

By the Committee on Criminal and Civil Justice Appropriations;
and Senator Crist

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1 A bill to be entitled
2 An act relating to the state courts system; amending
3 s. 27.562, F.S.; revising the distribution of fees
4 collected from persons who receive certain assistance
5 from a public defender's office; amending s. 28.2401,
6 F.S.; increasing service charges imposed by the clerk
7 of court in certain matters based on the value of the
8 estate; providing for the deposit of revenues
9 generated from the increased service charges into the
10 State Courts Revenue Trust Fund; amending s. 28.241,
11 F.S.; providing for a portion of circuit court filing
12 fees to be deposited in the State Courts Revenue Trust
13 Fund; eliminating a requirement for the clerk of court
14 to remit a portion of excess filing fees to the
15 Department of Revenue; providing for the payment of
16 graduated filing fees in designated types of cases;
17 prescribing graduated filing fees based on the value
18 of the claim; providing a manner for valuing certain
19 claims; requiring a fee for filing a pleading for
20 relief by counterpetition; providing for the payment
21 of graduated filing fees for certain pleadings for
22 relief by cross-claim, counterclaim, counterpetition,
23 or third-party complaint; prescribing graduated filing
24 fees based on the value of the pleading; providing for
25 remittance of fees by the clerk of court; amending s.
26 34.041, F.S.; reducing the county court filing fee for
27 an action to remove a tenant; requiring a fee for
28 filing a pleading for relief by counterpetition in
29 county court; amending s. 318.15, F.S.; imposing a

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

53
54 Be It Enacted by the Legislature of the State of Florida:

55
56 Section 1. Section 27.562, Florida Statutes, is amended to
57 read:

58 27.562 Disposition of funds.—The first \$50 of all funds

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59 collected pursuant to s. 938.29 shall be deposited into the
60 Indigent Criminal Defense Trust Fund pursuant to s. 27.525 in
61 satisfaction of the indigent intake application fee for a
62 determination of indigent status under s. 27.52 if the fee was
63 not paid. The remaining funds collected pursuant to s. 938.29
64 shall be remitted to the Department of Revenue for deposit into
65 the Justice Administrative Commission's Indigent Criminal
66 Defense Trust Fund in satisfaction of the attorney's fees and
67 costs under s. 938.29(1) (a). ~~distributed as follows:~~

68 ~~(1) Twenty five percent shall be remitted to the Department~~
69 ~~of Revenue for deposit into the Justice Administrative~~
70 ~~Commission's Indigent Criminal Defense Trust Fund.~~

71 ~~(2) Seventy five percent shall be remitted to the~~
72 ~~Department of Revenue for deposit into the General Revenue Fund.~~

73
74 The Justice Administrative Commission shall account for funds
75 deposited into the Indigent Criminal Defense Trust Fund by
76 circuit. Appropriations from the fund shall be proportional to
77 each circuit's collections. All judgments entered pursuant to
78 this part shall be in the name of the state.

79 Section 2. Effective January 1, 2010, subsection (1) of
80 section 28.2401, Florida Statutes, is amended to read:

81 28.2401 Service charges in probate matters.—

82 (1) Except when otherwise provided, the clerk may impose
83 service charges for the following services, not to exceed the
84 following amounts:

85 (a) For the opening of any estate of one document or more,
86 including, but not limited to, petitions and orders to approve
87 settlement of minor's claims; to open a safe-deposit box; to

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88 enter rooms and places; for the determination of heirs, if not
 89 formal administration; and for a foreign guardian to manage
 90 property of a nonresident; but not to include issuance of
 91 letters or order of summary administration.....\$115
 92 (b) Caveat.....\$40
 93 (c) Petition and order to admit foreign wills,
 94 authenticated copies, exemplified copies, or transcript to
 95 record.....\$115
 96 (d) For disposition of personal property without
 97 administration.....\$115
 98 (e) Summary administration—estates valued at \$1,000 or
 99 more.....\$225
 100 (f) Summary administration—estates valued at less than
 101 \$1,000.....\$115
 102 (g) Formal administration, guardianship, ancillary,
 103 curatorship, or conservatorship proceedings that relate to an
 104 estate having a value of \$75,000 or less.....\$280
 105 (h) Formal administration, guardianship, ancillary,
 106 curatorship, or conservatorship proceedings that relate to an
 107 estate having a value of more than \$75,000 but less than
 108 \$250,000.....\$1,000
 109 (i) Formal administration, guardianship, ancillary,
 110 curatorship, or conservatorship proceedings that relate to an
 111 estate having a value of \$250,000 or more.....\$2,000
 112 (j)~~(h)~~ Guardianship proceedings of person only.....\$115
 113 (k)~~(i)~~ Veterans' guardianship pursuant to chapter 744...\$115
 114 (l)~~(j)~~ Exemplified certificates.....\$7
 115 (m)~~(k)~~ Petition for determination of incompetency.....\$115
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117 The clerk shall remit \$720 of the service charge collected under
118 paragraph (h) and \$1,720 of the service charge collected under
119 paragraph (i) to the Department of Revenue for deposit into the
120 State Courts Revenue Trust Fund.

121 Section 3. Subsection (1) of section 28.241, Florida
122 Statutes, is amended to read:

123 28.241 Filing fees for trial and appellate proceedings.—

124 (1) (a) 1. Except as provided in subparagraph 2., the party
125 instituting any civil action, suit, or proceeding in the circuit
126 court shall pay to the clerk of that court a filing fee of up to
127 \$295 in all cases in which there are not more than five
128 defendants and an additional filing fee of up to \$2.50 for each
129 defendant in excess of five. Of the first \$165 ~~\$85~~ in filing
130 fees, \$80 must be remitted by the clerk to the Department of
131 Revenue for deposit into the General Revenue Fund, \$80 must be
132 remitted to the Department of Revenue for deposit into the State
133 Courts Revenue Trust Fund, and \$5 must be remitted to the
134 Department of Revenue for deposit into the Department of
135 Financial Services' Administrative Trust Fund to fund the
136 contract with the Florida Clerks of Court Operations Corporation
137 created in s. 28.35. The next \$15 of the filing fee collected
138 shall be deposited in the state courts' Mediation and
139 Arbitration Trust Fund. ~~One-third of any filing fees collected~~
140 ~~by the clerk of the circuit court in excess of \$100 shall be~~
141 ~~remitted to the Department of Revenue for deposit into the~~
142 ~~Department of Revenue Clerks of the Court Trust Fund.~~ An
143 additional filing fee of \$4 shall be paid to the clerk. The
144 clerk shall remit \$3.50 to the Department of Revenue for deposit
145 into the Court Education Trust Fund and shall remit 50 cents to

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146 the Department of Revenue for deposit into the Department of
147 Financial Services Administrative Trust Fund to fund clerk
148 education. An additional filing fee of up to \$18 shall be paid
149 by the party seeking each severance that is granted. The clerk
150 may impose an additional filing fee of up to \$85 for all
151 proceedings of garnishment, attachment, replevin, and distress.
152 Postal charges incurred by the clerk of the circuit court in
153 making service by certified or registered mail on defendants or
154 other parties shall be paid by the party at whose instance
155 service is made. No additional fees, charges, or costs shall be
156 added to the filing fees imposed under this section, except as
157 authorized herein or by general law.

158 2.a. Notwithstanding the fees prescribed in subparagraph
159 1., a party instituting a civil action in circuit court for
160 foreclosure on residential or commercial real property secured
161 by a mortgage shall pay a graduated filing fee based on the
162 value of the claim.

163 b. A party shall estimate the amount in controversy of the
164 claim upon filing the action. The value of a foreclosure action
165 for the purpose of determining the filing fee is based upon the
166 principal due on the note secured by the mortgage, plus interest
167 owed on the note at the time of filing the foreclosure, plus any
168 property taxes owed at the time of the filing of the
169 foreclosure. In its order providing for the final disposition of
170 the matter, the court shall identify the actual value of the
171 claim. The clerk shall adjust the filing fee if there is a
172 difference between the estimated amount in controversy and the
173 actual value of the claim.

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

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175 (I) Two hundred and ninety-five dollars in all cases in
176 which the value of the claim is \$50,000 or less and in which
177 there are not more than five defendants. The party shall pay an
178 additional filing fee of up to \$2.50 for each defendant in
179 excess of five. Of the first \$165 in filing fees, \$80 must be
180 remitted by the clerk to the Department of Revenue for deposit
181 into the General Revenue Fund, \$80 must be remitted to the
182 Department of Revenue for deposit into the State Courts Revenue
183 Trust Fund, and \$5 must be remitted to the Department of Revenue
184 for deposit into the Department of Financial Services'
185 Administrative Trust Fund to fund the contract with the Florida
186 Clerks of Court Operations Corporation created in s. 28.35. The
187 next \$15 of the filing fee collected shall be deposited in the
188 state courts' Mediation and Arbitration Trust Fund. An
189 additional filing fee of \$4 shall be paid to the clerk. The
190 clerk shall remit \$3.50 to the Department of Revenue for deposit
191 into the Court Education Trust Fund and shall remit 50 cents to
192 the Department of Revenue for deposit into the Department of
193 Financial Services' Administrative Trust Fund to fund clerk
194 education. An additional filing fee of up to \$18 shall be paid
195 by the party seeking each severance that is granted. The clerk
196 may impose an additional filing fee of up to \$85 for all
197 proceedings of garnishment, attachment, replevin, and distress.
198 Postal charges incurred by the clerk of the circuit court in
199 making service by certified or registered mail on defendants or
200 other parties shall be paid by the party at whose instance
201 service is made. No additional fees, charges, or costs shall be
202 added to the filing fees imposed under this section, except as
203 authorized herein or by general law.

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204 (II) One thousand dollars in all cases in which the value
205 of the claim is more than \$50,000 but less than \$250,000 and in
206 which there are not more than five defendants. The party shall
207 pay an additional filing fee of up to \$2.50 for each defendant
208 in excess of five. Of the first \$865 in filing fees, \$80 must be
209 remitted by the clerk to the Department of Revenue for deposit
210 into the General Revenue Fund, \$780 must be remitted to the
211 Department of Revenue for deposit into the State Courts Revenue
212 Trust Fund, and \$5 must be remitted to the Department of Revenue
213 for deposit into the Department of Financial Services'
214 Administrative Trust Fund to fund the contract with the Florida
215 Clerks of Court Operations Corporation described in s. 28.35.
216 The next \$15 of the filing fee collected shall be deposited in
217 the state courts' Mediation and Arbitration Trust Fund. An
218 additional filing fee of \$4 shall be paid to the clerk. The
219 clerk shall remit \$3.50 to the Department of Revenue for deposit
220 into the Court Education Trust Fund and shall remit 50 cents to
221 the Department of Revenue for deposit into the Department of
222 Financial Services' Administrative Trust Fund to fund clerk
223 education. An additional filing fee of up to \$18 shall be paid
224 by the party seeking each severance that is granted. The clerk
225 may impose an additional filing fee of up to \$85 for all
226 proceedings of garnishment, attachment, replevin, and distress.
227 Postal charges incurred by the clerk of the circuit court in
228 making service by certified or registered mail on defendants or
229 other parties shall be paid by the party at whose instance
230 service is made. No additional fees, charges, or costs shall be
231 added to the filing fees imposed under this section, except as
232 authorized herein or by general law.

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233 (III) Two thousand dollars in all cases in which the value
234 of the claim is more than \$250,000 and in which there are not
235 more than five defendants. The party shall pay an additional
236 filing fee of up to \$2.50 for each defendant in excess of five.
237 Of the first \$1,870 in filing fees, \$80 must be remitted by the
238 clerk to the Department of Revenue for deposit into the General
239 Revenue Fund, \$1,785 must be remitted to the Department of
240 Revenue for deposit into the State Courts Revenue Trust Fund,
241 and \$5 must be remitted to the Department of Revenue for deposit
242 into the Department of Financial Services' Administrative Trust
243 Fund to fund the contract with the Florida Clerks of Court
244 Operations Corporation created in s. 28.35. The next \$15 of the
245 filing fee collected shall be deposited in the state courts'
246 Mediation and Arbitration Trust Fund. An additional filing fee
247 of \$4 shall be paid to the clerk. The clerk shall remit \$3.50 to
248 the Department of Revenue for deposit into the Court Education
249 Trust Fund and shall remit 50 cents to the Department of Revenue
250 for deposit into the Department of Financial Services'
251 Administrative Trust Fund to fund clerk education. An additional
252 filing fee of up to \$18 shall be paid by the party seeking each
253 severance that is granted. The clerk may impose an additional
254 filing fee of up to \$85 for all proceedings of garnishment,
255 attachment, replevin, and distress. Postal charges incurred by
256 the clerk of the circuit court in making service by certified or
257 registered mail on defendants or other parties shall be paid by
258 the party at whose instance service is made. No additional fees,
259 charges, or costs shall be added to the filing fees imposed
260 under this section, except as authorized herein or by general
261 law.

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262 (b) A party reopening any civil action, suit, or proceeding
263 in the circuit court shall pay to the clerk of court a filing
264 fee set by the clerk in an amount not to exceed \$50. For
265 purposes of this section, a case is reopened when a case
266 previously reported as disposed of is resubmitted to a court and
267 includes petitions for modification of a final judgment of
268 dissolution. A party is exempt from paying the fee for any of
269 the following:

- 270 1. A writ of garnishment;
- 271 2. A writ of replevin;
- 272 3. A distress writ;
- 273 4. A writ of attachment;
- 274 5. A motion for rehearing filed within 10 days;
- 275 6. A motion for attorney's fees filed within 30 days after
276 entry of a judgment or final order;
- 277 7. A motion for dismissal filed after a mediation agreement
278 has been filed;
- 279 8. A disposition of personal property without
280 administration;
- 281 9. Any probate case prior to the discharge of a personal
282 representative;
- 283 10. Any guardianship pleading prior to discharge;
- 284 11. Any mental health pleading;
- 285 12. Motions to withdraw by attorneys;
- 286 13. Motions exclusively for the enforcement of child
287 support orders;
- 288 14. A petition for credit of child support;
- 289 15. A Notice of Intent to Relocate and any order issuing as
290 a result of an uncontested relocation;

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291 16. Stipulations;

292 17. Responsive pleadings; or

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

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

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

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

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

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

312
313 The clerk shall remit the fees collected under this subparagraph
314 to the Department of Revenue for deposit into the General
315 Revenue Fund, except that the clerk shall remit \$705 of the fee
316 collected under sub-subparagraph b. and \$1,705 of the fee
317 collected under sub-subparagraph c. to the Department of Revenue
318 for deposit into the State Courts Revenue Trust Fund.

319 (d) The clerk of court shall collect a service charge of

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320 \$10 for issuing a summons. The clerk shall assess the fee
321 against the party seeking to have the summons issued.

322 Section 4. Effective January 1, 2010, section 28.241,
323 Florida Statutes, as amended by this act, is amended to read:

324 28.241 Filing fees for trial and appellate proceedings;
325 graduated filing fees.—

326 (1)(a)1. Except as provided in subparagraph 2., the party
327 instituting any civil action, suit, or proceeding in the circuit
328 court shall pay to the clerk of that court a filing fee of up to
329 \$295 in all cases in which there are not more than five
330 defendants and an additional filing fee of up to \$2.50 for each
331 defendant in excess of five. Of the first \$165 in filing fees,
332 \$80 must be remitted by the clerk to the Department of Revenue
333 for deposit into the General Revenue Fund, \$80 must be remitted
334 to the Department of Revenue for deposit into the State Courts
335 Revenue Trust Fund, and \$5 must be remitted to the Department of
336 Revenue for deposit into the Department of Financial Services'
337 Administrative Trust Fund to fund the contract with the Florida
338 Clerks of Court Operations Corporation created in s. 28.35. The
339 next \$15 of the filing fee collected shall be deposited in the
340 state courts' Mediation and Arbitration Trust Fund. An
341 additional filing fee of \$4 shall be paid to the clerk. The
342 clerk shall remit \$3.50 to the Department of Revenue for deposit
343 into the Court Education Trust Fund and shall remit 50 cents to
344 the Department of Revenue for deposit into the Department of
345 Financial Services Administrative Trust Fund to fund clerk
346 education. An additional filing fee of up to \$18 shall be paid
347 by the party seeking each severance that is granted. The clerk
348 may impose an additional filing fee of up to \$85 for all

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349 proceedings of garnishment, attachment, replevin, and distress.
350 Postal charges incurred by the clerk of the circuit court in
351 making service by certified or registered mail on defendants or
352 other parties shall be paid by the party at whose instance
353 service is made. No additional fees, charges, or costs shall be
354 added to the filing fees imposed under this section, except as
355 authorized herein or by general law.

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

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

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

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

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

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

369 (VI) An action involving business transactions and which
370 seeks economic damages;

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

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

375 (IX) An action for dissolution of marriage or simplified
376 dissolution of marriage.

377 b. A party shall estimate the amount in controversy of the

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378 claim upon filing the action or other request for relief. Except
379 as otherwise provided, the amount in controversy for an action
380 shall include the amount of estimated economic damages and other
381 damages. The value of a foreclosure action for the purpose of
382 determining the filing fee is based upon the principal due on
383 the note secured by the mortgage, plus interest owed on the note
384 at the time of filing the foreclosure, plus any property taxes
385 owed at the time of the filing of the foreclosure. The amount in
386 controversy for an action for dissolution of marriage or
387 simplified dissolution of marriage shall be based upon the
388 estimated equitable distribution of assets and shall not include
389 child support or alimony. In its order providing for the final
390 disposition of the matter, the court shall identify the actual
391 value of the claim. The clerk shall adjust the filing fee if
392 there is a difference between the estimated amount in
393 controversy and the actual value of the claim.

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

395 (I) Two hundred and ninety-five dollars in all cases in
396 which the value of the claim is \$50,000 or less and in which
397 there are not more than five defendants. The party shall pay an
398 additional filing fee of up to \$2.50 for each defendant in
399 excess of five. Of the first \$165 in filing fees, \$80 must be
400 remitted by the clerk to the Department of Revenue for deposit
401 into the General Revenue Fund, \$80 must be remitted to the
402 Department of Revenue for deposit into the State Courts Revenue
403 Trust Fund, and \$5 must be remitted to the Department of Revenue
404 for deposit into the Department of Financial Services'
405 Administrative Trust Fund to fund the contract with the Florida
406 Clerks of Court Operations Corporation created in s. 28.35. The

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

424 (II) One thousand dollars in all cases in which the value
425 of the claim is more than \$50,000 but less than \$250,000 and in
426 which there are not more than five defendants. The party shall
427 pay an additional filing fee of up to \$2.50 for each defendant
428 in excess of five. Of the first \$865 in filing fees, \$80 must be
429 remitted by the clerk to the Department of Revenue for deposit
430 into the General Revenue Fund, \$780 must be remitted to the
431 Department of Revenue for deposit into the State Courts Revenue
432 Trust Fund, and \$5 must be remitted to the Department of Revenue
433 for deposit into the Department of Financial Services'
434 Administrative Trust Fund to fund the contract with the Florida
435 Clerks of Court Operations Corporation described in s. 28.35.

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

453 (III) Two thousand dollars in all cases in which the value
454 of the claim is more than \$250,000 and in which there are not
455 more than five defendants. The party shall pay an additional
456 filing fee of up to \$2.50 for each defendant in excess of five.
457 Of the first \$1,870 in filing fees, \$80 must be remitted by the
458 clerk to the Department of Revenue for deposit into the General
459 Revenue Fund, \$1,785 must be remitted to the Department of
460 Revenue for deposit into the State Courts Revenue Trust Fund,
461 and \$5 must be remitted to the Department of Revenue for deposit
462 into the Department of Financial Services' Administrative Trust
463 Fund to fund the contract with the Florida Clerks of Court
464 Operations Corporation created in s. 28.35. The next \$15 of the

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466 Mediation and Arbitration Trust Fund. An additional filing fee
467 of \$4 shall be paid to the clerk. The clerk shall remit \$3.50 to
468 the Department of Revenue for deposit into the Court Education
469 Trust Fund and shall remit 50 cents to the Department of Revenue
470 for deposit into the Department of Financial Services'
471 Administrative Trust Fund to fund clerk education. An additional
472 filing fee of up to \$18 shall be paid by the party seeking each
473 severance that is granted. The clerk may impose an additional
474 filing fee of up to \$85 for all proceedings of garnishment,
475 attachment, replevin, and distress. Postal charges incurred by
476 the clerk of the circuit court in making service by certified or
477 registered mail on defendants or other parties shall be paid by
478 the party at whose instance service is made. No additional fees,
479 charges, or costs shall be added to the filing fees imposed
480 under this section, except as authorized herein or by general
481 law.

482 (b) A party reopening any civil action, suit, or proceeding
483 in the circuit court shall pay to the clerk of court a filing
484 fee set by the clerk in an amount not to exceed \$50. For
485 purposes of this section, a case is reopened when a case
486 previously reported as disposed of is resubmitted to a court and
487 includes petitions for modification of a final judgment of
488 dissolution. A party is exempt from paying the fee for any of
489 the following:

- 490 1. A writ of garnishment;
- 491 2. A writ of replevin;
- 492 3. A distress writ;
- 493 4. A writ of attachment;

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- 494 5. A motion for rehearing filed within 10 days;
- 495 6. A motion for attorney's fees filed within 30 days after
496 entry of a judgment or final order;
- 497 7. A motion for dismissal filed after a mediation agreement
498 has been filed;
- 499 8. A disposition of personal property without
500 administration;
- 501 9. Any probate case prior to the discharge of a personal
502 representative;
- 503 10. Any guardianship pleading prior to discharge;
- 504 11. Any mental health pleading;
- 505 12. Motions to withdraw by attorneys;
- 506 13. Motions exclusively for the enforcement of child
507 support orders;
- 508 14. A petition for credit of child support;
- 509 15. A Notice of Intent to Relocate and any order issuing as
510 a result of an uncontested relocation;
- 511 16. Stipulations;
- 512 17. Responsive pleadings; or
- 513 18. Cases in which there is no initial filing fee.
- 514 (c)1. A party in addition to a party described in
515 subparagraph (a)1. who files a pleading in an original civil
516 action in circuit court for affirmative relief by cross-claim,
517 counterclaim, counterpetition, or third-party complaint shall
518 pay the clerk of court a fee of \$295. The clerk shall remit the
519 fee to the Department of Revenue for deposit into the General
520 Revenue Fund.
- 521 2. A party in addition to a party described in subparagraph
522 (a)2. who files a pleading in an original civil action in

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523 circuit court for affirmative relief by cross-claim,
524 counterclaim, counterpetition, or third-party complaint shall
525 pay the clerk of court a graduated fee of:

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

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

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

532

533 The clerk shall remit the fees collected under this subparagraph
534 to the Department of Revenue for deposit into the General
535 Revenue Fund, except that the clerk shall remit \$705 of the fee
536 collected under sub-subparagraph b. and \$1,705 of the fee
537 collected under sub-subparagraph c. to the Department of Revenue
538 for deposit into the State Courts Revenue Trust Fund.

539 (d) The clerk of court shall collect a service charge of
540 \$10 for issuing a summons. The clerk shall assess the fee
541 against the party seeking to have the summons issued.

542 (2) Upon the institution of any appellate proceeding from
543 any lower court to the circuit court of any such county,
544 including appeals filed by a county or municipality as provided
545 in s. 34.041(5), or from the circuit court to an appellate court
546 of the state, the clerk shall charge and collect from the party
547 or parties instituting such appellate proceedings a filing fee
548 not to exceed \$280 for filing a notice of appeal from the county
549 court to the circuit court and, in addition to the filing fee
550 required under s. 25.241 or s. 35.22, \$100 for filing a notice
551 of appeal from the circuit court to the district court of appeal

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552 or to the Supreme Court. If the party is determined to be
 553 indigent, the clerk shall defer payment of the fee. The clerk
 554 shall remit the first \$80 to the Department of Revenue for
 555 deposit into the General Revenue Fund. One-third of the fee
 556 collected by the clerk in excess of \$80 also shall be remitted
 557 to the Department of Revenue for deposit into the Clerks of the
 558 Court Trust Fund.

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

562 (4) The fees prescribed in this section do not include the
 563 service charges required by law for the clerk as provided in s.
 564 28.24 or by other sections of the Florida Statutes. Filing fees
 565 authorized by this section may not be added to any civil penalty
 566 imposed by chapter 316 or chapter 318.

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

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

573 Section 5. Subsection (1) of section 34.041, Florida
 574 Statutes, is amended to read:

575 34.041 Filing fees.—

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

- 579 1. For all claims less than \$100.....\$50.
- 580 2. For all claims of \$100 or more but not more

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581 than \$500.....\$75.

582 3. For all claims of more than \$500 but not more than
583 \$2,500.....\$170.

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

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

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

588 (b) The first \$80 of the filing fee collected under
589 subparagraph (a)4. shall be remitted to the Department of
590 Revenue for deposit into the General Revenue Fund. The next \$15
591 of the filing fee collected under subparagraph (a)4., and the
592 first \$15 of each filing fee collected under subparagraph (a)6.,
593 shall be deposited in the state courts' Mediation and
594 Arbitration Trust Fund. One-third of any filing fees collected
595 by the clerk under this section in excess of the first \$95
596 collected under subparagraph (a)4. shall be remitted to the
597 Department of Revenue for deposit into the Department of Revenue
598 Clerks of the Court Trust Fund. An additional filing fee of \$4
599 shall be paid to the clerk. The clerk shall transfer \$3.50 to
600 the Department of Revenue for deposit into the Court Education
601 Trust Fund and shall transfer 50 cents to the Department of
602 Revenue for deposit into the Department of Financial Services'
603 Administrative Trust Fund to fund clerk education. Postal
604 charges incurred by the clerk of the county court in making
605 service by mail on defendants or other parties shall be paid by
606 the party at whose instance service is made. Except as provided
607 herein, filing fees and service charges for performing duties of
608 the clerk relating to the county court shall be as provided in
609 ss. 28.24 and 28.241. Except as otherwise provided herein, all

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610 filing fees shall be retained as fee income of the office of the
611 clerk of circuit court. Filing fees imposed by this section may
612 not be added to any penalty imposed by chapter 316 or chapter
613 318.

614 (c) A ~~Any~~ party in addition to ~~other than~~ a party described
615 in paragraph (a) who files a pleading in an original civil
616 action in the county court for affirmative relief by cross-
617 claim, counterclaim, counterpetition, or third-party complaint,
618 or who files a notice of cross-appeal or notice of joinder or
619 motion to intervene as an appellant, cross-appellant, or
620 petitioner, shall pay the clerk of court a fee of \$295 if the
621 relief sought by the party under this paragraph exceeds \$2,500.
622 This fee does ~~shall~~ not apply if ~~where~~ the cross-claim,
623 counterclaim, counterpetition, or third-party complaint requires
624 transfer of the case from county to circuit court. The clerk
625 shall remit the fee to the Department of Revenue for deposit
626 into the General Revenue Fund.

627 (d) The clerk of court shall collect a service charge of
628 \$10 for issuing a summons. The clerk shall assess the fee
629 against the party seeking to have the summons issued.

630 Section 6. Subsection (1) of section 318.15, Florida
631 Statutes, as amended by section 2 of chapter 2009-6, Laws of
632 Florida, is amended to read:

633 318.15 Failure to comply with civil penalty or to appear;
634 penalty.-

635 (1) (a) If a person fails to comply with the civil penalties
636 provided in s. 318.18 within the time period specified in s.
637 318.14(4), fails to attend driver improvement school, or fails
638 to appear at a scheduled hearing, the clerk of the court shall

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639 notify the Division of Driver Licenses of the Department of
640 Highway Safety and Motor Vehicles of such failure within 10 days
641 after such failure. Upon receipt of such notice, the department
642 shall immediately issue an order suspending the driver's license
643 and privilege to drive of such person effective 20 days after
644 the date the order of suspension is mailed in accordance with s.
645 322.251(1), (2), and (6). Any such suspension of the driving
646 privilege which has not been reinstated, including a similar
647 suspension imposed outside Florida, shall remain on the records
648 of the department for a period of 7 years from the date imposed
649 and shall be removed from the records after the expiration of 7
650 years from the date it is imposed.

651 (b) However, a person who elects to attend driver
652 improvement school and has paid the civil penalty as provided in
653 s. 318.14(9), but who subsequently fails to attend the driver
654 improvement school within the time specified by the court shall
655 be deemed to have admitted the infraction and shall be
656 adjudicated guilty. In such a case in which there was an 18
657 percent reduction pursuant to s. 318.14(9) as it existed before
658 February 1, 2009 ~~prior to the effective date of this act~~, the
659 person must pay the clerk of the court that amount and a
660 processing fee of up to \$18, after which no additional
661 penalties, court costs, or surcharges shall be imposed for the
662 violation. In all other such cases, the person must pay the
663 clerk a processing fee of up to \$18, after which no additional
664 penalties, court costs, or surcharges shall be imposed for the
665 violation. The clerk of the court shall notify the department of
666 the person's failure to attend driver improvement school and
667 points shall be assessed pursuant to s. 322.27.

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668 Section 7. Section 497.2765, Florida Statutes, is amended
669 to read:

670 497.2765 Recording purchase of burial rights.—

671 (1) Any person purchasing a burial right, belowground
672 crypt, grave space, mausoleum, columbarium, ossuary, or
673 scattering garden for the interment, entombment, inurnment, or
674 other disposition of human remains shall ~~may, at the person's~~
675 ~~option,~~ permanently record the purchase of the burial right,
676 belowground crypt, grave space, mausoleum, columbarium, ossuary,
677 or scattering garden with the clerk of the court in the county
678 where the burial right, belowground crypt, grave space,
679 mausoleum, columbarium, ossuary, or scattering garden is
680 located. The recordation pursuant to this section is for the
681 purpose of public notification and for the purpose of
682 establishing a permanent record in the official records of the
683 county; however, it does not create any priority of interest or
684 ownership.

685 (2) The clerk of the court shall record the evidence of the
686 purchase of a burial right, belowground crypt, grave space,
687 mausoleum, columbarium, ossuary, or scattering garden presented
688 to him or her for recording upon payment of a fee of \$20 ~~the~~
689 ~~service charge as otherwise provided by law~~ for the recording of
690 each the purchase document ~~documents~~ in the official records.
691 The recording fee shall be deposited into the Public Records
692 Modernization Trust Fund and may be used for the purposes
693 specified in s. 28.24(12)(e)1.

694 Section 8. Each clerk of court shall implement an
695 electronic filing process. The purpose of the electronic filing
696 process is to reduce judicial costs in the office of the clerk

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697 and the judiciary, increase timeliness in the processing of
698 cases, and provide the judiciary with case-related information
699 to allow for improved judicial case management. The Legislature
700 requests that, no later than July 1, 2009, the Supreme Court set
701 statewide standards for electronic filing to be used by the
702 clerks of court to implement electronic filing. The standards
703 should specify the required information for the duties of the
704 clerks of court and the judiciary for case management. The
705 clerks of court shall begin implementation no later than October
706 1, 2009. The Florida Clerks of Court Operations Corporation
707 shall report to the President of the Senate and the Speaker of
708 the House of Representatives by March 1, 2010, on the status of
709 implementing electronic filing. The report shall include the
710 detailed status of each clerk office's implementation of an
711 electronic filing process, and for those clerks who have not
712 fully implemented electronic filing by March 1, 2010, a
713 description of the additional steps needed and a projected
714 timeline for full implementation. Revenues provided to counties
715 and the clerk of court under s. 28.24(12)(e), Florida Statutes,
716 for information technology may also be used to implement
717 electronic filing processes.

718 Section 9. Notwithstanding s. 28.36, Florida Statutes, the
719 statewide budget cap for the clerks of court is \$451,380,312 for
720 the 2008-2009 county fiscal year. The Florida Clerks of Court
721 Operations Corporation shall reduce the individual approved
722 budgets of the clerks of court to ensure that the sum of the
723 approved budgets does not exceed this statewide budget cap.

724 Section 10. If, at any time during the 2009-2010 fiscal
725 year, the Revenue Estimating Conference projects that revenue

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726 deposited into the State Courts Revenue Trust Fund will be less
727 than 98 percent of the amount appropriated from the fund in the
728 General Appropriations Act for the 2009-2010 fiscal year, the
729 Chief Justice of the Supreme Court may request a loan of funds
730 from the General Revenue Fund to the trust fund. If approved by
731 the Legislative Budget Commission, the loan must be repaid by
732 June 30, 2011.

733 Section 11. The Legislature requests that the Supreme Court
734 modify judicial rules associated with filing fees to implement
735 the changes provided for in this act.

736 Section 12. Except as otherwise expressly provide this act,
737 this act shall take effect June 1, 2009.