

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Adams offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraphs (a) and (c) of subsection (1) of
6 section 28.241, Florida Statutes, are amended to read:

7 28.241 Filing fees for trial and appellate proceedings.--

8 (1) (a) 1. Except as provided in subparagraph 2., the party
9 instituting any civil action, suit, or proceeding in the circuit
10 court shall pay to the clerk of that court a filing fee of up to
11 \$295 in all cases in which there are not more than five
12 defendants and an additional filing fee of up to \$2.50 for each
13 defendant in excess of five. Of the first \$125 ~~\$85~~ in filing
14 fees, \$120 ~~\$80~~ must be remitted by the clerk to the Department
15 of Revenue for deposit into the General Revenue Fund, and \$5
16 must be remitted to the Department of Revenue for deposit into
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17 the Department of Financial Services' Administrative Trust Fund
18 to fund the contract with the Florida Clerks of Court Operations
19 Corporation created in s. 28.35. The next \$15 of the filing fee
20 collected shall be deposited in the state courts' Mediation and
21 Arbitration Trust Fund. One-third of any filing fees collected
22 by the clerk of the circuit court in excess of \$140 ~~\$100~~ shall
23 be remitted to the Department of Revenue for deposit into the
24 Department of Revenue Clerks of the Court Trust Fund. An
25 additional filing fee of \$4 shall be paid to the clerk. The
26 clerk shall remit \$3.50 to the Department of Revenue for deposit
27 into the Court Education Trust Fund and shall remit 50 cents to
28 the Department of Revenue for deposit into the Department of
29 Financial Services Administrative Trust Fund to fund clerk
30 education. An additional filing fee of up to \$18 shall be paid
31 by the party seeking each severance that is granted. The clerk
32 may impose an additional filing fee of up to \$85 for all
33 proceedings of garnishment, attachment, replevin, and distress.
34 Postal charges incurred by the clerk of the circuit court in
35 making service by certified or registered mail on defendants or
36 other parties shall be paid by the party at whose instance
37 service is made. No additional fees, charges, or costs shall be
38 added to the filing fees imposed under this section, except as
39 authorized herein or by general law.

40 2.a. Notwithstanding the fees prescribed in subparagraph
41 1., a party instituting a civil action in circuit court for
42 foreclosure on residential or commercial real property secured
43 by a mortgage shall pay a graduated filing fee based on the
44 value of the claim.

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45 b. A party shall estimate the amount in controversy of the
46 claim upon filing the action. The value of a foreclosure action
47 for the purpose of determining the filing fee is based upon the
48 principal due on the note secured by the mortgage, plus interest
49 owed on the note at the time of filing the foreclosure, plus any
50 property taxes owed at the time of the filing of the
51 foreclosure. In its order providing for the final disposition of
52 the matter, the court shall identify the actual value of the
53 claim. The clerk shall adjust the filing fee if there is a
54 difference between the estimated amount in controversy and the
55 actual value of the claim.

56 c. The party shall pay a filing fee of:

57 (I) The amount of \$295 in all cases in which the value of
58 the claim is \$50,000 or less and in which there are not more
59 than five defendants. The party shall pay an additional filing
60 fee of up to \$2.50 for each defendant in excess of five. Of the
61 first \$85 in filing fees, \$80 shall be remitted by the clerk to
62 the Department of Revenue for deposit into the General Revenue
63 Fund and \$5 shall be remitted to the Department of Revenue for
64 deposit into the Department of Financial Services'
65 Administrative Trust Fund to fund the contract with the Florida
66 Clerks of Court Operations Corporation created in s. 28.35. The
67 next \$15 of the filing fee collected shall be deposited into the
68 state courts' Mediation and Arbitration Trust Fund. An
69 additional filing fee of \$4 shall be paid to the clerk. The
70 clerk shall remit \$3.50 to the Department of Revenue for deposit
71 into the Court Education Trust Fund and 50 cents to the
72 Department of Revenue for deposit into the Department of

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73 Financial Services' Administrative Trust Fund to fund clerk
74 education. An additional filing fee of up to \$18 shall be paid
75 by the party seeking each severance that is granted. The clerk
76 may impose an additional filing fee of up to \$85 for each
77 proceeding of garnishment, attachment, replevin, and distress.
78 Postal charges incurred by the clerk of the circuit court in
79 making service by certified or registered mail on defendants or
80 other parties shall be paid by the party at whose instance
81 service is made. No additional fees, charges, or costs shall be
82 added to the filing fees imposed under this section, except as
83 authorized herein or by general law.

84 (II) The amount of \$635 in all cases in which the value of
85 the claim is more than \$50,000 but less than \$250,000 and in
86 which there are not more than five defendants. The party shall
87 pay an additional filing fee of up to \$2.50 for each defendant
88 in excess of five. Of the first \$425 in filing fees, \$80 shall
89 be remitted by the clerk to the Department of Revenue for
90 deposit into the General Revenue Fund, \$340 shall be remitted to
91 the Department of Revenue for deposit into the State Courts
92 Revenue Trust Fund, and \$5 shall be remitted to the Department
93 of Revenue for deposit into the Department of Financial
94 Services' Administrative Trust Fund to fund the contract with
95 the Florida Clerks of Court Operations Corporation created in s.
96 28.35. The next \$15 of the filing fee collected shall be
97 deposited in the state courts' Mediation and Arbitration Trust
98 Fund. An additional filing fee of \$4 shall be paid to the clerk.
99 The clerk shall remit \$3.50 to the Department of Revenue for
100 deposit into the Court Education Trust Fund and 50 cents to the

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101 Department of Revenue for deposit into the Department of
102 Financial Services' Administrative Trust Fund to fund clerk
103 education. An additional filing fee of up to \$18 shall be paid
104 by the party seeking each severance that is granted. The clerk
105 may impose an additional filing fee of up to \$85 for each
106 proceeding of garnishment, attachment, replevin, and distress.
107 Postal charges incurred by the clerk of the circuit court in
108 making service by certified or registered mail on defendants or
109 other parties shall be paid by the party at whose instance
110 service is made. No additional fees, charges, or costs shall be
111 added to the filing fees imposed under this section, except as
112 authorized herein or by general law.

113 (III) The amount of \$975 in all cases in which the value
114 of the claim is more than \$250,000 and in which there are not
115 more than five defendants. The party shall pay an additional
116 filing fee of up to \$2.50 for each defendant in excess of five.
117 Of the first \$765 in filing fees, \$80 shall be remitted by the
118 clerk to the Department of Revenue for deposit into the General
119 Revenue Fund, \$680 shall be remitted to the Department of
120 Revenue for deposit into the State Courts Revenue Trust Fund,
121 and \$5 shall be remitted to the Department of Revenue for
122 deposit into the Department of Financial Services'
123 Administrative Trust Fund to fund the contract with the Florida
124 Clerks of Court Operations Corporation created in s. 28.35. The
125 next \$15 of the filing fee collected shall be deposited in the
126 state courts' Mediation and Arbitration Trust Fund. An
127 additional filing fee of \$4 shall be paid to the clerk. The
128 clerk shall remit \$3.50 to the Department of Revenue for deposit

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129 into the Court Education Trust Fund and 50 cents to the
130 Department of Revenue for deposit into the Department of
131 Financial Services' Administrative Trust Fund to fund clerk
132 education. An additional filing fee of up to \$18 shall be paid
133 by the party seeking each severance that is granted. The clerk
134 may impose an additional filing fee of up to \$85 for each
135 proceeding of garnishment, attachment, replevin, and distress.
136 Postal charges incurred by the clerk of the circuit court in
137 making service by certified or registered mail on defendants or
138 other parties shall be paid by the party at whose instance
139 service is made. No additional fees, charges, or costs shall be
140 added to the filing fees imposed under this section, except as
141 authorized herein or by general law.

142 (c) Any party in addition to ~~other than~~ a party described
143 in paragraph (a) who files a pleading in an original civil
144 action in circuit court for affirmative relief by cross-claim,
145 counterclaim, counterpetition, or third-party complaint shall
146 pay the clerk of court a fee of \$295. The clerk shall remit the
147 fee to the Department of Revenue for deposit into the General
148 Revenue Fund.

149 Section 2. Paragraphs (b) and (c) of subsection (1) of
150 section 34.041, Florida Statutes, are amended to read:

151 34.041 Filing fees.--

152 (1)

153 (b) The first \$120 ~~\$80~~ of the filing fee collected under
154 subparagraph (a)4. shall be remitted to the Department of
155 Revenue for deposit into the General Revenue Fund. The next \$15
156 of the filing fee collected under subparagraph (a)4., and the
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157 first \$15 of each filing fee collected under subparagraph (a)6.,
158 shall be deposited in the state courts' Mediation and
159 Arbitration Trust Fund. One-third of any filing fees collected
160 by the clerk under this section in excess of the first \$135 ~~\$95~~
161 collected under subparagraph (a)4. shall be remitted to the
162 Department of Revenue for deposit into the Department of Revenue
163 Clerks of the Court Trust Fund. An additional filing fee of \$4
164 shall be paid to the clerk. The clerk shall transfer \$3.50 to
165 the Department of Revenue for deposit into the Court Education
166 Trust Fund and shall transfer 50 cents to the Department of
167 Revenue for deposit into the Department of Financial Services'
168 Administrative Trust Fund to fund clerk education. Postal
169 charges incurred by the clerk of the county court in making
170 service by mail on defendants or other parties shall be paid by
171 the party at whose instance service is made. Except as provided
172 herein, filing fees and service charges for performing duties of
173 the clerk relating to the county court shall be as provided in
174 ss. 28.24 and 28.241. Except as otherwise provided herein, all
175 filing fees shall be retained as fee income of the office of the
176 clerk of circuit court. Filing fees imposed by this section may
177 not be added to any penalty imposed by chapter 316 or chapter
178 318.

179 (c) Any party in addition to ~~other than~~ a party described
180 in paragraph (a) who files a pleading in an original civil
181 action in the county court for affirmative relief by cross-
182 claim, counterclaim, counterpetition, or third-party complaint,
183 or who files a notice of cross-appeal or notice of joinder or
184 motion to intervene as an appellant, cross-appellant, or

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185 petitioner, shall pay the clerk of court a fee of \$295 if the
186 relief sought by the party under this paragraph exceeds \$2,500.
187 This fee shall not apply where the cross-claim, counterclaim,
188 counterpetition, or third-party complaint requires transfer of
189 the case from county to circuit court. The clerk shall remit the
190 fee to the Department of Revenue for deposit into the General
191 Revenue Fund.

192 Section 3. Paragraph (b) of subsection (1) of section
193 318.15, Florida Statutes, as amended by chapter 2009-6, Laws of
194 Florida, is amended to read:

195 318.15 Failure to comply with civil penalty or to appear;
196 penalty.--

197 (1)

198 (b) However, a person who elects to attend driver
199 improvement school and has paid the civil penalty as provided in
200 s. 318.14(9), but who subsequently fails to attend the driver
201 improvement school within the time specified by the court shall
202 be deemed to have admitted the infraction and shall be
203 adjudicated guilty. In such a case in which there was an 18-
204 percent reduction pursuant to s. 318.14(9) as it existed prior
205 to February 1, 2009 ~~the effective date of this act~~, the person
206 must pay the clerk of the court that amount. Any person who
207 elects to attend driver improvement school but fails to attend
208 through completion shall pay ~~and~~ a processing fee of up to \$18,
209 after which no additional penalties, court costs, or surcharges
210 shall be imposed for the violation. The clerk of the court shall
211 notify the department of the person's failure to attend driver

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212 improvement school, and points shall be assessed pursuant to s.
213 322.27.

214 Section 4. Notwithstanding s. 28.36, Florida Statutes, the
215 statewide budget cap for the clerks of court is \$474,174,512 for
216 the county fiscal year 2008-2009. The Florida Clerks of Court
217 Operations Corporation shall reduce the individual approved
218 budgets of the clerks of court to ensure that the sum of the
219 approved budgets does not exceed this statewide budget cap.

220 Section 5. The Legislature requests that the Supreme Court
221 modify judicial rules associated with filing fees to implement
222 the changes provided for in this act.

223 Section 6. The Legislature determines and declares that
224 this act fulfills an important state interest.

225 Section 7. This act shall take effect June 1, 2009.

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T I T L E A M E N D M E N T

228 Remove the entire title and insert:

229 A bill to be entitled

230
231 An act relating to court finances; amending s. 28.241,
232 F.S.; increasing the amount of certain filing fees for
233 civil actions in circuit court to be remitted to the
234 Department of Revenue for deposit into the General Revenue
235 Fund; specifying for graduated filing fees based upon
236 claim values imposed on parties instituting certain real
237 property foreclosure civil actions; providing requirements
238 for determining claim values; providing a graduated fee
239 schedule; providing for allocation of portions of the

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240 fees; specifying trust fund deposit requirements for fee
241 portions; authorizing clerks of court to impose additional
242 filing fees; specifying postal charges; expanding the
243 parties subject to certain filing fees; amending s.
244 34.041, F.S.; increasing the amount of certain filing fees
245 for civil actions in county court to be remitted to the
246 Department of Revenue for deposit into the General Revenue
247 Fund; expanding the parties subject to certain filing
248 fees; amending s. 318.15, F.S.; revising provisions for
249 reimbursement of a reduction in certain civil penalties
250 relating to noncriminal traffic infractions; adjusting the
251 budget cap for clerks of the court; requesting the Supreme
252 Court to modify certain judicial rules to implement
253 changes made by the act; providing a declaration of
254 important state interest; providing an effective date.