



582094

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/01/2009	.	
	.	
	.	
	.	

The Committee on Criminal and Civil Justice Appropriations
(Crist) recommended the following:

Senate Amendment

Delete lines 103 - 693

and insert:

defendant in excess of five. Of the first \$165 ~~\$85~~ in
filing fees, \$80 must be remitted by the clerk to the Department
of Revenue for deposit into the General Revenue Fund, \$80 must
be remitted to the Department of Revenue for deposit into the
State Courts Revenue Trust Fund, and \$5 must be remitted to the
Department of Revenue for deposit into the Department of
Financial Services' Administrative Trust Fund to fund the



582094

12 contract with the Florida Clerks of Court Operations Corporation
13 created in s. 28.35. The next \$15 of the filing fee collected
14 shall be deposited in the state courts' Mediation and
15 Arbitration Trust Fund. ~~One-third of any filing fees collected~~
16 ~~by the clerk of the circuit court in excess of \$100 shall be~~
17 ~~remitted to the Department of Revenue for deposit into the~~
18 ~~Department of Revenue Clerks of the Court Trust Fund.~~ An
19 additional filing fee of \$4 shall be paid to the clerk. The
20 clerk shall remit \$3.50 to the Department of Revenue for deposit
21 into the Court Education Trust Fund and shall remit 50 cents to
22 the Department of Revenue for deposit into the Department of
23 Financial Services Administrative Trust Fund to fund clerk
24 education. An additional filing fee of up to \$18 shall be paid
25 by the party seeking each severance that is granted. The clerk
26 may impose an additional filing fee of up to \$85 for all
27 proceedings of garnishment, attachment, replevin, and distress.
28 Postal charges incurred by the clerk of the circuit court in
29 making service by certified or registered mail on defendants or
30 other parties shall be paid by the party at whose instance
31 service is made. No additional fees, charges, or costs shall be
32 added to the filing fees imposed under this section, except as
33 authorized herein or by general law.

34 2.a. Notwithstanding the fees prescribed in subparagraph
35 1., a party instituting a civil action in circuit court for
36 foreclosure on residential or commercial real property secured
37 by a mortgage shall pay a graduated filing fee based on the
38 value of the claim.

39 b. A party shall estimate the amount in controversy of the
40 claim upon filing the action. The value of a foreclosure action



582094

41 for the purpose of determining the filing fee is based upon the
42 principal due on the note secured by the mortgage, plus interest
43 owed on the note at the time of filing the foreclosure, plus any
44 property taxes owed at the time of the filing of the
45 foreclosure. In its order providing for the final disposition of
46 the matter, the court shall identify the actual value of the
47 claim. The clerk shall adjust the filing fee if there is a
48 difference between the estimated amount in controversy and the
49 actual value of the claim.

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

51 (I) Two hundred and ninety-five dollars in all cases in
52 which the value of the claim is \$50,000 or less and in which
53 there are not more than five defendants. The party shall pay an
54 additional filing fee of up to \$2.50 for each defendant in
55 excess of five. Of the first \$165 in filing fees, \$80 must be
56 remitted by the clerk to the Department of Revenue for deposit
57 into the General Revenue Fund, \$80 must be remitted to the
58 Department of Revenue for deposit into the State Courts Revenue
59 Trust Fund, and \$5 must be remitted to the Department of Revenue
60 for deposit into the Department of Financial Services'
61 Administrative Trust Fund to fund the contract with the Florida
62 Clerks of Court Operations Corporation created in s. 28.35. The
63 next \$15 of the filing fee collected shall be deposited in the
64 state courts' Mediation and Arbitration Trust Fund. An
65 additional filing fee of \$4 shall be paid to the clerk. The
66 clerk shall remit \$3.50 to the Department of Revenue for deposit
67 into the Court Education Trust Fund and shall remit 50 cents to
68 the Department of Revenue for deposit into the Department of
69 Financial Services' Administrative Trust Fund to fund clerk



582094

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

80 (II) One thousand dollars in all cases in which the value
81 of the claim is more than \$50,000 but less than \$250,000 and in
82 which there are not more than five defendants. The party shall
83 pay an additional filing fee of up to \$2.50 for each defendant
84 in excess of five. Of the first \$865 in filing fees, \$80 must be
85 remitted by the clerk to the Department of Revenue for deposit
86 into the General Revenue Fund, \$780 must be remitted to the
87 Department of Revenue for deposit into the State Courts Revenue
88 Trust Fund, and \$5 must be remitted to the Department of Revenue
89 for deposit into the Department of Financial Services'
90 Administrative Trust Fund to fund the contract with the Florida
91 Clerks of Court Operations Corporation described in s. 28.35.
92 The next \$15 of the filing fee collected shall be deposited in
93 the state courts' Mediation and Arbitration Trust Fund. An
94 additional filing fee of \$4 shall be paid to the clerk. The
95 clerk shall remit \$3.50 to the Department of Revenue for deposit
96 into the Court Education Trust Fund and shall remit 50 cents to
97 the Department of Revenue for deposit into the Department of
98 Financial Services' Administrative Trust Fund to fund clerk



582094

99 education. An additional filing fee of up to \$18 shall be paid
100 by the party seeking each severance that is granted. The clerk
101 may impose an additional filing fee of up to \$85 for all
102 proceedings of garnishment, attachment, replevin, and distress.
103 Postal charges incurred by the clerk of the circuit court in
104 making service by certified or registered mail on defendants or
105 other parties shall be paid by the party at whose instance
106 service is made. No additional fees, charges, or costs shall be
107 added to the filing fees imposed under this section, except as
108 authorized herein or by general law.

109 (III) Two thousand dollars in all cases in which the value
110 of the claim is more than \$250,000 and in which there are not
111 more than five defendants. The party shall pay an additional
112 filing fee of up to \$2.50 for each defendant in excess of five.
113 Of the first \$1,870 in filing fees, \$80 must be remitted by the
114 clerk to the Department of Revenue for deposit into the General
115 Revenue Fund, \$1,785 must be remitted to the Department of
116 Revenue for deposit into the State Courts Revenue Trust Fund,
117 and \$5 must be remitted to the Department of Revenue for deposit
118 into the Department of Financial Services' Administrative Trust
119 Fund to fund the contract with the Florida Clerks of Court
120 Operations Corporation created in s. 28.35. The next \$15 of the
121 filing fee collected shall be deposited in the state courts'
122 Mediation and Arbitration Trust Fund. An additional filing fee
123 of \$4 shall be paid to the clerk. The clerk shall remit \$3.50 to
124 the Department of Revenue for deposit into the Court Education
125 Trust Fund and shall remit 50 cents to the Department of Revenue
126 for deposit into the Department of Financial Services'
127 Administrative Trust Fund to fund clerk education. An additional



582094

128 filing fee of up to \$18 shall be paid by the party seeking each
129 severance that is granted. The clerk may impose an additional
130 filing fee of up to \$85 for all proceedings of garnishment,
131 attachment, replevin, and distress. Postal charges incurred by
132 the clerk of the circuit court in making service by certified or
133 registered mail on defendants or other parties shall be paid by
134 the party at whose instance service is made. No additional fees,
135 charges, or costs shall be added to the filing fees imposed
136 under this section, except as authorized herein or by general
137 law.

138 (b) A party reopening any civil action, suit, or proceeding
139 in the circuit court shall pay to the clerk of court a filing
140 fee set by the clerk in an amount not to exceed \$50. For
141 purposes of this section, a case is reopened when a case
142 previously reported as disposed of is resubmitted to a court and
143 includes petitions for modification of a final judgment of
144 dissolution. A party is exempt from paying the fee for any of
145 the following:

- 146 1. A writ of garnishment;
- 147 2. A writ of replevin;
- 148 3. A distress writ;
- 149 4. A writ of attachment;
- 150 5. A motion for rehearing filed within 10 days;
- 151 6. A motion for attorney's fees filed within 30 days after
152 entry of a judgment or final order;
- 153 7. A motion for dismissal filed after a mediation agreement
154 has been filed;
- 155 8. A disposition of personal property without
156 administration;



582094

157 9. Any probate case prior to the discharge of a personal
158 representative;

159 10. Any guardianship pleading prior to discharge;

160 11. Any mental health pleading;

161 12. Motions to withdraw by attorneys;

162 13. Motions exclusively for the enforcement of child
163 support orders;

164 14. A petition for credit of child support;

165 15. A Notice of Intent to Relocate and any order issuing as
166 a result of an uncontested relocation;

167 16. Stipulations;

168 17. Responsive pleadings; or

169 18. Cases in which there is no initial filing fee.

170 (c) 1. A Any party in addition to ~~other than~~ a party
171 described in subparagraph (a)1. paragraph (a) who files a
172 pleading in an original civil action in circuit court for
173 affirmative relief by cross-claim, counterclaim,
174 counterpetition, or third-party complaint shall pay the clerk of
175 court a fee of \$295. The clerk shall remit the fee to the
176 Department of Revenue for deposit into the General Revenue Fund.

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

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

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



582094

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

188
189 The clerk shall remit the fees collected under this subparagraph
190 to the Department of Revenue for deposit into the General
191 Revenue Fund, except that the clerk shall remit \$705 of the fee
192 collected under sub-subparagraph b. and \$1,705 of the fee
193 collected under sub-subparagraph c. to the Department of Revenue
194 for deposit into the State Courts Revenue Trust Fund.

195 (d) The clerk of court shall collect a service charge of
196 \$10 for issuing a summons. The clerk shall assess the fee
197 against the party seeking to have the summons issued.

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

200 28.241 Filing fees for trial and appellate proceedings;
201 graduated filing fees.-

202 (1) (a) 1. Except as provided in subparagraph 2., the party
203 instituting any civil action, suit, or proceeding in the circuit
204 court shall pay to the clerk of that court a filing fee of up to
205 \$295 in all cases in which there are not more than five
206 defendants and an additional filing fee of up to \$2.50 for each
207 defendant in excess of five. Of the first \$165 in filing fees,
208 \$80 must be remitted by the clerk to the Department of Revenue
209 for deposit into the General Revenue Fund, \$80 must be remitted
210 to the Department of Revenue for deposit into the State Courts
211 Revenue Trust Fund, and \$5 must be remitted to the Department of
212 Revenue for deposit into the Department of Financial Services'
213 Administrative Trust Fund to fund the contract with the Florida
214 Clerks of Court Operations Corporation created in s. 28.35. The



582094

215 next \$15 of the filing fee collected shall be deposited in the
216 state courts' Mediation and Arbitration Trust Fund. An
217 additional filing fee of \$4 shall be paid to the clerk. The
218 clerk shall remit \$3.50 to the Department of Revenue for deposit
219 into the Court Education Trust Fund and shall remit 50 cents to
220 the Department of Revenue for deposit into the Department of
221 Financial Services Administrative Trust Fund to fund clerk
222 education. An additional filing fee of up to \$18 shall be paid
223 by the party seeking each severance that is granted. The clerk
224 may impose an additional filing fee of up to \$85 for all
225 proceedings of garnishment, attachment, replevin, and distress.
226 Postal charges incurred by the clerk of the circuit court in
227 making service by certified or registered mail on defendants or
228 other parties shall be paid by the party at whose instance
229 service is made. No additional fees, charges, or costs shall be
230 added to the filing fees imposed under this section, except as
231 authorized herein or by general law.

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

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

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

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

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

243 (V) An action based on antitrust or trade regulations and



582094

244 which seeks economic damages;

245 (VI) An action involving business transactions and which
246 seeks economic damages;

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

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

251 (IX) An action for dissolution of marriage or simplified
252 dissolution of marriage.

253 b. A party shall estimate the amount in controversy of the
254 claim upon filing the action or other request for relief. Except
255 as otherwise provided, the amount in controversy for an action
256 shall include the amount of estimated economic damages and other
257 damages. The value of a foreclosure action for the purpose of
258 determining the filing fee is based upon the principal due on
259 the note secured by the mortgage, plus interest owed on the note
260 at the time of filing the foreclosure, plus any property taxes
261 owed at the time of the filing of the foreclosure. The amount in
262 controversy for an action for dissolution of marriage or
263 simplified dissolution of marriage shall be based upon the
264 estimated equitable distribution of assets and shall not include
265 child support or alimony. In its order providing for the final
266 disposition of the matter, the court shall identify the actual
267 value of the claim. The clerk shall adjust the filing fee if
268 there is a difference between the estimated amount in
269 controversy and the actual value of the claim.

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

271 (I) Two hundred and ninety-five dollars in all cases in
272 which the value of the claim is \$50,000 or less and in which



582094

273 there are not more than five defendants. The party shall pay an
274 additional filing fee of up to \$2.50 for each defendant in
275 excess of five. Of the first \$165 in filing fees, \$80 must be
276 remitted by the clerk to the Department of Revenue for deposit
277 into the General Revenue Fund, \$80 must be remitted to the
278 Department of Revenue for deposit into the State Courts Revenue
279 Trust Fund, and \$5 must be remitted to the Department of Revenue
280 for deposit into the Department of Financial Services'
281 Administrative Trust Fund to fund the contract with the Florida
282 Clerks of Court Operations Corporation created in s. 28.35. The
283 next \$15 of the filing fee collected shall be deposited in the
284 state courts' Mediation and Arbitration Trust Fund. An
285 additional filing fee of \$4 shall be paid to the clerk. The
286 clerk shall remit \$3.50 to the Department of Revenue for deposit
287 into the Court Education Trust Fund and shall remit 50 cents to
288 the Department of Revenue for deposit into the Department of
289 Financial Services' Administrative Trust Fund to fund clerk
290 education. An additional filing fee of up to \$18 shall be paid
291 by the party seeking each severance that is granted. The clerk
292 may impose an additional filing fee of up to \$85 for all
293 proceedings of garnishment, attachment, replevin, and distress.
294 Postal charges incurred by the clerk of the circuit court in
295 making service by certified or registered mail on defendants or
296 other parties shall be paid by the party at whose instance
297 service is made. No additional fees, charges, or costs shall be
298 added to the filing fees imposed under this section, except as
299 authorized herein or by general law.

300 (II) One thousand dollars in all cases in which the value
301 of the claim is more than \$50,000 but less than \$250,000 and in



582094

302 which there are not more than five defendants. The party shall
303 pay an additional filing fee of up to \$2.50 for each defendant
304 in excess of five. Of the first \$865 in filing fees, \$80 must be
305 remitted by the clerk to the Department of Revenue for deposit
306 into the General Revenue Fund, \$780 must be remitted to the
307 Department of Revenue for deposit into the State Courts Revenue
308 Trust Fund, and \$5 must be remitted to the Department of Revenue
309 for deposit into the Department of Financial Services'
310 Administrative Trust Fund to fund the contract with the Florida
311 Clerks of Court Operations Corporation described in s. 28.35.
312 The next \$15 of the filing fee collected shall be deposited in
313 the state courts' Mediation and Arbitration Trust Fund. An
314 additional filing fee of \$4 shall be paid to the clerk. The
315 clerk shall remit \$3.50 to the Department of Revenue for deposit
316 into the Court Education Trust Fund and shall remit 50 cents to
317 the Department of Revenue for deposit into the Department of
318 Financial Services' Administrative Trust Fund to fund clerk
319 education. An additional filing fee of up to \$18 shall be paid
320 by the party seeking each severance that is granted. The clerk
321 may impose an additional filing fee of up to \$85 for all
322 proceedings of garnishment, attachment, replevin, and distress.
323 Postal charges incurred by the clerk of the circuit court in
324 making service by certified or registered mail on defendants or
325 other parties shall be paid by the party at whose instance
326 service is made. No additional fees, charges, or costs shall be
327 added to the filing fees imposed under this section, except as
328 authorized herein or by general law.

329 (III) Two thousand dollars in all cases in which the value
330 of the claim is more than \$250,000 and in which there are not



582094

331 more than five defendants. The party shall pay an additional
332 filing fee of up to \$2.50 for each defendant in excess of five.
333 Of the first \$1,870 in filing fees, \$80 must be remitted by the
334 clerk to the Department of Revenue for deposit into the General
335 Revenue Fund, \$1,785 must be remitted to the Department of
336 Revenue for deposit into the State Courts Revenue Trust Fund,
337 and \$5 must be remitted to the Department of Revenue for deposit
338 into the Department of Financial Services' Administrative Trust
339 Fund to fund the contract with the Florida Clerks of Court
340 Operations Corporation created in s. 28.35. The next \$15 of the
341 filing fee collected shall be deposited in the state courts'
342 Mediation and Arbitration Trust Fund. An additional filing fee
343 of \$4 shall be paid to the clerk. The clerk shall remit \$3.50 to
344 the Department of Revenue for deposit into the Court Education
345 Trust Fund and shall remit 50 cents to the Department of Revenue
346 for deposit into the Department of Financial Services'
347 Administrative Trust Fund to fund clerk education. An additional
348 filing fee of up to \$18 shall be paid by the party seeking each
349 severance that is granted. The clerk may impose an additional
350 filing fee of up to \$85 for all proceedings of garnishment,
351 attachment, replevin, and distress. Postal charges incurred by
352 the clerk of the circuit court in making service by certified or
353 registered mail on defendants or other parties shall be paid by
354 the party at whose instance service is made. No additional fees,
355 charges, or costs shall be added to the filing fees imposed
356 under this section, except as authorized herein or by general
357 law.

358 (b) A party reopening any civil action, suit, or proceeding
359 in the circuit court shall pay to the clerk of court a filing



582094

360 fee set by the clerk in an amount not to exceed \$50. For
361 purposes of this section, a case is reopened when a case
362 previously reported as disposed of is resubmitted to a court and
363 includes petitions for modification of a final judgment of
364 dissolution. A party is exempt from paying the fee for any of
365 the following:

- 366 1. A writ of garnishment;
- 367 2. A writ of replevin;
- 368 3. A distress writ;
- 369 4. A writ of attachment;
- 370 5. A motion for rehearing filed within 10 days;
- 371 6. A motion for attorney's fees filed within 30 days after
372 entry of a judgment or final order;
- 373 7. A motion for dismissal filed after a mediation agreement
374 has been filed;
- 375 8. A disposition of personal property without
376 administration;
- 377 9. Any probate case prior to the discharge of a personal
378 representative;
- 379 10. Any guardianship pleading prior to discharge;
- 380 11. Any mental health pleading;
- 381 12. Motions to withdraw by attorneys;
- 382 13. Motions exclusively for the enforcement of child
383 support orders;
- 384 14. A petition for credit of child support;
- 385 15. A Notice of Intent to Relocate and any order issuing as
386 a result of an uncontested relocation;
- 387 16. Stipulations;
- 388 17. Responsive pleadings; or



582094

389 18. Cases in which there is no initial filing fee.

390 (c)1. A party in addition to a party described in
391 subparagraph (a)1. who files a pleading in an original civil
392 action in circuit court for affirmative relief by cross-claim,
393 counterclaim, counterpetition, or third-party complaint shall
394 pay the clerk of court a fee of \$295. The clerk shall remit the
395 fee to the Department of Revenue for deposit into the General
396 Revenue Fund.

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

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

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

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

408
409 The clerk shall remit the fees collected under this subparagraph
410 to the Department of Revenue for deposit into the General
411 Revenue Fund, except that the clerk shall remit \$705 of the fee
412 collected under sub-subparagraph b. and \$1,705 of the fee
413 collected under sub-subparagraph c. to the Department of Revenue
414 for deposit into the State Courts Revenue Trust Fund.

415 (d) The clerk of court shall collect a service charge of
416 \$10 for issuing a summons. The clerk shall assess the fee
417 against the party seeking to have the summons issued.



582094

418 (2) Upon the institution of any appellate proceeding from
419 any lower court to the circuit court of any such county,
420 including appeals filed by a county or municipality as provided
421 in s. 34.041(5), or from the circuit court to an appellate court
422 of the state, the clerk shall charge and collect from the party
423 or parties instituting such appellate proceedings a filing fee
424 not to exceed \$280 for filing a notice of appeal from the county
425 court to the circuit court and, in addition to the filing fee
426 required under s. 25.241 or s. 35.22, \$100 for filing a notice
427 of appeal from the circuit court to the district court of appeal
428 or to the Supreme Court. If the party is determined to be
429 indigent, the clerk shall defer payment of the fee. The clerk
430 shall remit the first \$80 to the Department of Revenue for
431 deposit into the General Revenue Fund. One-third of the fee
432 collected by the clerk in excess of \$80 also shall be remitted
433 to the Department of Revenue for deposit into the Clerks of the
434 Court Trust Fund.

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

438 (4) The fees prescribed in this section do not include the
439 service charges required by law for the clerk as provided in s.
440 28.24 or by other sections of the Florida Statutes. Filing fees
441 authorized by this section may not be added to any civil penalty
442 imposed by chapter 316 or chapter 318.

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

446 (6) From each attorney appearing pro hac vice, the clerk of



582094

447 the circuit court shall collect a fee of \$100 for deposit into
448 the General Revenue Fund.

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

451 34.041 Filing fees.—

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

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

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

458 3. For all claims of more than \$500 but not more than
459 \$2,500.....\$170.

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

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

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

464 (b) The first \$80 of the filing fee collected under
465 subparagraph (a)4. shall be remitted to the Department of
466 Revenue for deposit into the General Revenue Fund. The next \$15
467 of the filing fee collected under subparagraph (a)4., and the
468 first \$15 of each filing fee collected under subparagraph (a)6.,
469 shall be deposited in the state courts' Mediation and
470 Arbitration Trust Fund. One-third of any filing fees collected
471 by the clerk under this section in excess of the first \$95
472 collected under subparagraph (a)4. shall be remitted to the
473 Department of Revenue for deposit into the Department of Revenue
474 Clerks of the Court Trust Fund. An additional filing fee of \$4
475 shall be paid to the clerk. The clerk shall transfer \$3.50 to



582094

476 the Department of Revenue for deposit into the Court Education
477 Trust Fund and shall transfer 50 cents to the Department of
478 Revenue for deposit into the Department of Financial Services'
479 Administrative Trust Fund to fund clerk education. Postal
480 charges incurred by the clerk of the county court in making
481 service by mail on defendants or other parties shall be paid by
482 the party at whose instance service is made. Except as provided
483 herein, filing fees and service charges for performing duties of
484 the clerk relating to the county court shall be as provided in
485 ss. 28.24 and 28.241. Except as otherwise provided herein, all
486 filing fees shall be retained as fee income of the office of the
487 clerk of circuit court. Filing fees imposed by this section may
488 not be added to any penalty imposed by chapter 316 or chapter
489 318.

490 (c) A Any party in addition to ~~other than~~ a party described
491 in paragraph (a) who files a pleading in an original civil
492 action in the county court for affirmative relief by cross-
493 claim, counterclaim, counterpetition, or third-party complaint,
494 or who files a notice of cross-appeal or notice of joinder or
495 motion to intervene as an appellant, cross-appellant, or
496 petitioner, shall pay the clerk of court a fee of \$295 if the
497 relief sought by the party under this paragraph exceeds \$2,500.
498 This fee does ~~shall~~ not apply if ~~where~~ the cross-claim,
499 counterclaim, counterpetition, or third-party complaint requires
500 transfer of the case from county to circuit court. The clerk
501 shall remit the fee to the Department of Revenue for deposit
502 into the General Revenue Fund.

503 (d) The clerk of court shall collect a service charge of
504 \$10 for issuing a summons. The clerk shall assess the fee



582094

505 against the party seeking to have the summons issued.

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

509 318.15 Failure to comply with civil penalty or to appear;
510 penalty.—

511 (1) (a) If a person fails to comply with the civil penalties
512 provided in s. 318.18 within the time period specified in s.
513 318.14(4), fails to attend driver improvement school, or fails
514 to appear at a scheduled hearing, the clerk of the court shall
515 notify the Division of Driver Licenses of the Department of
516 Highway Safety and Motor Vehicles of such failure within 10 days
517 after such failure. Upon receipt of such notice, the department
518 shall immediately issue an order suspending the driver's license
519 and privilege to drive of such person effective 20 days after
520 the date the order of suspension is mailed in accordance with s.
521 322.251(1), (2), and (6). Any such suspension of the driving
522 privilege which has not been reinstated, including a similar
523 suspension imposed outside Florida, shall remain on the records
524 of the department for a period of 7 years from the date imposed
525 and shall be removed from the records after the expiration of 7
526 years from the date it is imposed.

527 (b) However, a person who elects to attend driver
528 improvement school and has paid the civil penalty as provided in
529 s. 318.14(9), but who subsequently fails to attend the driver
530 improvement school within the time specified by the court shall
531 be deemed to have admitted the infraction and shall be
532 adjudicated guilty. In such a case in which there was an 18
533 percent reduction pursuant to s. 318.14(9) as it existed before



582094

534 February 1, 2009 ~~prior to the effective date of this act~~, the
535 person must pay the clerk of the court that amount and a
536 processing fee of up to \$18, after which no additional
537 penalties, court costs, or surcharges shall be imposed for the
538 violation. In all other such cases, the person must pay the
539 clerk a processing fee of up to \$18, after which no additional
540 penalties, court costs, or surcharges shall be imposed for the
541 violation. The clerk of the court shall notify the department of
542 the person's failure to attend driver improvement school and
543 points shall be assessed pursuant to s. 322.27.

544 Section 6. Section 497.2765, Florida Statutes, is amended
545 to read:

546 497.2765 Recording purchase of burial rights.—

547 (1) Any person purchasing a burial right, belowground
548 crypt, grave space, mausoleum, columbarium, ossuary, or
549 scattering garden for the interment, entombment, inurnment, or
550 other disposition of human remains shall ~~may, at the person's~~
551 ~~option,~~ permanently record the purchase of the burial right,
552 belowground crypt, grave space, mausoleum, columbarium, ossuary,
553 or scattering garden with the clerk of the court in the county
554 where the burial right, belowground crypt, grave space,
555 mausoleum, columbarium, ossuary, or scattering garden is
556 located. The recordation pursuant to this section is for the
557 purpose of public notification and for the purpose of
558 establishing a permanent record in the official records of the
559 county; however, it does not create any priority of interest or
560 ownership.

561 (2) The clerk of the court shall record the evidence of the
562 purchase of a burial right, belowground crypt, grave space,



582094

563 mausoleum, columbarium, ossuary, or scattering garden presented
564 to him or her for recording upon payment of a fee of \$20 ~~the~~
565 ~~service charge as otherwise provided by law~~ for the recording of
566 each the purchase document ~~documents~~ in the official records.
567 The recording fee shall be deposited into the Public Records
568 Modernization Trust Fund and may be used for the purposes
569 specified in s. 28.24(12) (e)1.

570 Section 7. Each clerk of court shall implement an
571 electronic filing process. The purpose of the electronic filing
572 process is to reduce judicial costs in the office of the clerk
573 and the judiciary, increase timeliness in the processing of
574 cases, and provide the judiciary with case-related information
575 to allow for improved judicial case management. The Legislature
576 requests that, no later than July 1, 2009, the Supreme Court set
577 statewide standards for electronic filing to be used by the
578 clerks of court to implement electronic filing. The standards
579 should specify the required information for the duties of the
580 clerks of court and the judiciary for case management. The
581 clerks of court shall begin implementation no later than October
582 1, 2009. The Florida Clerks of Court Operations Corporation
583 shall report to the President of the Senate and the Speaker of
584 the House of Representatives by March 1, 2010, on the status of
585 implementing electronic filing. The report shall include the
586 detailed status of each clerk office's implementation of an
587 electronic filing process, and for those clerks who have not
588 fully implemented electronic filing by March 1, 2010, a
589 description of the additional steps needed and a projected
590 timeline for full implementation. Revenues provided to counties
591 and the clerk of court under s. 28.24(12) (e), Florida Statutes,



582094

592 for information technology may also be used to implement
593 electronic filing processes.

594 Section 8. Notwithstanding s. 28.36, Florida Statutes, the
595 statewide budget cap for the clerks of court is \$451,380,312 for