

FINAL BILL ANALYSIS

BILL #: HB 5405

FINAL HOUSE FLOOR ACTION:

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SPONSOR: Rep. Glorioso

GOVERNOR'S ACTION: Approved

COMPANION BILLS: N/A

SUMMARY ANALYSIS

HB 5405 passed the House and Senate on May 6, 2011, and approved by the Governor on June 2, 2011, chapter 2011-133, Laws of Florida. The bill conforms to the Fiscal Year 2011-12 General Appropriations Act by amending ss. 28.241(1), 34.041(1)(b), 35.22(7), and 44.108, Florida Statutes.

The bill redirects moneys generated from filing fees from the state courts' Mediation and Arbitration Trust Fund to the State Courts Revenue Trust Fund. Currently, the State Courts Revenue Trust Fund has a projected deficit of \$72.3 million for Fiscal Year 2010-11. The redirection of revenues from the Mediation and Arbitration Trust will help offset the projected deficit.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Currently, the state courts' Mediation and Arbitration Trust fund is used to provide mediation and arbitration services to all parties regardless of financial status.¹ The moneys include filing fees for trial and appellate proceedings², filing fees from any civil action, suit, or proceeding in county court³, clerk of district court filing fees⁴, and a filing fee of \$1 on all proceedings in the circuit or county courts⁵.

The bill redirects all funding currently being directed into the Mediation and Arbitration Trust Fund into the State Courts Revenue Trust Fund. The State Courts Revenue Trust Fund has a projected deficit of \$72.3 million for Fiscal Year 2010-11. The redirection of revenues from the Mediation and Arbitration Trust Fund will help offset this projected deficit. The moneys credited to the State Courts Revenue Trust Fund are used for the purpose of funding the activities of the state courts system.⁶ The State Courts Revenue Trust Fund may fund mediation and arbitration services.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The moneys generated from fees assessed pursuant to ss. 28.241(1), 34.041(1)(b), 35.22(7), and 44.108, F.S. will be redirected into the State Courts Revenue Trust Fund. The redirection will help offset the projected deficit of the State Courts Revenue Trust Fund for Fiscal Year 2010-11. The fees assessed pursuant to ss. 28.241(1), 34.041(1)(b), 35.22(7), and 44.108, F.S., will not be increased or decreased by this bill.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

¹ 44.108(1), Florida Statutes

² 28.241, Florida Statutes

³ 34.041, Florida Statutes

⁴ 35.22(7), Florida Statutes

⁵ 44.108, Florida Statutes

⁶ 29.22(1), Florida Statutes

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

This is a redirect of funds; there will be no added cost to the state, local governments, or the private sector.