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1                   A bill to be entitled  
2     An act relating to the state judicial system; amending  
3     s. 26.57, F.S.; authorizing any county court judge to  
4     be designated by the Chief Justice of the Supreme  
5     Court to preside over circuit court cases; providing  
6     that such county court judge will receive the same  
7     salary as a circuit court judge, to the extent that  
8     funds are specifically appropriated by law for such  
9     purposes; amending s. 27.511, F.S.; eliminating future  
10    repeal of authority for part-time assistant criminal  
11    conflict and civil regional counsel to practice  
12    private criminal law under specified conditions;  
13    conforming changes; amending s. 27.562, F.S.; revising  
14    the distribution of fees and costs collected from  
15    persons who receive certain assistance from a public  
16    defender's office; amending s. 28.2401, F.S.;  
17    increasing the maximum amount the clerk of court may  
18    impose for certain actions in probate matters;  
19    providing for the deposit of revenues generated from  
20    the increased amount into the State Courts Revenue  
21    Trust Fund; delineating specified amounts as filing  
22    fees or service charges; amending s. 28.241, F.S.;  
23    increasing the maximum filing fee for certain civil  
24    actions; providing for a portion of circuit court  
25    filing fees to be deposited in the State Courts  
26    Revenue Trust Fund; eliminating a requirement for the  
27    clerk of court to remit a portion of excess filing  
28    fees to the Department of Revenue; prescribing a  
29    maximum filing fee for certain family law actions;

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30 providing for the distribution of such fee; providing  
31 for the payment of graduated filing fees in certain  
32 real property or mortgage foreclosure actions;  
33 providing a manner for valuing mortgage foreclosure  
34 claims; prescribing graduated filing fees based on the  
35 value of the claim; requiring a fee for filing a  
36 pleading for relief by counterpetition; providing for  
37 the payment of graduated filing fees for certain real  
38 property or mortgage foreclosure pleadings for relief  
39 by cross-claim, counterclaim, counterpetition, or  
40 third-party complaint; prescribing graduated filing  
41 fees based on the value of the pleading; providing for  
42 remittance of fees by the clerk of court and for  
43 deposit into specified funds; eliminating a  
44 requirement for the clerk of court to remit a portion  
45 of fees collected to the Department of Revenue for  
46 deposit into a specified trust fund; amending s.  
47 28.33, F.S.; providing that interest on county funds  
48 invested by the clerk of court constitutes county  
49 funds; amending s. 34.041, F.S.; prescribing a maximum  
50 county court filing fee for claims of a specified  
51 value filed with an action for replevin; reducing the  
52 county court filing fee for an action to remove a  
53 tenant; providing for deposit of a portion of fees  
54 collected into the State Courts Revenue Trust Fund;  
55 eliminating a requirement for the clerk of court to  
56 remit a portion of excess filing fees to the  
57 Department of Revenue; requiring a fee for filing a  
58 pleading for relief by counterpetition in county

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59 court; specifying the applicable filing fee required  
60 when a case is transferred from county to circuit  
61 court; amending s. 57.081, F.S.; providing for the  
62 waiver of payment of civil filing fees by persons  
63 deemed indigent; revising a requirement for taxed  
64 costs in favor of an indigent person to be applied to  
65 unpaid costs, to conform; amending s. 57.082, F.S.;  
66 conforming changes to the waiver of payment of filing  
67 fees by persons deemed indigent; revising provisions  
68 related to payment plans, to conform; excluding waived  
69 filing fees from payment plans; amending s. 318.121,  
70 F.S.; specifying that an Article V assessment is among  
71 the fees, fines, surcharges, and costs that may be  
72 added to civil traffic infractions; amending s.  
73 318.15, F.S.; imposing a processing fee by the clerk  
74 of court on persons who elect to attend a driver  
75 improvement school following certain traffic  
76 violations but fail to attend; amending s. 318.18,  
77 F.S.; imposing an administrative fee and an assessment  
78 on motor vehicle license violations and driver's  
79 license violations; reenacting s. 318.21(18) and (19),  
80 F.S., relating to distribution of traffic-infraction  
81 penalties, to incorporate the amendments to s. 318.18,  
82 F.S., in references thereto; amending s. 939.185,  
83 F.S.; providing for the order assessing additional  
84 court costs and surcharges in certain criminal  
85 offenses and criminal traffic offenses to be recorded  
86 with the clerk of court; providing that such record  
87 constitutes a lien on certain real and personal

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88 property under specified conditions; providing for an  
89 exception and enforcement; providing that such  
90 amendments to s. 939.185(1), F.S., are contingent upon  
91 a specified act enacted during the 2009 Regular  
92 Session becoming law and supersede amendments made by  
93 that act; requiring the Florida Clerks of Court  
94 Operations Corporation to report annually on certain  
95 trust funds in excess of the amount needed to fund the  
96 clerk budgets; directing the Justice Administrative  
97 Commission to transfer the excess funds to the General  
98 Revenue Fund; requiring the clerk of court to  
99 implement a process for the electronic filing of  
100 court-related information; requiring the Florida  
101 Clerks of Court Operations Corporation to report on  
102 implementation of the electronic filing process;  
103 expressing legislative intent for the First District  
104 Court of Appeal to conduct a pilot project for  
105 electronic filing of workers' compensation cases;  
106 providing for a report on the pilot project;  
107 prescribing the statewide budget cap for the clerks of  
108 court for the 2009-2010 state fiscal year; directing  
109 the Florida Clerks of Court Operations Corporation to  
110 reduce the individual approved budgets of the clerks  
111 of court; requiring the Office of Program Policy  
112 Analysis and Government Accountability, in  
113 consultation with the Chief Financial Officer and the  
114 Auditor General, to provide a report regarding the  
115 operation and relationship of the clerks of court and  
116 the courts to the Legislature by a specified date;

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117 providing report requirements; requiring the  
118 Technology Review Workgroup to develop a proposed plan  
119 for identifying and recommending options for  
120 implementing the integrated computer system and submit  
121 the plan to the Legislature by a specified date;  
122 providing plan requirements; requiring reports on  
123 certain purchases of computer hardware and software by  
124 clerks of court; superseding provisions relating to  
125 functions of the clerks of court and relating to  
126 computer hardware and software purchases by the clerks  
127 contained in a specified act enacted during the 2009  
128 Regular Session; providing that such provisions do not  
129 take effect if the specified act does not become law;  
130 expressing legislative intent related to amendatory  
131 acts passed during the same legislative session;  
132 revising the effective date of a specified act enacted  
133 during the 2009 Regular Session; providing effective  
134 dates.

135  
136 Be It Enacted by the Legislature of the State of Florida:

137  
138 Section 1. Section 26.57, Florida Statutes, is amended to  
139 read:

140 26.57 Temporary designation of county court judge to  
141 preside over circuit court cases.—A ~~In each county where there~~  
142 ~~is no resident circuit judge and the county court judge has been~~  
143 ~~a member of the bar for at least 5 years and is qualified to be~~  
144 ~~a circuit judge,~~ the county court judge may be designated on a  
145 temporary basis to preside over circuit court cases by the Chief

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146 Justice of the Supreme Court upon recommendation of the chief  
147 judge of the circuit. He or she may be assigned to exercise all  
148 county and circuit court jurisdiction in the county, except  
149 appeals from the county court. In addition, he or she may be  
150 required to perform the duties of circuit judge in other  
151 counties of the circuit as time may permit and as the need  
152 arises, as determined by the chief judge of the circuit. A  
153 county court judge designated to preside over circuit court  
154 cases shall receive the same salary as a circuit court judge, to  
155 the extent that funds are specifically appropriated by law for  
156 such purposes.

157 Section 2. Subsection (4) of section 27.511, Florida  
158 Statutes, is amended to read:

159 27.511 Offices of criminal conflict and civil regional  
160 counsel; legislative intent; qualifications; appointment;  
161 duties.—

162 (4) ~~(a)~~ Each regional counsel shall serve on a full-time  
163 basis and may not engage in the private practice of law while  
164 holding office. Assistant regional counsel shall give priority  
165 and preference to their duties as assistant regional counsel and  
166 may not otherwise engage in the practice of criminal law.  
167 However, part-time assistant regional counsel may practice  
168 criminal law for private payment so long as the representation  
169 does not result in a legal or ethical conflict of interest with  
170 a case for which the office of criminal conflict and civil  
171 regional counsel is providing representation. Assistant regional  
172 counsel may not accept criminal cases for reimbursement by the  
173 state under s. 27.5304. Assistant regional counsel may not  
174 engage in civil proceedings for which the state compensates

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175 attorneys under s. 27.5304.

176 ~~(b) Notwithstanding paragraph (a), part-time assistant~~  
177 ~~regional counsel may practice criminal law for private payment~~  
178 ~~so long as the representation does not result in a legal or~~  
179 ~~ethical conflict of interest with a case for which the office of~~  
180 ~~criminal conflict and civil regional counsel is providing~~  
181 ~~representation. Assistant regional counsel may not accept~~  
182 ~~criminal cases for reimbursement by the state under s. 27.5304.~~  
183 ~~This paragraph expires June 30, 2010.~~

184 Section 3. Section 27.562, Florida Statutes, is amended to  
185 read:

186 27.562 Disposition of funds. ~~The first \$50 of~~ All funds  
187 collected pursuant to s. 938.29 shall be remitted to the  
188 Department of Revenue for deposit ~~deposited~~ into the Indigent  
189 Criminal Defense Trust Fund administered by the Justice  
190 Administrative Commission pursuant to s. 27.525 ~~in satisfaction~~  
191 ~~of the application fee for a determination of indigent status~~  
192 ~~under s. 27.52 if the fee was not paid. The remaining funds~~  
193 ~~collected pursuant to s. 938.29 shall be distributed as follows:~~

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

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

199  
200 The Justice Administrative Commission shall account for funds  
201 deposited into the Indigent Criminal Defense Trust Fund by  
202 circuit. Appropriations from the fund shall be proportional to  
203 each circuit's collections. All judgments entered pursuant to

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204 this part shall be in the name of the state.

205 Section 4. Effective June 1, 2009, section 28.2401, Florida  
206 Statutes, is amended to read:

207 28.2401 Service charges and filing fees in probate  
208 matters.—

209 (1) Except when otherwise provided, the clerk may impose  
210 service charges or filing fees for the following services or  
211 filings, not to exceed the following amounts:

212 (a) Fee for the opening of any estate of one document or  
213 more, including, but not limited to, petitions and orders to  
214 approve settlement of minor’s claims; to open a safe-deposit  
215 box; to enter rooms and places; for the determination of heirs,  
216 if not formal administration; and for a foreign guardian to  
217 manage property of a nonresident; but not to include issuance of  
218 letters or order of summary administration.....\$230 ~~\$115~~

219 (b) Charge for caveat.....\$40

220 (c) Fee for petition and order to admit foreign wills,  
221 authenticated copies, exemplified copies, or transcript to  
222 record.....\$230 ~~\$115~~

223 (d) Fee for disposition of personal property without  
224 administration.....\$230 ~~\$115~~

225 (e) Fee for summary administration—estates valued at \$1,000  
226 or more.....\$340 ~~\$225~~

227 (f) Fee for summary administration—estates valued at less  
228 than \$1,000.....\$230 ~~\$115~~

229 (g) Fee for formal administration, guardianship, ancillary,  
230 curatorship, or conservatorship proceedings ..... \$395 ~~\$280~~

231 (h) Fee for guardianship proceedings of person only \$230 ~~\$115~~

232 (i) Fee for veterans’ guardianship pursuant to



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233 chapter 744 .....\$230 ~~\$115~~  
 234 (j) Charge for exemplified certificates.....\$7  
 235 (k) Fee for petition for determination of  
 236 incompetency..... \$230 ~~\$115~~

237  
 238 The clerk shall remit \$115 of each filing fee collected under  
 239 paragraphs (a), (c)-(i), and (k) to the Department of Revenue  
 240 for deposit into the State Courts Revenue Trust Fund.

241 (2) Upon application by the clerk and a showing of  
 242 extraordinary circumstances, the service charges or filing fees  
 243 set forth in this section may be increased in an individual  
 244 matter by order of the circuit court before which the matter is  
 245 pending, to more adequately compensate for the services  
 246 performed or filings made.

247 (3) An additional service charge of \$4 on petitions seeking  
 248 summary administration, formal administration, ancillary  
 249 administration, guardianship, curatorship, and conservatorship  
 250 shall be paid to the clerk. The clerk shall transfer \$3.50 to  
 251 the Department of Revenue for deposit into the Court Education  
 252 Trust Fund and shall transfer 50 cents to the Department of  
 253 Revenue for deposit into the Department of Financial Services'  
 254 Administrative Trust Fund to fund clerk education. No additional  
 255 fees, charges, or costs shall be added to the service charges or  
 256 filing fees imposed under this section, except as authorized by  
 257 general law.

258 (4) Recording shall be required for all petitions opening  
 259 and closing an estate; petitions regarding real estate; and  
 260 orders, letters, bonds, oaths, wills, proofs of wills, returns,  
 261 and such other papers as the judge shall deem advisable to

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262 record or that shall be required to be recorded under the  
263 Florida Probate Code.

264 Section 5. Effective June 1, 2009, subsections (1) and (2)  
265 of section 28.241, Florida Statutes, are amended to read:

266 28.241 Filing fees for trial and appellate proceedings.—

267 (1) (a) 1.a. Except as provided in sub-subparagraph b. and  
268 subparagraph 2., the party instituting any civil action, suit,  
269 or proceeding in the circuit court shall pay to the clerk of  
270 that court a filing fee of up to \$395 ~~\$295~~ in all cases in which  
271 there are not more than five defendants and an additional filing  
272 fee of up to \$2.50 for each defendant in excess of five. Of the  
273 first \$265 ~~\$85~~ in filing fees, \$80 must be remitted by the clerk  
274 to the Department of Revenue for deposit into the General  
275 Revenue Fund, \$180 must be remitted to the Department of Revenue  
276 for deposit into the State Courts Revenue Trust Fund, and \$5  
277 must be remitted to the Department of Revenue for deposit into  
278 the Department of Financial Services' Administrative Trust Fund  
279 to fund the contract with the Florida Clerks of Court Operations  
280 Corporation created in s. 28.35. The next \$15 of the filing fee  
281 collected shall be deposited in the state courts' Mediation and  
282 Arbitration Trust Fund. ~~One-third of any filing fees collected~~  
283 ~~by the clerk of the circuit court in excess of \$100 shall be~~  
284 ~~remitted to the Department of Revenue for deposit into the~~  
285 ~~Department of Revenue Clerks of the Court Trust Fund.~~

286 b. The party instituting any civil action, suit, or  
287 proceeding in the circuit court under chapter 39, chapter 61,  
288 chapter 741, chapter 742, chapter 747, chapter 752, or chapter  
289 753 shall pay to the clerk of that court a filing fee of up to  
290 \$295 in all cases in which there are not more than five

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291 defendants and an additional filing fee of up to \$2.50 for each  
292 defendant in excess of five. Of the first \$165 in filing fees,  
293 \$80 must be remitted by the clerk to the Department of Revenue  
294 for deposit into the General Revenue Fund, \$80 must be remitted  
295 to the Department of Revenue for deposit into the State Courts  
296 Revenue Trust Fund, and \$5 must be remitted to the Department of  
297 Revenue for deposit into the Department of Financial Services'  
298 Administrative Trust Fund to fund the contract with the Florida  
299 Clerks of Court Operations Corporation created in s. 28.35. The  
300 next \$15 of the filing fee collected shall be deposited in the  
301 state courts' Mediation and Arbitration Trust Fund.

302 c. An additional filing fee of \$4 shall be paid to the  
303 clerk. The clerk shall remit \$3.50 to the Department of Revenue  
304 for deposit into the Court Education Trust Fund and shall remit  
305 50 cents to the Department of Revenue for deposit into the  
306 Department of Financial Services Administrative Trust Fund to  
307 fund clerk education. An additional filing fee of up to \$18  
308 shall be paid by the party seeking each severance that is  
309 granted. The clerk may impose an additional filing fee of up to  
310 \$85 for all proceedings of garnishment, attachment, replevin,  
311 and distress. Postal charges incurred by the clerk of the  
312 circuit court in making service by certified or registered mail  
313 on defendants or other parties shall be paid by the party at  
314 whose instance service is made. No additional fees, charges, or  
315 costs shall be added to the filing fees imposed under this  
316 section, except as authorized in this section ~~herein~~ or by  
317 general law.

318 2.a. Notwithstanding the fees prescribed in subparagraph  
319 1., a party instituting a civil action in circuit court relating

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320 to real property or mortgage foreclosure shall pay a graduated  
321 filing fee based on the value of the claim.

322 b. A party shall estimate in writing the amount in  
323 controversy of the claim upon filing the action. For purposes of  
324 this subparagraph, the value of a mortgage foreclosure action is  
325 based upon the principal due on the note secured by the  
326 mortgage, plus interest owed on the note and any moneys advanced  
327 by the lender for property taxes, insurance, and other advances  
328 secured by the mortgage, at the time of filing the foreclosure.  
329 The value shall also include the value of any tax certificates  
330 related to the property. In stating the value of a mortgage  
331 foreclosure claim, a party shall declare in writing the total  
332 value of the claim, as well as the individual elements of the  
333 value as prescribed in this sub-subparagraph.

334 c. In its order providing for the final disposition of the  
335 matter, the court shall identify the actual value of the claim.  
336 The clerk shall adjust the filing fee if there is a difference  
337 between the estimated amount in controversy and the actual value  
338 of the claim and collect any additional filing fee owed or  
339 provide a refund of excess filing fee paid.

340 d. The party shall pay a filing fee of:

341 (I) Three hundred and ninety-five dollars in all cases in  
342 which the value of the claim is \$50,000 or less and in which  
343 there are not more than five defendants. The party shall pay an  
344 additional filing fee of up to \$2.50 for each defendant in  
345 excess of five. Of the first \$265 in filing fees, \$80 must be  
346 remitted by the clerk to the Department of Revenue for deposit  
347 into the General Revenue Fund, \$180 must be remitted to the  
348 Department of Revenue for deposit into the State Courts Revenue

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349 Trust Fund, and \$5 must be remitted to the Department of Revenue  
350 for deposit into the Department of Financial Services'  
351 Administrative Trust Fund to fund the contract with the Florida  
352 Clerks of Court Operations Corporation created in s. 28.35. The  
353 next \$15 of the filing fee collected shall be deposited in the  
354 state courts' Mediation and Arbitration Trust Fund;

355 (II) Nine hundred dollars in all cases in which the value  
356 of the claim is more than \$50,000 but less than \$250,000 and in  
357 which there are not more than five defendants. The party shall  
358 pay an additional filing fee of up to \$2.50 for each defendant  
359 in excess of five. Of the first \$770 in filing fees, \$80 must be  
360 remitted by the clerk to the Department of Revenue for deposit  
361 into the General Revenue Fund, \$685 must be remitted to the  
362 Department of Revenue for deposit into the State Courts Revenue  
363 Trust Fund, and \$5 must be remitted to the Department of Revenue  
364 for deposit into the Department of Financial Services'  
365 Administrative Trust Fund to fund the contract with the Florida  
366 Clerks of Court Operations Corporation described in s. 28.35.  
367 The next \$15 of the filing fee collected shall be deposited in  
368 the state courts' Mediation and Arbitration Trust Fund; or

369 (III) One thousand nine hundred dollars in all cases in  
370 which the value of the claim is \$250,000 or more 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 \$1,770 in filing fees, \$80 must be  
374 remitted by the clerk to the Department of Revenue for deposit  
375 into the General Revenue Fund, \$1,685 must be remitted to the  
376 Department of Revenue for deposit into the State Courts Revenue  
377 Trust Fund, and \$5 must be remitted to the Department of Revenue

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378 for deposit into the Department of Financial Services'  
379 Administrative Trust Fund to fund the contract with the Florida  
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.

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

398 (b) A party reopening any civil action, suit, or proceeding  
399 in the circuit court shall pay to the clerk of court a filing  
400 fee set by the clerk in an amount not to exceed \$50. For  
401 purposes of this section, a case is reopened when a case  
402 previously reported as disposed of is resubmitted to a court and  
403 includes petitions for modification of a final judgment of  
404 dissolution. A party is exempt from paying the fee for any of  
405 the following:

406 1. A writ of garnishment;

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- 407 2. A writ of replevin;  
408 3. A distress writ;  
409 4. A writ of attachment;  
410 5. A motion for rehearing filed within 10 days;  
411 6. A motion for attorney's fees filed within 30 days after  
412 entry of a judgment or final order;  
413 7. A motion for dismissal filed after a mediation agreement  
414 has been filed;  
415 8. A disposition of personal property without  
416 administration;  
417 9. Any probate case prior to the discharge of a personal  
418 representative;  
419 10. Any guardianship pleading prior to discharge;  
420 11. Any mental health pleading;  
421 12. Motions to withdraw by attorneys;  
422 13. Motions exclusively for the enforcement of child  
423 support orders;  
424 14. A petition for credit of child support;  
425 15. A Notice of Intent to Relocate and any order issuing as  
426 a result of an uncontested relocation;  
427 16. Stipulations;  
428 17. Responsive pleadings; or  
429 18. Cases in which there is no initial filing fee.
- 430 (c) 1. A Any party in addition to other than a party  
431 described in sub-subparagraph (a)1.a. paragraph (a) who files a  
432 pleading in an original civil action in circuit court for  
433 affirmative relief by cross-claim, counterclaim,  
434 counterpetition, or third-party complaint shall pay the clerk of  
435 court a fee of \$395 ~~\$295~~. A party in addition to a party

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436 described in sub-subparagraph (a)1.b. who files a pleading in an  
437 original civil action in circuit court for affirmative relief by  
438 cross-claim, counterclaim, counterpetition, or third-party  
439 complaint shall pay the clerk of court a fee of \$295. The clerk  
440 shall remit the fee to the Department of Revenue for deposit  
441 into the General Revenue Fund.

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

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

449 b. Nine hundred dollars in all cases in which the value of  
450 the pleading is more than \$50,000 but less than \$250,000; or

451 c. One thousand nine hundred dollars in all cases in which  
452 the value of the pleading is \$250,000 or more.

453  
454 The clerk shall remit the fees collected under this subparagraph  
455 to the Department of Revenue for deposit into the General  
456 Revenue Fund, except that the clerk shall remit \$100 of the fee  
457 collected under sub-subparagraph a., \$605 of the fee collected  
458 under sub-subparagraph b., and \$1,605 of the fee collected under  
459 sub-subparagraph c. to the Department of Revenue for deposit  
460 into the State Courts Revenue Trust Fund.

461 (d) The clerk of court shall collect a service charge of  
462 \$10 for issuing a summons. The clerk shall assess the fee  
463 against the party seeking to have the summons issued.

464 (2) Upon the institution of any appellate proceeding from



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465 any lower court to the circuit court of any such county,  
466 including appeals filed by a county or municipality as provided  
467 in s. 34.041(5), or from the circuit court to an appellate court  
468 of the state, the clerk shall charge and collect from the party  
469 or parties instituting such appellate proceedings a filing fee  
470 not to exceed \$280 for filing a notice of appeal from the county  
471 court to the circuit court and, in addition to the filing fee  
472 required under s. 25.241 or s. 35.22, \$100 for filing a notice  
473 of appeal from the circuit court to the district court of appeal  
474 or to the Supreme Court. If the party is determined to be  
475 indigent, the clerk shall defer payment of the fee. The clerk  
476 shall remit the first \$80 to the Department of Revenue for  
477 deposit into the General Revenue Fund. ~~One-third of the fee~~  
478 ~~collected by the clerk in excess of \$80 also shall be remitted~~  
479 ~~to the Department of Revenue for deposit into the Clerks of the~~  
480 ~~Court Trust Fund.~~

481 Section 6. Section 28.33, Florida Statutes, is amended to  
482 read:

483 28.33 Investment of county funds by the clerk of the  
484 circuit court.—The clerk of the circuit court in each county  
485 shall invest county funds in excess of those required to meet  
486 expenses as provided in s. 218.415. No clerk investing such  
487 funds shall be liable for the loss of any interest when  
488 circumstances require the withdrawal of funds placed in a time  
489 deposit and needed for immediate payment of county obligations.  
490 Except for interest earned on moneys deposited in the registry  
491 of the court, all interest accruing from moneys deposited shall  
492 be deemed income of the county and may be expended as receipts  
493 of the county as approved by the board of county commissioners

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494 ~~pursuant to chapter 129 office of the clerk of the circuit court~~  
 495 ~~investing such moneys and shall be deposited in the same account~~  
 496 ~~as are other fees and commissions of the clerk's office.~~ The  
 497 clerk may invest moneys deposited in the registry of the court  
 498 and shall retain as income of the office of the clerk and as a  
 499 reasonable investment management fee 10 percent of the interest  
 500 accruing on those funds with the balance of such interest being  
 501 allocated in accordance with the interest of the depositors.

502 Section 7. Subsection (1) of section 34.041, Florida  
 503 Statutes, is amended to read:

504 34.041 Filing fees.—

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

- 508 1. For all claims less than \$100.....\$50.
- 509 2. For all claims of \$100 or more but not morethan \$500.\$75.
- 510 3. For all claims of more than \$500 but not more than
- 511 \$2,500.....\$170.
- 512 4. For all claims of more than \$2,500.....\$295.
- 513 5. In addition, for all proceedings of garnishment,
- 514 attachment, replevin, and distress.....\$85.
- 515 6. Notwithstanding subparagraphs 3. and 5., for all claims
- 516 of not more than \$1,000 filed simultaneously with an action for
- 517 replevin of property that is the subject of the claim.....\$125.

518 ~~7.6.~~ For removal of tenant action.....\$180 ~~\$265.~~

519 (b) The first \$80 of the filing fee collected under  
 520 subparagraph (a)4. shall be remitted to the Department of  
 521 Revenue for deposit into the General Revenue Fund. The next \$15  
 522 of the filing fee collected under subparagraph (a)4., and the

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523 first \$10 ~~\$15~~ of the ~~each~~ filing fee collected under  
524 subparagraph (a)7. ~~subparagraph (a)6.~~, shall be deposited in the  
525 state courts' Mediation and Arbitration Trust Fund. ~~One-third of~~  
526 ~~any filing fees collected by the clerk under this section in~~  
527 ~~excess of the first \$95 collected under subparagraph (a)4. shall~~  
528 ~~be remitted to the Department of Revenue for deposit into the~~  
529 ~~Department of Revenue Clerks of the Court Trust Fund. An~~  
530 additional filing fee of \$4 shall be paid to the clerk. The  
531 clerk shall transfer \$3.50 to the Department of Revenue for  
532 deposit into the Court Education Trust Fund and shall transfer  
533 50 cents to the Department of Revenue for deposit into the  
534 Department of Financial Services' Administrative Trust Fund to  
535 fund clerk education. Postal charges incurred by the clerk of  
536 the county court in making service by mail on defendants or  
537 other parties shall be paid by the party at whose instance  
538 service is made. Except as provided herein, filing fees and  
539 service charges for performing duties of the clerk relating to  
540 the county court shall be as provided in ss. 28.24 and 28.241.  
541 Except as otherwise provided herein, all filing fees shall be  
542 retained as fee income of the office of the clerk of circuit  
543 court. Filing fees imposed by this section may not be added to  
544 any penalty imposed by chapter 316 or chapter 318.

545 (c) A Any party in addition to ~~other than~~ a party described  
546 in paragraph (a) who files a pleading in an original civil  
547 action in the county court for affirmative relief by cross-  
548 claim, counterclaim, counterpetition, or third-party complaint,  
549 or who files a notice of cross-appeal or notice of joinder or  
550 motion to intervene as an appellant, cross-appellant, or  
551 petitioner, shall pay the clerk of court a fee of \$295 if the

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552 relief sought by the party under this paragraph exceeds \$2,500.  
553 The clerk shall remit the fee to the Department of Revenue for  
554 deposit into the General Revenue Fund. This fee does ~~shall~~ not  
555 apply if ~~where~~ the cross-claim, counterclaim, counterpetition,  
556 or third-party complaint requires transfer of the case from  
557 county to circuit court. However, the party shall pay to the  
558 clerk the standard filing fee for the court to which the case is  
559 to be transferred. ~~The clerk shall remit the fee to the~~  
560 ~~Department of Revenue for deposit into the General Revenue Fund.~~

561 (d) The clerk of court shall collect a service charge of  
562 \$10 for issuing a summons. The clerk shall assess the fee  
563 against the party seeking to have the summons issued.

564 Section 8. Section 57.081, Florida Statutes, is amended to  
565 read:

566 57.081 Costs; right to proceed where prepayment of costs  
567 and payment of filing fees waived.—

568 (1) Any indigent person, except a prisoner as defined in s.  
569 57.085, who is a party or intervenor in any judicial or  
570 administrative agency proceeding or who initiates such  
571 proceeding shall receive the services of the courts, sheriffs,  
572 and clerks, with respect to such proceedings, despite his or her  
573 present inability to pay for these services. Such services are  
574 limited to filing fees; service of process; certified copies of  
575 orders or final judgments; a single photocopy of any court  
576 pleading, record, or instrument filed with the clerk; examining  
577 fees; mediation services and fees; private court-appointed  
578 counsel fees; subpoena fees and services; service charges for  
579 collecting and disbursing funds; and any other cost or service  
580 arising out of pending litigation. In any appeal from an

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581 administrative agency decision, for which the clerk is  
582 responsible for preparing the transcript, the clerk shall record  
583 the cost of preparing the transcripts and the cost for copies of  
584 any exhibits in the record. Prepayment of costs to any court,  
585 clerk, or sheriff is not required and payment of filing fees is  
586 not required in any action if the party has obtained in each  
587 proceeding a certification of indigence in accordance with s.  
588 27.52 or s. 57.082.

589 (2) Any sheriff who, in complying with the terms of this  
590 section, expends personal funds for automotive fuel or ordinary  
591 carfare in serving the process of those qualifying under this  
592 section may requisition the board of county commissioners of the  
593 county for the actual expense, and on the submission to the  
594 board of county commissioners of appropriate proof of any such  
595 expenditure, the board of county commissioners shall pay the  
596 amount of the actual expense from the general fund of the county  
597 to the requisitioning officer.

598 (3) If an applicant prevails in an action, costs shall be  
599 taxed in his or her favor as provided by law and, when  
600 collected, shall be applied to pay filing fees or costs that  
601 ~~which otherwise would have been required and which~~ have not been  
602 paid.

603 Section 9. Subsections (1) and (6) of section 57.082,  
604 Florida Statutes, are amended to read:

605 57.082 Determination of civil indigent status.—

606 (1) APPLICATION TO THE CLERK.—A person seeking appointment  
607 of an attorney in a civil case eligible for court-appointed  
608 counsel, or seeking relief from payment ~~prepayment~~ of filing  
609 fees and prepayment of costs under s. 57.081, based upon an

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610 inability to pay must apply to the clerk of the court for a  
611 determination of civil indigent status using an application form  
612 developed by the Florida Clerks of Court Operations Corporation  
613 with final approval by the Supreme Court.

614 (a) The application must include, at a minimum, the  
615 following financial information:

616 1. Net income, consisting of total salary and wages, minus  
617 deductions required by law, including court-ordered support  
618 payments.

619 2. Other income, including, but not limited to, social  
620 security benefits, union funds, veterans' benefits, workers'  
621 compensation, other regular support from absent family members,  
622 public or private employee pensions, unemployment compensation,  
623 dividends, interest, rent, trusts, and gifts.

624 3. Assets, including, but not limited to, cash, savings  
625 accounts, bank accounts, stocks, bonds, certificates of deposit,  
626 equity in real estate, and equity in a boat or a motor vehicle  
627 or in other tangible property.

628 4. All liabilities and debts.  
629

630 The application must include a signature by the applicant which  
631 attests to the truthfulness of the information provided. The  
632 application form developed by the corporation must include  
633 notice that the applicant may seek court review of a clerk's  
634 determination that the applicant is not indigent, as provided in  
635 this section.

636 (b) The clerk shall assist a person who appears before the  
637 clerk and requests assistance in completing the application, and  
638 the clerk shall notify the court if a person is unable to

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639 complete the application after the clerk has provided  
640 assistance.

641 (c) The clerk shall accept an application that is signed by  
642 the applicant and submitted on his or her behalf by a private  
643 attorney who is representing the applicant in the applicable  
644 matter.

645 (d) A person who seeks appointment of an attorney in a case  
646 under chapter 39, at the trial or appellate level, for which an  
647 indigent person is eligible for court-appointed representation,  
648 shall pay a \$50 application fee to the clerk for each  
649 application filed. The applicant shall pay the fee within 7 days  
650 after submitting the application. The clerk shall transfer  
651 monthly all application fees collected under this paragraph to  
652 the Department of Revenue for deposit into the Indigent Civil  
653 Defense Trust Fund, to be used as appropriated by the  
654 Legislature. The clerk may retain 10 percent of application fees  
655 collected monthly for administrative costs prior to remitting  
656 the remainder to the Department of Revenue. A person found to be  
657 indigent may not be refused counsel. If the person cannot pay  
658 the application fee, the clerk shall enroll the person in a  
659 payment plan pursuant to s. 28.246.

660 (6) PROCESSING CHARGE; PAYMENT PLANS.—A person who the  
661 clerk or the court determines is indigent for civil proceedings  
662 under this section shall be enrolled in a payment plan under s.  
663 28.246 and shall be charged a one-time administrative processing  
664 charge under s. 28.24(26)(c). A monthly payment amount,  
665 calculated based upon all fees and all anticipated costs, is  
666 presumed to correspond to the person's ability to pay if it does  
667 not exceed 2 percent of the person's annual net income, as

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668 defined in subsection (1), divided by 12. The person may seek  
669 review of the clerk's decisions regarding a payment plan  
670 established under s. 28.246 in the court having jurisdiction  
671 over the matter. A case may not be impeded in any way, delayed  
672 in filing, or delayed in its progress, including the final  
673 hearing and order, due to nonpayment of any fees or costs by an  
674 indigent person. Filing fees waived from payment under s. 57.081  
675 may not be included in the calculation related to a payment plan  
676 established under this section.

677 Section 10. Section 318.121, Florida Statutes, is amended  
678 to read:

679 318.121 Preemption of additional fees, fines, surcharges,  
680 and costs.—Notwithstanding any general or special law, or  
681 municipal or county ordinance, additional fees, fines,  
682 surcharges, or costs other than the court costs and surcharges  
683 assessed under s. 318.18(11), (13), ~~and (18)~~, and (19) may not  
684 be added to the civil traffic penalties assessed in this  
685 chapter.

686 Section 11. Subsection (1) of section 318.15, Florida  
687 Statutes, as amended by section 2 of chapter 2009-6, Laws of  
688 Florida, is amended to read:

689 318.15 Failure to comply with civil penalty or to appear;  
690 penalty.—

691 (1) (a) If a person fails to comply with the civil penalties  
692 provided in s. 318.18 within the time period specified in s.  
693 318.14(4), fails to attend driver improvement school, or fails  
694 to appear at a scheduled hearing, the clerk of the court shall  
695 notify the Division of Driver Licenses of the Department of  
696 Highway Safety and Motor Vehicles of such failure within 10 days



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697 after such failure. Upon receipt of such notice, the department  
698 shall immediately issue an order suspending the driver's license  
699 and privilege to drive of such person effective 20 days after  
700 the date the order of suspension is mailed in accordance with s.  
701 322.251(1), (2), and (6). Any such suspension of the driving  
702 privilege which has not been reinstated, including a similar  
703 suspension imposed outside Florida, shall remain on the records  
704 of the department for a period of 7 years from the date imposed  
705 and shall be removed from the records after the expiration of 7  
706 years from the date it is imposed.

707 (b) However, a person who elects to attend driver  
708 improvement school and has paid the civil penalty as provided in  
709 s. 318.14(9), but who subsequently fails to attend the driver  
710 improvement school within the time specified by the court shall  
711 be deemed to have admitted the infraction and shall be  
712 adjudicated guilty. In such a case in which there was an 18  
713 percent reduction pursuant to s. 318.14(9) as it existed before  
714 February 1, 2009 ~~prior to the effective date of this act~~, the  
715 person must pay the clerk of the court that amount and a  
716 processing fee of up to \$18, after which no additional  
717 penalties, court costs, or surcharges shall be imposed for the  
718 violation. In all other such cases, the person must pay the  
719 clerk a processing fee of up to \$18, after which no additional  
720 penalties, court costs, or surcharges shall be imposed for the  
721 violation. The clerk of the court shall notify the department of  
722 the person's failure to attend driver improvement school and  
723 points shall be assessed pursuant to s. 322.27.

724 Section 12. Subsections (18) and (19) of section 318.18,  
725 Florida Statutes, as amended by section 3 of chapter 2009-6,

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726 Laws of Florida, are amended to read:

727       318.18 Amount of penalties.—The penalties required for a  
728 noncriminal disposition pursuant to s. 318.14 or a criminal  
729 offense listed in s. 318.17 are as follows:

730       (18) In addition to any penalties imposed, an  
731 administrative fee of \$12.50 must be paid for all noncriminal  
732 moving and nonmoving ~~traffic~~ violations under chapters ~~chapter~~  
733 316, 320, and 322. Revenue from the administrative fee shall be  
734 deposited by the clerk of court into the fine and forfeiture  
735 fund established pursuant to s. 142.01.

736       (19) In addition to any penalties imposed, an Article V  
737 assessment of \$10 must be paid for all noncriminal moving and  
738 nonmoving ~~traffic~~ violations under chapters ~~chapter~~ 316, 320,  
739 and 322. The assessment is not revenue for purposes of s. 28.36  
740 and may not be used in establishing the budget of the clerk of  
741 the court under that section or s. 28.35. Of the funds collected  
742 under this subsection:

743       (a) The sum of \$5 shall be deposited in the State Courts  
744 Revenue Trust Fund for use by the state courts system;

745       (b) The sum of \$3.33 shall be deposited in the State  
746 Attorneys Revenue Trust Fund for use by the state attorneys; and

747       (c) The sum of \$1.67 shall be deposited in the Public  
748 Defenders Revenue Trust Fund for use by the public defenders.

749       Section 13. For the purpose of incorporating the amendments  
750 made by this act to section 318.18, Florida Statutes, in  
751 references thereto, subsections (18) and (19) of section 318.21,  
752 Florida Statutes, as amended by section 4 of chapter 2009-6,  
753 Laws of Florida, are reenacted to read:

754       318.21 Disposition of civil penalties by county courts.—All

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755 civil penalties received by a county court pursuant to the  
756 provisions of this chapter shall be distributed and paid monthly  
757 as follows:

758 (18) Notwithstanding subsections (1) and (2), the proceeds  
759 from the administrative fee imposed under s. 318.18(18) shall be  
760 distributed as provided in that subsection.

761 (19) Notwithstanding subsections (1) and (2), the proceeds  
762 from the Article V assessment imposed under s. 318.18(19) shall  
763 be distributed as provided in that subsection.

764 Section 14. If CS for SB 412, as enacted during the 2009  
765 Regular Session, becomes law, paragraph (d) is added to  
766 subsection (1) of section 939.185, Florida Statutes, to read,  
767 and shall supersede and prevail over amendments made to that  
768 subsection by CS for SB 412:

769 939.185 Assessment of additional court costs and  
770 surcharges.—

771 (1)

772 (d) The clerk of court shall cause a certified copy of the  
773 court order imposing such costs to be recorded in the public  
774 records. Such record constitutes a lien against the person upon  
775 whom the costs are imposed and shall attach as a lien on any  
776 real property owned by such person located in the county in  
777 which such order is recorded in the same manner and to the same  
778 extent as a judgment recorded as provided in s. 55.10. Such  
779 order shall attach as a lien on any personal property owned by  
780 such person located in the state upon the filing with the  
781 Department of State of a judgment lien certificate regarding  
782 such order as provided in ss. 55.202-55.209. A lien created  
783 under this paragraph does not attach to, or make subject to

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784 execution of levy or foreclosure, any real or personal property  
785 otherwise exempt under s. 4, Art. X of the State Constitution. A  
786 lien created under this paragraph is enforceable in the same  
787 manner as provided by law.

788 Section 15. Transfer of trust funds in excess of amount  
789 needed for clerk budgets.—By June 20th of each year, the Florida  
790 Clerks of Court Operations Corporation shall identify the amount  
791 of funds in the Clerks of Court Trust Fund in excess of the  
792 amount needed to fund the approved clerk of court budgets for  
793 the current state fiscal year. The Justice Administrative  
794 Commission shall transfer the amount identified by the  
795 corporation from the Clerks of Court Trust Fund to the General  
796 Revenue Fund by June 25th of each year.

797 Section 16. Each clerk of court shall implement an  
798 electronic filing process. The purpose of the electronic filing  
799 process is to reduce judicial costs in the office of the clerk  
800 and the judiciary, increase timeliness in the processing of  
801 cases, and provide the judiciary with case-related information  
802 to allow for improved judicial case management. The Legislature  
803 requests that, no later than July 1, 2009, the Supreme Court set  
804 statewide standards for electronic filing to be used by the  
805 clerks of court to implement electronic filing. The standards  
806 should specify the required information for the duties of the  
807 clerks of court and the judiciary for case management. The  
808 clerks of court shall begin implementation no later than October  
809 1, 2009. The Florida Clerks of Court Operations Corporation  
810 shall report to the President of the Senate and the Speaker of  
811 the House of Representatives by March 1, 2010, on the status of  
812 implementing electronic filing. The report shall include the

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813 detailed status of each clerk office's implementation of an  
814 electronic filing process, and for those clerks who have not  
815 fully implemented electronic filing by March 1, 2010, a  
816 description of the additional steps needed and a projected  
817 timeline for full implementation. Revenues provided to counties  
818 and the clerk of court under s. 28.24(12)(e), Florida Statutes,  
819 for information technology may also be used to implement  
820 electronic filing processes.

821 Section 17. It is the intent of the Legislature that the  
822 First District Court of Appeal, through a pilot project  
823 conducted in cooperation with the Office of Judges of  
824 Compensation Claims, implement an electronic filing system for  
825 appeals of workers' compensation cases, in part to reduce costs  
826 to the Workers' Compensation Administrative Trust Fund. To the  
827 extent feasible, the system the First District Court of Appeal  
828 adopts shall use, or be compatible with, the current electronic  
829 filing system used by the Office of Judges of Compensation  
830 Claims and shall be capable of being used to receive and  
831 maintain electronic filings in other cases as may be authorized  
832 in the future. The chief judge of the First District Court of  
833 Appeal and the deputy chief judge of compensation claims are  
834 responsible for determining when the system is capable of  
835 reliably receiving electronic filings. It is further the intent  
836 of the Legislature that, in cases in which a judge of  
837 compensation claims enters an order finding a claimant indigent,  
838 all further processing shall use the electronic system to the  
839 fullest extent possible. In nonindigent cases in which an  
840 electronic filer uses a credit card to pay the court's filing  
841 fee, the First District Court of Appeal may impose a reasonable

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842 surcharge to recover any costs that financial institutions  
843 impose for the filer's use of the credit card, if necessary to  
844 ensure that the required filing fee to the state is satisfied  
845 fully. The chief judge of the First District Court of Appeal  
846 shall submit a report to the President of the Senate and the  
847 Speaker of the House of Representatives 9 months after the  
848 system is operational, addressing use of the system and  
849 identifying any statutory or fiscal factors affecting  
850 implementation of the system.

851 Section 18. Notwithstanding s. 28.36, Florida Statutes, the  
852 statewide budget cap for the clerks of court is \$451,380,312 for  
853 the 2009-2010 state fiscal year. The Florida Clerks of Court  
854 Operations Corporation shall reduce the individual approved  
855 budgets of the clerks of court to ensure that the sum of the  
856 approved budgets does not exceed this statewide budget cap. This  
857 section shall take effect only if CS for CS for Senate Bill  
858 2108, as enacted during the 2009 Regular Session, does not  
859 become a law.

860 Section 19. Effective on the same date as CS for CS for SB  
861 2108, as enacted during the 2009 Regular Session, if that act  
862 becomes law:

863 (1) By January 15, 2010, the Office of Program Policy  
864 Analysis and Government Accountability, in consultation with the  
865 Chief Financial Officer and the Auditor General, shall provide a  
866 report to the President of the Senate and the Speaker of the  
867 House of Representatives regarding the operation and functions  
868 of the clerks of court and the courts. The Office of Program  
869 Policy Analysis and Government Accountability shall examine who  
870 is performing each court-related function, how each function is

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871 funded, and how efficiently these functions are performed. The  
872 clerks of court, the Florida Clerks of Court Operations  
873 Corporation, and the state courts system shall cooperate fully  
874 with the office and, upon request, provide any and all  
875 information necessary to the review without cost or delay. The  
876 report shall describe in detail the base budget for each of the  
877 clerks and for the state courts system and report on the overall  
878 efficiency of the current process. Administrative overhead shall  
879 be calculated separately, and any apparent means to reduce such  
880 overhead shall be explored and included in the report. The study  
881 shall list each court-related function, a recommendation on who  
882 should perform the function, and a recommendation for how to pay  
883 for such function.

884 (2) The Technology Review Workgroup shall develop a  
885 proposed plan for identifying and recommending options for  
886 implementing the integrated computer system established in s.  
887 29.008(1)(f)2., Florida Statutes. The plan shall describe the  
888 approaches and processes for evaluating the existing computer  
889 systems and data-sharing networks of the state courts system and  
890 the clerks of the court; identifying the required business and  
891 technical requirements; reliably estimating the cost, work, and  
892 change requirements; and examining the use of the funds  
893 collected under s. 28.24(12)(e), Florida Statutes. The plan may  
894 also address any necessary policy, operational, fiscal, or  
895 technical changes, including, but not limited to, potential  
896 changes to the distribution and use of funds collected under s.  
897 28.24(12)(e), Florida Statutes, which may be needed in order to  
898 manage, implement, and operate an integrated computer system.  
899 The plan shall be submitted to the President of the Senate and

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900 the Speaker of the House of Representatives no later than  
901 February 1, 2010. The clerks of court, the Florida Clerks of  
902 Court Operations Corporation, and the state courts system shall  
903 cooperate fully with the workgroup and provide any and all  
904 information necessary for the completion of the project without  
905 cost or delay upon request. The workgroup shall work in  
906 conjunction with the Auditor General and consider the results of  
907 the plans, studies, and reports of the Office of Program Policy  
908 Analysis and Government Accountability under subsection (1).  
909 Until July 1, 2011, each clerk shall submit a summary of all new  
910 hardware and software purchases in excess of \$25,000 to the  
911 Florida Clerks of Court Operations Corporation on a monthly  
912 basis, and the corporation shall a submit a report of all such  
913 purchases to the President of the Senate and the Speaker of the  
914 House of Representatives on a quarterly basis. The clerk shall  
915 include a statement with the summary that the purchases were  
916 made in good faith and were reasonable and necessary for the  
917 continuing efficient operations of the clerk's office.

918 (3) This section supersedes and prevails over section 18 of  
919 CS for CS for Senate Bill 2108, as enacted during the 2009  
920 Regular Session. However, this section shall not take effect if  
921 CS for CS for Senate Bill 2108 does not become law.

922 Section 20. (1) It is the intent of the Legislature that,  
923 if this act and CS for CS for Senate Bill 2108, as enacted  
924 during the 2009 Regular Session or an extension thereof, both  
925 become law, the Division of Statutory Revision shall read the  
926 acts together and, to the extent feasible, give full effect to  
927 the amendments made by this act to ss. 28.241(1)(a) and  
928 34.041(1)(b), Florida Statutes, and the amendments made to those



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929 paragraphs by CS for CS for Senate Bill 2108. However, it is  
930 further the intent of the Legislature that, if both acts become  
931 law, the amendments made by CS for CS for Senate Bill 2108 with  
932 respect to the distribution of filing fees to the Clerks of the  
933 Court Trust Fund, rather than the Department of Financial  
934 Services' Administrative Trust Fund, and the use of those funds  
935 to fund the Florida Clerks of Court Operations Corporation,  
936 shall prevail. To that end, where this act refers in its  
937 amendments to ss. 28.241(1)(a) and 34.041(1)(b), Florida  
938 Statutes, to the distribution of filing fees to the Department  
939 of Financial Services' Administrative Trust Fund, it is the  
940 intent of the Legislature that the Division of Statutory  
941 Revision change those references to the Clerks of the Court  
942 Trust Fund and conform the use of those funds, including within  
943 both the existing and new language of those paragraphs contained  
944 in this act, consistent with CS for CS for Senate Bill 2108. It  
945 is further the intent of the Legislature that, if both acts  
946 become law, the division change references to the distribution  
947 of \$5 of filing fees under s. 28.241(1)(a), Florida Statutes,  
948 including within both the existing and new language of that  
949 paragraph contained in this act, to reflect the distribution  
950 instead of \$3.50 and \$1.50, respectively, to the Clerks of Court  
951 Trust Fund and the Administrative Trust Fund within the  
952 Department of Financial Services, consistent with CS for CS for  
953 Senate Bill 2108.

954 (2) This section shall take effect June 1, 2009.

955 Section 21. (1) CS for CS for Senate Bill 2108, as enacted  
956 during the 2009 Regular Session, shall not take effect upon  
957 becoming a law as specified in section 22 of that act, but shall

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958 take effect July 1, 2009.

959 (2) This section shall take effect June 1, 2009.

960 Section 22. Except as otherwise expressly provided in this  
961 act and except for this section, which shall take effect June 1,  
962 2009, this act shall take effect July 1, 2009.