

By Senator Crist

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A bill to be entitled
An act relating to court filing fees for evictions;
amending s. 34.041, F.S.; reducing the filing fee for
civil actions filed to remove a tenant from possession
of real property; creating a filing fee for civil
actions filed to remove a tenant from possession of
real property and to seek damages from the tenant;
requiring that certain filing fees be deposited in the
state courts' Mediation and Arbitration Trust Fund;
providing an effective date.

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

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

34.041 Filing fees.—

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

- 1. For all claims less than \$100 \$50.
- 2. For all claims of \$100 or more but not more
than \$500 \$75.
- 3. For all claims of more than \$500 but not more than
\$2,500 \$170.
- 4. For all claims of more than \$2,500 \$295.
- 5. In addition, for all proceedings of garnishment,
attachment, replevin, and distress \$85.
- 6. For removal of tenant action for possession \$90 ~~\$265~~.
- 7. For removal of tenant action for possession and

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30 damages \$265

31 (b) The first \$80 of the filing fee collected under
32 subparagraph (a)4. shall be remitted to the Department of
33 Revenue for deposit into the General Revenue Fund. The next \$15
34 of the filing fee collected under subparagraph (a)4., and the
35 first \$15 of each filing fee collected under subparagraph (a)6.
36 or subparagraph (a)7., shall be deposited in the state courts'
37 Mediation and Arbitration Trust Fund. One-third of any filing
38 fees collected by the clerk under this section in excess of the
39 first \$95 collected under subparagraph (a)4. shall be remitted
40 to the Department of Revenue for deposit into the Department of
41 Revenue Clerks of the Court Trust Fund. An additional filing fee
42 of \$4 shall be paid to the clerk. The clerk shall transfer \$3.50
43 to the Department of Revenue for deposit into the Court
44 Education Trust Fund and shall transfer 50 cents to the
45 Department of Revenue for deposit into the Department of
46 Financial Services' Administrative Trust Fund to fund clerk
47 education. Postal charges incurred by the clerk of the county
48 court in making service by mail on defendants or other parties
49 shall be paid by the party at whose instance service is made.
50 Except as provided herein, filing fees and service charges for
51 performing duties of the clerk relating to the county court
52 shall be as provided in ss. 28.24 and 28.241. Except as
53 otherwise provided herein, all filing fees shall be retained as
54 fee income of the office of the clerk of circuit court. Filing
55 fees imposed by this section may not be added to any penalty
56 imposed by chapter 316 or chapter 318.

57 Section 2. This act shall take effect July 1, 2009.