

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 396

INTRODUCER: Senator Bradley

SUBJECT: Nonresident Plaintiffs in Civil Actions

DATE: November 16, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Cibula</u>	<u>JU</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 396 repeals a requirement that a nonresident plaintiff in a civil action post a bond in the amount of \$100 to secure the payment of court costs that may be adjudged against the plaintiff. The requirement applies to plaintiffs who live out of state at the time of filing a lawsuit and plaintiffs who become nonresidents of this state after filing a lawsuit.

II. Present Situation:

Florida law requires nonresident plaintiffs to file a bond in the amount of \$100.¹ The bond requirement applies to plaintiffs who are not residents of this state when they file a lawsuit, and to plaintiffs who become nonresidents after filing a lawsuit.² The bond is required as a surety for costs adjudged to the plaintiff.³

If a plaintiff does not file the bond within 30 days after being required to do so, the defendant may move to dismiss the action. However, before filing a motion to dismiss, the defendant must give 20-days' notice to the plaintiff, during which time the plaintiff may file the bond.⁴

The bond requirement dates back to 1828, when the state was still a territory.⁵

III. Effect of Proposed Changes:

The bill repeals a requirement that a nonresident plaintiff in a civil action post a \$100 bond with the clerk of court as security for costs that may be adjudged against the plaintiff.

¹ Section 57.011, F.S.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Section 8, Nov. 23, 1828, Acts of the Legislative Council of the Territory of Fla.

Nonresident plaintiffs will be treated the same as resident plaintiffs by not having to post a bond for costs. Nonresident plaintiffs will also not be subject to a motion to dismiss by the defendant for a failure to post a bond for costs.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Plaintiffs who either reside out-of-state at the time of filing a petition in civil court or after filing a petition will not have to post a bond for costs. Additionally, plaintiffs who reside out-of-state will not be subject to dismissal of the case for failure to post a bond for costs.

C. Government Sector Impact:

The Florida Association of Court Clerks and Comptrollers indicates that they expect an insignificant, if any, fiscal impact from this bill.⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁶ Email from Fred Baggett, General Counsel of the Florida Association of Court Clerks & Comptrollers (Nov. 10, 2015) (on file with the Senate Committee on Judiciary).

VIII. Statutes Affected:

This bill repeals section 57.011 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
