

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4093 Court Costs

SPONSOR(S): Porter

TIED BILLS: **IDEN./SIM. BILLS:** SB 882

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice Subcommittee	15 Y, 0 N	Cary	Bond
2) Judiciary Committee			

SUMMARY ANALYSIS

This bill repeals an 1861 law that prohibits the Clerk of the Supreme Court from charging a losing party in the Supreme Court for copies of the record provided to the Attorney General.

This bill does not appear to have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Section s. 57.101, F.S. was first enacted in 1861.¹ The original context of the law was that the Clerk of the Supreme Court may not charge a losing party for copies that the Clerk is required to provide to the Attorney General.² That context has been lost in the subsequent shuffling of provisions of the Florida Statutes. Today, the statute simply provides that a person may not be charged a fee for something the person did not order or request.³

This bill repeals s. 57.101, F.S.

B. SECTION DIRECTORY:

Section 1 repeals s. 57.101, F.S., relating to court costs.

Section 2 provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state revenues.

2. Expenditures:

The bill does not appear to have any impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

¹ L.O.F. ch. 1137, s. 5, F.S., 1861.

² L.O.F. ch. 1137, F.S., 1860.

³ Section 57.101, F.S.

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.