

1 A bill to be entitled
 2 An act relating to eviction of tenants; amending s.
 3 34.041, F.S.; revising filing fees for removal of tenant
 4 actions; conforming a cross-reference; providing an
 5 effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:

8
 9 Section 1. Paragraphs (a) and (b) of subsection (1) of
 10 section 34.041, Florida Statutes, are amended to read:

11 34.041 Filing fees.--

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

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

16 2. For all claims of \$100 or more but not more than
 17 \$500....\$75.

18 3. For all claims of more than \$500 but not more than
 19 \$2,500....\$170.

20 4. For all claims of more than \$2,500....\$295.

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

23 6. For removal of tenant action....\$90 ~~\$265~~.

24 7. For removal of tenant action for possession and
 25 damages....\$265.

26 (b) The first \$80 of the filing fee collected under
 27 subparagraph (a)4. shall be remitted to the Department of
 28 Revenue for deposit into the General Revenue Fund. The next \$15

HB 809

2009

29 | of the filing fee collected under subparagraph (a)4., and the
30 | first \$15 of each filing fee collected under subparagraph
31 | (a)7.6, shall be deposited in the state courts' Mediation and
32 | Arbitration Trust Fund. One-third of any filing fees collected
33 | by the clerk under this section in excess of the first \$95
34 | collected under subparagraph (a)4. shall be remitted to the
35 | Department of Revenue for deposit into the Department of Revenue
36 | Clerks of the Court Trust Fund. An additional filing fee of \$4
37 | shall be paid to the clerk. The clerk shall transfer \$3.50 to
38 | the Department of Revenue for deposit into the Court Education
39 | Trust Fund and shall transfer 50 cents to the Department of
40 | Revenue for deposit into the Department of Financial Services'
41 | Administrative Trust Fund to fund clerk education. Postal
42 | charges incurred by the clerk of the county court in making
43 | service by mail on defendants or other parties shall be paid by
44 | the party at whose instance service is made. Except as provided
45 | herein, filing fees and service charges for performing duties of
46 | the clerk relating to the county court shall be as provided in
47 | ss. 28.24 and 28.241. Except as otherwise provided herein, all
48 | filing fees shall be retained as fee income of the office of the
49 | clerk of circuit court. Filing fees imposed by this section may
50 | not be added to any penalty imposed by chapter 316 or chapter
51 | 318.

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