



908236

LEGISLATIVE ACTION

Senate	.	House
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The Committee on Banking and Insurance (Bennett) recommended the following:

1           **Senate Amendment to Amendment (941508) (with title**  
2 **amendment)**

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4           Delete lines 1538 - 1612  
5 and insert:

6           52.805 Nonjudicial foreclosure fee.-

7           (1) Upon the filing of the original notice of foreclosure,  
8 as such is defined at s. 52.102(10), the foreclosing creditor  
9 shall pay to the clerk a graduated nonjudicial foreclosure fee  
10 based on the anticipated amount owed to the foreclosing creditor  
11 as of the date of foreclosure. The graduated foreclosure fee  
12 shall be:



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13           (a) Three hundred and ninety-five dollars in all  
14 foreclosures in which the amount owed is \$50,000 or less. Of the  
15 first \$265 in foreclosure fees, \$80 must be remitted by the  
16 clerk to the Department of Revenue for deposit into the General  
17 Revenue Fund, \$180 must be remitted to the Department of Revenue  
18 for deposit into the State Courts Revenue Trust Fund, \$3.50 must  
19 be remitted to the Department of Revenue for deposit into the  
20 Clerks of the Court Trust Fund within the Justice Administrative  
21 Commission and used to fund the Florida Clerks of Court  
22 Operations Corporation created in s. 28.35, and \$1.50 shall be  
23 remitted to the Department of Revenue for deposit into the  
24 Administrative Trust Fund within the Department of Financial  
25 Services to fund clerk budget reviews conducted by the  
26 Department of Financial Services. The next \$15 of the  
27 foreclosure fee collected shall be deposited in the state  
28 courts' Mediation and Arbitration Trust Fund;

29           (b) Nine hundred dollars in all foreclosures in which the  
30 amount owed is more than \$50,000 but less than \$250,000. Of the  
31 first \$770 in foreclosure fees, \$80 must be remitted by the  
32 clerk to the Department of Revenue for deposit into the General  
33 Revenue Fund, \$685 must be remitted to the Department of Revenue  
34 for deposit into the State Courts Revenue Trust Fund, \$3.50 must  
35 be remitted to the Department of Revenue for deposit into the  
36 Clerks of the Court Trust Fund within the Justice Administrative  
37 Commission and used to fund the Florida Clerks of Court  
38 Operations Corporation described in s. 28.35, and \$1.50 shall be  
39 remitted to the Department of Revenue for deposit into the  
40 Administrative Trust Fund within the Department of Financial  
41 Services to fund clerk budget reviews conducted by the



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42 Department of Financial Services. The next \$15 of the  
43 foreclosure fee collected shall be deposited in the state  
44 courts' Mediation and Arbitration Trust Fund; or

45 (c) One thousand nine hundred dollars in all foreclosures  
46 in which the amount owed is \$250,000 or more. Of the first  
47 \$1,770 in foreclosure fees, \$80 must be remitted by the clerk to  
48 the Department of Revenue for deposit into the General Revenue  
49 Fund, \$1,685 must be remitted to the Department of Revenue for  
50 deposit into the State Courts Revenue Trust Fund, \$3.50 must be  
51 remitted to the Department of Revenue for deposit into the  
52 Clerks of the Court Trust Fund within the Justice Administrative  
53 Commission to fund the Florida Clerks of Court Operations  
54 Corporation created in s. 28.35, and \$1.50 shall be remitted to  
55 the Department of Revenue for deposit into the Administrative  
56 Trust Fund within the Department of Financial Services to fund  
57 clerk budget reviews conducted by the Department of Financial  
58 Services. The next \$15 of the foreclosure fee collected shall be  
59 deposited in the state courts' Mediation and Arbitration Trust  
60 Fund.

61 (2) There is no fee due for an amended, corrective, or  
62 successive filing of a notice of foreclosure filed within 1 year  
63 after the original notice of foreclosure.

64 (3) If the foreclosing creditor files a judicial  
65 foreclosure within 1 year of the payment of the fee under  
66 subsection (1), the nonjudicial foreclosure fee shall be applied  
67 to the filing fee required by s. 28.241.

68 (4) If a debtor files a judicial action objecting to the  
69 nonjudicial foreclosure under s. 52.208 and such debtor pays the  
70 filing fee under s. 28.241, the foreclosing creditor may apply



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71 to the clerk for a refund of the nonjudicial foreclosure fee  
72 paid under subsection (1). The request for a refund must be  
73 filed with the clerk within 1 year after payment by the debtor.  
74 If the clerk determines that a refund is owed, the clerk must  
75 pay such refund within 15 days after receiving the application  
76 for a refund.

77 (5) This section expires January 1, 2012.

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

80 And the title is amended as follows:

81 Delete line 1672

82 and insert:

83 filing of the original notice of foreclosure;

84 providing for future expiration; amending s.