

By the Committee on Commerce and Tourism; and Senator Baxley

577-02638-19

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1 A bill to be entitled
2 An act relating to fees; amending s. 605.0213, F.S.;
3 establishing a biennial report filing fee for limited
4 liability companies; authorizing the Department of
5 State to escrow an amount necessary to annualize
6 revenues collected from biennial report filing fees
7 and biennial supplemental corporate fees; amending s.
8 607.0122, F.S.; establishing a biennial report filing
9 fee for domestic and foreign corporations; authorizing
10 the department to escrow an amount necessary to
11 annualize revenues collected from biennial report
12 filing fees and biennial supplemental corporate fees;
13 amending s. 607.193, F.S.; establishing a biennial
14 supplemental corporate fee for limited liability
15 companies, domestic and foreign corporations, and
16 domestic and foreign limited partnerships; amending s.
17 617.0122, F.S.; establishing a biennial report filing
18 fee for domestic and foreign corporations not for
19 profit; authorizing the department to escrow an amount
20 necessary to annualize revenues collected from
21 biennial report filing fees; amending s. 620.1109,
22 F.S.; establishing a biennial report filing fee for
23 domestic and foreign limited partnerships; authorizing
24 the department to escrow an amount necessary to
25 annualize revenues collected from biennial report
26 filing fees and biennial supplemental corporate fees;
27 amending s. 620.81055, F.S.; establishing a biennial
28 report filing fee for domestic and foreign limited
29 liability partnerships; authorizing the department to

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30 escrow an amount necessary to annualize revenues
31 collected from biennial report filing fees; amending
32 s. 605.0118, F.S.; conforming provisions to changes
33 made by the act; providing a contingent effective
34 date.

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

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38 Section 1. Section 605.0213, Florida Statutes, is amended
39 to read:

40 605.0213 Fees of the department.—

41 (1) In addition to the annual supplemental corporate fee of
42 \$88.75 or the biennial supplemental corporate fee of \$177.50
43 imposed pursuant to s. 607.193, the fees of the department under
44 this chapter are as follows:

45 (a)~~(1)~~ For furnishing a certified copy, \$30.

46 (b)~~(2)~~ For filing original articles of organization or
47 articles of revocation of dissolution, \$100.

48 (c)~~(3)~~ For filing a foreign limited liability company's
49 application for a certificate of authority to transact business,
50 \$100.

51 (d)~~(4)~~ For filing a certificate of merger of limited
52 liability companies or other business entities, \$25 per
53 constituent party to the merger, unless a specific fee is
54 required for a party under other applicable law.

55 (e)~~(5)~~ For filing an annual report, \$50.

56 (f) For filing a biennial report, \$100.

57 (g)~~(6)~~ For filing an application for reinstatement after an
58 administrative or judicial dissolution or a revocation of

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59 authority to transact business, \$100.

60 (h)~~(7)~~ For filing a certificate designating a registered
61 agent or changing a registered agent, \$25.

62 (i)~~(8)~~ For filing a registered agent's statement of
63 resignation from an active limited liability company, \$85.

64 (j)~~(9)~~ For filing a registered agent's statement of
65 resignation from a dissolved limited liability company, \$25.

66 (k)~~(10)~~ For filing a certificate of conversion of a limited
67 liability company, \$25.

68 (l)~~(11)~~ For filing any other limited liability company
69 document, \$25.

70 (m)~~(12)~~ For furnishing a certificate of status, \$5.

71 (2) The department may escrow an amount necessary to
72 annualize revenues collected from biennial report filing fees
73 and biennial supplemental corporate fees until October 1 of the
74 following fiscal year and then account for that amount as
75 revenue for that fiscal year.

76 Section 2. Section 607.0122, Florida Statutes, is amended
77 to read:

78 607.0122 Fees for filing documents and issuing
79 certificates.—

80 (1) The Department of State shall collect the following
81 fees when the documents described in this section are delivered
82 to the department for filing:

83 (a)~~(1)~~ Articles of incorporation: \$35.

84 (b)~~(2)~~ Application for registered name: \$87.50.

85 (c)~~(3)~~ Application for renewal of registered name: \$87.50.

86 (d)~~(4)~~ Corporation's statement of change of registered
87 agent or registered office or both if not included on the annual

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88 or biennial report: \$35.

89 (e)~~(5)~~ Designation of and acceptance by registered agent:
90 \$35.

91 (f)~~(6)~~ Agent's statement of resignation from active
92 corporation: \$87.50.

93 (g)~~(7)~~ Agent's statement of resignation from an inactive
94 corporation: \$35.

95 (h)~~(8)~~ Amendment of articles of incorporation: \$35.

96 (i)~~(9)~~ Restatement of articles of incorporation with
97 amendment of articles: \$35.

98 (j)~~(10)~~ Articles of merger or share exchange for each party
99 thereto: \$35.

100 (k)~~(11)~~ Articles of dissolution: \$35.

101 (l)~~(12)~~ Articles of revocation of dissolution: \$35.

102 (m)~~(13)~~ Application for reinstatement following
103 administrative dissolution: \$600.

104 (n)~~(14)~~ Application for certificate of authority to
105 transact business in this state by a foreign corporation: \$35.

106 (o)~~(15)~~ Application for amended certificate of authority:
107 \$35.

108 (p)~~(16)~~ Application for certificate of withdrawal by a
109 foreign corporation: \$35.

110 (q)~~(17)~~ Annual report: \$61.25.

111 (r) Biennial report: \$122.50.

112 (s)~~(18)~~ Articles of correction: \$35.

113 (t)~~(19)~~ Application for certificate of status: \$8.75.

114 (u)~~(20)~~ Certificate of domestication of a foreign
115 corporation: \$50.

116 (v)~~(21)~~ Certified copy of document: \$52.50.

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117 (w) ~~(22)~~ Serving as agent for substitute service of process:
118 \$87.50.

119 (x) ~~(23)~~ Annual supplemental corporate fee: \$88.75.

120 (y) Biennial supplemental corporate fee: \$177.50.

121 (z) ~~(24)~~ Any other document required or permitted to be
122 filed by this act: \$35.

123 (2) The Department of State may escrow an amount necessary
124 to annualize revenues collected from biennial report filing fees
125 and biennial supplemental corporate fees until October 1 of the
126 following fiscal year and then account for that amount as
127 revenue for that fiscal year.

128 Section 3. Subsection (1) and paragraph (a) of subsection
129 (2) of section 607.193, Florida Statutes, are amended to read:

130 607.193 Supplemental corporate fee.—

131 (1) In addition to any other taxes imposed by law, an
132 annual supplemental corporate fee of \$88.75 or a biennial
133 supplemental corporate fee of \$177.50, as applicable, is imposed
134 on each business entity that is authorized to transact business
135 in this state and is required to file an annual or biennial
136 report with the Department of State under s. 605.0212, s.
137 607.1622, or s. 620.1210.

138 (2) (a) The business entity shall remit the supplemental
139 corporate fee to the Department of State at the time it files
140 the annual or biennial report required by s. 605.0212, s.
141 607.1622, or s. 620.1210.

142 Section 4. Section 617.0122, Florida Statutes, is amended
143 to read:

144 617.0122 Fees for filing documents and issuing
145 certificates.—

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- 146 (1) The Department of State shall collect the following
147 fees on documents delivered to the department for filing:
- 148 (a)~~(1)~~ Articles of incorporation: \$35.
149 (b)~~(2)~~ Application for registered name: \$87.50.
150 (c)~~(3)~~ Application for renewal of registered name: \$87.50.
151 (d)~~(4)~~ Corporation's statement of change of registered
152 agent or registered office or both if not included on the annual
153 or biennial report: \$35.
154 (e)~~(5)~~ Designation of and acceptance by registered agent:
155 \$35.
156 (f)~~(6)~~ Agent's statement of resignation from active
157 corporation: \$87.50.
158 (g)~~(7)~~ Agent's statement of resignation from inactive
159 corporation: \$35.
160 (h)~~(8)~~ Amendment of articles of incorporation: \$35.
161 (i)~~(9)~~ Restatement of articles of incorporation with
162 amendment of articles: \$35.
163 (j)~~(10)~~ Articles of merger for each party thereto: \$35.
164 (k)~~(11)~~ Articles of dissolution: \$35.
165 (l)~~(12)~~ Articles of revocation of dissolution: \$35.
166 (m)~~(13)~~ Application for reinstatement following
167 administrative dissolution: \$175.
168 (n)~~(14)~~ Application for certificate of authority to
169 transact business in this state by a foreign corporation: \$35.
170 (o)~~(15)~~ Application for amended certificate of authority:
171 \$35.
172 (p)~~(16)~~ Application for certificate of withdrawal by a
173 foreign corporation: \$35.
174 (q)~~(17)~~ Annual report: \$61.25.

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- 175 (r) Biennial report: \$122.50.
176 (s)~~(18)~~ Articles of correction: \$35.
177 (t)~~(19)~~ Application for certificate of status: \$8.75.
178 (u)~~(20)~~ Certified copy of document: \$52.50.
179 (v)~~(21)~~ Serving as agent for substitute service of process:
180 \$87.50.
181 (w)~~(22)~~ Certificate of conversion of a limited agricultural
182 association to a domestic corporation: \$35.
183 (x)~~(23)~~ Any other document required or permitted to be
184 filed by this chapter: \$35.

185
186 Any citizen support organization that is required by rule of the
187 Department of Environmental Protection to be formed as a
188 nonprofit organization and is under contract with the department
189 is exempt from any fees required for incorporation as a
190 nonprofit organization, and the Secretary of State may not
191 assess any such fees if the citizen support organization is
192 certified by the Department of Environmental Protection to the
193 Secretary of State as being under contract with the Department
194 of Environmental Protection.

195 (2) The Department of State may escrow an amount necessary
196 to annualize revenues collected from biennial report filing fees
197 until October 1 of the following fiscal year and then account
198 for that amount as revenue for that fiscal year.

199 Section 5. Section 620.1109, Florida Statutes, is amended
200 to read:

201 620.1109 Department of State; fees.—

202 (1) In addition to the annual supplemental corporate fee of
203 \$88.75 or the biennial supplemental corporate fee of \$177.50

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204 imposed pursuant to s. 607.193, the fees of the Department of
205 State under this act are as follows:

206 (a)~~(1)~~ For furnishing a certified copy, \$52.50 for the
207 first 15 pages plus \$1.00 for each additional page.

208 (b)~~(2)~~ For filing an original certificate of limited
209 partnership, \$965.

210 (c)~~(3)~~ For filing an original application for registration
211 as a foreign limited partnership, \$965.

212 (d)~~(4)~~ For filing certificate of conversion, \$52.50.

213 (e)~~(5)~~ For filing certificate of merger, \$52.50 for each
214 party thereto.

215 (f)~~(6)~~ For filing a reinstatement, \$500 for each calendar
216 year or part thereof the limited partnership was
217 administratively dissolved or foreign limited partnership was
218 revoked in the records of the Department of State.

219 (g)~~(7)~~ For filing an annual report, \$411.25.

220 (h) For filing a biennial report, \$822.50.

221 (i)~~(8)~~ For filing a certificate:

222 1.~~(a)~~ Designating a registered agent, \$35;

223 2.~~(b)~~ Changing a registered agent or registered office
224 address, \$35;

225 3.~~(c)~~ Resigning as a registered agent, \$87.50; or

226 4.~~(d)~~ Of amendment or restatement of the certificate of
227 limited partnership, \$52.50;

228 (j)~~(9)~~ For filing a statement of termination, \$52.50.

229 (k)~~(10)~~ For filing a notice of cancellation for foreign
230 limited partnership, \$52.50.

231 (l)~~(11)~~ For furnishing a certificate of status or
232 authorization, \$8.75.

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233 (m)~~(12)~~ For filing a certificate of dissolution, \$52.50.

234 (n)~~(13)~~ For filing a certificate of revocation of
235 dissolution, \$52.50.

236 (o)~~(14)~~ For filing any other domestic or foreign limited
237 partnership document, \$52.50.

238 (2) The Department of State may escrow an amount necessary
239 to annualize revenues collected from biennial report filing fees
240 and biennial supplemental corporate fees until October 1 of the
241 following fiscal year and then account for that amount as
242 revenue for that fiscal year.

243 Section 6. Paragraphs (i) through (o) of subsection (1) of
244 section 620.81055, Florida Statutes, are redesignated as
245 paragraphs (j) through (p), respectively, a new paragraph (i) is
246 added to that subsection, and subsection (3) is added to that
247 section, to read:

248 620.81055 Fees for filing documents and issuing
249 certificates; powers of the Department of State.—

250 (1) The Department of State shall collect the following
251 fees when documents authorized by this act are delivered to the
252 Department of State for filing:

253 (i) Limited liability partnership biennial report: \$50.

254 (3) The Department of State may escrow an amount necessary
255 to annualize revenues collected from biennial report filing fees
256 until October 1 of the following fiscal year and then account
257 for that amount as revenue for that fiscal year.

258 Section 7. Subsection (3) of section 605.0118, Florida
259 Statutes, is amended to read:

260 605.0118 Delivery of record.—

261 (3) If a check is mailed to the department for payment of

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262 an annual or biennial report fee or the annual or biennial fee
263 required under s. 607.193, the check shall be deemed to have
264 been received by the department as of the postmark date
265 appearing on the envelope or package transmitting the check if
266 the envelope or package is received by the department.

267 Section 8. This act shall take effect on the same date that
268 SB 738 or similar legislation takes effect, if such legislation
269 is adopted in the same legislative session or an extension
270 thereof and becomes a law.