

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Schwartz offered the following:

Amendment (with title amendment)

Remove line(s) 28-116 and insert:

Section 1. Paragraph (a) of subsection (3) and subsection (5) of section 25.241, Florida Statutes, are amended to read:

25.241 Clerk of Supreme Court; compensation; assistants; filing fees, etc.--

(3) (a) The Clerk of the Supreme Court is hereby required to collect, upon the filing of a certified copy of a notice of appeal or petition, \$350 ~~\$300~~ for each case docketed, and for copying, certifying, or furnishing opinions, records, papers, or other instruments, except as otherwise herein provided, the same fees that are allowed clerks of the circuit court; however, no fee shall be less than \$1. The State of Florida or its agencies, when appearing as appellant or petitioner, is exempt from the

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17 filing fees required in this subsection. From each attorney
18 appearing pro hac vice, the Clerk of the Supreme Court shall
19 collect an additional fee of \$100 to be deposited into the
20 General Revenue Fund.

21 (5) The Clerk of the Supreme Court is hereby required to
22 prepare a statement of all fees collected each month and remit
23 such statement, together with all fees collected by him or her,
24 to the Chief Financial Officer. The Chief Financial Officer
25 shall deposit \$300 ~~\$250~~ of each \$350 ~~\$300~~ filing fee and all
26 other fees collected into the General Revenue Fund. The Chief
27 Financial Officer shall deposit \$50 of each filing fee collected
28 into the state court's Operating Trust Fund to fund court
29 improvement projects as authorized in the General Appropriations
30 Act.

31 Section 2. Effective August 1, 2009, subsections (1), (2),
32 and (3) of section 28.2401, Florida Statutes, are amended to
33 read:

34 28.2401 Filing fees and service charges in probate
35 matters.--

36 (1) Except when otherwise provided, the clerk shall ~~may~~
37 charge filing fees and impose service charges for the following
38 probate matters ~~services~~, not to exceed the following amounts:

39 (a) For the opening of any estate of one document or more,
40 including, but not limited to, petitions and orders to approve
41 settlement of minor's claims; to open a safe-deposit box; to
42 enter rooms and places; for the determination of heirs, if not
43 formal administration; and for a foreign guardian to manage

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44 property of a nonresident; but not to include issuance of
45 letters or order of summary administration....\$115

46 (b) Caveat....\$40

47 (c) Petition and order to admit foreign wills,
48 authenticated copies, exemplified copies, or transcript to
49 record....\$115

50 (d) For disposition of personal property without
51 administration....\$115

52 (e) Summary administration--estates valued at \$1,000 or
53 more....\$225

54 (f) Summary administration--estates valued at less than
55 \$1,000....\$115

56 (g) Formal administration, guardianship, ancillary,
57 curatorship, or conservatorship proceedings.... \$330 ~~\$280~~

58 (h) Guardianship proceedings of person only... .\$115

59 (i) Veterans' guardianship pursuant to chapter 744....\$115

60 (j) Exemplified certificates....\$7

61 (k) Petition for determination of incompetency....\$115

62 (2) The clerk shall remit any filing fees above \$330 in
63 probate matters to the Department of Revenue for deposit into
64 the State Courts Revenue Trust Fund. ~~Upon application by the~~
65 ~~clerk and a showing of extraordinary circumstances, the service~~
66 ~~charges set forth in this section may be increased in an~~
67 ~~individual matter by order of the circuit court before which the~~
68 ~~matter is pending, to more adequately compensate for the~~
69 ~~services performed.~~

70 (3) An additional service charge of \$4 on petitions
71 seeking summary administration, formal administration, ancillary
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72 administration, guardianship, curatorship, and conservatorship
73 shall be paid to the clerk. The clerk shall transfer \$3.50 to
74 the Department of Revenue for deposit into the Court Education
75 Trust Fund and shall transfer 50 cents to the Department of
76 Revenue for deposit into the Department of Financial Services'
77 Administrative Trust Fund to fund clerk education. No additional
78 fees, charges, or costs shall be added to the filing fees or
79 service charges imposed under this section, except as authorized
80 by general law.

81 Section 3. Paragraphs (a) and (c) of subsection (1) of
82 section 28.241, Florida Statutes, are amended, and subsection
83 (7) is added to that section, to read:

84 28.241 Filing fees for trial and appellate proceedings.--

85 (1) (a) The party instituting any civil action, suit, or
86 proceeding in the circuit court shall pay to the clerk of that
87 court a filing fee of up to \$345 ~~\$295~~ in all cases in which
88 there are not more than five defendants and an additional filing
89 fee of up to \$2.50 for each defendant in excess of five. Of the
90 first \$85 in filing fees, \$80 must be remitted by the clerk to
91 the Department of Revenue for deposit into the General Revenue
92 Fund, and \$5 must be remitted to the Department of Revenue for
93 deposit into the Department of Financial Services'
94 Administrative Trust Fund to fund the contract with the Florida
95 Clerks of Court Operations Corporation created in s. 28.35. The
96 next \$15 of the filing fee collected shall be deposited in the
97 state courts' Mediation and Arbitration Trust Fund. One-third of
98 any filing fees collected by the clerk of the circuit court in
99 excess of \$100 shall be remitted to the Department of Revenue

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100 for deposit into the Department of Revenue Clerks of the Court
101 Trust Fund. An additional filing fee of \$4 shall be paid to the
102 clerk. The clerk shall remit \$3.50 to the Department of Revenue
103 for deposit into the Court Education Trust Fund and shall remit
104 50 cents to the Department of Revenue for deposit into the
105 Department of Financial Services Administrative Trust Fund to
106 fund clerk education. An additional filing fee of up to \$18
107 shall be paid by the party seeking each severance that is
108 granted. The clerk may impose an additional filing fee of up to
109 \$85 for all proceedings of garnishment, attachment, replevin,
110 and distress. Postal charges incurred by the clerk of the
111 circuit court in making service by certified or registered mail
112 on defendants or other parties shall be paid by the party at
113 whose instance service is made. No additional fees, charges, or
114 costs shall be added to the filing fees imposed under this
115 section, except as authorized herein or by general law.

116 (c) Any party in addition to ~~other than~~ a party described
117 in paragraph (a) who files a pleading in an original civil
118 action in circuit court for affirmative relief by cross-claim,
119 counterclaim, counterpetition, or third-party complaint shall
120 pay the clerk of court a fee of \$345 ~~\$295~~. The clerk shall remit
121 the fee to the Department of Revenue for deposit into the
122 General Revenue Fund.

123 (7) The party instituting an action for injunction against
124 repeat violence under s. 784.046 shall pay to the clerk of the
125 court a filing fee of \$200. The clerk shall remit this fee to
126 the Department of Revenue for deposit into the State Courts
127 Revenue Trust Fund.

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128 Section 4. Paragraphs (a) and (c) of subsection (1) of
129 section 34.041, Florida Statutes, are amended to read:

130 34.041 Filing fees.--

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

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

135 2. For all claims of \$100 or more but not more than
136 \$500....\$75.

137 3. For all claims of more than \$500 but not more than
138 \$2,500....\$170.

139 4. For all claims of more than \$2,500.... \$345 ~~\$295~~.

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

142 6. For removal of tenant action....\$265.

143 (c) Any party in addition to ~~other than~~ a party described
144 in paragraph (a) who files a pleading in an original civil
145 action in the county court for affirmative relief by cross-
146 claim, counterclaim, counterpetition, or third-party complaint,
147 or who files a notice of cross-appeal or notice of joinder or
148 motion to intervene as an appellant, cross-appellant, or
149 petitioner, shall pay the clerk of court a fee of \$345 ~~\$295~~ if
150 the

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

Remove line(s) 2-13 and insert:

An act relating to court finances; amending s. 25.241, F.S.; increasing a filing fee; providing for remission and deposit of such fee; amending s. 28.2401, F.S.; requiring the clerk of court to charge filing fees and services charges in certain probate matters; increasing a filing fee; providing for remission and deposit of such filing fees and service charges; prohibiting adding additional fees, charges, or costs to filing fees under certain circumstances; amending s. 28.241, F.S.; increasing certain filing fees; expanding the parties subject to certain filing fees; providing an additional filing fee in trial and appellate proceedings for a party instituting an injunction action against repeat violence; providing for remission and deposit of such fee; amending s. 34.041, F.S.; increasing certain filing fees; expanding the parties subject to certain filing