

1                                   A bill to be entitled  
 2           An act relating to clerks of court budgets; amending s.  
 3           28.241, F.S.; increasing the amount of certain filing fees  
 4           for civil actions in circuit court to be remitted to the  
 5           Department of Revenue for deposit into the General Revenue  
 6           Fund; amending s. 34.041, F.S.; increasing the amount of  
 7           certain filing fees for civil actions in county court to  
 8           be remitted to the Department of Revenue for deposit into  
 9           the General Revenue Fund; adjusting the budget cap for  
 10          clerks of the court; providing an effective date.

11  
 12 Be It Enacted by the Legislature of the State of Florida:

13  
 14           Section 1. Paragraph (a) of subsection (1) of section  
 15           28.241, Florida Statutes, is amended to read:

16           28.241 Filing fees for trial and appellate proceedings.--

17           (1) (a) The party instituting any civil action, suit, or  
 18           proceeding in the circuit court shall pay to the clerk of that  
 19           court a filing fee of up to \$295 in all cases in which there are  
 20           not more than five defendants and an additional filing fee of up  
 21           to \$2.50 for each defendant in excess of five. Of the first \$125  
 22           ~~\$85~~ in filing fees, \$120 ~~\$80~~ must be remitted by the clerk to  
 23           the Department of Revenue for deposit into the General Revenue  
 24           Fund, and \$5 must be remitted to the Department of Revenue for  
 25           deposit into the Department of Financial Services'  
 26           Administrative Trust Fund to fund the contract with the Florida  
 27           Clerks of Court Operations Corporation created in s. 28.35. The  
 28           next \$15 of the filing fee collected shall be deposited in the

29 | state courts' Mediation and Arbitration Trust Fund. One-third of  
 30 | any filing fees collected by the clerk of the circuit court in  
 31 | excess of \$140 ~~\$100~~ shall be remitted to the Department of  
 32 | Revenue for deposit into the Department of Revenue Clerks of the  
 33 | Court Trust Fund. An additional filing fee of \$4 shall be paid  
 34 | to the clerk. The clerk shall remit \$3.50 to the Department of  
 35 | Revenue for deposit into the Court Education Trust Fund and  
 36 | shall remit 50 cents to the Department of Revenue for deposit  
 37 | into the Department of Financial Services Administrative Trust  
 38 | Fund to fund clerk education. An additional filing fee of up to  
 39 | \$18 shall be paid by the party seeking each severance that is  
 40 | granted. The clerk may impose an additional filing fee of up to  
 41 | \$85 for all proceedings of garnishment, attachment, replevin,  
 42 | and distress. Postal charges incurred by the clerk of the  
 43 | circuit court in making service by certified or registered mail  
 44 | on defendants or other parties shall be paid by the party at  
 45 | whose instance service is made. No additional fees, charges, or  
 46 | costs shall be added to the filing fees imposed under this  
 47 | section, except as authorized herein or by general law.

48 | Section 2. Paragraph (b) of subsection (1) of section  
 49 | 34.041, Florida Statutes, is amended to read:

50 | 34.041 Filing fees.--

51 | (1)

52 | (b) The first \$120 ~~\$80~~ of the filing fee collected under  
 53 | subparagraph (a)4. shall be remitted to the Department of  
 54 | Revenue for deposit into the General Revenue Fund. The next \$15  
 55 | of the filing fee collected under subparagraph (a)4., and the  
 56 | first \$15 of each filing fee collected under subparagraph (a)6.,

HB 5119

2009

57 shall be deposited in the state courts' Mediation and  
 58 Arbitration Trust Fund. One-third of any filing fees collected  
 59 by the clerk under this section in excess of the first \$135 ~~\$95~~  
 60 collected under subparagraph (a)4. shall be remitted to the  
 61 Department of Revenue for deposit into the Department of Revenue  
 62 Clerks of the Court Trust Fund. An additional filing fee of \$4  
 63 shall be paid to the clerk. The clerk shall transfer \$3.50 to  
 64 the Department of Revenue for deposit into the Court Education  
 65 Trust Fund and shall transfer 50 cents to the Department of  
 66 Revenue for deposit into the Department of Financial Services'  
 67 Administrative Trust Fund to fund clerk education. Postal  
 68 charges incurred by the clerk of the county court in making  
 69 service by mail on defendants or other parties shall be paid by  
 70 the party at whose instance service is made. Except as provided  
 71 herein, filing fees and service charges for performing duties of  
 72 the clerk relating to the county court shall be as provided in  
 73 ss. 28.24 and 28.241. Except as otherwise provided herein, all  
 74 filing fees shall be retained as fee income of the office of the  
 75 clerk of circuit court. Filing fees imposed by this section may  
 76 not be added to any penalty imposed by chapter 316 or chapter  
 77 318.

78 Section 3. Notwithstanding s. 28.36, Florida Statutes, the  
 79 statewide budget cap for the clerks of court is \$474,174,512 for  
 80 the county fiscal year 2008-2009. The Clerk of the Court  
 81 Operations Corporation shall reduce the individual approved  
 82 budgets of the clerks of court to ensure that the sum of the  
 83 approved budgets does not exceed this statewide budget cap.

84 Section 4. This act shall take effect July 1, 2009.