, curatorship, and conservatorship
 19 shall be paid to the clerk. The clerk shall transfer the \$2.50
 20 to the Department of Revenue for deposit into the Court
 21 Education Trust Fund. No additional fees, charges, or costs
 22 shall be added to the service charges imposed under this
 23 section, except as authorized by general law. Notwithstanding
 24 any other provision of law, the governing authority of a county
 25 which has imposed by ordinance service charges and fees pursuant
 26 to this section, s. 28.241, or s. 34.041 to secure the payment
 27 of the principal of and interest on bonds issued by such county
 28 prior to July 1, 2003, to finance state court facilities may
 29 impose by ordinance a surcharge of up to \$30 in excess of the

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30 fees or service charges authorized to be imposed in this
 31 section, s. 28.241, or s. 34.041. Revenues from such surcharge
 32 shall be distributed to the county in which the charge is
 33 collected to pay the principal of and interest on such bonds
 34 until their stated maturities. Refunding bonds shall be
 35 permitted only if there is debt service savings and the maturity
 36 on the refunding bonds is equal to or less than the maturity on
 37 the bonds being refunded.

38 Section 2. Paragraph (a) of subsection (1) of section
 39 28.241, Florida Statutes, as amended by chapter 2003-402, Laws
 40 of Florida, is amended to read:

41 28.241 Filing charges for trial and appellate
 42 proceedings.--

43 (1)(a) The party instituting any civil action, suit, or
 44 proceeding in the circuit court shall pay to the clerk of that
 45 court a filing fee of up to \$250 in all cases in which there are
 46 not more than five defendants and an additional filing fee of up
 47 to \$2 for each defendant in excess of five. Of the first \$57.50
 48 in filing fees, \$50 must be remitted by the clerk to the
 49 Department of Revenue for deposit into the General Revenue Fund;
 50 \$5 must be remitted to the Clerk of Court Operations Conference;
 51 and \$2.50 shall be paid to the clerk for each civil action
 52 brought in circuit or county court, to be remitted by the clerk
 53 to the Department of Revenue for deposit into the Court
 54 Education Trust Fund. Notwithstanding any other provision of
 55 law, the governing authority of a county which has imposed by
 56 ordinance service charges and fees pursuant to s. 28.2401, this
 57 section, or s. 34.041 to secure the payment of the principal of
 58 and interest on bonds issued by such county prior to July 1,

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59 2003, to finance state court facilities may impose by ordinance
 60 a surcharge of up to \$30 in excess of the fees or service
 61 charges authorized to be imposed in s. 28.2401, this section, or
 62 s. 34.041. Revenues from such surcharge shall be distributed to
 63 the county in which the charge is collected to pay the principal
 64 of and interest on such bonds until their stated maturities.
 65 Refunding bonds shall be permitted only if there is debt service
 66 savings and the maturity on the refunding bonds is equal to or
 67 less than the maturity on the bonds being refunded. One-third of
 68 any filing fees collected by the clerk of the circuit court in
 69 excess of \$57.50 shall be remitted to the Department of Revenue
 70 for deposit into the Department of Revenue Clerks of the Court
 71 Trust Fund. An additional filing fee of up to \$15 shall be paid
 72 by the party seeking each severance that is granted. The clerk
 73 may impose an additional filing fee of up to \$75 for all
 74 proceedings of garnishment, attachment, replevin, and distress.
 75 Postal charges incurred by the clerk of the circuit court in
 76 making service by certified or registered mail on defendants or
 77 other parties shall be paid by the party at whose instance
 78 service is made. No additional fees, charges, or costs shall be
 79 added to the filing fees imposed under this section, except as
 80 authorized by general law.

81 Section 3. Subsection (1) of section 34.041, Florida
 82 Statutes, as amended by chapter 2003-402, Laws of Florida, is
 83 amended to read:

84 34.041 Filing fees.--

85 (1) Upon the institution of any civil action or proceeding
 86 in county court, the clerk of court may require the plaintiff,

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87 when filing an action or proceeding, to pay the following filing
88 fee, not to exceed:

89 (a) For all claims less than \$100\$50.

90 (b) For all claims of \$100 or more but not more than \$500
91\$75.

92 (c) For all claims of more than \$500 but not more than
93 \$2,500.....\$150.

94 (d) For all claims of more than \$2,500.....\$250.

95 (e) In addition, for all proceedings of garnishment,
96 attachment, replevin, and distress.....\$75.

97 (f) For removal of tenant action.....\$75.

98

99 The first \$50 of the filing fee collected under paragraph (d)
100 shall be remitted to the Department of Revenue for deposit into
101 the General Revenue Fund. One-third of any filing fees collected
102 by the clerk under paragraph (d) in excess of the first \$50
103 shall be remitted to the Department of Revenue for deposit into
104 the Department of Revenue Clerks of the Court Trust Fund. Postal
105 charges incurred by the clerk of the county court in making
106 service by mail on defendants or other parties shall be paid by
107 the party at whose instance service is made. Except as provided
108 herein, filing fees and service charges for performing duties of
109 the clerk relating to the county court shall be as provided in
110 ss. 28.24 and 28.241. Notwithstanding any other provision of
111 law, the governing authority of a county which has imposed by
112 ordinance service charges and fees pursuant to s. 28.2401, s.
113 28.241, or this section to secure the payment of the principal
114 of and interest on bonds issued by such county prior to July 1,
115 2003, to finance state court facilities may impose by ordinance

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116 a surcharge of up to \$30 in excess of the fees or service
117 charges authorized to be imposed in s. 28.2401, s. 28.241, or
118 this section. Revenues from such surcharge shall be distributed
119 to the county in which the charge is collected to pay the
120 principal of and interest on such bonds until their stated
121 maturities. Refunding bonds shall be permitted only if there is
122 debt service savings and the maturity on the refunding bonds is
123 equal to or less than the maturity on the bonds being refunded.
124 Except as otherwise provided herein, all filing fees shall be
125 retained as fee income of the office of the clerk of circuit
126 court. Filing fees imposed by this section may not be added to
127 any penalty imposed by chapter 316 or chapter 318.

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

131 318.18 Amount of civil penalties.--The penalties required
132 for a noncriminal disposition pursuant to s. 318.14 are as
133 follows:

134 (13) Notwithstanding any other provision of law, the
135 governing authority of a county which has imposed by ordinance
136 service charges and fees pursuant to s. 28.2401, s. 28.241, or
137 s. 34.041 to secure the payment of the principal of and interest
138 on bonds issued by such county prior to July 1, 2003, to finance
139 state court facilities may impose by ordinance a surcharge of up
140 to \$15 on all fines and forfeitures collected on traffic
141 offenses. Revenues from such surcharge shall be distributed to
142 the county in which the charge is collected to pay the principal
143 of and interest on such bonds until their stated maturities.
144 Refunding bonds shall be permitted only if there is debt service

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145 savings and the maturity on the refunding bonds is equal to or
146 less than the maturity on the bonds being refunded.

147 Section 5. This act shall take effect July 1, 2004.