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604-03485B-09

Proposed Committee Substitute by the Committee on Criminal and
Civil Justice Appropriations

1 A bill to be entitled

2 An act relating to the state courts system; amending
3 s. 28.2401, F.S.; increasing service charges imposed
4 by the clerk of court in certain matters based on the
5 value of the estate; providing for the deposit of
6 revenues generated from the increased service charges
7 into the State Courts Revenue Trust Fund; amending s.
8 28.241, F.S.; providing for a portion of circuit court
9 filing fees to be deposited in the State Courts
10 Revenue Trust Fund; eliminating a requirement for the
11 clerk of court to remit a portion of excess filing
12 fees to the Department of Revenue; providing for the
13 payment of graduated filing fees in designated types
14 of cases; prescribing graduated filing fees based on
15 the value of the claim; providing a manner for valuing
16 certain claims; requiring a fee for filing a pleading
17 for relief by counterpetition; providing for the
18 payment of graduated filing fees for certain pleadings
19 for relief by cross-claim, counterclaim,
20 counterpetition, or third-party complaint; prescribing
21 graduated filing fees based on the value of the
22 pleading; providing for remittance of fees by the
23 clerk of court; amending s. 34.041, F.S.; reducing the
24 county court filing fee for an action to remove a
25 tenant; requiring a fee for filing a pleading for
26 relief by counterpetition in county court; amending s.
27 318.15, F.S.; imposing a processing fee by the clerk



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28 of court on persons who elect to but fail to attend a
29 driver improvement school following certain traffic
30 violations; amending s. 497.2765, F.S.; requiring the
31 recording with the clerk of court of purchase
32 documents relating to burial rights; prescribing a fee
33 for the recording the purchase documents for burial
34 rights; requiring the clerk of court to implement a
35 process for the electronic filing of court-related
36 information; requiring the Florida Clerks of Court
37 Operations Corporation to report on implementation of
38 the electronic filing process; prescribing the
39 statewide budget cap for the clerks of court for the
40 2008-2009 county fiscal year; directing the Florida
41 Clerks of Court Operations Corporation to reduce the
42 individual approved budgets of the clerks of court;
43 authorizing the Chief Justice to request a loan of
44 funds from the General Revenue Fund if the Revenue
45 Estimating Conference projects a specified deficiency
46 in the State Courts Revenue Trust Fund for the 2009-
47 2010 fiscal year; requesting that the Florida Supreme
48 Court modify rules related to filing fees; providing
49 effective dates.

50
51 Be It Enacted by the Legislature of the State of Florida:

52
53 Section 1. Effective January 1, 2010, subsection (1) of
54 section 28.2401, Florida Statutes, is amended to read:

55 28.2401 Service charges in probate matters.-

56 (1) Except when otherwise provided, the clerk may impose



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57 service charges for the following services, not to exceed the
58 following amounts:

59 (a) For the opening of any estate of one document or more,
60 including, but not limited to, petitions and orders to approve
61 settlement of minor's claims; to open a safe-deposit box; to
62 enter rooms and places; for the determination of heirs, if not
63 formal administration; and for a foreign guardian to manage
64 property of a nonresident; but not to include issuance of
65 letters or order of summary administration.....\$115

66 (b) Caveat.....\$40

67 (c) Petition and order to admit foreign wills,
68 authenticated copies, exemplified copies, or transcript to
69 record.....\$115

70 (d) For disposition of personal property without
71 administration.....\$115

72 (e) Summary administration—estates valued at \$1,000 or
73 more.....\$225

74 (f) Summary administration—estates valued at less than
75 \$1,000.....\$115

76 (g) Formal administration, guardianship, ancillary,
77 curatorship, or conservatorship proceedings that relate to an
78 estate having a value of \$75,000 or less.....\$280

79 (h) Formal administration, guardianship, ancillary,
80 curatorship, or conservatorship proceedings that relate to an
81 estate having a value of more than \$75,000 but less than
82 \$250,000.....\$1,000

83 (i) Formal administration, guardianship, ancillary,
84 curatorship, or conservatorship proceedings that relate to an
85 estate having a value of \$250,000 or more.....\$2,000



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- 86 (j)~~(h)~~ Guardianship proceedings of person only.....\$115
- 87 (k)~~(i)~~ Veterans' guardianship pursuant to chapter 744...\$115
- 88 (l)~~(j)~~ Exemplified certificates.....\$7
- 89 (m)~~(k)~~ Petition for determination of incompetency.....\$115

90

91 The clerk shall remit \$720 of the service charge collected under
92 paragraph (h) and \$1,720 of the service charge collected under
93 paragraph (i) to the Department of Revenue for deposit into the
94 State Courts Revenue Trust Fund.

95 Section 2. Subsection (1) of section 28.241, Florida
96 Statutes, is amended to read:

97 28.241 Filing fees for trial and appellate proceedings.—

98 (1) (a) 1. Except as provided in subparagraph 2., the party
99 instituting any civil action, suit, or proceeding in the circuit
100 court shall pay to the clerk of that court a filing fee of up to
101 \$295 in all cases in which there are not more than five
102 defendants and an additional filing fee of up to \$2.50 for each
103 defendant in excess of five. Of the first \$193 ~~\$85~~ in filing
104 fees, \$80 must be remitted by the clerk to the Department of
105 Revenue for deposit into the General Revenue Fund, \$108 must be
106 remitted to the Department of Revenue for deposit into the State
107 Courts Revenue Trust Fund, and \$5 must be remitted to the
108 Department of Revenue for deposit into the Department of
109 Financial Services' Administrative Trust Fund to fund the
110 contract with the Florida Clerks of Court Operations Corporation
111 created in s. 28.35. The next \$15 of the filing fee collected
112 shall be deposited in the state courts' Mediation and
113 Arbitration Trust Fund. ~~One-third of any filing fees collected~~
114 ~~by the clerk of the circuit court in excess of \$100 shall be~~



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115 ~~remitted to the Department of Revenue for deposit into the~~
116 ~~Department of Revenue Clerks of the Court Trust Fund.~~ An
117 additional filing fee of \$4 shall be paid to the clerk. The
118 clerk shall remit \$3.50 to the Department of Revenue for deposit
119 into the Court Education Trust Fund and shall remit 50 cents to
120 the Department of Revenue for deposit into the Department of
121 Financial Services Administrative Trust Fund to fund clerk
122 education. An additional filing fee of up to \$18 shall be paid
123 by the party seeking each severance that is granted. The clerk
124 may impose an additional filing fee of up to \$85 for all
125 proceedings of garnishment, attachment, replevin, and distress.
126 Postal charges incurred by the clerk of the circuit court in
127 making service by certified or registered mail on defendants or
128 other parties shall be paid by the party at whose instance
129 service is made. No additional fees, charges, or costs shall be
130 added to the filing fees imposed under this section, except as
131 authorized herein or by general law.

132 2.a. Notwithstanding the fees prescribed in subparagraph
133 1., a party instituting a civil action in circuit court for
134 foreclosure on residential or commercial real property secured
135 by a mortgage shall pay a graduated filing fee based on the
136 value of the claim.

137 b. A party shall estimate the amount in controversy of the
138 claim upon filing the action. The value of a foreclosure action
139 for the purpose of determining the filing fee is based upon the
140 principal due on the note secured by the mortgage, plus interest
141 owed on the note at the time of filing the foreclosure, plus any
142 property taxes owed at the time of the filing of the
143 foreclosure. In its order providing for the final disposition of



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144 the matter, the court shall identify the actual value of the
145 claim. The clerk shall adjust the filing fee if there is a
146 difference between the estimated amount in controversy and the
147 actual value of the claim.

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

149 (I) Two hundred and ninety-five dollars in all cases in
150 which the value of the claim is \$50,000 or less and in which
151 there are not more than five defendants. The party shall pay an
152 additional filing fee of up to \$2.50 for each defendant in
153 excess of five. Of the first \$193 in filing fees, \$80 must be
154 remitted by the clerk to the Department of Revenue for deposit
155 into the General Revenue Fund, \$108 must be remitted to the
156 Department of Revenue for deposit into the State Courts Revenue
157 Trust Fund, and \$5 must be remitted to the Department of Revenue
158 for deposit into the Department of Financial Services'
159 Administrative Trust Fund to fund the contract with the Florida
160 Clerks of Court Operations Corporation created in s. 28.35. The
161 next \$15 of the filing fee collected shall be deposited in the
162 state courts' Mediation and Arbitration Trust Fund. An
163 additional filing fee of \$4 shall be paid to the clerk. The
164 clerk shall remit \$3.50 to the Department of Revenue for deposit
165 into the Court Education Trust Fund and shall remit 50 cents to
166 the Department of Revenue for deposit into the Department of
167 Financial Services' Administrative Trust Fund to fund clerk
168 education. An additional filing fee of up to \$18 shall be paid
169 by the party seeking each severance that is granted. The clerk
170 may impose an additional filing fee of up to \$85 for all
171 proceedings of garnishment, attachment, replevin, and distress.
172 Postal charges incurred by the clerk of the circuit court in



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173 making service by certified or registered mail on defendants or
174 other parties shall be paid by the party at whose instance
175 service is made. No additional fees, charges, or costs shall be
176 added to the filing fees imposed under this section, except as
177 authorized herein or by general law.

178 (II) One thousand dollars in all cases in which the value
179 of the claim is more than \$50,000 but less than \$250,000 and in
180 which there are not more than five defendants. The party shall
181 pay an additional filing fee of up to \$2.50 for each defendant
182 in excess of five. Of the first \$898 in filing fees, \$80 must be
183 remitted by the clerk to the Department of Revenue for deposit
184 into the General Revenue Fund, \$813 must be remitted to the
185 Department of Revenue for deposit into the State Courts Revenue
186 Trust Fund, and \$5 must be remitted to the Department of Revenue
187 for deposit into the Department of Financial Services'
188 Administrative Trust Fund to fund the contract with the Florida
189 Clerks of Court Operations Corporation described in s. 28.35.
190 The next \$15 of the filing fee collected shall be deposited in
191 the state courts' Mediation and Arbitration Trust Fund. An
192 additional filing fee of \$4 shall be paid to the clerk. The
193 clerk shall remit \$3.50 to the Department of Revenue for deposit
194 into the Court Education Trust Fund and shall remit 50 cents to
195 the Department of Revenue for deposit into the Department of
196 Financial Services' Administrative Trust Fund to fund clerk
197 education. An additional filing fee of up to \$18 shall be paid
198 by the party seeking each severance that is granted. The clerk
199 may impose an additional filing fee of up to \$85 for all
200 proceedings of garnishment, attachment, replevin, and distress.
201 Postal charges incurred by the clerk of the circuit court in



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202 making service by certified or registered mail on defendants or
203 other parties shall be paid by the party at whose instance
204 service is made. No additional fees, charges, or costs shall be
205 added to the filing fees imposed under this section, except as
206 authorized herein or by general law.

207 (III) Two thousand dollars in all cases in which the value
208 of the claim is more than \$250,000 and in which there are not
209 more than five defendants. The party shall pay an additional
210 filing fee of up to \$2.50 for each defendant in excess of five.
211 Of the first \$1,898 in filing fees, \$80 must be remitted by the
212 clerk to the Department of Revenue for deposit into the General
213 Revenue Fund, \$1,813 must be remitted to the Department of
214 Revenue for deposit into the State Courts Revenue Trust Fund,
215 and \$5 must be remitted to the Department of Revenue for deposit
216 into the Department of Financial Services' Administrative Trust
217 Fund to fund the contract with the Florida Clerks of Court
218 Operations Corporation created in s. 28.35. The next \$15 of the
219 filing fee collected shall be deposited in the state courts'
220 Mediation and Arbitration Trust Fund. An additional filing fee
221 of \$4 shall be paid to the clerk. The clerk shall remit \$3.50 to
222 the Department of Revenue for deposit into the Court Education
223 Trust Fund and shall remit 50 cents to the Department of Revenue
224 for deposit into the Department of Financial Services'
225 Administrative Trust Fund to fund clerk education. An additional
226 filing fee of up to \$18 shall be paid by the party seeking each
227 severance that is granted. The clerk may impose an additional
228 filing fee of up to \$85 for all proceedings of garnishment,
229 attachment, replevin, and distress. Postal charges incurred by
230 the clerk of the circuit court in making service by certified or



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231 registered mail on defendants or other parties shall be paid by
232 the party at whose instance service is made. No additional fees,
233 charges, or costs shall be added to the filing fees imposed
234 under this section, except as authorized herein or by general
235 law.

236 (b) A party reopening any civil action, suit, or proceeding
237 in the circuit court shall pay to the clerk of court a filing
238 fee set by the clerk in an amount not to exceed \$50. For
239 purposes of this section, a case is reopened when a case
240 previously reported as disposed of is resubmitted to a court and
241 includes petitions for modification of a final judgment of
242 dissolution. A party is exempt from paying the fee for any of
243 the following:

- 244 1. A writ of garnishment;
- 245 2. A writ of replevin;
- 246 3. A distress writ;
- 247 4. A writ of attachment;
- 248 5. A motion for rehearing filed within 10 days;
- 249 6. A motion for attorney's fees filed within 30 days after
250 entry of a judgment or final order;
- 251 7. A motion for dismissal filed after a mediation agreement
252 has been filed;
- 253 8. A disposition of personal property without
254 administration;
- 255 9. Any probate case prior to the discharge of a personal
256 representative;
- 257 10. Any guardianship pleading prior to discharge;
- 258 11. Any mental health pleading;
- 259 12. Motions to withdraw by attorneys;



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260 13. Motions exclusively for the enforcement of child
261 support orders;
262 14. A petition for credit of child support;
263 15. A Notice of Intent to Relocate and any order issuing as
264 a result of an uncontested relocation;
265 16. Stipulations;
266 17. Responsive pleadings; or
267 18. Cases in which there is no initial filing fee.
268 (c) 1. A Any party in addition to other than a party
269 described in subparagraph (a)1. paragraph (a) who files a
270 pleading in an original civil action in circuit court for
271 affirmative relief by cross-claim, counterclaim,
272 counterpetition, or third-party complaint shall pay the clerk of
273 court a fee of \$295. The clerk shall remit the fee to the
274 Department of Revenue for deposit into the General Revenue Fund.
275 2. A party in addition to a party described in subparagraph
276 (a)2. who files a pleading in an original civil action in
277 circuit court for affirmative relief by cross-claim,
278 counterclaim, counterpetition, or third-party complaint shall
279 pay the clerk of court a graduated fee of:
280 a. Two hundred and ninety-five dollars in all cases in
281 which the value of the pleading is \$50,000 or less;
282 b. One thousand dollars in all cases in which the value of
283 the pleading is more than \$50,000 but less than \$250,000; or
284 c. Two thousand dollars in all cases in which the value of
285 the pleading is \$250,000 or more.
286
287 The clerk shall remit the fees collected under this subparagraph
288 to the Department of Revenue for deposit into the General



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289 Revenue Fund, except that the clerk shall remit \$705 of the fee
290 collected under sub-subparagraph b. and \$1,705 of the fee
291 collected under sub-subparagraph c. to the Department of Revenue
292 for deposit into the State Courts Revenue Trust Fund.

293 (d) The clerk of court shall collect a service charge of
294 \$10 for issuing a summons. The clerk shall assess the fee
295 against the party seeking to have the summons issued.

296 Section 3. Effective January 1, 2010, section 28.241,
297 Florida Statutes, as amended by this act, is amended to read:

298 28.241 Filing fees for trial and appellate proceedings;
299 graduated filing fees.-

300 (1) (a) 1. Except as provided in subparagraph 2., the party
301 instituting any civil action, suit, or proceeding in the circuit
302 court shall pay to the clerk of that court a filing fee of up to
303 \$295 in all cases in which there are not more than five
304 defendants and an additional filing fee of up to \$2.50 for each
305 defendant in excess of five. Of the first \$193 in filing fees,
306 \$80 must be remitted by the clerk to the Department of Revenue
307 for deposit into the General Revenue Fund, \$108 must be remitted
308 to the Department of Revenue for deposit into the State Courts
309 Revenue Trust Fund, and \$5 must be remitted to the Department of
310 Revenue for deposit into the Department of Financial Services'
311 Administrative Trust Fund to fund the contract with the Florida
312 Clerks of Court Operations Corporation created in s. 28.35. The
313 next \$15 of the filing fee collected shall be deposited in the
314 state courts' Mediation and Arbitration Trust Fund. An
315 additional filing fee of \$4 shall be paid to the clerk. The
316 clerk shall remit \$3.50 to the Department of Revenue for deposit
317 into the Court Education Trust Fund and shall remit 50 cents to



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318 the Department of Revenue for deposit into the Department of
319 Financial Services Administrative Trust Fund to fund clerk
320 education. An additional filing fee of up to \$18 shall be paid
321 by the party seeking each severance that is granted. The clerk
322 may impose an additional filing fee of up to \$85 for all
323 proceedings of garnishment, attachment, replevin, and distress.
324 Postal charges incurred by the clerk of the circuit court in
325 making service by certified or registered mail on defendants or
326 other parties shall be paid by the party at whose instance
327 service is made. No additional fees, charges, or costs shall be
328 added to the filing fees imposed under this section, except as
329 authorized herein or by general law.

330 2.a. Notwithstanding the fees prescribed in subparagraph
331 1., a party instituting a civil action, suit, or proceeding in
332 circuit court ~~for foreclosure on residential or commercial real~~
333 property secured by a mortgage shall pay a graduated filing fee
334 based on the value of the claim if the action is:-

335 (I) An action seeking economic damages under a contract;

336 (II) An action based on a claim of indebtedness;

337 (III) An action for foreclosure on residential or
338 commercial real property secured by a mortgage;

339 (IV) An action in which a condominium association is named
340 as party and which seeks economic damages;

341 (V) An action based on antitrust or trade regulations and
342 which seeks economic damages;

343 (VI) An action involving business transactions and which
344 seeks economic damages;

345 (VII) An action involving a declaratory judgment on whether
346 a claim is covered by an insurance policy;



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347 (VIII) An action involving intellectual property or trade
348 secret rights and which seeks economic damages; or

349 (IX) An action for dissolution of marriage or simplified
350 dissolution of marriage.

351 b. A party shall estimate the amount in controversy of the
352 claim upon filing the action or other request for relief. Except
353 as otherwise provided, the amount in controversy for an action
354 shall include the amount of estimated economic damages and other
355 damages. The value of a foreclosure action for the purpose of
356 determining the filing fee is based upon the principal due on
357 the note secured by the mortgage, plus interest owed on the note
358 at the time of filing the foreclosure, plus any property taxes
359 owed at the time of the filing of the foreclosure. The amount in
360 controversy for an action for dissolution of marriage or
361 simplified dissolution of marriage shall be based upon the
362 estimated equitable distribution of assets and shall not include
363 child support or alimony. In its order providing for the final
364 disposition of the matter, the court shall identify the actual
365 value of the claim. The clerk shall adjust the filing fee if
366 there is a difference between the estimated amount in
367 controversy and the actual value of the claim.

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

369 (I) Two hundred and ninety-five dollars in all cases in
370 which the value of the claim is \$50,000 or less and in which
371 there are not more than five defendants. The party shall pay an
372 additional filing fee of up to \$2.50 for each defendant in
373 excess of five. Of the first \$193 in filing fees, \$80 must be
374 remitted by the clerk to the Department of Revenue for deposit
375 into the General Revenue Fund, \$108 must be remitted to the



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377 Trust Fund, and \$5 must be remitted to the Department of Revenue
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380 Clerks of Court Operations Corporation created in s. 28.35. The
381 next \$15 of the filing fee collected shall be deposited in the
382 state courts' Mediation and Arbitration Trust Fund. An
383 additional filing fee of \$4 shall be paid to the clerk. The
384 clerk shall remit \$3.50 to the Department of Revenue for deposit
385 into the Court Education Trust Fund and shall remit 50 cents to
386 the Department of Revenue for deposit into the Department of
387 Financial Services' Administrative Trust Fund to fund clerk
388 education. An additional filing fee of up to \$18 shall be paid
389 by the party seeking each severance that is granted. The clerk
390 may impose an additional filing fee of up to \$85 for all
391 proceedings of garnishment, attachment, replevin, and distress.
392 Postal charges incurred by the clerk of the circuit court in
393 making service by certified or registered mail on defendants or
394 other parties shall be paid by the party at whose instance
395 service is made. No additional fees, charges, or costs shall be
396 added to the filing fees imposed under this section, except as
397 authorized herein or by general law.

398 (II) One thousand dollars in all cases in which the value
399 of the claim is more than \$50,000 but less than \$250,000 and in
400 which there are not more than five defendants. The party shall
401 pay an additional filing fee of up to \$2.50 for each defendant
402 in excess of five. Of the first \$898 in filing fees, \$80 must be
403 remitted by the clerk to the Department of Revenue for deposit
404 into the General Revenue Fund, \$813 must be remitted to the



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409 Clerks of Court Operations Corporation described in s. 28.35.
410 The next \$15 of the filing fee collected shall be deposited in
411 the state courts' Mediation and Arbitration Trust Fund. An
412 additional filing fee of \$4 shall be paid to the clerk. The
413 clerk shall remit \$3.50 to the Department of Revenue for deposit
414 into the Court Education Trust Fund and shall remit 50 cents to
415 the Department of Revenue for deposit into the Department of
416 Financial Services' Administrative Trust Fund to fund clerk
417 education. An additional filing fee of up to \$18 shall be paid
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419 may impose an additional filing fee of up to \$85 for all
420 proceedings of garnishment, attachment, replevin, and distress.
421 Postal charges incurred by the clerk of the circuit court in
422 making service by certified or registered mail on defendants or
423 other parties shall be paid by the party at whose instance
424 service is made. No additional fees, charges, or costs shall be
425 added to the filing fees imposed under this section, except as
426 authorized herein or by general law.

427 (III) Two thousand dollars in all cases in which the value
428 of the claim is more than \$250,000 and in which there are not
429 more than five defendants. The party shall pay an additional
430 filing fee of up to \$2.50 for each defendant in excess of five.
431 Of the first \$1,898 in filing fees, \$80 must be remitted by the
432 clerk to the Department of Revenue for deposit into the General
433 Revenue Fund, \$1,813 must be remitted to the Department of



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434 Revenue for deposit into the State Courts Revenue Trust Fund,
435 and \$5 must be remitted to the Department of Revenue for deposit
436 into the Department of Financial Services' Administrative Trust
437 Fund to fund the contract with the Florida Clerks of Court
438 Operations Corporation created in s. 28.35. The next \$15 of the
439 filing fee collected shall be deposited in the state courts'
440 Mediation and Arbitration Trust Fund. An additional filing fee
441 of \$4 shall be paid to the clerk. The clerk shall remit \$3.50 to
442 the Department of Revenue for deposit into the Court Education
443 Trust Fund and shall remit 50 cents to the Department of Revenue
444 for deposit into the Department of Financial Services'
445 Administrative Trust Fund to fund clerk education. An additional
446 filing fee of up to \$18 shall be paid by the party seeking each
447 severance that is granted. The clerk may impose an additional
448 filing fee of up to \$85 for all proceedings of garnishment,
449 attachment, replevin, and distress. Postal charges incurred by
450 the clerk of the circuit court in making service by certified or
451 registered mail on defendants or other parties shall be paid by
452 the party at whose instance service is made. No additional fees,
453 charges, or costs shall be added to the filing fees imposed
454 under this section, except as authorized herein or by general
455 law.

456 (b) A party reopening any civil action, suit, or proceeding
457 in the circuit court shall pay to the clerk of court a filing
458 fee set by the clerk in an amount not to exceed \$50. For
459 purposes of this section, a case is reopened when a case
460 previously reported as disposed of is resubmitted to a court and
461 includes petitions for modification of a final judgment of
462 dissolution. A party is exempt from paying the fee for any of



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- 463 the following:
- 464 1. A writ of garnishment;
 - 465 2. A writ of replevin;
 - 466 3. A distress writ;
 - 467 4. A writ of attachment;
 - 468 5. A motion for rehearing filed within 10 days;
 - 469 6. A motion for attorney's fees filed within 30 days after
470 entry of a judgment or final order;
 - 471 7. A motion for dismissal filed after a mediation agreement
472 has been filed;
 - 473 8. A disposition of personal property without
474 administration;
 - 475 9. Any probate case prior to the discharge of a personal
476 representative;
 - 477 10. Any guardianship pleading prior to discharge;
 - 478 11. Any mental health pleading;
 - 479 12. Motions to withdraw by attorneys;
 - 480 13. Motions exclusively for the enforcement of child
481 support orders;
 - 482 14. A petition for credit of child support;
 - 483 15. A Notice of Intent to Relocate and any order issuing as
484 a result of an uncontested relocation;
 - 485 16. Stipulations;
 - 486 17. Responsive pleadings; or
 - 487 18. Cases in which there is no initial filing fee.
- 488 (c)1. A party in addition to a party described in
489 subparagraph (a)1. who files a pleading in an original civil
490 action in circuit court for affirmative relief by cross-claim,
491 counterclaim, counterpetition, or third-party complaint shall



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492 pay the clerk of court a fee of \$295. The clerk shall remit the
493 fee to the Department of Revenue for deposit into the General
494 Revenue Fund.

495 2. A party in addition to a party described in subparagraph
496 (a)2. who files a pleading in an original civil action in
497 circuit court for affirmative relief by cross-claim,
498 counterclaim, counterpetition, or third-party complaint shall
499 pay the clerk of court a graduated fee of:

500 a. Two hundred and ninety-five dollars in all cases in
501 which the value of the pleading is \$50,000 or less;

502 b. One thousand dollars in all cases in which the value of
503 the pleading is more than \$50,000 but less than \$250,000; or

504 c. Two thousand dollars in all cases in which the value of
505 the pleading is \$250,000 or more.

506

507 The clerk shall remit the fees collected under this subparagraph
508 to the Department of Revenue for deposit into the General
509 Revenue Fund, except that the clerk shall remit \$705 of the fee
510 collected under sub-subparagraph b. and \$1,705 of the fee
511 collected under sub-subparagraph c. to the Department of Revenue
512 for deposit into the State Courts Revenue Trust Fund.

513 (d) The clerk of court shall collect a service charge of
514 \$10 for issuing a summons. The clerk shall assess the fee
515 against the party seeking to have the summons issued.

516 (2) Upon the institution of any appellate proceeding from
517 any lower court to the circuit court of any such county,
518 including appeals filed by a county or municipality as provided
519 in s. 34.041(5), or from the circuit court to an appellate court
520 of the state, the clerk shall charge and collect from the party



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521 or parties instituting such appellate proceedings a filing fee
522 not to exceed \$280 for filing a notice of appeal from the county
523 court to the circuit court and, in addition to the filing fee
524 required under s. 25.241 or s. 35.22, \$100 for filing a notice
525 of appeal from the circuit court to the district court of appeal
526 or to the Supreme Court. If the party is determined to be
527 indigent, the clerk shall defer payment of the fee. The clerk
528 shall remit the first \$80 to the Department of Revenue for
529 deposit into the General Revenue Fund. One-third of the fee
530 collected by the clerk in excess of \$80 also shall be remitted
531 to the Department of Revenue for deposit into the Clerks of the
532 Court Trust Fund.

533 (3) A filing fee may not be imposed upon a party for
534 responding by pleading, motion, or other paper to a civil or
535 criminal action, suit, proceeding, or appeal in a circuit court.

536 (4) The fees prescribed in this section do not include the
537 service charges required by law for the clerk as provided in s.
538 28.24 or by other sections of the Florida Statutes. Filing fees
539 authorized by this section may not be added to any civil penalty
540 imposed by chapter 316 or chapter 318.

541 (5) Filing fees for the institution or reopening of any
542 civil action, suit, or proceeding in county court shall be
543 charged and collected as provided in s. 34.041.

544 (6) From each attorney appearing pro hac vice, the clerk of
545 the circuit court shall collect a fee of \$100 for deposit into
546 the General Revenue Fund.

547 Section 4. Subsection (1) of section 34.041, Florida
548 Statutes, is amended to read:

549 34.041 Filing fees.—



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550 (1) (a) Upon the institution of any civil action, suit, or
551 proceeding in county court, the party shall pay the following
552 filing fee, not to exceed:

553 1. For all claims less than \$100.....\$50.

554 2. For all claims of \$100 or more but not more
555 than \$500.....\$75.

556 3. For all claims of more than \$500 but not more than
557 \$2,500.....\$170.

558 4. For all claims of more than \$2,500.....\$295.

559 5. In addition, for all proceedings of garnishment,
560 attachment, replevin, and distress.....\$85.

561 6. For removal of tenant action.....\$180 ~~\$265~~.

562 (b) The first \$80 of the filing fee collected under
563 subparagraph (a)4. shall be remitted to the Department of
564 Revenue for deposit into the General Revenue Fund. The next \$15
565 of the filing fee collected under subparagraph (a)4., and the
566 first \$15 of each filing fee collected under subparagraph (a)6.,
567 shall be deposited in the state courts' Mediation and
568 Arbitration Trust Fund. One-third of any filing fees collected
569 by the clerk under this section in excess of the first \$95
570 collected under subparagraph (a)4. shall be remitted to the
571 Department of Revenue for deposit into the Department of Revenue
572 Clerks of the Court Trust Fund. An additional filing fee of \$4
573 shall be paid to the clerk. The clerk shall transfer \$3.50 to
574 the Department of Revenue for deposit into the Court Education
575 Trust Fund and shall transfer 50 cents to the Department of
576 Revenue for deposit into the Department of Financial Services'
577 Administrative Trust Fund to fund clerk education. Postal
578 charges incurred by the clerk of the county court in making



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579 service by mail on defendants or other parties shall be paid by
580 the party at whose instance service is made. Except as provided
581 herein, filing fees and service charges for performing duties of
582 the clerk relating to the county court shall be as provided in
583 ss. 28.24 and 28.241. Except as otherwise provided herein, all
584 filing fees shall be retained as fee income of the office of the
585 clerk of circuit court. Filing fees imposed by this section may
586 not be added to any penalty imposed by chapter 316 or chapter
587 318.

588 (c) A Any party in addition to ~~other than~~ a party described
589 in paragraph (a) who files a pleading in an original civil
590 action in the county court for affirmative relief by cross-
591 claim, counterclaim, counterpetition, or third-party complaint,
592 or who files a notice of cross-appeal or notice of joinder or
593 motion to intervene as an appellant, cross-appellant, or
594 petitioner, shall pay the clerk of court a fee of \$295 if the
595 relief sought by the party under this paragraph exceeds \$2,500.
596 This fee does ~~shall~~ not apply if ~~where~~ the cross-claim,
597 counterclaim, counterpetition, or third-party complaint requires
598 transfer of the case from county to circuit court. The clerk
599 shall remit the fee to the Department of Revenue for deposit
600 into the General Revenue Fund.

601 (d) The clerk of court shall collect a service charge of
602 \$10 for issuing a summons. The clerk shall assess the fee
603 against the party seeking to have the summons issued.

604 Section 5. Subsection (1) of section 318.15, Florida
605 Statutes, as amended by section 2 of chapter 2009-6, Laws of
606 Florida, is amended to read:

607 318.15 Failure to comply with civil penalty or to appear;



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608 penalty.-

609 (1) (a) If a person fails to comply with the civil penalties
610 provided in s. 318.18 within the time period specified in s.
611 318.14(4), fails to attend driver improvement school, or fails
612 to appear at a scheduled hearing, the clerk of the court shall
613 notify the Division of Driver Licenses of the Department of
614 Highway Safety and Motor Vehicles of such failure within 10 days
615 after such failure. Upon receipt of such notice, the department
616 shall immediately issue an order suspending the driver's license
617 and privilege to drive of such person effective 20 days after
618 the date the order of suspension is mailed in accordance with s.
619 322.251(1), (2), and (6). Any such suspension of the driving
620 privilege which has not been reinstated, including a similar
621 suspension imposed outside Florida, shall remain on the records
622 of the department for a period of 7 years from the date imposed
623 and shall be removed from the records after the expiration of 7
624 years from the date it is imposed.

625 (b) However, a person who elects to attend driver
626 improvement school and has paid the civil penalty as provided in
627 s. 318.14(9), but who subsequently fails to attend the driver
628 improvement school within the time specified by the court shall
629 be deemed to have admitted the infraction and shall be
630 adjudicated guilty. In such a case in which there was an 18
631 percent reduction pursuant to s. 318.14(9) as it existed before
632 February 1, 2009 ~~prior to the effective date of this act~~, the
633 person must pay the clerk of the court that amount and a
634 processing fee of up to \$18, after which no additional
635 penalties, court costs, or surcharges shall be imposed for the
636 violation. In all other such cases, the person must pay the



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637 clerk a processing fee of up to \$18, after which no additional
638 penalties, court costs, or surcharges shall be imposed for the
639 violation. The clerk of the court shall notify the department of
640 the person's failure to attend driver improvement school and
641 points shall be assessed pursuant to s. 322.27.

642 Section 6. Section 497.2765, Florida Statutes, is amended
643 to read:

644 497.2765 Recording purchase of burial rights.—

645 (1) Any person purchasing a burial right, belowground
646 crypt, grave space, mausoleum, columbarium, ossuary, or
647 scattering garden for the interment, entombment, inurnment, or
648 other disposition of human remains shall ~~may, at the person's~~
649 ~~option,~~ permanently record the purchase of the burial right,
650 belowground crypt, grave space, mausoleum, columbarium, ossuary,
651 or scattering garden with the clerk of the court in the county
652 where the burial right, belowground crypt, grave space,
653 mausoleum, columbarium, ossuary, or scattering garden is
654 located. The recordation pursuant to this section is for the
655 purpose of public notification and for the purpose of
656 establishing a permanent record in the official records of the
657 county; however, it does not create any priority of interest or
658 ownership.

659 (2) The clerk of the court shall record the evidence of the
660 purchase of a burial right, belowground crypt, grave space,
661 mausoleum, columbarium, ossuary, or scattering garden presented
662 to him or her for recording upon payment of a fee of \$20 ~~the~~
663 ~~service charge as otherwise provided by law~~ for the recording of
664 each the purchase document ~~documents~~ in the official records.
665 The recording fee shall be deposited into the Public Records



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666 Modernization Trust Fund and may be used for the purposes
667 specified in s. 28.24(12)(e)1.

668 Section 7. Each clerk of court shall implement an
669 electronic filing process. The purpose of the electronic filing
670 process is to reduce judicial costs in the office of the clerk
671 and the judiciary, increase timeliness in the processing of
672 cases, and provide the judiciary with case-related information
673 to allow for improved judicial case management. The Legislature
674 requests that, no later than July 1, 2009, the Supreme Court set
675 statewide standards for electronic filing to be used by the
676 clerks of court to implement electronic filing. The standards
677 should specify the required information for the duties of the
678 clerks of court and the judiciary for case management. The
679 clerks of court shall begin implementation no later than October
680 1, 2009. The Florida Clerks of Court Operations Corporation
681 shall report to the President of the Senate and the Speaker of
682 the House of Representatives by March 1, 2010, on the status of
683 implementing electronic filing. The report shall include the
684 detailed status of each clerk office's implementation of an
685 electronic filing process, and for those clerks who have not
686 fully implemented electronic filing by March 1, 2010, a
687 description of the additional steps needed and a projected
688 timeline for full implementation. Revenues provided to counties
689 and the clerk of court under s. 28.24(12)(e), Florida Statutes,
690 for information technology may also be used to implement
691 electronic filing processes.

692 Section 8. Notwithstanding s. 28.36, Florida Statutes, the
693 statewide budget cap for the clerks of court is \$435,330,312 for
694 the 2008-2009 county fiscal year. The Florida Clerks of Court



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695 Operations Corporation shall reduce the individual approved
696 budgets of the clerks of court to ensure that the sum of the
697 approved budgets does not exceed this statewide budget cap.

698 Section 9. If, at any time during the 2009-2010 fiscal
699 year, the Revenue Estimating Conference projects that revenue
700 deposited into the State Courts Revenue Trust Fund will be less
701 than 98 percent of the amount appropriated from the fund in the
702 General Appropriations Act for the 2009-2010 fiscal year, the
703 Chief Justice of the Supreme Court may request a loan of funds
704 from the General Revenue Fund to the trust fund. If approved by
705 the Legislative Budget Commission, the loan must be repaid by
706 June 30, 2011.

707 Section 10. The Legislature requests that the Supreme Court
708 modify judicial rules associated with filing fees to implement
709 the changes provided for in this act.

710 Section 11. Except as otherwise expressly provide this act,
711 this act shall take effect June 1, 2009.