

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Adams offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraphs (a) and (c) of subsection (1) of
6 section 28.241, Florida Statutes, are amended to read:

7 28.241 Filing fees for trial and appellate proceedings.--

8 (1) (a) 1. Except as provided in subparagraph 2., the party
9 instituting any civil action, suit, or proceeding in the circuit
10 court shall pay to the clerk of that court a filing fee of up to
11 \$295 in all cases in which there are not more than five
12 defendants and an additional filing fee of up to \$2.50 for each
13 defendant in excess of five. Of the first \$85 in filing fees,
14 \$80 must be remitted by the clerk to the Department of Revenue
15 for deposit into the General Revenue Fund, and \$5 must be
16 remitted to the Department of Revenue for deposit into the

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

40 2.a. Notwithstanding the fees prescribed in subparagraph
41 1., a party instituting a civil action in circuit court for
42 foreclosure on residential or commercial real property secured
43 by a mortgage shall pay a graduated filing fee based on the
44 value of the claim.

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45 b. A party shall estimate the amount in controversy of the
46 claim upon filing the action. The value of a foreclosure action
47 for the purpose of determining the filing fee is based upon the
48 principal due on the note secured by the mortgage, plus interest
49 owed on the note at the time of filing the foreclosure, plus any
50 property taxes owed at the time of the filing of the
51 foreclosure. In its order providing for the final disposition of
52 the matter, the court shall identify the actual value of the
53 claim. The clerk shall adjust the filing fee if there is a
54 difference between the estimated amount in controversy and the
55 actual value of the claim.

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

57 (I) The amount of \$295 in all cases in which the value of
58 the claim is \$50,000 or less and in which there are not more
59 than five defendants. The party shall pay an additional filing
60 fee of up to \$2.50 for each defendant in excess of five. Of the
61 first \$85 in filing fees, \$80 shall be remitted by the clerk to
62 the Department of Revenue for deposit into the General Revenue
63 Fund and \$5 shall be remitted to the Department of Revenue for
64 deposit into the Department of Financial Services'
65 Administrative Trust Fund to fund the contract with the Florida
66 Clerks of Court Operations Corporation created in s. 28.35. The
67 next \$15 of the filing fee collected shall be deposited into the
68 state courts' Mediation and Arbitration Trust Fund. An
69 additional filing fee of \$4 shall be paid to the clerk. The
70 clerk shall remit \$3.50 to the Department of Revenue for deposit
71 into the Court Education Trust Fund and 50 cents to the
72 Department of Revenue for deposit into the Department of
73 Financial Services' Administrative Trust Fund to fund clerk

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

84 (II) The amount of \$635 in all cases in which the value of
85 the claim is more than \$50,000 but less than \$250,000 and in
86 which there are not more than five defendants. The party shall
87 pay an additional filing fee of up to \$2.50 for each defendant
88 in excess of five. Of the first \$425 in filing fees, \$80 shall
89 be remitted by the clerk to the Department of Revenue for
90 deposit into the General Revenue Fund, \$340 shall be remitted to
91 the Department of Revenue for deposit into the State Courts
92 Revenue Trust Fund, and \$5 shall be remitted to the Department
93 of Revenue for deposit into the Department of Financial
94 Services' Administrative Trust Fund to fund the contract with
95 the Florida Clerks of Court Operations Corporation described in
96 s. 28.35. The next \$15 of the filing fee collected shall be
97 deposited in the state courts' Mediation and Arbitration Trust
98 Fund. An additional filing fee of \$4 shall be paid to the clerk.
99 The clerk shall remit \$3.50 to the Department of Revenue for
100 deposit into the Court Education Trust Fund and 50 cents to the
101 Department of Revenue for deposit into the Department of

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

113 (III) The amount of \$975 in all cases in which the value
114 of the claim is more than \$250,000 and in which there are not
115 more than five defendants. The party shall pay an additional
116 filing fee of up to \$2.50 for each defendant in excess of five.
117 Of the first \$765 in filing fees, \$80 shall be remitted by the
118 clerk to the Department of Revenue for deposit into the General
119 Revenue Fund, \$680 shall be remitted to the Department of
120 Revenue for deposit into the State Courts Revenue Trust Fund,
121 and \$5 shall be remitted to the Department of Revenue for
122 deposit into the Department of Financial Services'
123 Administrative Trust Fund to fund the contract with the Florida
124 Clerks of Court Operations Corporation created in s. 28.35. The
125 next \$15 of the filing fee collected shall be deposited in the
126 state courts' Mediation and Arbitration Trust Fund. An
127 additional filing fee of \$4 shall be paid to the clerk. The
128 clerk shall remit \$3.50 to the Department of Revenue for deposit
129 into the Court Education Trust Fund and 50 cents to the

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130 Department of Revenue for deposit into the Department of
131 Financial Services' Administrative Trust Fund to fund clerk
132 education. An additional filing fee of up to \$18 shall be paid
133 by the party seeking each severance that is granted. The clerk
134 may impose an additional filing fee of up to \$85 for each
135 proceeding of garnishment, attachment, replevin, and distress.
136 Postal charges incurred by the clerk of the circuit court in
137 making service by certified or registered mail on defendants or
138 other parties shall be paid by the party at whose instance
139 service is made. No additional fees, charges, or costs shall be
140 added to the filing fees imposed under this section, except as
141 authorized herein or by general law.

142 (c) Any party in addition to ~~other than~~ a party described
143 in paragraph (a) who files a pleading in an original civil
144 action in circuit court for affirmative relief by cross-claim,
145 counterclaim, counterpetition, or third-party complaint shall
146 pay the clerk of court a fee of \$295. The clerk shall remit the
147 fee to the Department of Revenue for deposit into the General
148 Revenue Fund.

149 Section 2. Paragraph (c) of subsection (1) of section
150 34.041, Florida Statutes, is amended to read:

151 34.041 Filing fees.--

152 (1)

153 (c) Any party in addition to ~~other than~~ a party described
154 in paragraph (a) who files a pleading in an original civil
155 action in the county court for affirmative relief by cross-
156 claim, counterclaim, counterpetition, or third-party complaint,
157 or who files a notice of cross-appeal or notice of joinder or
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158 motion to intervene as an appellant, cross-appellant, or
159 petitioner, shall pay the clerk of court a fee of \$295 if the
160 relief sought by the party under this paragraph exceeds \$2,500.
161 This fee shall not apply where the cross-claim, counterclaim,
162 counterpetition, or third-party complaint requires transfer of
163 the case from county to circuit court. The clerk shall remit the
164 fee to the Department of Revenue for deposit into the General
165 Revenue Fund.

166 Section 3. Paragraph (b) of subsection (1) of section
167 318.15, Florida Statutes, as amended by chapter 2009-6, Laws of
168 Florida, is amended to read:

169 318.15 Failure to comply with civil penalty or to appear;
170 penalty.--

171 (1)

172 (b) However, a person who elects to attend driver
173 improvement school and has paid the civil penalty as provided in
174 s. 318.14(9), but who subsequently fails to attend the driver
175 improvement school within the time specified by the court shall
176 be deemed to have admitted the infraction and shall be
177 adjudicated guilty. In such a case in which there was an 18-
178 percent reduction pursuant to s. 318.14(9) as it existed prior
179 to February 1, 2009 ~~the effective date of this act~~, the person
180 must pay the clerk of the court that amount. Any person who
181 elects to attend driver improvement school but fails to attend
182 through completion shall pay ~~and~~ a processing fee of up to \$18,
183 after which no additional penalties, court costs, or surcharges
184 shall be imposed for the violation. The clerk of the court shall
185 notify the department of the person's failure to attend driver
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186 improvement school, and points shall be assessed pursuant to s.
187 322.27.

188 Section 6. The Legislature requests that the Supreme Court
189 modify judicial rules associated with filing fees to implement
190 the changes provided for in this act.

191 Section 7. The Legislature determines and declares that
192 this act fulfills an important state interest.

193 Section 8. This act shall take effect June 1, 2009.

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T I T L E A M E N D M E N T

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Remove the entire title and insert:

201

An act relating to court finances; amending s. 28.241, F.S.;

202

specifying for graduated filing fees based upon claim values

203

imposed on parties instituting certain real property

204

foreclosures civil actions; providing requirements for

205

determining claim values; providing a graduated fee schedule;

206

providing for allocation of portions of the fees; specifying

207

trust fund deposit requirements for fee portions; authorizing

208

clerks of court to impose additional filing fees; specifying

209

postal charges; expanding the parties subject to certain filing

210

fees; amending s. 34.041, F.S.; expanding the parties subject to

211

certain filing fees; amending s. 318.15, F.S.; revising

212

provisions for reimbursement of a reduction in certain civil

213

penalties relating to noncriminal traffic infractions;

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HOUSE AMENDMENT

Bill No. HB 5117

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214 requesting the Supreme Court to modify certain judicial rules to
215 implement changes made by the act; providing a declaration of
216 important state interest; providing effective dates.

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